Working with students with diverse immigration statuses: A guide for HS Counselors

Andrea Keenan
For MEFA
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About me

- Program Chair & Director Of College and Career Counseling at Excel Academy Charter HS in East Boston
- 11 years in education access, 6th as a HS counselor.
- Born in Mexico City
- Immigrant and first-generation, low-income college student
- Ally and Advocate
- A resource for you!
- akeenan@excelacademy.org

Student self-disclosure

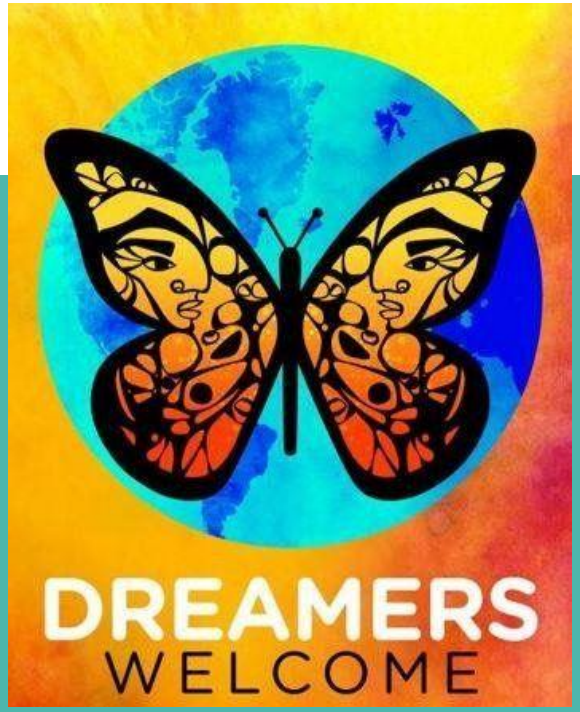
+

Counselor baseline knowledge

=

A safe, productive post-secondary planning process :)

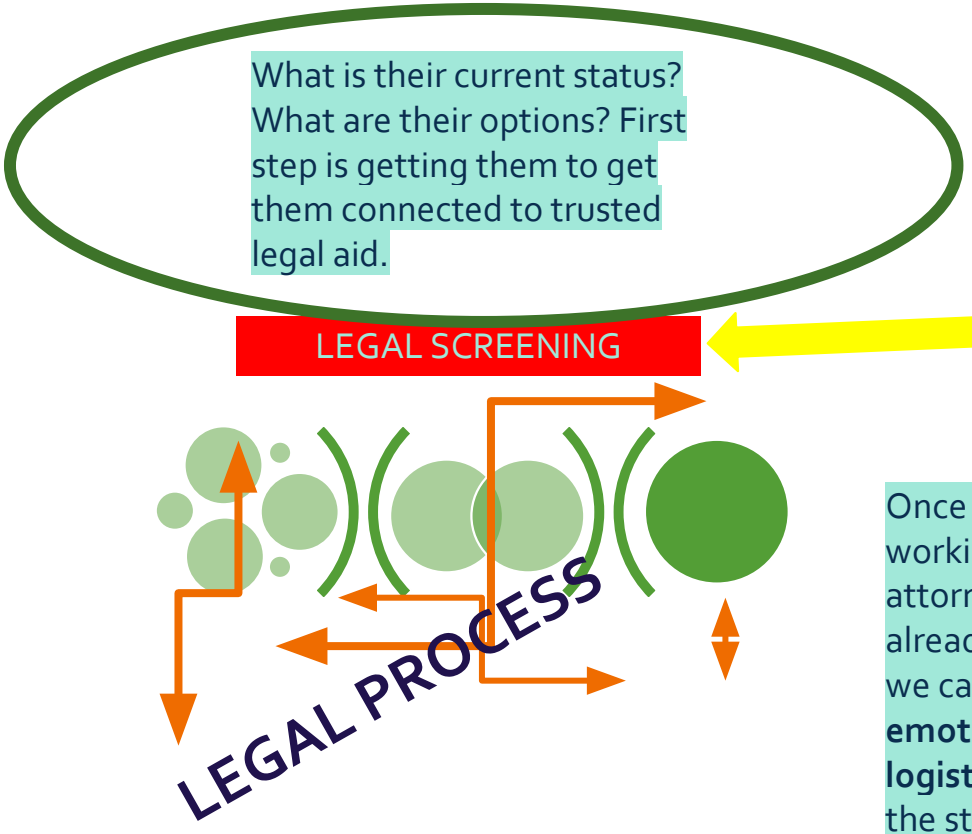
Part 1: Why students need to self-disclose…safely



What we will do and will not do to keep our students safe

- **Self-disclosure.** It needs to happen so we can help students, when they choose to ask for help. But we can **never** ask a student or family what their immigration status is.
- Please try to avoid writing emails with sensitive information, especially before a student or family has given permission to spread the information to others, regarding their status. Face-to-face information with and others when needed.
- Please do not keep a written list anywhere of who is undocumented in the main office or really anywhere when it includes first/last names + status in the same place. Major no!
- Think about your organization's stance on undocumented student allyship :)

As administrators, staff, and counselors, what is our role outside of post-secondary counseling?



They enter (or are already in) a legal process

Once they are working with an attorney (or if they already are) , what we can do is offer **emotional** and even **logistical** support for the student: Letters of support? Advocacy for time off to attend hearings?

FINAL OUTCOME:

Permanent Residency? Citizenship? Resist Deportation? Petition? Many other options!

Think about your MACRO strategies and your MICRO Strategies

WHAT do I mean by *strategies* and WHY do we need them?

For both types, you need to to:

- GET **CREATIVE**
- INCREASE **COMMUNICATION. This should not be a taboo topic, but we do need to be careful.**
- THINK ABOUT WHAT IS THE **RIGHT FIT** FOR THE STUDENT(S)
- TAKE INTO CONSIDERATION THE **SHORT TERM AND LONG TERM EFFECTS**

Strategy 1: keeping lists?

How can counselors do this safely?

Why is it important to get a good grasp of who may have immigration concerns?

- Connect with 9th/10th grade counselors... is there anything you should know?
- Figure out a non-written system that is 100% safe but also easy to use for all the counselors. And ONLY the counselors.
- Safe = no first names + last names attached to immigration status!

Strategy 2: Counselor calibration meeting

- This is an example of a “macro strategy” because you would implement this alongside your other counselors (or in your case, other advisers)
- We need this because targeted and strategic counselor advocacy goes a long way... especially for 4 year colleges (but not exclusive to it)
- Think of ways you can take meeting notes in a coded way. (student privacy is key!)
- Ideal timing: early/mid-December before regular decision application deadlines, but late enough that students have a better idea of where they want to apply.
- Counselors refer back to it and keep each other updated if there are updates.
    - Especially if involves a group strategy for college advocacy

How to talk to students

Step 1: Set the scene.
MAKE YOUR OFFICE
"**UNDOCUFRIENDLY**"

*How can we do this **virtually**?*

Think: Website, e-mail communications, stickers

The Atmosphere

Liberated and safe spaces must be welcoming environments that undocumented youth and their families can easily recognize even if they have never met the staff or volunteers working in the office.

On your door: Display-"I am an Unafraid Educator With and For Undocumented Students"

On your walls: Display posters from the immigrant youth-led movement

On your bookshelves: Include titles like-
•Publications from UCLA IDEAS like Underground Undergrads and Undocumented and Unafraid

Source: Erin Howard, BCTC Latino Outreach Director, 2014

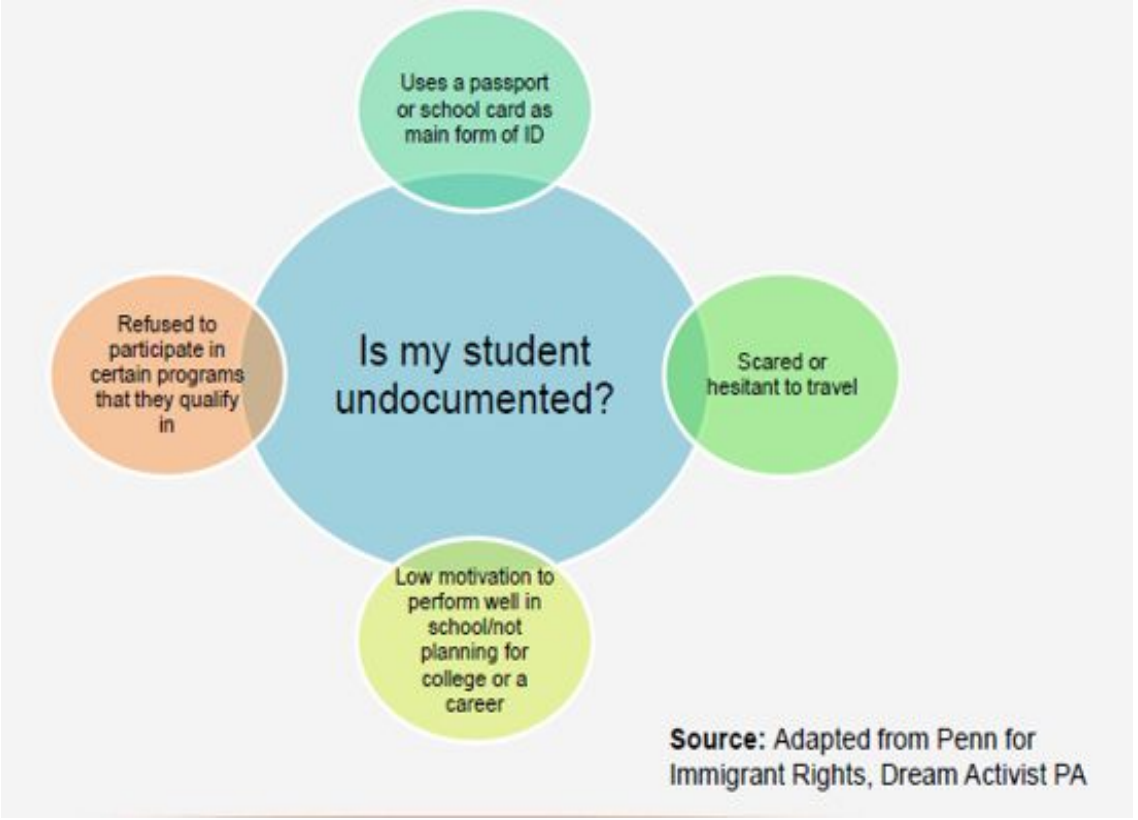
United We Dream

Like Us: Fb.com/UnitedWeDream | Follow Us: @UnitedWeDream | www.UnitedWeDream.org

How to talk to students

Step 2: Assess the situation and ask yourself:

1. **Do you know their status?**
    a. **If NO, but you suspect something…** give students and families chances to tell you (but obvi don't ask) "Is there anything else you want to share that would help me advise you better about life after High school"?



How to talk to students

Step 2: Assess the situation

1. **Do you know their status?**
    a. **If YES, how did you find out about their status?**
        i. **Did they share it with you?**
            1. If yes, did they give you permission to share it with others? If you forgot to ask when they first self-disclosed, don't fear coming back to the subject. **Honesty,** and **communication** with the student are key.
                a. "Hey, so remember when you shared with me about your immigration status. (again thank you for trusting me!), so I wanted to ask you, would it be OK for me to share what you told me ONLY with _____ (be specific) so that they can help me as I help you?" "This person has expertise with this…"
        ii. **Did you hear about it from others?**
            1. Then unless the student gave permission for that person to share it with you, it's as if you didn't know. Go back to the person and ask them to ask the student for permission to share with you and the reasons why. We need to normalize RESPECT for these students in our schools, first and foremost.
            2. OR it's as if you didn't know and GO BACK TO (a) and give the student the space, respect, and earn their trust so they tell you too. It may take a little longer, but the payoff is greater… it will make for a stronger counselor-student dynamic that will carry you through the rest of the year and their process.

How to talk to students (cont'd)

Then, make space in your calendar to have as many check-ins with these students (and families as possible for you and your program) throughout the year... for me it's as often as I can, even if it's just 2 min in the hallway.

-Clear, concise, and warm communication is key to keep their trust.

- If you don't know an answer, be honest about that. (this is tough even for seasoned counselors). Own it, tell them you will fact find, then when you have the answer, loop back with them asap.

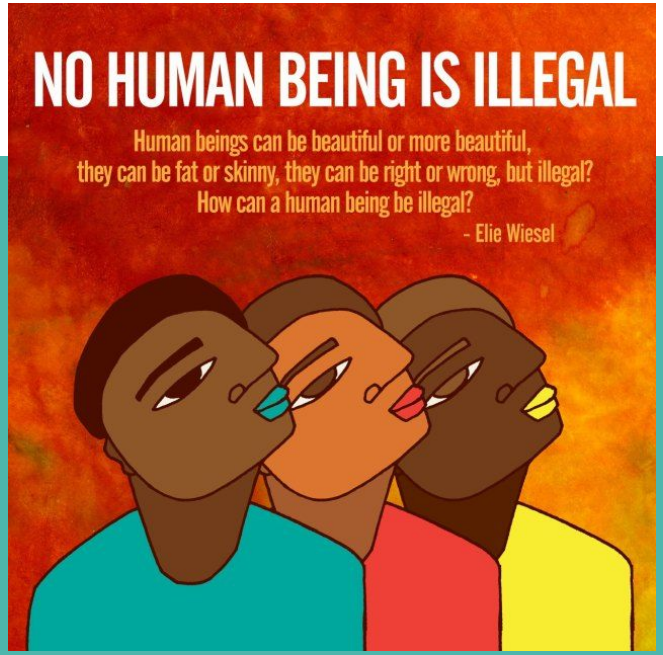
- Walk with them through the process. Ask their opinions, give them options and ask for their feedback.

How to talk to students (cont'd 2)

Tough convos:

1. When you know the student does not qualify for federal aid:
    a. That doesn't mean they don't qualify for any other aid. Make that clear to the student.
    b. Take your student through your thought process, think through scenarios with the student... they appreciate that.
    c. If the student is completely undocumented, explain to the student that public colleges are the least affordable, and that their list will be smaller, but that every college/program they apply for will be very intentional!
    d. Start applying to private scholarships ASAP. Engage/motivate the student with incentives...

Part 2: Building/Solidifying our baseline knowledge



The Landscape

Key concepts to ground us

1. Pathway to Citizenship
2. Dreamers / Dream Act
3. Being “undocufriendly”
4. Sanctuary City
5. (or sanctuary organization…)

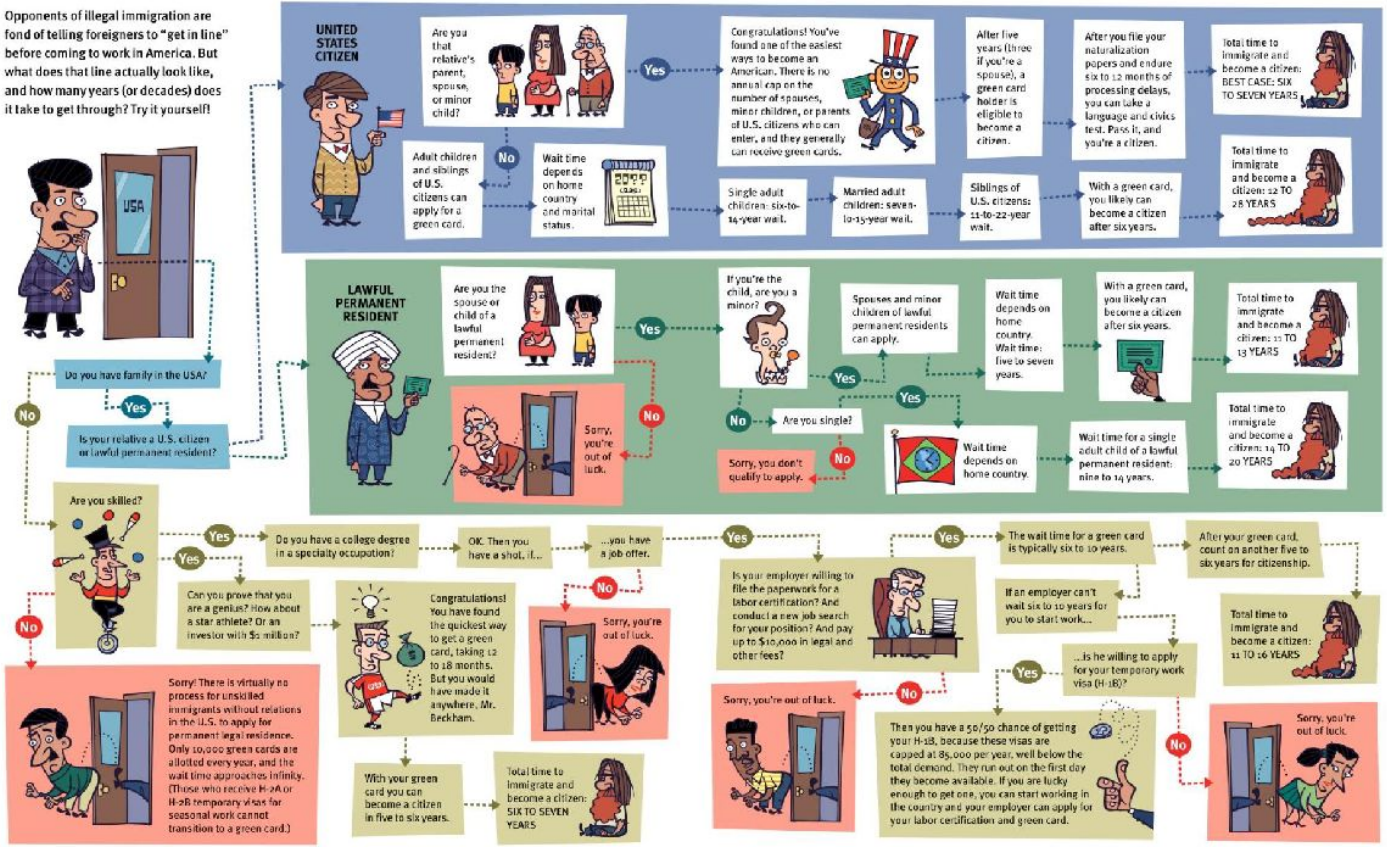
Some numbers...

- It takes on average 10 to 16 years for a “skilled worker” to even get on the pathway to citizenship or become a citizen.
- Much longer, if ever, for everyone else.
- This is why the push for comprehensive reform matters.

What Part of Legal Immigration Don't You Understand?

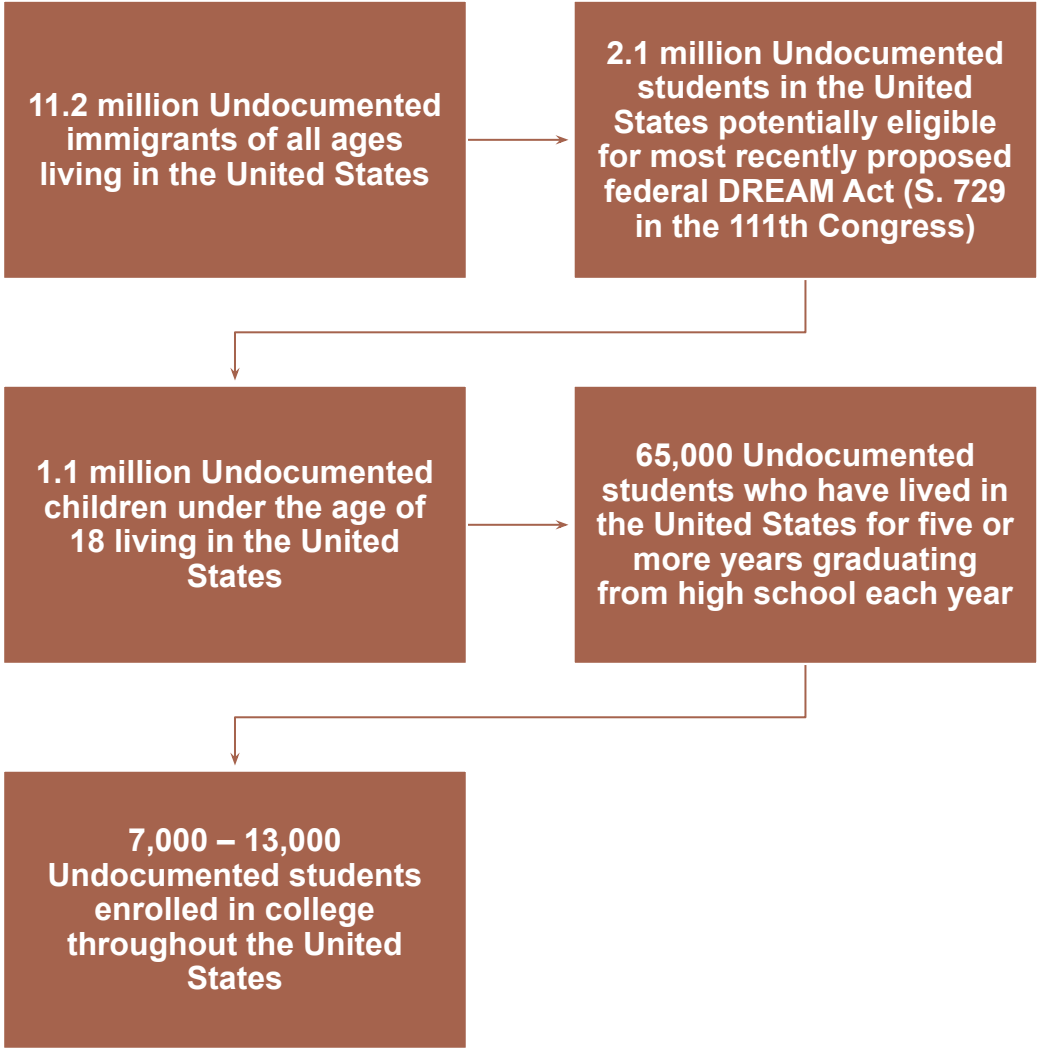
Mike Flynn and Shikha Dalmia *Illustrated by Terry Colon*

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!

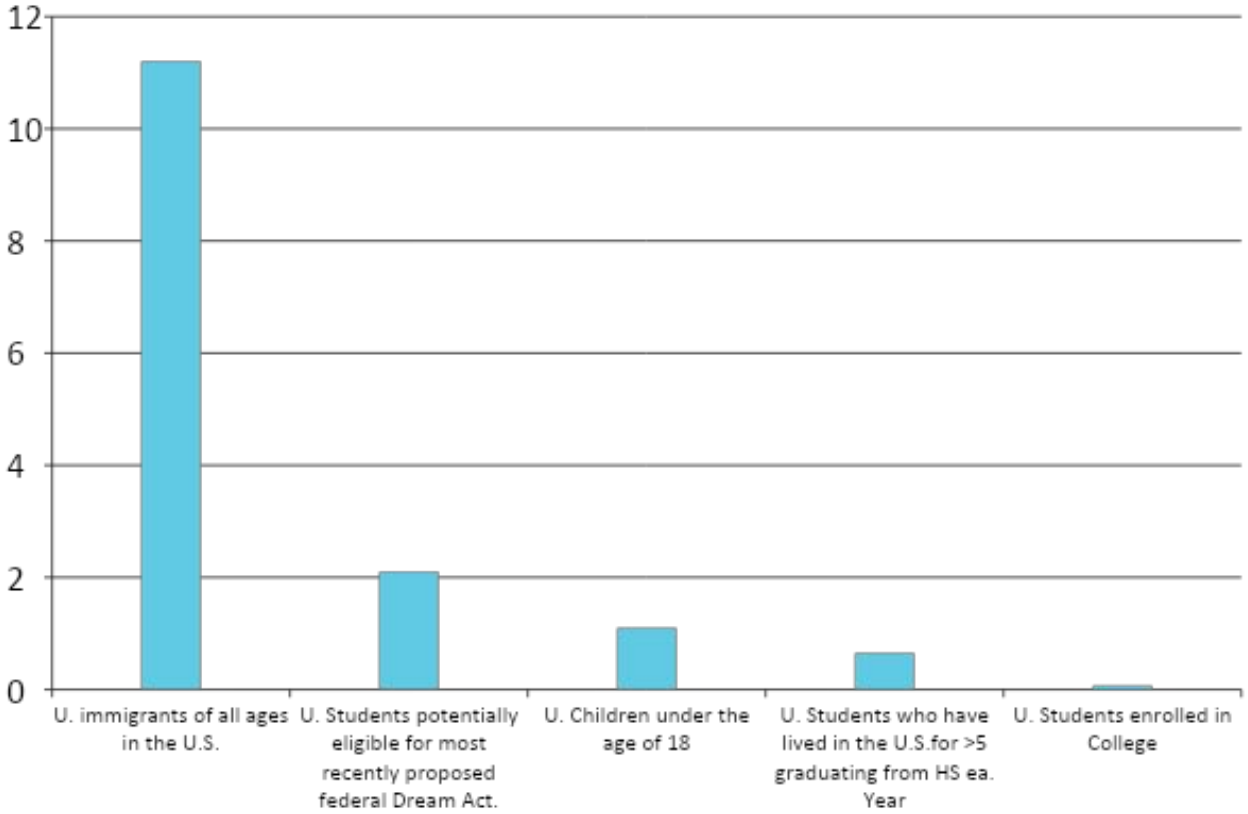


(Flynn is director of government affairs and Dalmia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)

In the U.S. FIgures, courtesy of the PEW center



Or put a different way…



The larger Context

- US National
- Naturalized citizen
- I-94
- Asylum granted
- Asylum pending
- Refugee
- TPS
- Permanent resident
- Conditional permanent resident

- T Visa
- U Visa
- J and F visas
- Other temporary Visas
- DACA
- Family sponsored visas
- VAWA self-petitioner
- Special Immigrant Juvenile Status
- Undocumented

Differences between cards

Permanent Resident Card

(2010)

Employment Authorization Card

Both these cards give the holder a **USCIS #,** but only one makes its holder eligible for Federal Financial Aid
(USCIS# is otherwise (formerly) called the **A# or ARN,** which is still used on the FAFSA!)

Sources: http://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook&awardyear=2015-2016 and
https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents

To make things more complicated...

We need to know about i-94s as well - they come in electronic or paper forms

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

Departure Record

442415050 21

ADMITTED NYC JUL 10 2007

SMITH
MARY
13 05 79
PHILIPPINES

CBP Form I-94 (05/08)
See Other Side
STAPLE HERE

U.S. Customs and Border Protection
Securing America's Borders

Get I-94 Number | I-94 FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

Individuals can visit **www.cbp.gov/I94** to retrieve a copy of their electronic Form I-94.

What is the often proposed DREAM ACT? Originally…

- **D**evelopment,
- **R**elief, and
- **E**ducation for
- **A**lien*****
- **M**inors

http://www.politico.com/story/2010/11/obama-wants-dream-act-soon-045243

What is DACA?

http://www.uscis.gov/es/acciondiferida

Immigration policy as an Executive Action, that allows certain undocumented immigrants who entered the country before their 16th birthday and before June 2007 to receive a renewable two-year work permit and exemption from deportation.

Deferred Action for Childhood Arrivals (DACA)

Requirements:

1. Entry before June 15, 2007
2. Entry before turning 16 years old
3. Born after June 15, 1981
4. Undocumented on June 15, 2012
5. Be in school or have graduated from high school
6. Have no felony convictions, no more than 2 “significant”misdemeanor convictions

Deferred Action for Childhood Arrivals (DACA) - current status

FROM USCIS:

- On Oct. 5, the U.S. Court of Appeals for the Fifth Circuit issued a decision on the 2012 Deferred Action for Child Arrivals (DACA) policy. The court partially affirmed the district court's July 2021 decision declaring the 2012 DACA policy unlawful. However, the court of appeals preserved the partial stay issued by the district court in July 2021 and remanded the case back to the district court for further proceedings regarding the new DHS DACA regulation published on Aug. 30, 2022 and scheduled to go into effect on Oct. 31, 2022.

- At this time, this ruling does not affect current grants of DACA and related Employment Authorization Documents. Consistent with the court's order [PDF] (PDF) and the ongoing partial stay, we will continue to accept and process renewal DACA requests, accompanying requests for employment authorization, and applications for advance parole for current DACA recipients, and will continue to accept but not process initial DACA requests.

- Renewal applications are being granted (students should apply 120-150 days before expiration date!!!!)
- What is the future of DACA? - check out United We Dream for the most up-to-date info! Very user friendly and family/student-facing resource

TPS: Temporary Protected Status

Employment Authorization card holders

Granted to nationals of countries in crisis who are presently in the U.S.

TPS is granted in periods, after which TPS designation for a country can be renewed.

According to MIRA, these are some restrictions:

- Cannot apply for TPS from home country
- Does not lead to a green card
- Cannot petition for family members

Work authorization of certain TPS holders is automatically extended

- Haiti, El Salvador, Honduras, Nepal, Nicaragua and Sudan -work permit extended to December 31, 2022

New TPS designations:

- Venezuela (residence since 3/8/21)
- Haiti (residence since 7/29/21)

Info courtesy of MIRA

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Some of the barriers faced by Undocumented students

(students with no documentation, even work authorization)

Not all fall under the profile of a "high achieving student"

Ineligible for specific degrees/professional licenses that require state certification(this varies from state to state)

It's harder to travel abroad and domestically (limited access to state ID, driver's licenses **and REAL ID barriers,** DACA)

Not eligible for many paid internships (that are funded by or connected to state or federal funding)

It's harder to find financial aid for college and PS opportunities

STAY INFORMED + NEXT STEPS

1. **Search for the closest Immigrant and Refugee Coalition to you - local is best when pointing specific families to trusted legal aid. In Massachusetts, it's MIRA!**

2. **Refer to trusted legal sources on line like**
   a. Catholic Legal Immigration Network
   b. National Immigration Law Center (linked earlier too!)
   c. The Immigrant Legal Resource Center has the red "know your rights cards" available

3. **Know about IMMIGRANT-led organizations and advocacy groups**
   a. One of the longest running is UNITED WE DREAM. The organizers there were the backbone of the early 2010s push for reform that brought forth DACA.
      i. They have a definitive Know your Rights Guide
   b. Immigrants Rising (originally started by educator allies)
   c. ImmSchools - a wonderful new immigrant-led org has great toolkits for educational organizations. I linked their poster in an earlier image

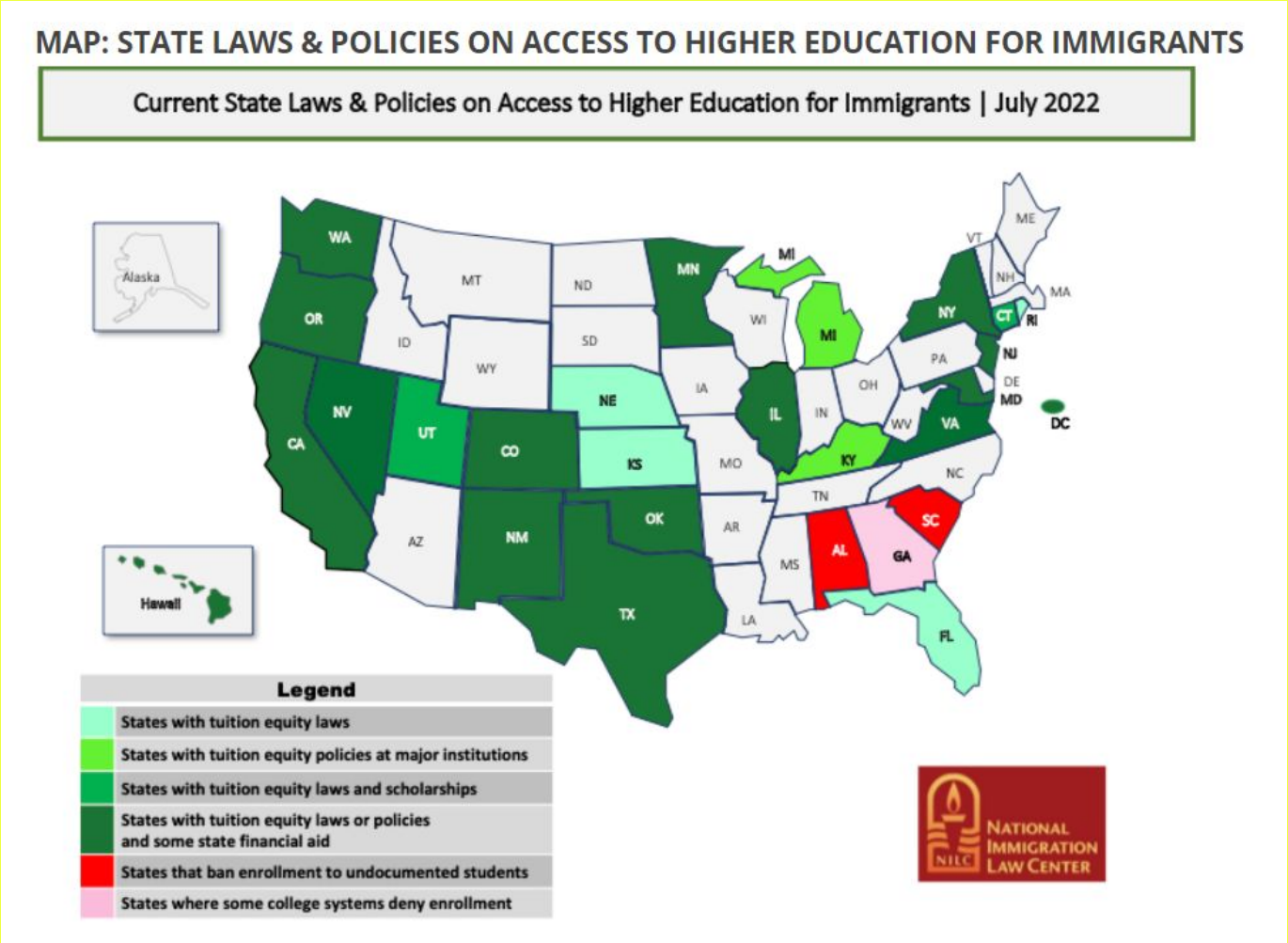
Admissions policies + financial aid

Admissions policies

- There is **no federal law** that prohibits the admission of undocumented immigrants to U.S. colleges.

- Federal or state laws **do not require students to prove citizenship** in order to **enter** U.S. institutions of higher education (private.) Some public campuses have differing policies.

I cannot recommend the ***National Immigration Law Center*** *enough :)*



Important Financial aid reminder

1. **Who is eligible for Federal Fin aid and who is not?**
    a. Remember, the list of who IS ELIGIBLE is way smaller than who is ineligible.
    b. The next three slides will help.
    c. Finally, because there are SOOO many statuses out there, make sure you fact find thoroughly with your student ***after they self-disclose*** to make sure you know exactly what their status is. ***Many students might actually not be sure. It's best to engage them here, to fact find.

Who is eligible for Federal Financial Aid?

Check out Volume 1, Ch. 2 of the 2021-2022 Federal Student Aid Handbook. This is what Financial Aid offices use as their handbook... not light reading, but the most thorough description of who is eligible for Federal Title IV funds.

- U.S. citizens or nationals
- U.S. permanent residents
  - *(I-551, I-151, or I-551C, etc.)*
- **Eligible non-citizens**

Permanent resident card holders

“Eligible non-citizens”

Check out Chapter 2 of the Federal Aid Handbook for Fin Aid officers

I-94 (Arrival-Departure Record) Given out by DHS:

- Persons granted asylum
- Refugees
- Persons paroled into the U.S. for at least one year
- Battered immigrants, qualified aliens and their designated children- VAWA
- Conditional entrants if their documentation has not expired
- Cuban-Haitian entrants

T- Visa:

- Victims of human trafficking

Differences between cards

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What does this mean for the…

FAFSA?

Only students with a SSN may apply. If a student filling out FAFSA has one or two undocumented parents, the parent(s) can insert
ooo-oo-oooo in lieu of a SSN. (DACA and TPS: For Institutional aid only/ save SAR for some private scholarships)

CSS Profile?

All Students may apply. Encourage your students to be honest about their status in the "Explanation/Special Circumstances Section." For Institutional aid only.

International vs Undocumented

- **International Students**
  - J1 or F1 Visa required
  - Separate application process
  - Must show bank statement as proof of affordability

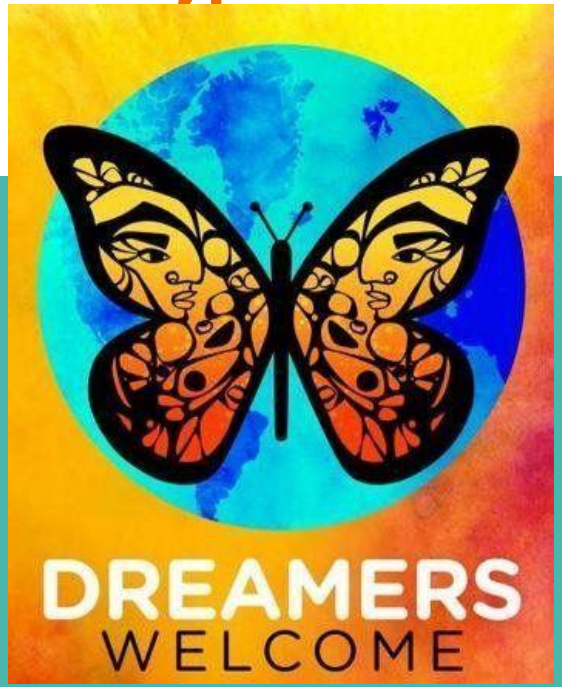
- **Undocumented Students**
  - No Visa required
  - Same application as domestic student
  - Should not required to show income information

Institutional policies

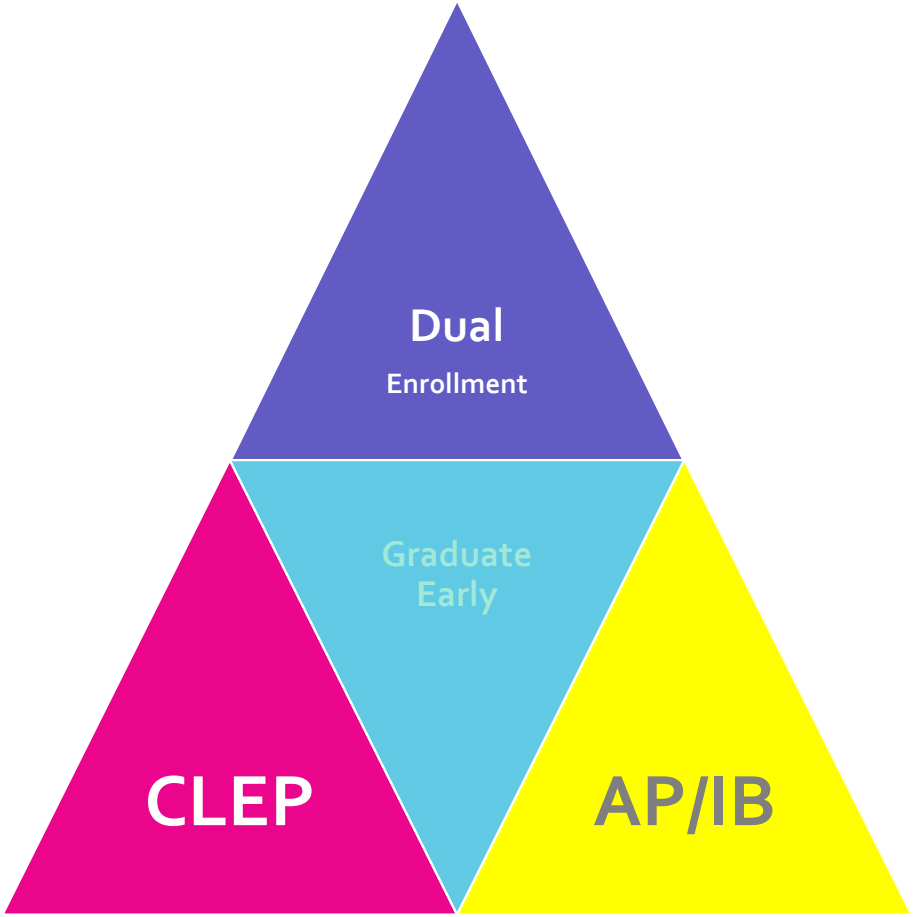
- Institutional Aid may be available. Policies vary from school to school, but some may give students merit awards.
- **Be honest about immigration status.** Colleges are prohibited from releasing information unless under court order.
- Connect with someone in the Admissions office who works with Multi-Cultural Students or International Students to ask about scholarship opportunities.
- The student might be considered “Domestic” for Admissions and “International” for Financial Aid.

Adapted from Immigrants Rising.org

PART 3: A deeper dive… Post-Secondary counseling for different types of HS students



Other Tips while in High School



How do you counsel....
A student with a GPA of 3.8 +?

- 3.7-4.0 =In my experience, this group warrants a high level of creativity Essay, demonstrated interest, and interview becomes VERY important. Is their application telling THEIR authentic story?
- 4.0+ - the biggest hurdle here is family literacy and crafting the student AND parent/guardian's College-going identities. Would the student have more opportunities if they were able to go to a College that's farther away? What's the family context? Is the student an emotional or financial caretaker at home?
- Read online lists and ask colleagues for recent "undocufriendly colleges" in your area. *Generally speaking, if a college has a section titled: Undocumented students,* or *DACA, Dreamers...* they are most definitely undocu-friendly.
    - Utilize Rep visits...fact-find, PUSH, advocate!

How do you counsel….
A student with a GPA between 3.0 and 3.7?

- Think about strategic undermatching and colleges that give “merit aid” scholarships
- Can the student live at home? If so, saving $ on Room and Board can be the difference-maker
- Do students have relatives in other parts of the state or the country?
    - Ex. California, or able to attend smaller private colleges who give good merit aid

How do you counsel....
A student with GPA below 3.0 or hesitant about going to college?

- WHAT ARE THEIR CAREER ASPIRATIONS? Don't feed the "you have to go to College just to go to College narrative." It's a OK narrative early in HS and very prominent and important culturally, depending on the family... but in senior year, students need a dose of career-focused vocabulary. What are their skills? Interests?
- 2-4 year programs: In Boston for example: DUET*, Endicott Boston, BFIT, Quincy College, UMASS Online, Community colleges if they qualify for in-state tuition.
- If a student has a work permit and is career focused: Vocational programs, career and technical apprenticeships. Example: Year up
- **If no work permit, encourage students to connect with Student immigrant movement. Also, to learn how to be independent contractors! They can still attend College or other programs, but they should get connected to legal aid too!**

Some additional scholarship resources

1. **MALDEF's Scholarship Resource Guide:** https://www.maldef.org/resources/scholarship-resource-guide/

A great, inclusive list of scholarships that do not require citizenship status to apply.

2. **Dreamer's Roadmap App:** http://dreamersroadmap.org/
3. Different states have their own resource guides via community based organizations- check out this guide as an example of the La Plaza organization in Indiana
4. **Immigrants Rising's scholarship resource guide PDF for undergraduates:** https://immigrantsrising.org/2020scholarships/

Thank you!

Questions?

Andrea Keenan
akeenan@excelacademy.org
(617) 800-9224