AB 540 RESOURCE GUIDE

A Guide for Advisors of Undocumented Immigrant Students

California State University Long Beach

August 2008

INTRODUCTION

PURPOSE

The Resource Guide is designed to address the most common questions raised in the course of advising unprotected immigrant students. The information contained may not always be conclusive thereby requiring additional consultation with other staff whose names are in this guide.

The Resource Guide is a direct outcome of the March 16, 2007, faculty and staff development conference, Improving Immigrant Student Success, sponsored by the University and the Title 5, Hispanic Serving Institution program, *Mi Casa: Mi Universidad*.

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 campus catalog.

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 non-resident tuition for certain non-resident students who have attended high school in California and received a high school diploma or its equivalent.

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 though 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.)

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 at a California high school is what prevents a student from qualifying for AB 540. Students can still attend 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 eligibility** where students must indicate:

Yes or **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. And,

Yes or No I have attended high school in California for three or more years.

Students must also provide information on all schools attended in grades 9-12 and submit required documentation (high school transcript) as specified by the institution.

The second purpose refers to the eligibility for exemption on non-resident tuition. To exempt a student from paying non-resident tuition the Affidavit must be completed prior to enrollment at an institution. The legal document certifies that the student is in the process of legalizing their residency status or will file for legal residency as soon as eligible.

Non-resident tuition exemptions **ARE** granted for students who indicate on the affidavit (as long as the educational criterion is also met):

☐ I am NOT a nonimmigrant alien (including, but not limited to, a U.S. citizen, permanent resident, or an alien without lawful immigration status).

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)}.

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

The affidavit is found at http://www.csulb.edu/depts/enrollment/forms/. The affidavit and supporting documentation of high school attendance and graduation should be submitted after the admission offer is made to the student and before the student pays tuition and fees.

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).

Immigration Advice

Immigration law is extremely complex and constantly changing, therefore faculty and staff are advised **NOT** to give "immigration advice" to students, but rather to advise them to seek professional legal assistance from an immigration attorney. Utilizing unauthorized public benefits; such as federal and state assistance while undocumented can be deemed grounds for automatic deportation the day the individual is able to adjust his immigration status.

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 under an applicable program of the U.S. Department of Education. As a result, universities cannot release the student's information, including the fact that they are 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 see Releasing Student Information on the Enrollment Services website,
www.csulb.edu\depts\enrollment\studentacademicrecords\releasing.html.

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 questions on how to obtain the TIN and its use, students are advised to contact the University Tax Analyst Specialist, Raquel J. Bazan, at 562-985-0126.

Compliance with Tax Form 1098-T

Near the end of the calendar year, students may be contacted by Bursar's Office informing them that the Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) on their student account is either missing or invalid. This is done because the Internal Revenue Service (IRS) requires all colleges and universities to request SSNs or ITINs from enrolled students in order to comply with Form 1098-T reporting requirements that pertain to educational tax credits (pursuant to the Taxpayer Relief Act of 1997.)

Students who are not filing for tuition tax credit do not have to complete the Form W-9 (Request for Taxpayer Identification Number and Certification) nor provide an ITIN or SSN to the university. Students who are filing for tuition tax credit must follow the instructions to accommodate the Bursar's Office request. Questions may be directed to 562-985-5457.

SECTION TWO: UNIVERSITY POLICIES AND PROCEDURES

Campus Admissions Process

For application procedures, deadlines and general information please refer to the CSULB admission web site at: www.csulb.edu/depts/enrollment/admissions. Unprotected immigrant students are not legal residents of California. Therefore the same admission criteria used for other non-resident students will apply. For first-time freshmen applicants, the in-state admission standards also apply for graduates of California High Schools. As a result, unprotected immigrant students applying as first-time freshmen, will be held to the same admissions criteria as California residents from their same high school. This same provision does not apply to transfer students where a higher transfer GPA is required of non-residents. The admission criteria for teacher credential and Master's programs are the same for resident and non-resident students.

Exemption of Non Resident Tuition

If the applicant meets the AB 540 criteria outlined above based on the affidavit and required supporting documentation, non-resident fees will be waived. The student will still be responsible for the payment of the State University Fee and other mandatory campus fees required of all students. These fees must be paid by the required deadlines to avoid cancellation of classes. To learn about these mandatory fees, check the CSULB Catalog. Fees are subject to change, so students should refer to the Schedule of Classes, which provides the most current fee rates. Information on fees is also available online at: http://www.csulb.edu/depts/enrollment/registration/.

CSULB Campus Identification Number and Identification Card

When students apply to the University, a 9-digit campus ID number is assigned and will be used throughout the student's career at CSULB rather than a Social Security Number or other personal identifier. Students who are offered admission and choose to enroll will be granted a CSULB ID card reflecting this number.

The Campus ID cards are issued at SOAR (Student Orientation, Advising and Registration) for undergraduates or at the Campus ID Center located by the University Bookstore near Lot 5. The card is used throughout the campus as proof of identification and to obtain services. When obtaining the card, students should bring a picture ID. High school IDs are accepted.

Grievances/Complaints

CSULB has a formal standardized process to address student grievances that are caused by the action of faculty, administrators, or staff that result in an unauthorized or unjustified action that adversely affect the status, rights, or privileges of a student. Further, the purpose is to establish due process and safeguards that will be followed by the university in the adjudication of grievances. For information, refer to the CSULB web site: http://www.csulb.edu/divisions/aa/grad_undergrad/senate/documents/policy/1995/21/

SECTION THREE - UNIVERSITY PROGRAMS AND SERVICES

FINANCIAL ASSISTANCE

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 governments, CSU and by private sources, and 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 statutes 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

AB 540 students can apply for any scholarship that does not require U.S. citizenship and/or state residency.

On-campus Scholarship Information

The Center for Scholarship Information, located in the University Student Union 238, provides: advising on the scholarship application process; access to a scholarship database containing information for on and off-campus scholarships; proofing of scholarship applications, personal statements and essays; access to the Internet and a typewriter. The Center also administers several scholarship

programs and generates funds for scholarships. For more information, see their website at: www.csulb.edu/scholarships or call (562) 985-2549. Students may also visit the Financial Aid Office regarding scholarships at BH 101, (562) 985-8403:

Off-Campus 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.ccnma.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

ACADEMIC ADVISING

Overview of Academic Advising Services

CSULB is committed to help students succeed regardless of residency status and almost all 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.

The University's undergraduate academic advising services and academic departments are responsible for providing academic direction for new and continuing students. In addition, academic departments provide academic advising for graduate students. AB 540 and other undocumented students are eligible for these services. For more information about these services refer to the CSULB catalog or visit the website at: http://www.csulb.edu/divisions/aa/catalog/07-08/campus_info/advisement_centers.html .

Academic Advising Center

The Academic Advising Center is located in the Horn Center, Room 103. The Academic Advising Center provides services to the general University undergraduate student population including both traditional and non-traditional students. For hours and appointments, call (562) 985-4837. AB 540 and other undocumented students are eligible for these services.

Department Advising for Majors

Information regarding majors option can be obtained by visiting the Career Center and meeting with a Career Counselor. Specific requirements about a major should be obtained by contacting the academic department and requesting to meet with the undergraduate or graduate advisor. AB 540 and other undocumented students are eligible for these services.

ACADEMIC SUPPORT PROGRAMS

College Assistance Migrant Program (CAMP)

The CAMP office is located at Liberal Arts 3 Room 202 and is open from 8:00 a.m. to 6:00 p.m., Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Fridays. The telephone number is (562) 985-2006 or FAX (562) 985-2003. The CAMP is designed to serve students who themselves or whose parents are migrant or seasonal farm workers. Work may include production, transportation, packaging or canning of crops, dairy products, poultry, livestock, cultivation or harvesting of trees (nurseries), or fish farming. The goal of CAMP is to provide outreach and recruitment services to eligible students by assisting them in completing their admissions and financial aid applications. Also offered are parent workshops on motivating their children to enroll in and graduate from college. **AB 540 and other undocumented students are not eligible for these services.**

Career Development Center

The Career Development Center is located in Brotman Hall, Room 250. For information, call (562) 985-4151, log onto www.careers.csulb.edu, or stop by the office. The Career Development Center provides resources and strategies for choosing a college major, developing career plans, finding internships and full-time jobs and making successful career transitions. Career decision-making facilitates a student's definition of his/her personal career goals and objectives based on an understanding of one's self and the world of work. The Center provides students with the most current career data and information delivery systems. AB 540 and other undocumented students are eligible for these services.

Career Planning, Selecting a Major, and Job Search

Career counselors assist students in exploring career and academic major options and in developing effective job seeking skills through one-to-one counseling and workshops. Counselors also provide assistance with résumé writing, interviewing techniques, job search techniques and other facets of the job search process including such topics as networking, accepting or rejecting a job offer, and negotiating a salary. AB 540 and other undocumented students are eligible for these services.

Internship Program

The Internship Program offers students paid and volunteer internship experience in business, industry, government and the non-profit sector. This practical and professional work experience is directly related to a student's academic major or career goal. Students may alternate full-time work periods with full-time academic periods or they may work part-time while simultaneously attending the University. Upper-division Internship courses are available for up to six units of elective academic credit. Contact the Career Development Center Internship Coordinator at (562) 985-4151 for more information. Check with Internship Coordinator regarding residency criteria, as U.S. or legal residency is required for most internships, but not all.

Campus Employment

U.S. citizenship or legal residency is required for on-campus employment and off-campus employment referrals; therefore, campus employment is not available to AB 540 and other undocumented students.

Counseling and Psychological Services

Counseling and Psychological Services (CAPS) offers an array of services to help students achieve a satisfactory and meaningful academic experience. CAPS is located in Brotman Hall 226. The telephone number is (562) 985-4001. The CAPS web address is: www.csulb.edu/caps.

Staff members of CAPS are trained at the doctoral level in counseling or clinical psychology and student development services delivery. Staff members are skilled in assisting students to translate their individual personal development, career development, and previous educational experience into optimal academic achievement and collegiate life experience. AB 540 and other undocumented students are eligible for these services**.**

Educational Opportunity Program (EOP)

The Educational Opportunity Program (EOP) is a state funded program that has developed special services to help students overcome the obstacles that may prevent

them from furthering their education and reaching their potential. Students who are interested in being considered for EOP must declare their intentions on the University application at the time they apply to the University. State residency is required, but the program may be able to provide advising on a limited basis. Check with EOP regarding program participation

Learning Assistance Center

Located in the Horn Center, Room 104, the Learning Assistance Center is an all-university academic support service that helps students identify and develop effective learning approaches for their courses. The LAC offers the following services:

1. Learning Skills
2. Supplemental Instruction
3. Tutorial Services
4. ESL Support Services

AB 540 and other undocumented students are eligible for these services

MEP (MESA Engineering Program)

The MEP office is located in Engineering 2, Room 300. For information, call MEP at (562) 985-8014. The MESA (Mathematics, Engineering, Science, Achievement, and Tutoring) Engineering Program (MEP) provides academic advisement for general education and upper-division interdisciplinary course requirements to low-income and educationally disadvantaged students in all of the engineering disciplines: Aerospace, Chemical, Civil, Computer Engineering and Computer Science, Electrical, Engineering Technology, and Mechanical Engineering. The MEP staff work with engineering department advisors to provide current information on engineering course requirements and changes. AB 540 and other undocumented students are eligible for these services.

Multicultural Center

The Multicultural Center is located in Faculty Office Building 3 (FO3), Room 03 and is open from 9:00-5:00, Monday through Friday. For more information, the Center's website is www.csulb.edu/centers/mcc or call (562) 985-8150. The center invites input to be sent to mcc@csulb.edu.

The mission of the Multicultural Center is to contribute to the creation of a campus environment which respects and supports cultural, ethnic, and racial diversity. The center is an educational resource center, which serves as a vehicle for the expression of the needs and concerns of CSULB's increasing diverse campus community. AB 540 and other undocumented students are eligible for these services.

Partners for Success - Faculty Mentoring Students Program

The Partners for Success Office is located in the University Student Union (USU-209). The telephone number is (562) 985-7562. Interested students may apply at www.csulb.edu/partners.

For a variety of reasons, many first-generation students—students with parents who do not possess a baccalaureate degree—find it challenging to complete their college education. In an effort to retain and graduate these students, a program co-sponsored by Academic Affairs and the Division of Student Services is offered to pair students with faculty members who serve in the capacity of mentors. A mentor, in this case, is an experienced professor who acts as a friendly advisor, helping students become comfortable and successful in the university environment. AB 540 and other undocumented students are eligible for these services.

SOAR (Student Orientation, Advising and Registration)

Orientation is required of all new freshmen and transfer students. The Student Orientation, Advising, and Registration (SOAR) is the program in which new students meet this requirement. The program affords students an opportunity to receive initial academic advising concerning general education and major requirements, assistance with course selection, and the ability to register for classes, as well as an orientation to student services and campus resources. The workshops take place in early January for spring admits and throughout the summer months for fall admits. There is also a two-day overnight SOAR program for freshmen students admitted for fall that would like a more extensive orientation experience.

Information about the SOAR program is mailed to newly admitted students and may also be obtained by visiting the department's website (www.csulb.edu/soar). There is a fee associated with the program. Participants receive a University Catalog, Schedule of Classes, academic planner, a one-day workshop, parking permit, and lunch. AB 540 and other undocumented students are eligible for these services.

Student Support Services

The Student Support Services Program (SSSP) is a federally funded program designed to assist students in achieving their maximum potential in higher education. Students are referred to SSSP by faculty, staff, and students of CSULB. Interested students apply directly to the program for participation. In addition to an academic need, one of the following must apply for a student to be eligible for SSSP services: low income and first generation college students; physically disabled and/or learning disabled; low income only; first generation only. AB 540 and other undocumented students are not eligible for these services.

STARS (Student Transition and Retention Services)

The STARS office is located in the Foundation Building (Suite160) and the telephone number is (562) 985-5515. Information may also be obtained on the department's website at www.csulb.edu/soar.

The educational experience presents new students with many challenges and pressures. The department of Student Transition and Retention Services directs its efforts toward the orientation, advising, and registration of students and the promotion of their persistence in college through graduation. Special efforts are directed toward advisor training, orientation and advising workshops, as well as research with regard to issues affecting student retention. AB 540 and other undocumented students are eligible for these services.

Testing and Evaluation Office

The Office of Testing and Evaluation Services provides information regarding admissions, placement, and certification examinations. The office is located in Brotman Hall 216. For information, phone (562) 985-4007, FAX (562) 985-2415, or visit the Testing Office website at www.csulb.edu/testing.

Test programs currently offered include the SAT and Achievement Tests, ACT, EPT/ELM, WPE, PRAXIS, the Nelson-Denny Reading Test, and the Chemistry IIIA test. Information pertaining to the tests mentioned above and the MCAT, LSAT, CSET, CBEST, GRE, RICA, and TOEFL exams can be obtained by visiting the Testing Office website referenced above.

AB 540 and other undocumented students are encouraged to telephone the office to make an appointment to see Tracy Woodard, Test Officer to get their identification issues handled in private prior to the test date. The test officer will review the student's ID, the passport, or official consulate identification and then sign the admission letter as an indication that the ID that the student brings with him or her to the test site has been pre-approved. The Testing Office often uses test proctors who may be unfamiliar with ID issues faced by undocumented students, so getting ID pre-approval will circumvent potential issues at the test site. AB 540 and other undocumented students are eligible for these services.

Tests not offered at CSULB may have other identification requirements.

Women's Resource Center

The Women's Resource Center is open 9:00 a.m. to 5:00 p.m. Monday through Friday and two evenings until 6:30 p.m. Its services are free and available to women and men, campus and community. The WRC is located in Liberal Arts 3-105. For further information, call (562) 985-8687/8576.

The mission of the Women's Resource Center (WRC) is to facilitate the educational, professional and personal growth of women on campus. The WRC houses a library of material on women's issues, offers women's support groups, and peer counseling. It provides referrals to campus and community services, scholarship information, and is a clearinghouse of current events of interest to women. The WRC also provides a comfortable lounge where students can study, chat with friends, or hold meetings. AB 540 and other undocumented students are eligible for these services.

STUDENT LIFE AND RESOURCES

FUEL (Future Underrepresented Educated Leaders)

FUEL is a support group for underrepresented and undocumented students. The advisor for the group is Dr. Elena Macías. She may be contacted at 562-985-8816.

College Student Organizations

Academic departments have student departmental associations comprised of students in that discipline. In addition, there are other academically related organizations and discipline-based honorary societies.

Representatives from departmental associations work together on a college student council in each of the seven colleges. The organizations promote interaction between faculty and students by sponsoring speakers, seminars, social gatherings and other activities related to their disciplines. Students also have the opportunity to provide input regarding their educational experiences to their faculty and departmental chairs, as well as to their deans via the departmental associations and student councils, respectively. Student Life and Development staff members play a key role in coordinating major events such as Engineering Day, Health and Human Services Career Month, the Awareness Festival, College of the Arts Week, and the Nobel Laureate Lecture. AB 540 and other undocumented students are eligible for these services.

Student-Run Resource Centers

There are five student-run resource centers on campus. These venues are for affiliated student organizations to conduct program planning, peer mentoring, officer meetings, and post information regarding scholarships, service and internship opportunities. AB 540 and other undocumented students are eligible for these services.

American Indian Student Study Center, FO4-282, (562) 985-4963

Asian Pacific Student Resource Center, FO4-277
Black Student Cultural Center, FO4-274, (562) 985-4502
Raza Resource Center, FO4-263, (562) 985-5223
Lesbian/Gay/Bisexual/Transgender Resource Center (LGBTRC), FO4-165, (562) 985-4585 (general information), (562) 985-4588 (event line) or e-mail lgbtrc@hotmail.com

CAMPUS SAFETY

Campus Police

California State University, Long Beach University Police, obtains its powers to arrest from the California Penal Code and the California Education Code.

Emergencies on Campus

The on-campus emergency phone number is 9-1-1. The non-emergency phone number is (562) 985-4101. Any problems concerning behavior of members of the campus community, thefts, vandalism, fire, and all related matters should immediately be brought to the attention of the University Police.

Procedures for Reporting Crimes on Campus

Whenever students or employees become victims of a crime while on the campus of CSULB, or whenever they have witnessed a crime or feel that there is a possibility that a crime is about to occur, they should notify University Police as soon as possible. There are numerous emergency phones located throughout the campus, including the parking lots and in all elevators, which are direct lines to the University Police dispatcher. Individuals may also contact the mobile police units that patrol the campus on a 24-hour schedule. Parking enforcement officers also patrol the parking lots and have direct radio contact with the police dispatcher and mobile police units. The University Police office is located at the far east end of campus, between parking lot 11 and parking lot 9 on Palo Verde Avenue. The Department is open 24 hours a day.

SECTION FOUR - COMMUNITY SUPPORT

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 Immigrant Rights of Los Angeles (CHIRLA)

CHIRLA was formed in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles; promote harmonious multi-ethnic and multi-racial human relations; and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society. http://www.chirla.org/

Mexican American Legal Defense and Education Fund (MALDEF)

MALDEF wad 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, Muslin, 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://nlsca.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/

SECTION FIVE– FAQ (FREQUENTLY ASKED QUESTIONS)

ADMISSIONS

1. What are the requirements to go to college as an undocumented student?

Unprotected immigrant students applying, as first-time freshmen will be held to the same admissions criteria as California residents from their same high school. This same provision does not apply to transfer students where a higher transfer GPA is required of non-residents. The admission criteria for teacher credential and Master's programs are the same for resident and non-resident students. There are some exceptions - when a major requires licensing, undocumented students are not eligible to apply.

The Admissions Office will request documents in support of the admission application when needed. Which transcripts are required and at what point in the application process varies.

QUALIFYING FOR EXEMPTION FROM OUT-OF-STATE TUITION

2. How do I change my status to AB 540? Do I need to provide an official transcript?

Students must submit the Student Affidavit for Exemption of Non Resident Tuition (affidavit) and supporting documentation to Enrollment Services to be considered for the non-resident fee waiver after the student is admitted. If the student meets the AB 540 criteria, the residency officer will adjust the status and waive the non-resident tuition fee.

Even though transfer students normally do not need to provide high school transcripts for admissions determination, all students applying for the AB 540 non-resident fee waiver must provide an official high school transcript with their affidavit for AB 540 eligibility. A copy of the affidavit is available on line:
http://www.csulb.edu/depts/enrollment/forms/

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 though 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.)

3. If I have less than three years of high school and have graduated from a California high school, do I qualify for in-state tuition?

Students with less than three years of high school attendance in California are not eligible for AB 540. However, if the student meets the first-time freshman or transfer admissions requirements, the student may still be eligible to attend the university, but will have to pay the non-resident tuition. Non-resident tuition is charged to all U.S. non-California residents and foreign students. Tuition is charged per unit, in addition to applicable State University and Other Mandatory Fees. http://www.csulb.edu/depts/enrollment/registration/fees_basics.html (Tuition is subject to change by State Legislative action without notice.)

4. What if I attended adult school? Did not graduate from high school, but I qualify as an upper division transfer?

If a student meets the transfer admissions requirements, he/she will be admitted to the university, but will be charged out-of-state fees if the student does not qualify for AB 540 because they did not graduate from a California high school and/or attended adult school. AB 540 law stipulates the three years of high school attendance and graduation. Although a GED or a high school diploma can be obtained from an Adult School, the rate of completion is often done at an accelerated pace that does not permit sufficient accrual of classroom time in order to make-up three years of instruction.

5. Do I need a SSN? What do I put down on my application if I do not have an SSN?

NO, students are not required to have or use a Social Security number when applying to CSULB. If the student does not have a SSN, he or she should leave the field on the application blank. If there is any doubt, students should contact any individual listed in the Faculty and Staff Resource List in this document.

6. What if I have used a false SSN in the past? What happens if I stated before that I was a citizen and I now want to be an AB 540 student?

Students are advised to always provide true and accurate information to the University because the consequences of providing invalid information can be severe. If supplying a false SSN did not result in the receipt of benefits or services for which the student was not eligible, correction can be easily done at CSULB by requesting the

SSN be deleted from the CSULB record. If benefits or services were received as a result of providing false information, the situation is obviously much more complex. According to the CSULB catalog and section 41301 of Title 5 of the California Code of Regulations, incorrect classification resulting from false or concealed facts is subject to disciplinary action including paying owed non-resident tuition. Before taking action, identify and consult with a staff and/or faculty who work with undocumented students. If possible, also consult with an attorney.

7. What will show up in my transcript if I wrote on my community college application that I am a resident?

CSULB does not use the information on the transcripts to determine California residency nor is it responsible for reporting discrepancies to other institutions. Students must provide complete and accurate information on the Admission Application, and other required documents for an accurate determination of residency.

8. Is graduate admission different at CSULB if I want to use AB 540?

NO, AB 540 criterion is the same for both graduate and undergraduate students. If a student continues at CSULB, he will not have to resubmit high school transcripts or redo the affidavit.

9. Should I apply for the President's Scholars if I am a valedictorian?

YES, as a valedictorian, undocumented students are encouraged to apply.

10. Can I get into a doctoral or professional programs elsewhere using AB 540?

YES, you can get into masters and doctoral programs at a pubic California university as long as you meet the admissions criteria. Programs that give preference to state residents are not accessible to AB 540 and other undocumented students.

PAYING FOR COLLEGE

11. My admissions letter requires a deposit with my admissions acceptance. Do I have to pay?

YES, freshman and transfer students are required to pay a non-refundable enrollment deposit with the admission acceptance. The enrollment deposit is required in order to reserve a space in class. The admission acceptance and deposit for the fall term must be received by May 1st for freshmen, and June 1st for transfer students. The deposit

will offset a portion of the State University Fee (SUF) for the first semester. Since AB 540 and other undocumented students do not receive state or federal financial aid, they must pay the deposit to reserve a place in the class unless they have proof of receiving a scholarship or other third party support that will cover their SUF.

12. Can I receive in-state aid?

NO, undocumented students are not eligible to receive any type of public (state or federal) financial aid. A student who regularizes his status through the BCIS (Bureau of Citizenship and Immigration Services) may be eligible for some aid and should inquire with the Office of Financial Aid.

13. Is there an installment plan to pay my tuition? What if I do not have the funds and I need to drop out to work?

YES, CSULB offers an installment plan to pay for tuition. For more details about the installment plan, check with the office of Student Account Services.

14. I paid out-of-state tuition before I knew about AB 540. May I get a refund?

Refund regulations have a set calendar and conditions. Normally a student must inform the university prior to the first day of instruction in order to qualify for the wavier for that term.

15. May I work on campus? Am I eligible for a paid internship or unpaid internship?

Most students who work on campus are hired as "student assistants" and are paid through public funds, which require residency and a valid social security number. Undocumented students are not eligible to work for pay that is funded by public funds. Undocumented students and AB 540 students are not eligible for paid internships, but may participate in unpaid internships. Contact the Career Development Center to learn about potential internship opportunities. Students should also contact the Center for Community Engagement about community based unpaid internships and service learning opportunities.

16. The scholarship application states that an SSN is required. Should I bother to apply?

Many scholarship program administrators assume that everyone has an SSN; therefore, it may be worthwhile to inquire if there is a residency or citizenship requirement. If there is not, then inquire about the use of the TIN (Individual Taxpayer Identification Number) number in lieu of the SSN. Students are encouraged

to inquire whether the program has private dollars that may be awarded as scholarships or stipends.

Students without access to public financial aid should consider applying for private scholarship. Students are encouraged to apply for private aid because staying in school even part-time and maintaining consecutive enrollment is a strong indicator of progress to graduation. Information on scholarships is available at the Office of Financial Aid and the Associated Students' Center for Scholarship Information located in the University Student Union 238. The phone number is (562) 985-2549. Almost all university-sponsored scholarships do not require an SSN. Applicants must have a TIN.

There are websites with scholarship information such as the Tomas Rivera Center interactive website called "College Dollars at http://www.latinocollegedollars.org/; the MALDEF – Scholarship Information at http://maldef.org/.

ACADEMIC ELIGIBILITY

17. Will my status limit my participation in field and research projects? Should I travel to in-state conferences with campus programs? Will the campus cover me?

If the field or research project is conducted on campus or within close proximity of the university, it should not be a problem. However, if the field or research project is contingent on having to present work at a student/professional conference then it may pose a problem. Any long distance travel that involves air or ground transportation involves an element of risk, thus it is advisable that undocumented students consider the risks and benefits of such activities. Students should consult with a parent or guardian. Importantly, not all activities requiring travel are obligatory, thus in some cases speaking to the instructor will result in alternative means to fulfill the course requirements. Students may also want to discuss internship alternatives with the Career Development Center staff.

Students on a campus approved, supervised, and funded activity are generally covered for travel liability. Campus travel must be under the supervision of a campus faculty, staff member, or Associated Students, Inc. (ASI) staff member. Travel by individual or group volition is not covered by the university or the ASI. In general, students are individually responsible for any personal injury or damage.

18. What if my major requires that I be finger printed? Can I pursue a credential or nursing program?

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 CSU trains them must meet the immigration requirements of the Personal Responsibility and Work Opportunity Reconciliation Act to achieve licensure. These academic programs, such as nursing and credentials will demand finger printing, a background check and a valid social security number.

Students may want to discuss potential alternatives with the Career Development Center or the Academic Advising Center staff.

STUDENT SERVICES

19. Am I eligible for University programs and services?

YES, undocumented students are eligible to receive services from almost all University programs. However, there are some restrictions for programs requiring United States or California residency as part of their eligibility. At CSULB undocumented students are not eligible for the Educational Opportunity Program (EOP) or Federal funded programs such as TRIO, Upward Bound, and the College Assistance Migrant Program.

20. Should I reveal my status to my faculty advisor? Others?

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. The individuals listed in the Faculty and Staff Resource List may be individuals with whom students may want to consult.

21. What identification may I use to take the examinations at CSULB, such as WPE? ELM? EPT? GRE? LSAT?

Undocumented students are encouraged to telephone the Testing Office, 985-4007, to make an appointment to see a test officer to get their identification (ID) issues handled in private prior to the test date. The test officer will review the student's ID, the passport, or official consulate identification and then sign the admission letter as an indication that the ID that the student brings with him or her to the test site has been pre-approved. The Testing Office often uses test proctors who may be unfamiliar with ID issues faced by undocumented students, so getting an ID pre-approval will circumvent potential issues at the test site.

22. What happens if I drive to school and University police stop me?

Undocumented immigrants cannot obtain a California Drivers License. Therefore,

driving without a license is unlawful and can result in a traffic citation, forfeiture of the vehicle and fines. Police will ask for a Drivers License and any other identification on the driver. If the individual has no license, then the name and date of birth is taken and run through the police computer to check the driver's records. Campus police will issue a ticket and the disposition of the vehicle will depend on circumstances. If the vehicle is legally parked or can be driven away by an unimpaired, licensed driver, it will not be towed. If this cannot be done, it will be towed and impounded. Vehicles with expired registrations are automatically impounded. University police are not required to report the citation to the Bureau of Citizenship and Immigration Services. However, the citation will be reported to the City of Long Beach and a court appearance will be required.

There are instances when campus police will ask for SSN number. A SSN is requested any time someone is involved in a situation that requires the use of standardized police forms. The forms are used to confirm identity when there is a traffic accident, when someone is a suspect in a criminal case, or when field interviews are conducted, such as when a suspicious person is reported on campus and the police interview the suspicious person. The field interview form asks for name, race, sex, drivers license and SSN. While the campus police do not enforce federal immigration laws on campus, if a citation is issued, it is reported to the City of Long Beach and all persons, including students have to go to court. It is prudent to consider the potential that a district attorney could conceivably involve Immigration and Customs Enforcement.

23. What happens if I get sick on campus? May I use the health center?

YES, paying the mandatory Health Fee at registration entitles students to receive medical services at the Student Health Center regardless of residency status.

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

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.

25. Where can I go to find informed advisors about my status?

A number of on-campus offices, have individuals who are informed about the barriers encountered by undocumented students. See the Faculty and Staff Resource List of the individuals to contact for advice.

SECTION SIX – FACULTY AND STAFF RESOURCE LIST

Evelyn Daliwan edaliwan@csulb.edu	**University Outreach and School Relations**	985-7759*	BH 289
Jorge Reyes jreyes5@csulb.edu	**Enrollment Services**	985-7319	BH 123
Sylvia Craig scraig@csulb.edu	**Financial Aid**	985-8403	BH 123
Jesse Ramirez jram@csulb.edu	**Student Transition & Retention Services (STAR)/Student Orientation, Advising & Registration (SOAR)**	985-1896	FND 160
Elena Macías emacias@csulb.edu	**Office of the President**	985-8816	FND 252
Vivian Barrera vbarrera@csulb.edu	**College Assistance Migrant Program**	985-2006	LA3 202
Wayne Tokunaga wtokunag@csulb.edu	**Career Development Center**	985-5548	BH 250
Angi Carrillo-Humphreys mcarril3@csulb.edu	**Career Development Center**	985-8552	BH 250
Juan M. Benitez jbenitez@csulb.edu	**Center for Community Engagement**	985-7131	AS 120
Victor Rodriguez vrodrig5@csulb.edu	**Chicano Latino Studies**	985-8560	FO3 310
Rigoberto Rodriguez rrodri14@csulb.edu	**Chicano Latino Studies**	985-9295	FO3 308

Luis Leobardo Arroyo llarroyo@csulb.edu	**Chicano Latino Studies**	985-4640	FO3 303
Julie Rivera jrivera2@csulb.edu	**Chicano Latino Studies**	985-5891	FO2-211
Jose Moreno jmoreno7@csulb.edu	**Chicano Latino Studies**	985-2093	FO3 313
Esperanza Contreras econtre2@csulb.edu	**Chicano Latino Studies**	985-4644	FO3 300
Armando Vazquez-Ramos avazque4@csulb.edu	**Chicano Latino Studies**	972-0986	FO5 229
Rosa Moreno-Alcaraz rmoreno2@csulb.edu	**Counseling and Psychological Services**	985-4001	BH 226
Irma Corona-Nieto icorona@csulb.edu	**Educational Opportunity Program**	985-5637	LA1 119
Andy Espinoza aespinoz@csulb.edu	**Educational Opportunity Program**	985-5637	LA1 125
Susan C. Luévano sluevano@csulb.edu	**Library & Academic Tech**	985-5891	Library 417
Maria Mejia Hall mmejia3@csulb.edu	**Mi Casa: Mi Universidad Title V Grant - HSI**	985-5128	FND 120
Simon Kim skim6@csulb.edu	**Educational Psychology, Administration, and Counseling**	985-4525	ED2-187
Raquel J. Bazan rbazan@csulb.edu	**Tax Analyst**	985-7188	BH366
Tracy Woodard	**Test Officer, Testing & Evaluation Services**	985-8383	BH 216

Jamie Johnson jjohns12@csulb.edu	**Upward Bound**	985-7557	** Off - campus

*Area Code for CSULB is 562.

**5500 East Atherton, Suite 202, Long Beach, CA 90815

SUPPLEMENT – CURRENT IMMIGRATION LAW AND PROPOSED STATE AND FEDERAL LEGISLATION

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 student from accessing postsecondary education benefits unless a US citizen or national is eligible for the same benefit.
- Undocumented students barred 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 CSU 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 below have been pending for several years and will likely continue to be reintroduced. AB 540 students may be familiar with these and may seek information about the legislation. These include the US DREAM Act and the California DREAM Act. Students can be referred to http://www.nilc.org/ or http://dist22.casen.govoffice.com/.

State Legislation

- 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).

Under the proposed California Dream Act:

- AB 540 students will be eligible to apply for the Board of Governors (BOG) Fee Waiver at all public California Community Colleges.
- AB 540 students will be permitted to apply for Institutional Student Aid and compete for any student aid program administered by the attending college or university (i.e. State University Grant, UC Grant)

- ❖ AB 540 students will be eligible for State Administered Student Aid programs and allowed to apply for other statewide student aid program such as, but not limited to Cal Grants.
- ❖ AB 540 Clean-Up Language amendment will delete the term *high school* and substitute the term *secondary school* for the eligibility of exemption from out of state tuition rates. This will allow students who finish three years at continuation or adult schools to be eligible for exemption from out of state tuition rates.

FEDERAL LEGISLATION

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

Under the DREAM Act:

- ❖ High school graduates would be permitted to apply for up to 6 years of legal residence conditional status.
- ❖ During the 6-year period, the student would be required to graduate from a 2-year college, complete at least 2 years towards a 4-year degree, or serve in the U.S. military for at least 2 years.
- ❖ Permanent residence would be granted at the end of the 6-year period if the student has met these requirements and has continued to maintain good moral character.
- ❖ Federal provision that discourages states from providing in-state tuition to undocumented immigrant student residents would be eliminated, thus restoring full authority to the states to determine state college and university fees.

Dream Act Criteria

- ❖ To qualify for the DREAM Act, a student must have been brought to the U.S. more than 5 years ago when he or she was 15 years old or younger and must be able to demonstrate good moral character.

ACKNOWLEDGEMENT

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. The bill's author was Assemblyman Marco Firebaugh. State Senator Gil Cedillo is the author of the California DREAM Act.

This Resource Guide would not have been possible without AB 540 and other undocumented students who came forth in the AB 540 Support Group to express their experiences as college students. The questions are the result of actual situations encountered by AB 540 students and other unprotected immigrant students.

At Long Beach State, many of the advisors of AB 540 students are self-appointed. Their contribution and encouragement for the development of the Resource Guide was vital. Many are listed in Section Six. Particular individuals to be commended for their contribution to the Resource Guide include Vivian Barrera, Dr. Simon Kim, and Tom Enders. The Office of the President and the Division of Student Services funded the printing. The development of the Resource Guide is a collaborative effort by Irma Archuleta and Dr. Elena Macías.

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An on-line version of the Resource Guide is available at http://www.csulb.edu/ogcr/.