



Working with Undocumented Students (fall 2023)

BMCC Peer Mentor Training Presented by: Albert Lee

Agenda

- Introductions
- Go over Pre-Test Results
- Information
- Common pitfalls
- Scenarios
- Extra time materials

Introductions

Who am I? • Why I am? • You

What am I?

- Student Life Specialist
- Employed by BMCC, appointment ratified by the board of trustees
- Report to the Student Affairs Division
- Student Success Team
- Designated Specialist for Undocumented Students
- I meet with CUNY undocumented council
- I co-chair the NASPA Undocumented Immigrant and Allies Knowledge Community
- I am not a lawyer
- I am not admissions
- I am not financial aid

Why I am?

- I am a member of the community.
- I am a helper and I wish to do no harm.
- I received a lot of help when I was in college and I feel the need to keep doors open for others.
- I believe the work I do is important
- I did not get trained to work with undocumented students I have to learn from experiences in the trenches

You

- How do you fit into this equation?

Common Knowledge

Did you know? • 4 statuses • DACA • TPS • Asylum Seeking

Did you
know...

About how many undocumented students attend
BMCC?

Approximately 708 based on financial aid data from
CUNY Central (2021)

Of all the CUNY campus where would you rank
BMCC for the number of undocumented students in
attendance? (#1 most, #25 least)

#2

Term activated students on my listserv

150

4 Statuses

US citizen

- Born in the US
- Naturalized
 - Requires legal permanent residency for 5 years

Legal permanent resident (green card holders and resident aliens)

- Petitioned by US citizen or LPR family members.
- Sponsored by employer

Non-immigrant alien (permitted to live in the US with no indefinite renewal)

- Tourist Visa B2
- Student Visa F1
- Business Visa B1
- H2A and H1B workers

Undocumented immigrant (neither citizen nor LPR)

- Entered without inspection
- Entered on temporary visa and overstayed
- Expired LPR status

DACA <----- **Not a permanent status**

What is DACA?

- DACA stands for Deferred Action for Childhood Arrivals.
- DACA is not a pathway to citizenship.
- DACA was introduced under the Obama administration on June 15, 2012.
- Eligibility requirements:
 - Were under the age of 31 as of June 15, 2012;
 - Came to the United States before reaching your 16th birthday;
 - Have continuously resided in the United States since June 15, 2007, up to the present time;
 - Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
 - Had no lawful status on June 15, 2012;
 - Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
 - Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Source: www.uscis.gov

DACA roller coaster

- DACA was rescinded by Trump in Sept 2017
- Judge Bates ordered DACA to be protected for current recipients in April 2018
- DACA to be reinstated in 2020 after Trump administration fails to prove the program was detrimental and failed to replace this status with a “better” solution December 2020.
- DACA ruled illegal by Texan Federal Judge on the grounds of violating administrative procedure act. Currently under appeals

TPS

- Temporary Protected Status
- Too dangerous to return.
- Assigned to countries currently experiencing natural disaster, civil war and extraordinarily dangerous conditions
- Assigned per country, extended per country.
- Retain national status

<u>Afghanistan</u>	N/A
<u>Ukraine</u>	N/A
<u>Venezuela</u>	323,000 eligible
<u>El Salvador</u>	251,567
<u>Honduras</u>	80,709
<u>Haiti</u>	56,453
<u>Nepal</u>	14,575
<u>Syria</u>	7,010
<u>Nicaragua</u>	4,526
<u>Burma</u>	1,600 eligible
<u>Yemen</u>	1,465
<u>Sudan</u>	805
<u>Somalia</u>	465
<u>South Sudan</u>	83

Asylum

Every year people come to the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political opinion

You may only file this application if you are physically present in the United States, and you are not a U.S. citizen.

- What is the difference between Asylum and Refugee?

Common Pitfalls

New York State Dream Act • ATB • CUNY Policy

New York State Dream Act

- Passed in January 2019
- Implemented July 2019
- Rocky start but is improving its response time
- Qualification:
 - Graduated from a NYS high school or GED within the last 5 years, identify undocumented status and eligible for in-state tuition rate.
- Awards range from \$0-\$2400.00 based on dependency, household income, zip code
- Think of this as FAFSA but you bypass the federal application with an eligibility litmus test.

ATB

- Ability to Benefit Test
- Deadline: 9/14/2023
- Email Tin Hliang at atb@bmcc.cuny.edu
- The earlier you test, the better because you may schedule up to one retake.

Undocumented Students at CUNY FAQs

- Can Undocumented Students Attend CUNY Schools?
 - Yes. CUNY admissions considers all students with a HS, GED and international HS/college records.
- What Is the Tuition Fee For Undocumented Students?
 - Undocumented or out-of-status students are eligible for in-state tuition based on their attendance and graduation from a New York State high school or a GED/TASC in New York State.

Source: www.cuny.edu

Undocumented students at CUNY FAQs

- Can Undocumented Students Receive Financial Assistance?
 - No to anything federal, yes to some state aid. They may receive state funds and programs through the NYS Dream Act, ASAP and private scholarships but they are not eligible for federal grants, subsidized student loans and federal work-study. If their status changes from undocumented to citizen or green card holder they can apply for FAFSA even if it is mid-semester.
- Can CUNY Provide Free Or Low Cost Immigration Services To Undocumented Students?
 - Yes. CUNY Citizenship Now! Provides free legal services and their families regarding status change. BMCC's ARC works with Pro Bono lawyers from Fragomen immigration attorneys that provide legal advice. Students are responsible for the application and renewal fees in most cases.

Source: www.cuny.edu

Scenarios

Scenario 1

You are working with two students who are undocumented and one student is receiving full coverage financial aid and the other is not eligible for anything.

How is this possible?

What some steps you can take to help these students?

Scenario 2

You over hear students talk about “Alternative Spring Break” in San Diego. You mentor an undocumented student who is also part of the Alternative Spring Break. She has never flown before and is tempted to attend this service trip because all expenses are paid by the school. What are some of the topics you should discuss with her to ensure she is safe?

Scenario 3

You are working with an undocumented student who has been conditioned by those around her to pursue nursing because its financially rewarding and there is a nursing shortage. She mentions not having employment authorization. How do you advise a student in this situation?



Questions

If we have time

- Where is DACA now?
- Plyler v. Doe
- Why doesn't BMCC have an immigration center