

# Immigration Status and Financial Aid



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# Goals of Presentation



- ❖ Overview of Different Immigration Law Statuses
- ❖ Ways People Obtain or Change Status
- ❖ How Status Affects the Student's Eligibility for State, Federal, or Private Aid



# Why Is This Important?



- ❖ To ensure that students (including undocumented students) receive an equitable education.
- ❖ It's important that educators and other personnel understand the unique needs of students
  - ❖ Who are immigrants themselves, or
  - ❖ Come from immigrant families.



# Who Am I?



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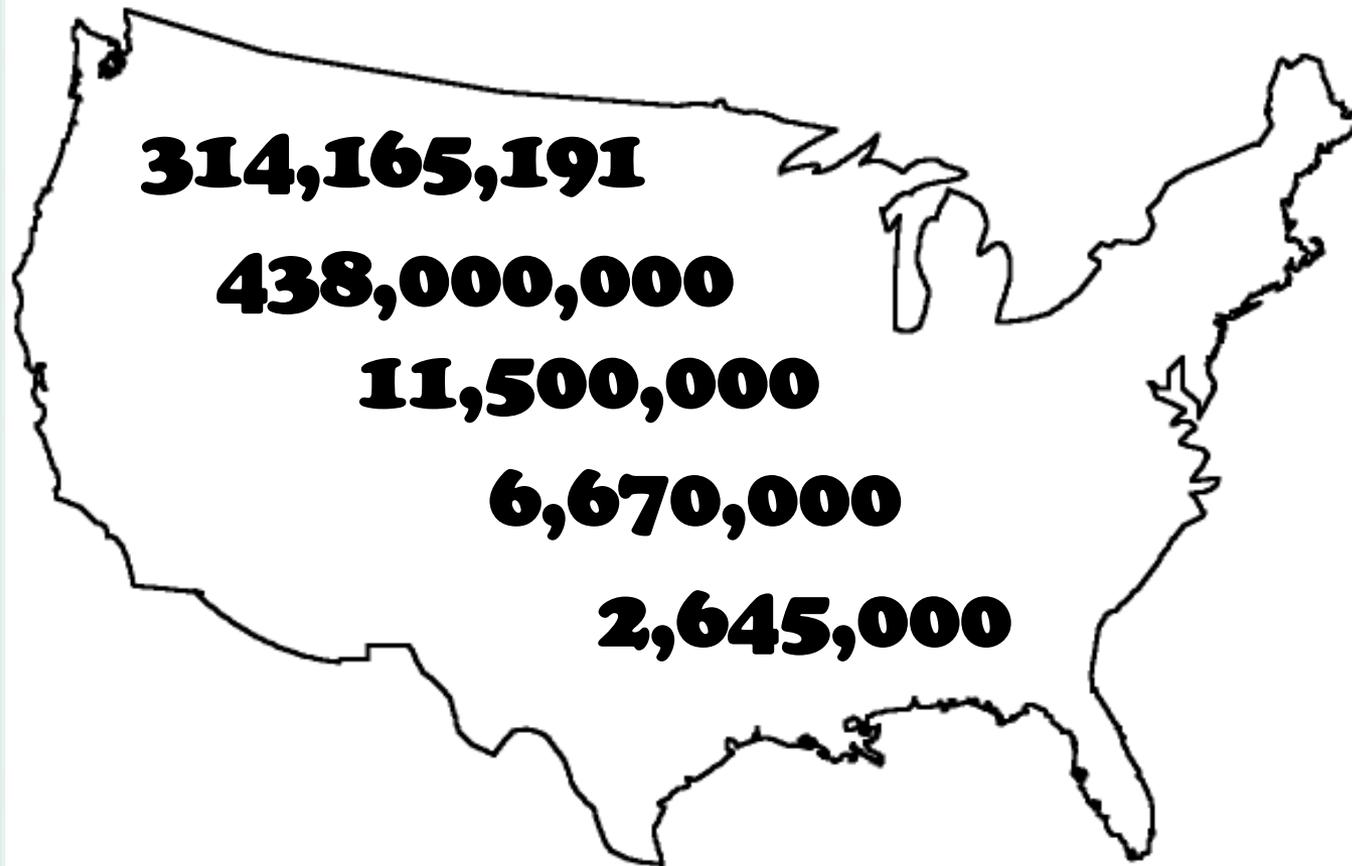
# By the Numbers



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**357,000**

# Four General Immigration Categories



## ❖ U.S. Citizens

Born on Soil, Acquisition, Derivation, Naturalization

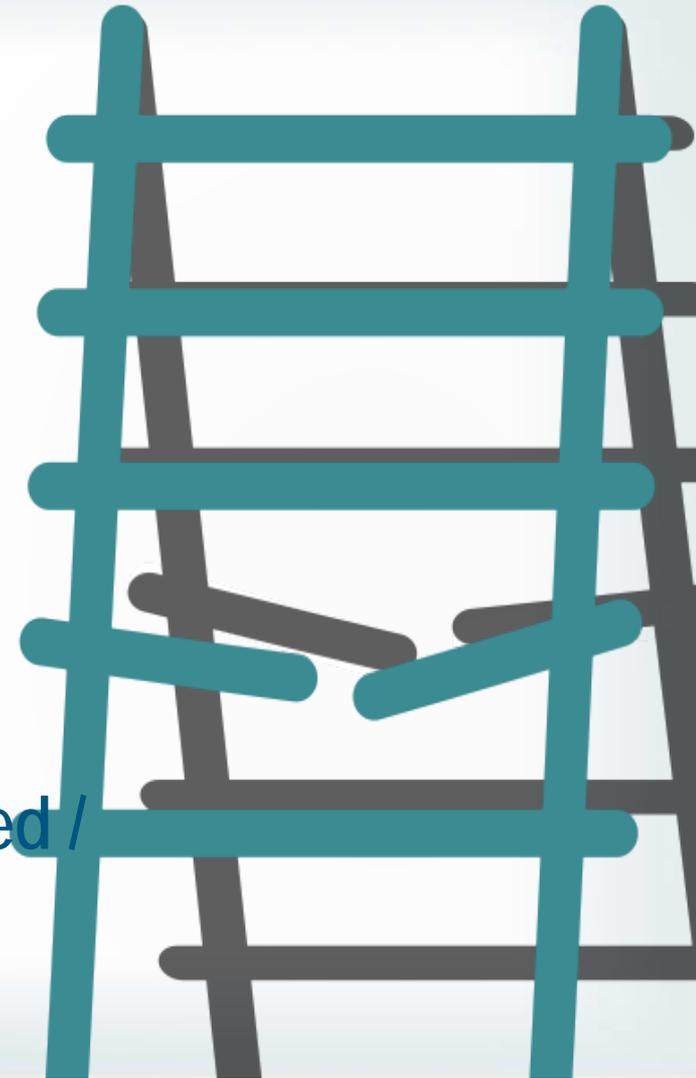
## ❖ Lawful Permanent Resident

Entitles the person to live and work indefinitely

## ❖ Visa Holder or Work Authorization

Asylee or Refugee, B Visa, F Visa, VAWA, T Visa, U Visa, H-2A, TPS, DACA, SIJS

## ❖ Undocumented / Under-Documented / "Undocumentable"



# Finding an Immigration Line



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- ❖ Three main areas of immigration law
  - ❖ Family
  - ❖ Employment (Employer-based petition)
  - ❖ Humanitarian (VAWA, T Visa, U Visa, Asylum, Refugee, SIJS)
- ❖ Legalization Program (1986)
- ❖ Long residence in the United States (01/01/1972)



# Visa Bulletin



- ❖ **First: (F1) Unmarried Sons and Daughters of U.S. Citizens:**  
23,400 plus any numbers not required for fourth preference.
  
- ❖ **Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents:**  
114,200 plus the number (if any) by which the worldwide family preference level exceeds 226,000 plus any unused first preference numbers:
  - ❖ **(F2A) Spouses and Children of Permanent Residents:** 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
  - ❖ **(F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents:** 23% of the overall second preference limitation.
  
- ❖ **Third: (F3) Married Sons and Daughters of U.S. Citizens:**  
23,400 plus any numbers not required by first and second preferences.
  
- ❖ **Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens:**  
65,000 plus any numbers not required by first three preferences.

# Visa Bulletin - March 2016



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Family-Sponsored	All Areas Except Those Listed	CHINA mainland born	INDIA	MEXICO	PHILIPPINES
<b>1</b>	08 AUG 2008	08 AUG 2008	08 AUG 2008	08 JAN 1995	01 APR 2004
<b>2A</b>	22 SEP 2014	22 SEP 2014	22 SEP 2014	15 JUN 2014	22 SEP 2014
<b>2B</b>	22 MAY 2009	22 MAY 2009	22 MAY 2009	08 SEP 1995	01 MAR 2005
<b>3</b>	01 OCT 2004	15 OCT 2004	15 OCT 2004	15 SEP 1994	08 DEC 1993
<b>4</b>	01 JUL 2003	01 JUL 2003	01 JUL 2003	01 APR 1997	15 AUG 1992

# The Need for Comprehensive Immigration Reform



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- ❖ The current system is dysfunctional and outdated, a patchwork of policies and programs.
- ❖ We need to bring our laws into the 21st century to meet the needs of families, businesses, and the country as a whole.
- ❖ Only Congress can pass laws – Congress has not passed an immigration bill.
- ❖ On November 20, 2014, President Obama announced executive action on immigration.



# Reality



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# General Information for FA Professionals



## ❖ Who is undocumented?

Students who are not US Citizens, US Nationals, or "eligible non-citizens." Refer to Your FSA Handbook, Volume 2, Chapter 2 for specifics.

## ❖ Are DACA Students Eligible for federal student aid?

No. However, they are permitted, and encouraged to complete a FAFSA.



# General Information for OHIO FA Professionals



## ❖ Do DACA students qualify for in-state tuition rates?

Maybe. If the student received their notice of approval I-797 form for DACA and meet requirements under one of the rules outlined by OBR, they may be.

## ❖ Does Parental citizenship affect aid eligibility?

No. It isn't even asked for on the FAFSA.

# General Information for OHIO FA Professionals



## ❖ How does a student answer the Citizenship Question on the FAFSA?

**Honestly.** "No, I am not a citizen or eligible non-citizen."

## ❖ What should a DACA student answer for State of Residency?

**Honestly.** They should put their true, fixed, and permanent home.

# General Information for OHIO FA Professionals



## ❖ How should DACAs answer the tax filing questions?

**Honestly.** Even undocumented people are required to file taxes if they earned income in the U.S.

## ❖ How should DACAs list household members?

**Honestly.** No different than anyone else.

# How can FA Professionals help?



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- ❖ Create Open and Welcoming Environments – withhold judgement
- ❖ Build Staff Capacity and Knowledge about Undocumented Youth
- ❖ Share information and Resources with youth and families
- ❖ Actively engage families and community organizations
- ❖ Provide additional academic supports to undocumented youth, if needed



# How can FA Professionals help?



Remember, the role of an aid administrator is to help students/families find a way to attend college, using regulations as a tool to establish a more educated nation – one made up 100% of immigrants.

# The alternative



Apprehension



Apprehension



Apprehension



Apprehension

**\$50.3 Billion**  
*Or \$10,070 per person*