

College of the Desert Resource Guide for AB 540 Students

A Resource Guide for Undocumented Immigrant Students

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INTRODUCTION

PURPOSE

The Resource Guide is designed to address the most common questions raised by unprotected and undocumented immigrant students. The information contained may not always be conclusive thereby requiring additional consultation.

DISCLAIMER

The information in this booklet is general in nature and serves as a guide. Some of the campus information is subject to change without notice. Several sections of the Resource Guide have verbatim wording from the college of the Desert catalog from the college's website. Most of the information contained in this Resource Guide is public information and can be found on the World Wide Web, where appropriate references and links have been included.

Immigration laws are complex, subject to change, and are broad in their interpretation. This is not an immigration guide. Immigration questions should be referred to immigration attorneys.

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SECTION ONE: LAWS AND REGULATIONS

State Law AB 540

On October 12, 2001, Governor Gray Davis signed into law Assembly Bill 540 (Stats. 2001, ch. 814) that added a new section, 68130.5, to the California Education Code. Section 68130.5 created a new exemption from the payment of nonresident tuition for certain nonresident students who have attended high school in California and received a high school diploma or its equivalent. [Education Code section 68130.5]

AB 540 Guidelines & 68130.5 Requirements for Eligibility

- Must have attended a California high school for 3 or more full academic years (between grades 9 through 12, inclusive and does not need to be consecutive years);
- Must have or will graduate from a California high school or have attained a G.E.D.; or received a passing mark on the California High School Proficiency Exam (CHSPE);
- Must register or is currently enrolled at an accredited institution of public higher education in California;
- Must file or will file an affidavit as required by individual institutions, stating that the filer will apply for legal residency as soon as possible;
- Must not hold a valid non-immigrant visa (F, J, H, L, A, E, etc.)

For additional information on California Education Code, Section 68130-68134, visit: <http://www.cccco.edu/OurAgency/Legal/tabid/195/Default.aspx> or <http://caselaw.lp.findlaw.com/cacodes/edc/68130-68134.html>

AB 540 Ineligibility

An ineligible student is one who does not meet the AB 540 criterion. In most situations, not having met the three years attendance requirements at a California high school is what prevents a student from qualifying for AB 540. Students may still attend a college as long as they meet the admissions criteria and are accepted by the college or university, but must pay non-resident fees.

AB 540 Affidavit

The AB 540 Affidavit serves two purposes; one is to verify that the student meets the educational requirements, and the second is to certify the intent to establish legal residency.

The first purpose relates to **educational requirements** where students must declare:

- **Yes or No**, I have graduated from a California high school or have attained the equivalent thereof,...
- **Yes or No**, I have attended high school in California for three or more years

Students will need to provide information on all school(s) attended from grades 9-12.

To be eligible for AB 540 status students must have graduated from a California high school (or its equivalent) and must have attended high school in California for three or more years. Students will be required to submit appropriate documentation as required by the College (for example, proof of high school attendance in California).

The second purpose refers to the eligibility for exemption on non-resident tuition. To be exempt from paying non-resident tuition, a student will need to declare that he or she **is without lawful immigration status**.

I am NOT a nonimmigrant alien. [U.S. citizens, permanent residents, or aliens without lawful immigration status, among others, should check this box.]

Non-resident tuition exemptions are **NOT** granted for students who indicate on the affidavit:

I am a nonimmigrant alien {including, but not limited to A FOREIGN STUDENT (F Visa) or exchange visitor (J visa)}.

A student who meets all the requirements may complete the affidavit and submit it to the office of Admissions and Records. The affidavit is a legal document that certifies that the student is in the process of legalizing his or her residency status or

will file for legal residency as soon as he/she is eligible to do so (**there are no time frames**).

The information provided is declared under penalty of law by the State of California and ones signature verifies the information is correct and accurate. In addition, College of the Desert will require documentation verifying high school attendance and graduation (or its equivalent) in support of the affidavit.

The AB 540 affidavit is found at <http://www.collegeofthedesert.edu/students/ss/ar/Pages/OnlineForms.aspx>

AB540 Affidavit Sample Form

California Nonresident Tuition Exemption Request For Eligible California High School Graduates

Note: This form is accepted by all California Community Colleges and all Universities in both the University of California and California State University systems.

Complete and sign this form to request and exemption from Nonresident Tuition. You may submit any documentation required by the College of University (for example, proof of high school attendance in California). Contact the California Community College, University of California, or California State University campus where you intend to enroll (or are enrolled) for instructions on documentation, additional procedures and applicable deadlines.

ELIGIBILITY:

I, the undersigned, am applying for a California Nonresident Tuition Exemption for eligible California high school graduates at (specify the college of university) _____ and I declare the following:

Check YES or NO boxes:

- Yes No I have graduated from a California high school or have attained the equivalent thereof, such as a High School Equivalency Certificate, issued by the California State GED Office or a Certificate of Proficiency, resulting from the California High School Proficiency Examination.
- Yes No I have attended high school in California for three or more years.

Provide information on all school(s) you attended in grades 9 – 12:

School	City	State	Dates:	
			From – Month/Year	To – Month/Year

Documentation of high school attendance and graduation (or its equivalent) is required by the University of California and some California Community Colleges. Follow campus instructions.

Check the box that applies to you –check only one box:

- I am a nonimmigrant alien as defined by federal law. [Nonimmigrant aliens have been admitted to the United States temporarily and include, but are not limited to, foreign students (persons holding F1 visas) and exchange visitors (persons holding J visas).]
OR
- I am NOT a nonimmigrant alien. [U.S. citizens, permanent residents, or aliens without lawful immigration status, among others, should check this box.]

(AB 540 affidavit continues from previous page)

AFFIDAVIT:

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the information I have provided on this form is true and accurate. I understand that this information will be used to determine my eligibility for the nonresident tuition exemption for eligible California high school graduates. I hereby declare that, if I am an alien without lawful immigration status, I have filed an application to legalize my immigration status or will file an application as soon as I am eligible to do so. I further understand that if any of the above information is untrue, I will be liable for payment of all nonresident charges from which I was exempted and may be subject to disciplinary action by the College of University.

For Eligible California High School Graduates

Note: This form is accepted by all California Community Colleges and all Universities in both the University of California and California State University systems.

Print Full Name (as it appears on your campus student records)	Campus/Student Identification Number
Print Full Mailing Address (Number, Street, City, State, Zip Code)	Email Address (Optional) Phone Number (Optional)
Signature	Date

Revised October 2003

California Residency and Legal Permanent US Residency Definitions

To establish physical residence in California, a person must possess ability to **legally** establish residency in the state. A US citizen, permanent resident (green card holder), or holders of specialized immigration visas may establish legal state residency. An adult, who is physically present in the state and who, at the same time, intends to make California his or her permanent home may establish legal residence. Steps must be taken at least one year prior to the residence determination date to show intent to make California the permanent home with concurrent relinquishment of the prior legal residence.

Lawful Permanent US Residency is defined as a person who has a “green card” and may legally reside permanently in the United States. A Lawful Permanent Resident (LPR) may work in the U.S. and may serve in the military, pay taxes, but cannot vote. An LPR may become a U.S. citizen through naturalization.

Unprotected immigrant student is defined as a non-citizen student who came to the United States without any legal immigration documents or someone who entered with a visa and stayed after the time in which they were authorized to be here (Pg. ii, Immigration Law Training Institute Booklet, University of California Riverside, Department of Law & Public Policy).

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds from the U.S. Department of Education. As a result, colleges and universities cannot release the student's information, including the fact that he/she is undocumented, except under very specific circumstances, such as a court order. For more information about what can be released about students and the campus policy statement, please visit: <http://www.collegeofthedesert.edu/students/ss/ar/Documents/FERPA.pdf>

Tax Reporting – TIN and Tax Form 1098-T

The Internal Revenue Service (IRS) issues an individual taxpayer identification number (TIN) for federal tax purposes only to non-resident aliens. However, the TIN may also be used for filing California state tax purposes. Reportable income includes scholarship funds received that cover books and other needs aside from tuition.

Students must submit the completed application accompanied by documentary evidence of alien status and identity such as a passport, foreign birth certificate, etc. One piece of documentary evidence should contain photo identification.

For more information about the ITIN visit:

<http://www.irs.gov/individuals/article/0,,id=96287,00.html>

SECTION TWO - LEGISLATION PAST AND FUTURE

A Historical Overview

1982 Plyler v. Doe

- In 1982, MALDEF argued *Plyler v. Doe* before the Supreme Court and won.
- The court held that the children of unprotected immigrants were protected under the due-process clause of the Fourteenth Amendment and were entitled to a public education.

1985 The “Leticia A” Ruling

- Leticia A, 1985: Alameda County Superior Court ruling made it possible for undocumented immigrants who had graduated from a California high school to attend a California State University and avoid out-of-state fees.
- The ruling, called the "Leticia A" decision, allowed undocumented students to establish residency by demonstrating intent to reside in the state for more than a year. In addition, students were eligible to receive state aid.
- 1985–1991: the Alameda County Court ruling on Leticia A v. UC Regents and California State University System establishes that undocumented students can be treated as residents for tuition and state financial aid purposes.

1991-1992 Bradford vs. UC Board of Regents

- 1991–1992: Bradford vs. UC Board of Regents - Los Angeles Superior Court overturns the Alameda County Leticia A court ruling for both the UC and CSU systems.
- From 1992–2001, undocumented students attending the University of California, California State University and California Community Colleges were charged out-of-state tuition.

2001 Assembly Bill 540 (AB 540)

- On October 12, 2001, Governor Gray Davis signed Assembly Bill 540 into law.

- AB 540, authored by the late Assembly member Marco A. Firebaugh (D-South Gate), authorized any students, including undocumented students, who meet specified criteria to pay in-state tuition at California public colleges and universities.

For a detailed overview of the historical events that led to the approval of AB540, visit: http://maldef.org/education/public_policy/ab540/ or <http://www.leginfo.ca.gov/bilinfo.html>

Future Perspectives

The current national immigration laws and regulations have their foundation in the Federal Illegal Immigration Reform and Responsibility Act of 1996. It is in this context that AB 540 is best understood as California's effort to address the needs of unprotected students who wish to continue their education. Federal and state laws are the context for several university policies, some which are described in this guide.

The Illegal Immigration Reform and Responsibility Act 1996, also known as Public Law 104-208, and the Welfare Reform Act includes provisions to eliminate eligibility for Federal and State public benefits for certain categories of lawful immigrants as well as benefits for all undocumented immigrants. The law prohibits:

- Undocumented students from accessing postsecondary education benefits unless a US citizen or national is eligible for the same benefit.
- Undocumented students from obtaining in-state fees or direct student aid.
- Students who will require a commercial or professional license provided by a local, state, or federal government agency in order to engage in an occupation for which the college or university trains them must meet the immigration requirements of the Personal Responsibility and Work Opportunity Reconciliation Act to achieve licensure.

The proposed state and federal legislation listed have been pending for several years and will likely continue to be reintroduced.

State Legislation: SB 1301 (Cedillo) California Dream Act

What is the California Dream Act?

The California Dream Act is a state legislative proposal that allows U.S. citizen and undocumented “AB 540” students to apply and compete for financial aid at California public colleges and universities *without* the use of the Federal Application for Student Aid (FAFSA).

What law will the California Dream Act specifically change?

Institutional Student Aid: This bill would allow AB 540 students to apply and compete for institutional aid administered by the attending college or university (i.e. State University Grant, UC Grant, scholarships, work study, and loan programs)

For More Information Visit Senator Cedillo’s Website at
<http://dist22.casen.govoffice.com/>

Federal Legislation: DREAM Act 2009

What is the DREAM Act?

The Development, Relief, and Education for Alien Minors (DREAM) Act is bipartisan legislation that addresses the situation faced by young people who were brought to the United States years ago as undocumented immigrant children and who have since grown up here, stayed in school, and kept out of trouble.

The DREAM Act would enact two major changes in current law:

1. Permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
2. Eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

The DREAM Act has four basic requirements which are:

- You entered the country before the age of 15 or younger at least five years before the date of the bill’s enactment;
- You graduate high school or obtain a GED;
- You have good moral character (no criminal record); and
- You have at least five years of continuous presence in the US.

If you meet the above criteria, you will be granted conditional permanent residency for six years within which you will need to obtain a two-year college degree or complete two-years of military service.

Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that generally they would not be able to travel abroad for lengthy periods and they would not be eligible for Pell Grants or certain other federal financial aid grants. They would, however, be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

For additional information on the DREAM Act visit: <http://ww.nilc.org/> and or <http://dreamactivist.org/>

SECTION THREE – COD POLICIES AND PROCEDURES

Matriculation: Applying to COD

The admissions process for the unprotected immigrant or a non California resident is the same as for a California resident. The primary difference is in the cost of tuition. The eligible AB 540 student will follow the same steps outlined and described on the COD website. Many high school seniors will be able to take advantage of the outreach services provided by COD and complete the online application and the COD placement exam at their high school. Some students will have the opportunity to meet with a COD counselor at their high school and review their assessments and discuss recommended courses.

Matriculation steps for all new students:

1. Complete online application
2. Take assessment (placement exam)
3. Register for and attend new student orientation
4. Meet with COD counselor
5. Follow up on Financial Aid (**AB 540 Students are not eligible to apply for state or federal financial aid**)
6. register for classes at or after orientation (upon registration, students have five (5) days to pay for classes or risk being drop for non-payment)

Exemption of Non Resident Tuition

Eligible AB 540 students will follow the same steps outlined above. At or after attending the new student orientation, students will register for classes; it is here where eligible AB 540 students need to pay greater attention. At this point, if the student has signed the AB 540 Affidavit and has submitted the required documentation to the Office of Admission and Records (A&R), his or her balance will reflect in-state tuition fees. If the student has not submitted the required documentation (often because the student needs to wait till July to pick up a final transcript from their high school that indicates high school graduation), his or her balance will reflect out of state tuition fees. However, the student may be eligible for a temporary fee deferral based on the information provided on the application. Students who are eligible for the temporary fee deferral will be notified by mail of their status and will be given information regarding next steps. Students will be provided with the AB 540 affidavit and instructions of when to submit the official copy of their high school transcript and the affidavit. Students will also be notified about the due date in which all documents must be submitted.

In the event a student does not submit the affidavit with official transcripts or does not qualify for AB540, by the due date, the student will be dropped from the term

and if enrolled for a summer session will be held financially liable for non-resident fees.

A student who is not eligible for a fee deferral, and has registered for classes, has five (5) business days to pay for classes or risk being dropped for non-payment. For any questions or clarification on your status, please contact the Office of Admission & Record at (760) 773-2516.

College of the Desert now offers an optional payment plan to assist with the payment of enrollment fees. Please note there is a \$20 administrative processing fee per semester for this service. For more information on the payment plan, please go to www.collegeofthedesert.edu/paymentplan

NOTE: Undocumented AB 540 students do not qualify for any type of state (e.g. BOG Fee Waiver at the community college, EOPS and Cal Grant) or federal (e.g. FAFSA, Pell, and SEOG) financial aid. Students may meet the financial requirements to receive these awards, but state and federal laws prohibit undocumented immigrant students from receiving any type of government-subsidized educational benefits. However, undocumented immigrant students may qualify for PRIVATE scholarships that do not require verification of legal immigration status. Students should visit www.maldef.org for a list of these types of awards. Undocumented immigrant students should also look into fundraising, savings, and other opportunities to supplement the cost of their education.

For application procedures, deadlines and general information please refer to the New & Returning Student Enrollment Guide web site at:
<http://www.collegeofthedesert.edu/students/ss/ar/Pages/NewReturningStudentEnrollmentGuide.aspx>

COD Student Identification Number and Identification Card

When a student applies to COD, the student is assigned a permanent ID number which will be used throughout the student's career at COD rather than a Social Security Number or other personal identifier.

A student may purchase an optional student picture identification (ID) card reflecting this number at the Student's Activity Office. There is a \$10.00 fee for this card. The COD picture ID card can be used throughout the campus as proof of identification and to obtain services. When obtaining the Card, students will need a picture ID, high school IDs are accepted.

Unlawful Discrimination Policy

The policy of the Desert Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.

When a person brings charges of unlawful discrimination to the attention of the District's responsible officer, that officer will undertake efforts to informally resolve the charges. Efforts at informal resolution need not include any investigation unless the responsible District officer determines an investigation is warranted by the seriousness of the charges. The complainant will not be required to confront the person accused of unlawful discrimination. Any efforts at informal resolution will not exceed the 90-day period.

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

<http://www.cccco.edu/divisions/legal/Discrimination/discrimination.htm>. The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges. A copy of all complaints filed in with the District will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

Though this process is cumbersome and not student centered, it is important that students who believe their rights have been violated take action. This is the only way to correct discriminatory behavior and bring about change.

SECTION FOUR – COD PROGRAMS AND SERVICES

Financial Assistance

Installment Payment Plan

To help you meet your education expenses, College of the Desert is pleased to offer Nelnet Business Solutions as a convenient budget plan. It is not a loan; therefore, you have no debt, no interest or finance charges are assessed, and there is no credit check. To learn more about the payment plan and the fees associated with this plan please visit:

<http://www.collegeofthedesert.edu/paymentplan/Pages/default.aspx>.

Failure to complete the payments schedule does not result in disenrollment in the current semester; however a hold will be placed in the student's record which will prevent a student from adding, dropping or registering for the upcoming semester. In addition, additional fees may be imposed by Nelnet Business Solutions, the payment plan provider.

The Office of Financial Aid

The office provides financial and advisory assistance to enable students to pursue a quality education. It administers funds that are awarded to students who demonstrate a need to cover educational expenses. Most funds administered by the Financial Aid Office are made available by the Federal and State government, which require proof of US citizenship or legal residency. This information is verified with the Federal government to ensure proper use of Federal and State funds. Unprotected immigrant students are not currently eligible for any federal or state aid.

Students that are in the process of becoming legal citizens may be eligible for these funds depending on their status. If a student has filed a US residency application, he or she will receive an I-797 Notice of Action letter from the Bureau of Citizenship and Immigration Services (BCIS). At this point, the student can begin the financial aid application process. Students become eligible for financial aid upon receipt of notification that their status has changed to one of the following:

1. A US permanent resident (I-551)
2. A conditional permanent resident (I-55C)
3. A holder of an Arrival-Departure Record (I-94) indicating a refugee, asylum granted, or parolee.

Students are eligible to receive financial aid retroactively for an entire aid year as long as US residency status is established within that aid year. The obtaining of one of these statuses would also allow the student to establish California Residency for tuition purposes. However, residency for tuition purposes cannot be applied retroactively.

Scholarships for AB 540 Students

Undocumented students are encouraged to apply for funding from outside organizations that offer scholarships to students without regard to their citizenship status.

Scholarship Websites

<http://www.latinocollegedollars.org/>

<http://www.maldef.org/pdf/Scholarships.pdf>

<http://www.salef.org/>

<http://www.heef.org/>

<http://www.usc.edu/student-affairs/MAAA-Web/>

<http://www.migrant.net>

<http://www.chicanalatina.org>

<http://www.maga.org>

<http://www.cnma.org>

<http://www.nahj.org>

<http://www.lambdathetanu.org>

<http://www.usc.edu/student-affairs/>

<http://www.cawg.org>

<http://automotivehalloffame.org>

<http://www.csac.ca.gov>

<http://www.ctc.ca.gov>

<http://www.calteach.com>

<http://www.AFSA.com>

<http://www.finaid.org>

COUNSELING AND ACADEMIC ADVISING

The mission of COD Counseling is to support the exploration and development of the academic, career, and personal goals of all students. COD counseling faculty and staff are committed to providing all students regardless of residency status with (equal) access to an array of counseling services.

Title V of the California Educational Code outlines these services as:

Academic Counseling

Counselors use assessment data, prior academic history, and life experiences to determine the academic preparedness of the student. Counselors work closely with students to formulate a student educational plan that will best meet the needs of the student.

Career Counseling

Counselors recognize the important role Career Guidance and Counseling lays in not only retention efforts, but also in helping students to identify their academic and personal goals. Students who can clearly identify their college goals are more likely to succeed and complete their college education.

Personal Counseling

Counselors are skilled at assisting students with a variety of concerns which affect their educational goals.

The variety of described counseling services is available on a day and evening basis to current and prospective students.

The COD Counseling Services staff encourages current and prospective students and members of the community to utilize the resources available through our office. Phone (760) 773-2521 for further information. We look forward to working with you!

STUDENT SUPPORT SERVICES AND PROGRAMS

COD is committed to help students succeed regardless of residency status and many services are available to AB 540 and other undocumented students. However, some campus services are legislated to require using citizenship, legal residency and/or state residency and income guidelines as a requirement and can only serve eligible students who meet program criterion.

Career Center

The mission of the Career Center is to promote student development through advanced career research techniques, sound decision-making principles, as well as the enhancement of meaningful academic and career goals. Career information and services available for students and prospective students to assist them in researching and defining potential careers that are fulfilling and productive. A variety of career workshops, assessments, and credit courses are offered throughout the academic school year. These workshops address the areas of interests, skills, values and personality temperament as they pertain to selecting or changing careers. AB 540 and other undocumented students are eligible for these services. For more information call (760) 862-1351 or visit:

<http://www.collegeofthedesert.edu/students/ss/cc/Pages/default.aspx>

Transfer Center

The mission of the Transfer Center is to assist students, including those from diverse backgrounds, to fulfill their academic goals by preparing them to enter four-year educational institutions. This is accomplished by providing a wide range of services and resources that promote access, retention, follow-up, and success. AB 540 and other undocumented students are eligible for these services. For more information call (760) 862-1351 or visit:

<http://www.collegeofthedesert.edu/students/ss/tc/Pages/default.aspx>

Academic Skill Center

The Academic Skills Center (ASC) supports independent study by providing tutorial services and instructional technologies to improve student knowledge and skills in math, reading, English, English as a second language, and foreign languages.

The Academic Skills Center (ASC) provides audiocassette, videocassette, computer-based instruction, and tutorial services that directly support class assignments in math, reading, English, English as a Second Language courses and all foreign language courses. We also supply lab support for a variety of Developmental Education, ESL and reading courses. The ASC also provides assessment testing for entering students. AB 540 and other undocumented students are eligible for these services. For more information call (760) 773-2553, or visit:

<http://www.collegeofthedesert.edu/students/ss/asc/Pages/default.aspx>

Student Health Services

The Student Health Services (SHS) Offices are located in the Hilb Student Center. A professional nurse is on duty daily to provide services to students, most are free of charge. The College Physician is available one day a week for treatment of mild illnesses. Information regarding additional student insurance for sickness and accidents is available through the SHS Center offices. AB 540 and other undocumented students are eligible for these services. For more information call (760) 776-7211, or visit:

<http://www.collegeofthedesert.edu/students/ss/shs/Pages/OfficeHours.aspx>

Disabled Students Programs and Services

Disabled Students Programs and Services at College of the Desert is committed to providing students with disabilities equal access to a community college education. Through the utilization of specialized instructional programs and disability related services, DSPS encourages and fosters independence and assists students in attaining their educational and vocational goals. We will make every effort in our interactions with faculty and staff at College of the Desert to ensure that you receive the very best support in your educational experience. AB 540 and other undocumented students are eligible for these services. For more information call (760) 773-2534, or

visit: <http://www.collegeofthedesert.edu/students/sp/dsps/Pages/default.aspx>

State and Federally Funded Programs

The following student programs are legislated to require using citizenship, legal residency and/or state residency and income guidelines as a requirement and can only serve eligible students who meet program criterion. **AB 540 and other undocumented students are not eligible for these services.**

- ACES - ACADEMIC COUNSELING & EDUCATIONAL SERVICES
- CalWORKs - (Cal)ifornia (W)ork (O)ppportunity and (R)esponsibility to (K)ids
- CARE - Cooperative Agencies Resources for Education
- EOPS - Extended Opportunity Programs and Services
- MESA - (Math, Engineering and Science Achievement)
- New Horizons (Book Lending Program)

STUDENT LIFE

Alas Con Futuro is a support group for AB 540 students; “Alas con Futuro” is committed to the following:

- Provide moral support and promote the educational growth of each of its members.
- Educate our community regarding the educational opportunities available for undocumented students. Brining awareness to the community about AB540.
- Transmit our pride to the upcoming generations regarding our cultural roots.

For more information contact Jose Simo at jsimo@collegeofthedesert.edu or by phone at (760) 776-7356, or Dr. Rey Ortiz at rortiz@collegeofthedesert.edu or by phone at (760) 776-7264.

ASCOD (Associated Students at College of the Desert)

As the peer advocates for the students of College of the Desert, ASCOD strive to promote higher education, a sense of community, diversity, student involvement and act as your liaison to the faculty, administration and state, to ensure that the needs of the students both social and educational, are enhanced and met. Our purpose is to serve our fellow students, as well as making their College of the Desert Experience, a memorable one. Join a club, student organization or get involved in your student government at COD. Make new friends and experience the joy of participating in events and socials while attending college. AB 540 and other undocumented students are eligible for these services. For more information call (760) 862-1317 or

visit:<http://www.collegeofthedesert.edu/students/ss/sl/ascod/Pages/default.aspx>

CAMPUS SECURITY

It is the policy of the College Board of Trustees to protect the members of the college community and to protect the property of College of the Desert. The College of the Desert Security Department shall insure that reasonable protection is provided by using methods that fit within the educational philosophy and process of the college. College of The Desert Security Officers are non-sworn and unarmed. Security Officers are available on campus 24 hours a day 7 days a week. Security Officers patrol the campus routinely to ensure a safe and secure environment. Potential criminal actions and other emergencies on or near campus can be reported by dialing **911** from any campus extension, or call **2111** to reach Campus Security.

SECTION FIVE – COMMUNITY SUPPORT AND RESOURCES

Advocacy Groups

Asian American Legal Defense and Education Fund (AALDEF)

Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all. <https://www.aaldef.org/>

Coalition for Humane Immigration Rights of Los Angeles (CHIRLA):

CHIRLA (founded in 1986) works directly with public college and university student groups that advocate for AB 540 youth. CHIRLA also provides community workshops that discuss the AB540 law, how to prepare AB540 students for college and strategies to find financial resources for college. The list is available by visiting: <http://www.chirla.org/CADREAMNetwork>.

Mexican American Legal Defense and Education Fund (MALDEF)

MALDEF was founded in 1968 in San Antonio, Texas, the Mexican American Legal Defense and Educational Fund (MALDEF) is the leading nonprofit Latino litigation, advocacy and educational outreach institution in the United States. MALDEF's mission is to foster sound public policies, laws and programs to safeguard the civil rights of the 45 million Latinos living in the United States and to empower the Latino community to fully participate in our society. <http://maldef.org/>

National Legal Sanctuary for Community Advancement (NLSCA)

Founded in 2004, NLSCA's mission is to ensure human rights and dignity of Middle Eastern, Muslim, and South Asian peoples. It advocates for legal defense of civil rights, responsible media coverage and depiction; proactive collaboration with governmental and nongovernmental institutions; and fostering education and community outreach. <http://nlzca.com/index.htm>

Salvadoran American Leadership and Educational Fund (SALEF)

SALEF was founded in 1995 in Los Angeles by a group of Salvadoran and Salvadoran American activists. SALEF's mission is to advocate for the educational advancement, civic participation, leadership and economic prosperity of Salvadoran and other Latino communities in the U.S.; and to advance democracy and social justice in the U.S. and El Salvador. <http://www.salef.org/>

Guides and Publications

The College & Financial Aid Guide for: AB540 Undocumented Immigrant Students

The University of Southern California Center for Higher Education Policy Analysis (CHEPA) along with a group of scholars and AB 540 advocacy organizations arranged a financial aid guide for students, parents and educators. This guide was the first of its kind and is easily accessible in Spanish and English. Counselors and educators should reference the guide in order to advise and guide students as they begin their high school college plans.

http://www.usc.edu/dept/chepa/pdf/AB_540_final.pdf

Cash for College

Cash for College is a collaborative of business, government and community based organizations that support College Access and financial aid opportunities for Los Angeles area students. AB 540 Student will find many resources including; *The College & Financial Aid Guide for: AB540 Undocumented Immigrant Students*, which contains an extensive list of scholarships.

<http://www.lacashforcollege.org>

http://www.lacashforcollege.org/AB_540_Student_Guide_2007.pdf

CollegeBoard: Advising Undocumented Students

The College Board created a webpage that advises educators with helpful general facts that focus on the financial aid opportunities available for AB540 and undocumented students. The information is available at:

<http://professionals.collegeboard.com/guidance/financial-aid/undocumented-students>

In Addition to the webpage, CollegeBoard provides an additional publications “**Young Lives on Hold: The College Dreams of Undocumented Students**” in support of AB 540 Students and the DREAM Act.

In "Young Lives on Hold: The College Dreams of Undocumented Students," Roberto G. Gonzales, assistant professor at the School of Social Work at the University of Washington in Seattle, makes the case to Congress and the American people that the untenable status of these students is a humanitarian and civil rights issue, as well as an economic one, and debunks the myths that undocumented students limit opportunities for others.

<http://professionals.collegeboard.com/profdownload/young-lives-on-hold-college-board.pdf>

FinAid: Financial Aid and Scholarships for Undocumented Students

FinAid, a very commonly used financial aid resource by financial aid counselors in public and private colleges, created an introductory fact sheet similar to the one published by the College Board. FinAid provides an easy to read overview of the admissions, financial aid and scholarship opportunities available for AB540 students as well as undocumented students. The information guide is available online and in print form at:

<http://www.finaid.org/otheraid/undocumented.phtml>.

Futuros Educational Services

College advising is the primary purpose of **Futuros**. The organization advises low-income and AB 540 students on the various actions youth must take in order to prepare for college. The services offered by Futuros guide the students through the application process and helps them apply for financial aid. The objective is to make sure that students lacking college readiness resources are college-ready and successfully navigate through higher education process. Futuros also understands the difficulty AB 540 students face to find money for college. AB 540 students are guided through the process of developing an academic portfolio used to solicit donations from private donors. Paz Olivarez is the founder of Futuros. You can contact Paz to have her volunteers provide AB540 support services to your counselors and educators.

<http://www.futuros-california.org/>

Green Dot

Green Dot Public School offers a Resource Guide for AB 540 students, as well as educators and parents who may be affected by this law. This includes lists of AB540 colleges and universities that provide need-based scholarship opportunities, AB540 advocacy groups that provide free community workshops, and lists of the AB540 scholarship manuals.

http://www.greendot.org/home/college_resources_for_ab540_students

AB 540 Support Groups

College of the Desert - Alas Con Futuro, contact Jose Simo at jsimo@collegeofthedesert.edu or Dr. Rey Ortiz at rortiz@collegeofthedesert.edu

California State University (CSU)

CSU Long Beach – FUEL (Future Underrepresented Educated Leaders), the group advisor, Dr. Elena Macías, can be reached at 562-985-8816, or email fuelchairs@yahoo.com

Cal Poly Pomona – Demanda estudiantil para Igualdad Educacional (De Pie), email: Depie_calpolypomona@yahoo.com

CSU Dominguez Hills - Espiritu de Nuestro Futuro
email: espiritudenuestrofuturo@yahoo.com

CSU Los Angeles - Students United to Reach Goals in Education Project
email: csula_surge@yahoo.com or

http://www.groups.yahoo.com/group/csula_surge

San Jose State University - Student Advocates for Higher Education (SAHE)

Website: <http://www.geocities.com/ab540students>

Chico State – email: chicostateequaleducation@yahoo.com

University of California (UC)

UC Berkeley - Rising Immigrant Scholars through Education (RISE)
email: brenda@uclink.berkeley.edu

UC Davis - Improving Dreams, Equality, Access and Success (IDEAS)
email: ucdequaleducation@yahoo.com

UC Irvine - (IDEAS) - email: ucidreams@gmail.com

UC Los Angeles - Improving Dreams, Equality, Access and Success (IDEAS) email: <http://www.studentgroups.ucla.edu/ideas>

UC San Diego – email: glima@ucsd.edu

UC Santa Barbara - (IDEAS) email: ideasatucsb@yahoo.com

UC Santa Cruz - Students Informing Now (SIN) Verguenza
email: porlacausadelosestudiantes@yahoo.com

SECTION SIX: FREQUENTLY ASKED QUESTIONS

Q: If I am undocumented can I go to college?

A: YES, if you are an undocumented student you can go to any college or university in California as long as you meet the requirements and are admitted or accepted. To avoid paying out-of-state tuition, you need to meet the AB 540 eligibility requirements.

Q: Does the new law (AB 540) apply to all public systems of higher education in California?

A: YES, all three public systems of higher education in California have adopted AB 540 as part of their educational code. Both the community colleges and state universities adopted and began the implementation process related to AB 540 in January 2002. The University of California (UC) is not bound by the state legislature and required additional legislation before implementing this law throughout all the UC campuses. As of April 2002, immigrant students interested in attending a UC campus became eligible for in-state tuition if they meet the law's requirements.

Q: Can undocumented students attend colleges and universities outside of California?

A: Yes, but you will most likely have to pay out of state tuition fees.

Q: What does “has graduated from a California high school or has attained the equivalent” mean?

A: The three possibilities include the following:

1. A diploma from a California high school; or
2. A High School Equivalency Certificate, issued by the California State GED Office; or
3. A Certificate of Proficiency, resulting from the California High School Proficiency Examination.

Q: Does the high school enrollment have to be at the same California school and for three consecutive years?

A: No, the three years for a student's 9th through 12th grades need not be consecutive or completed at a single California school. For example, if a student attended 9th grade at a California middle or high school, left the state to attend 10th grade in another state, and returned to a second qualified California high school to complete 11th and 12th grades, that student would still meet the requirement of three years of high school attendance in California.

Q: Does it matter how far in the past a student graduated from high school to be eligible for nonresident tuition exemption?

A: No, it does not matter how long ago the student graduated from a California high school or attained the equivalent.

Q: Do I qualify under AB 540 if I attended an adult school in California for three years and have a GED?

A: Yes, but each college campus is responsible for determining whether adult school students are eligible under AB 540. Students who have attended both high school and adult school for a total of three years may be classified as adult school students. Some high school districts allow students to stay in high school until the age of 21, whereas others prefer that students finish their high school diploma in an adult school program after the age of 18. For further information, please check with the admissions office for specific information regarding your particular status.

Q: Do I need to be in the legalization process to qualify for AB 540?

A: NO, both students that are already in the process and those that are not yet in the process qualify for AB 540. But remember that the affidavit that students sign says that they will start the process as soon as they are eligible to do so.

Q: Is there a maximum number of years for which I am eligible to receive this exemption?

A: No. There is no cap on the maximum number of years one can receive this exemption. But you do have the responsibility of staying abreast of current litigation, currently, AB 540 is being challenged, and the law can change.

Q: Is the affidavit confidential?

A: Yes. The information included on the affidavit will be kept by the college or university admissions office and shall remain confidential. Under AB 540, the college or university is NOT required to share this information with INS; nor are they required to follow-up with a student's immigration process. This information is protected under FERPA and would be release under extenuating circumstances such as a court subpoena.

Q: If I am undocumented, can I apply for financial aid?

A: No. As an undocumented student, you ARE NOT eligible for state (Cal Grant) and federal (FAFSA) financial aid. Some colleges and private organizations may offer financial assistance to undocumented students.

Q: Can AB 540 students apply for private scholarships?

A: Yes. Undocumented students are encouraged to apply for funding from outside organizations that offer scholarships to students without regard to their citizenship status.

Q: Do I qualify for the Board of Governors Fee Waiver (BOG Waiver) at the community colleges or any other state or federal financial aid?

A: NO, AB 540 students do not qualify for any type of state or federal financial aid. Students may meet the requirements to receive these awards but state and federal legislation prohibit undocumented immigrant students from receiving government educational funds.

***REMEMBER, it is a violation of the law to claim to be a citizen when you are not. Falsely claiming to be a citizen may make you ineligible to ever get a green card. If you have doubts about your situation, call a lawyer who specializes in immigration law as soon as possible.**

Q: Am I eligible for University programs and services?

A: YES, AB 540 and other undocumented students are eligible to receive many of the students services provided at COD. However, there are some restrictions for programs requiring United States or California residency as part of their eligibility.

Q: As an AB 540 student, will I be able to pick any major?

A: No, some programs may require proof of citizenship, legal residency or a background check, such as, nursing or the public safety academy.

Q: Does this new law change a student's residence status?

A: No. This new law does not grant residency status; rather, the new law exempts or waives the student from paying nonresident tuition. These students will continue to be classified as nonresidents, and will continue to be an unprotected immigrant.

Q: Can an AB 540 student transfer to four year colleges and universities?

A: Yes, a student cannot be denied admissions base on immigration status. However, if a major requires licensing, undocumented students are not eligible to apply.

Q: Should I reveal my status to my professors or staff?

A: It is always advisable to use caution in disclosing. In most cases, this will be a personal decision. Generally, people will only reveal personal and private

information to their closest friends and confidants. Most faculty and staff have genuine concern and interest in a student's well being.

Q: Can I utilize AB 540 at a private university or technical college like USC, Stanford, Chapman, etc?

A: NO, AB 540 is utilized only by the public community colleges and universities in California. Therefore, students attending a private institution may be charged the non-resident tuition or be required to pay full tuition.

Q: Will an AB 540 student who finishes his or her degree be granted the opportunity to work in the United States?

A: No, completing a college degree will not change your immigration status; you should seek legal council from a qualified immigration attorney. However, many students are hopeful that the Federal DREAM Act will pass.

Q: What is the DREAM Act?

A: The DREAM Act – Currently, it's being sponsored by Senators Richard Durbin of Illinois and Richard Lugar of Indiana and Rep. Howard Berman of California and Lincoln Diaz-Balart of Florida. Under the rigorous provisions of the DREAM Act, undocumented young people could be eligible for a conditional path to citizenship in exchange for a mandatory two years in higher education or military service. Undocumented young people must also demonstrate good moral character to be eligible for and stay in conditional residency. At the end of the long process, the young person can have the chance to become an American citizen.

For additional information on the DREAM Act visit: <http://www.nilc.org/> and or <http://dreamactivist.org/>

Q: What is the point of finishing school if I can't get a job in my chosen profession?

A: It is not unusual to feel a sense of hopelessness about the many obstacles that challenge undocumented students. Students must stay focused on the dream of obtaining a degree. The likelihood of obtaining residency is optimized if an individual is a college graduate. Being an educated professional demonstrates that one will be an asset to the USA.

Acknowledgement

It is with the utmost respect that I acknowledge the students from Alas Con Futuro and the many other undocumented students who have openly shared their stories and have allowed me into their lives. It's through their amazing stories of courage and valor that I have been able to better understand their issues and needs. Their stories have shaped and contributed to the compilation of the Resource Guide.

With heartfelt gratitude, I would like to acknowledge Dr. Elena Macias (Special Assistance to the President at CSU Long Beach) for her patience and generosity in taking the time to mentor me in the process of compiling this Resource Guide as well as for the guidance and support she has most graciously given to Alas Con Futuro (AB 540 club) at College of the Desert. Dr Elena Macias' contributions will be reflected in the club's future success. A special thanks to FUEL (Future Underrepresented Educated Leaders) at CSU Long Beach for their leadership and for providing a model of excellence which Alas Con Futuro will strive to achieve.