

ENSURING IMMIGRANT STUDENT SUCCESS: An Overview of Access to Higher Education for Immigrant Youth in Oklahoma





Hola!

Soy Judith Huerta.

My current fandom is Star Trek, I drink lots of mate, and have a furry baby named Bruce.

I can be found at Northeast Academy or the nearest taco truck.



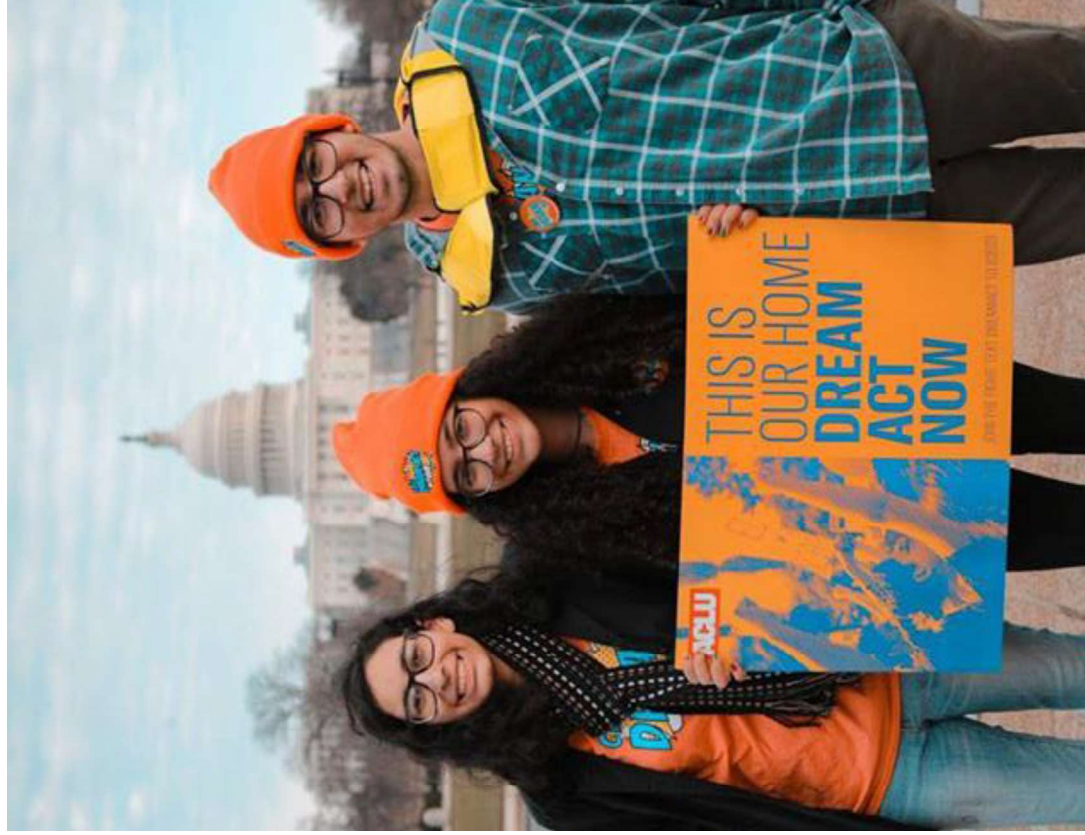
Agenda



1. Dream Action Oklahoma (DAOK)
2. Test Your Knowledge
3. Snapshot
4. Federal Law/Regulations
5. Current Situation
6. Questions

Mission

Established in 2009, [Dream Action Oklahoma](#) is a community-based organization that aims to empower the local immigrant community through advocacy and education to ensure justice for all immigrants. We do this through promoting education equity, civic engagement, and community service in the state of Oklahoma.



Our Programs



Education
Equity



Direct
Services



Advocacy

Test Your Knowledge



Kahoot!

Scenarios (True or False)



Citizens and residents are eligible for federal student aid and may pay more affordable in-state tuition rates.

Undocumented individuals and those with DACA cannot attain the professional licensure to practice law, nursing, or medicine in Oklahoma.

Lawful permanent residents, undocumented immigrants, asylees, refugees, and DACA recipients can be deported.

TRUE

TRUE

TRUE





Categories on Your Campus

UNDOCUMENTED - Not having the official documents that are needed to enter, live in, or work in a country legally

DACAMENTED - An individual who has been granted deferred action by the Department of Homeland Security under the Deferred Action for Childhood Arrivals program

TPS (Temporary Protected Status) - Confers legal presence & work authorization to eligible nationals of designated countries that have suffered conflicts, natural disasters, or other extraordinary & temporary conditions.

REFUGEE - Person fleeing war/conflict but not necessarily fearing persecution as defined by the 1951 Refugee Convention who applies to come to the U.S. from outside the country, often waiting many years in camps.

ASYLEE - Person applying for asylum on the ground that if (s)he is returned to the country of origin (s)he has a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group.

LAWFUL PERMANENT RESIDENT - A noncitizen who has been lawfully granted the privilege of residing and working permanently in the United States

US CITIZEN - Individual born in the United States or its territories

Foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents
Individual granted citizenship status by the United States (naturalization)

Deferred Action for Childhood Arrivals (2012)



[Obama Administration directed ICE](#) (Immigration and Customs Enforcement) to halt the deportation and grant work authorization to undocumented immigrants who:

- Were under the age of 31 as of June 15, 2012
- Arrived in the U.S. before turning 16
- Have lived in the U.S. for at least 5 years as of June 15, 2007
- Are enrolled in school, hold a high school diploma or GED, or have served in the military
- Have a relatively clean criminal history
- Pose no national security threat

With temporary status, DACA recipients can earn a work permit and other rights, depending on the state.

SCALE



Nationally, DACA only protects 6.4% of all undocumented immigrants.



In Oklahoma, DACA only protects 7.4% of undocumented immigrants.

DACA & Undocumented



Top countries of origin for OK immigrants:

- Mexico (48.5%)
- Vietnam (6.9%)
- Guatemala (3.7%)
- China (3.6%)
- Philippines (3.4)

Amount of US citizens in OK living with at least one undocumented family member:

Over 60,000

DACA recipients in Oklahoma:

7,000

Amount DACA recipients paid in state & local taxes (2016):

\$17.4 million

Refugees



Top countries of origin for OK refugees ([2003-2015](#)):

80% (2,091) Myanmar
246 Iraq
128 Russia
78 Somalia
64 Eritrea

Top cities of resettlement:

OKC
Tulsa
Jenks
Guymon
Broken Arrow

Outlier School:

Horace Mann
Elementary
75% Burmese



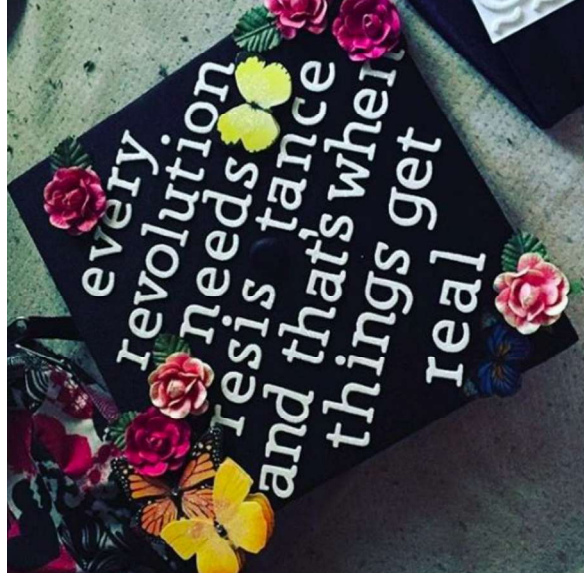
Federal Laws/Regulation



Plyler v. Doe (1982)

Plyler v. Doe, a landmark decision holding that states cannot constitutionally deny students a free public education on account of their immigration status.

Schools and school officials do not have the right to ask about a person's immigrant status or provide proof of legal residency.



Lau v. Nichols (1974)

[Lau v. Nichols](#), 414 U.S. 563 (1974), was a United States Supreme Court case in which the Court unanimously decided that the lack of supplemental language instruction in public school for students with limited English proficiency violated the Civil Rights Act of 1964.

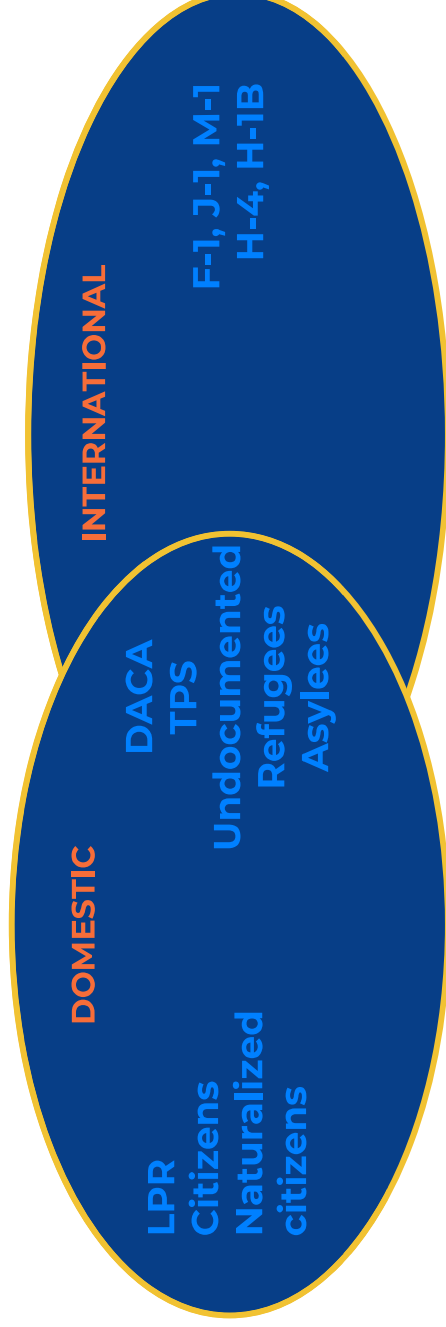


Admissions



State and schools must meet their [legal obligations](#) to ensure that their enrollment policies and practices do not discriminate on the basis of actual or perceived immigration status of the students or their parents.

If they are aware of it, they are not required to report students to USCIS.





Affidavit

Sample Affidavit for Category 1 Students

For Students Enrolled in a Degree Program at a Postsecondary Education Institution in 2006-07 or Earlier and Who Received a Resident Tuition Benefit ("grandfathered" students)

Per SB 596 of the 2003 legislative session (Oklahoma Statutes: Title 70, Section 3242), students with undocumented immigration status must meet the requirements listed below to be eligible for: (1) enrollment in an institution of the Oklahoma State System of Higher Education; (2) resident tuition rates; and (3) state-funded student financial aid programs.

STATE OF OKLAHOMA

COUNTY OF _____

Before me, the undersigned Notary Public, on this day personally appeared _____ (Name) _____ who being by me duly sworn upon his/her oath, deposed and said:

1. "My name is _____ I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct."
2. "I have graduated from an Oklahoma high school or received my GED certificate in Oklahoma."
3. "I resided in Oklahoma with a parent or guardian for at least two years prior to graduation from high school or the receipt of my GED certificate."
4. "I meet one of the following criteria:
 - a) I have filed an application or have a petition pending with the Bureau of Citizenship and Immigration Services (BCIS) to legalize my immigration status; or
 - b) I will file an application to legalize my immigration status at the earliest opportunity that I am eligible to do so."

In witness whereof, this _____ day of _____

(Printed Name of Student)

(Student I.D.# or other I.D. #, if applicable)

(Signature of Student)

(Signature of parent/guardian if student is under age 18)

SUBSCRIBED TO AND SWORN TO BEFORE ME, on the _____ day of _____

_____, to certify which witness my hand and official seal.

Notary Public in and for the State of Oklahoma

My commission expires _____

- One does NOT need DACA to attend college.
- Affidavit Form

- I have graduated from an Oklahoma high school or received my GED certificate in Oklahoma.
- I resided in Oklahoma for at least 2 years prior to graduation from high school or receipt of GED certificate.
- I have either:
 - A pending petition on file with USCIS to legalize my immigration status; OR
 - I will file this petition at the earliest opportunity that I am eligible to do so.

OK State Regents for Higher Education [Academic Affairs Procedures Handbook](#)

The Citizenship “Line”

MARCH 2018

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	22MAR11	22MAR11	22MAR11	22JUL96	15OCT05
F2A	22MAR16	22MAR16	22MAR16	01MAR16	22MAR16
F2B	01MAR11	01MAR11	01MAR11	15OCT96	08SEP06
F3	15DEC05	15DEC05	15DEC05	22JUN95	22MAR95
F4	22AUG04	22AUG04	01FEB04	15NOV97	22NOV94

OCTOBER 2018

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JUN11	01JUN11	01JUN11	01AUG97	22DEC06
F2A	22AUG16	22AUG16	22AUG16	01AUG16	22AUG16
F2B	22NOV11	22NOV11	22NOV11	15MAY97	15MAY07
F3	15JUN06	15JUN06	15JUN06	22DEC95	08JUN95
F4	15FEB05	15FEB05	01MAY04	22JAN98	08JUN95

Tuition



[HB 1804](#): Oklahoma Citizen & Taxpayer Protection Act—In-state tuition was left up to the Board of Regents to decide. Oklahoma currently allows undocumented students to pay in-state tuition at public colleges & universities.

- HB1804 was one of, if not the first statewide law, to patently attempt (i) to criminalize assistance to undocumented persons living within a state and (ii) to generally make life unbearable for any undocumented persons residing therein.
- Section 13 of HB1804 essentially removed all rights of undocumented residents of the State of Oklahoma to receive any form of grants or financial aid to attend state colleges and universities in Oklahoma other than the right to pay in-state tuition if certain criteria was satisfied.

In-State Tuition

The Oklahoma State Regents for Higher Education may adopt a policy which allows a student to enroll in an institution within The [Oklahoma State System of Higher Education](#) and allows a student to be eligible for resident tuition if the student:

1. Graduated from a public or private high school in this state; and
2. Resided in this state with a parent or legal guardian while attending classes at a public or private high school in this state for at least two (2) years prior to graduation.

[In-State Tuition](#) - 3.17.6 - Undocumented Students

[Oklahoma Statutes Title 70. Schools §70-3242](#). Eligibility for enrollment and resident tuition - Immigrant status - Scholarships and financial aid.



Oklahoma's Promise



Oklahoma's Promise

- Must have lawful immigration status to be eligible to receive the funds.
- BUT students without a valid social security number can still apply if they have a lunch ID instead, and receive funds later in case their immigration status changes.

Lawful presence vs. lawful status:

- Lawful presence is permission to be here. DACA is lawful presence, so DACA recipients cannot receive Oklahoma's Promise.
- Lawful status is a legal status of someone lawfully admitted for permanent or temporary residence in the U.S. and is otherwise not violating the terms of their nonimmigrant or immigrant status.

All students should apply for Oklahoma's Promise regardless of immigration status because:

- Students can update their application to be eligible for Oklahoma's Promise if their status changes OR
- They can be grandfathered in if state law changes.



FAFSA Application

Federal Student Aid
AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION

PROUD SPONSOR OF THE AMERICAN MIND

FAFSA
Free Application for Federal Student Aid

SEARCH
English | Español

Get help paying for college

Submit a Free Application for Federal Student Aid (FAFSA)

New to the FAFSA?

Start A New FAFSA

Returning User?

- Make a correction
- Add a school
- View your Student Aid Report (SAR), and more...

Login

College Scorecard

Information on college costs, graduation, and post-college earnings.

Deadlines

Information about your deadlines.

School Code Search

Find your college's school code. Also find detailed information about your college.

FAFSA Filing Options

Announcements

- FSA ID Reminder: Login to the FAFSA with your FSA ID only if you are the student. Parents: Refer to [Help](#), [Troubleshooting](#) if you're helping your child fill out the FAFSA.
- Both the 2016-2017 and 2017-2018 FAFSAs use your 2015

Thinking About College?

Use [FAFSA4caster](#) to see how federal student aid can help you pay for college!

- If a student is undocumented, they must have DACA to apply online since a valid social security number is required.
- Students who, because of the lack of a social security number, cannot create an online account, can fill out the [hard copy](#) and mail it in.
- Even though neither receive federal funding, the Student Aid Report is required for other applications and can be sent directly to institutions.

FAFSA - Student Demographics



If you haven't lived in Oklahoma for more than 5 years, the application will ask:

- “What is your state of legal residence? Did you become a legal resident before January 1st, 2009? When did you become a legal resident?”
- This question simply refers to when the student moved to the state, not when they obtained legal residence with U.S. Immigration. It will also ask if you are a U.S. citizen.

- Select “No. I am a not a citizen or eligible non-citizen”

The screenshot shows the 'STUDENT ELIGIBILITY' section of the FAFSA application. The page header includes 'Federal Student Aid' and 'PROUD SPONSOR of the AMERICAN MIND'. The navigation bar contains 'Student Demographics', 'School Selection', 'Dependency Status', 'Parent Demographics', and 'Financial Information'. The 'STUDENT ELIGIBILITY' section contains the following questions and options:

- Are you a U.S. citizen?
Select [dropdown menu]
- Are you registered with the Selective Service System?
 Yes No
- When you begin college in the 2015-2016 school year, what will be your high school completion status?
Select [dropdown menu]
- When you begin the 2015-2016 school year, what will be your grade level?
Select [dropdown menu]
- When you begin the 2015-2016 school year, what degree or certificate will you be working on?
Select [dropdown menu]
- Are you interested in being considered for work-study?
Select [dropdown menu]
- Will you have your first bachelor's degree before July 1, 2015?
 Yes No

FAFSA - Parent Demographics

Demographics

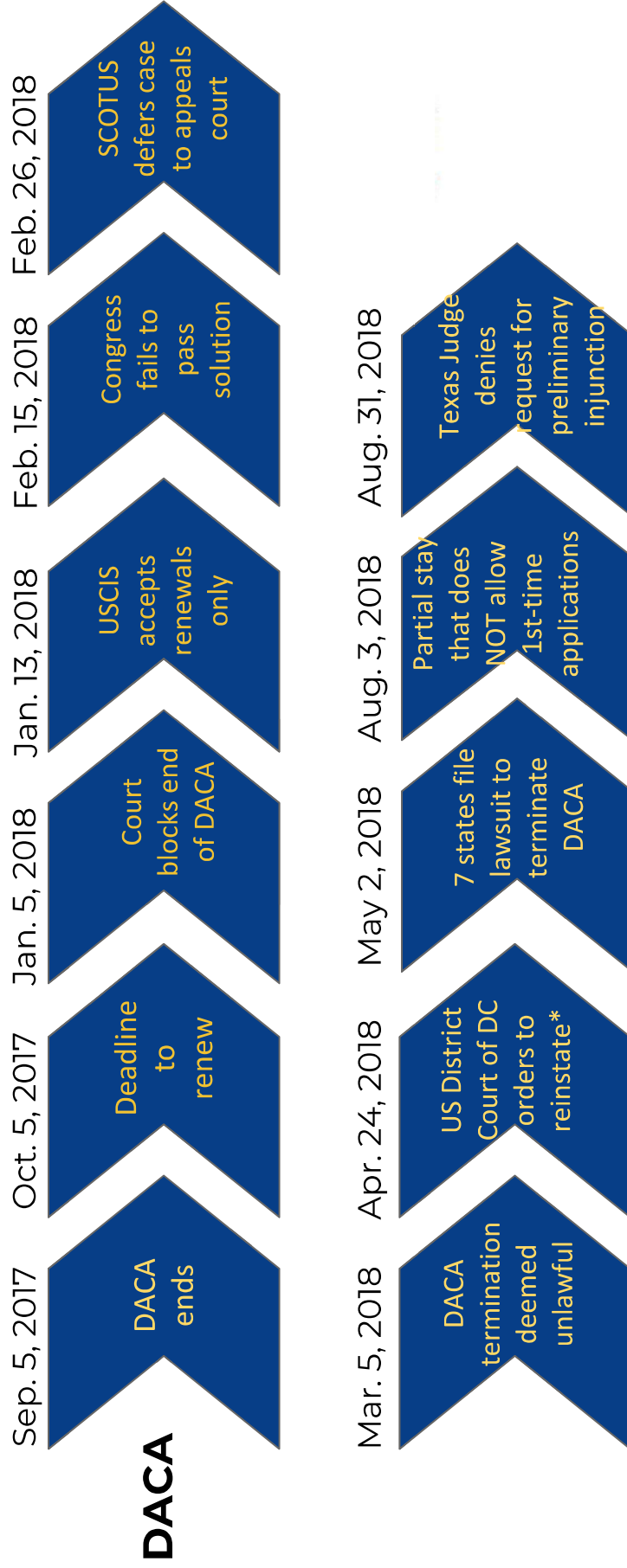
- If the applicant's parent is undocumented, they must put "000-00-0000" in place of the Social Security number.
- If a parent has used an ITIN number to file taxes, DO NOT use that number in place of the Social Security number.

Student Signature

- Use the PIN to electronically sign
- Parent Signature
 - If an undocumented parent does not have a SSN, they cannot create a PIN number to sign the FAFSA electronically. Therefore, undocumented parents must print, sign, and mail in the signature page.



Updates

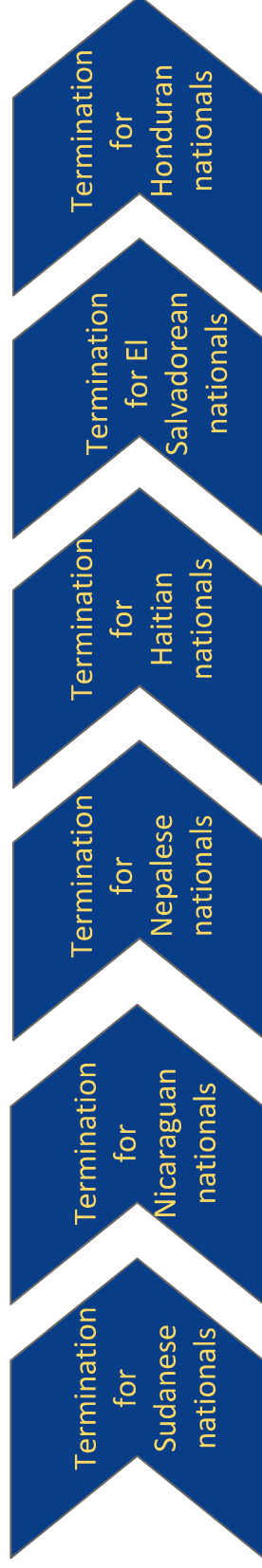


Updates



Nov. 2, 2018 Jan. 5, 2019 Jun. 24, 2019 Jul. 22, 2019 Sep. 9, 2019 Jan. 5, 2020

TPS



Administration will continue to make decisions about TPS for South Sudan, Syria, Yemen, and Somalia.



1. Differentiate between international / immigrant
2. Address retention of immigrant students
3. Effective and productive registrar's office
4. Crisis - ICE on campus

National Trends



States offering in-state tuition to undocumented students:

California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, Washington, Rhode Island

States where undocumented and/or DACAmented students can acquire professional licenses

Indiana, Illinois, Florida, Nebraska, New York, California, Minnesota, Nevada, South Dakota, Utah, West Virginia, Wyoming

States not admitting most undocumented students:

Alabama, South Carolina, *Georgia State Board of Regents



- <https://www.americanimmigrationcouncil.org/research/immigrants-in-oklahoma>
- <http://newsok.com/quick-facts-about-refugee-resettlement-in-oklahoma/article/5488014/3>
- <https://www.jdsupra.com/legalnews/undocumented-immigrants-the-schools-and-38279/>

MY NAME IS

Your name

**I AM AN UNAFRAID
EDUCATOR!**

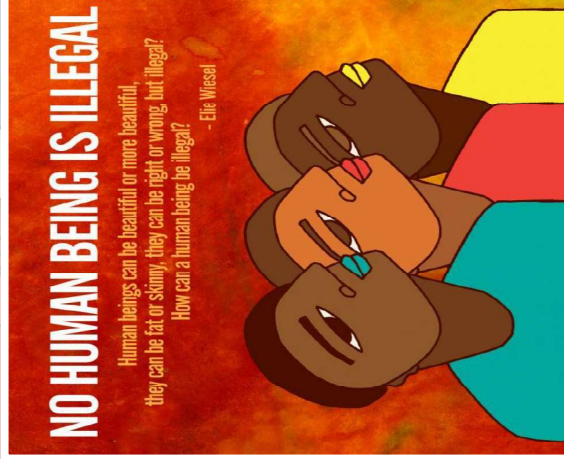
AS A

Name of position

**I WORK WITH AND FOR UNDOCUMENTED
STUDENTS & FAMILIES AT**

Name of institution

#EDUCATORSOUT #UWDDEEP



National Organizations

1. National Immigration Project | Tools to Defend Your Rights
2. Immigrant Legal Resource Center | Ordering Red Cards
3. United We Dream | We Are Here To Stay | Sanctuary City/County/State Toolkit
 - a. #HereToStay Toolkit K-12 & Higher Education Educators & Schools
 - i. (Great list of lesson plans)
 - ii. Know Your Rights (Different Languages)
4. Black Alliance for Just Immigration
5. Download the Dreamer Butterfly here

Local Organizations

1. CAIR Oklahoma | An Educator's Guide to Islamic Religious Practices
2. Aspiring Americans
3. Dream Action Oklahoma
4. Oklahoma Bar Association | Find A Lawyer
5. Catholic Charities | Programs and Services
6. Legal Aid | Free Legal Resources
7. YWCA





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