

**DANOS UN CORAZON FUERTE PARA Luchar (GIVE US A HEART STRONG ENOUGH TO STRUGGLE):
LIVING UNDOCUMENTED**

ABSTRACT

Living undocumented means you have experienced discrimination, exclusion, and fear. You ask how can a person “be illegal?” You know what it means to be abused by unethical employers, and you have been told by others that you have no right to fight back. Yet, you refuse to live in a state of invisibility. You call for fair opportunities to get a higher education and for a pathway to citizenship. You are a proud DREAMer, an undocuscholar who doesn’t give up.

DREAMers are young immigrants who came to this country without documentation, without a legal status or whose visas expired. They have started a movement to call for social change and a recognition of the contributions of undocumented immigrants. DREAMers are hardworking adolescents who strive for academic and professional excellence. They have started student groups in high schools, in colleges, and in the community to fight for their rights and to address the lack of resources available to them to complete their college education.

In this chapter, we will examine the barriers and challenges DREAMers face living in the United States as unauthorized immigrants. We will look at the difficulties they have accessing and completing a college degree, including efforts to make colleges pay attention to their unique needs as students. We will also discuss the attitudes and unfair treatment DREAMers encounter prior to enrolling in college, along with their experiences living in high poverty and needing to help their families. We will highlight critical California legislation that has improved DREAMers’ ability to obtain college degrees and discuss a framework for immigration reform that creates a welcoming roadmap to citizenship. Finally, we will address the impact of the presidential election on DREAMers.

ALIANZA is a collective of active college students, educators and community activists working for Comprehensive Immigration Reform.

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Special Thanks to Chico State, Leaders Educating for the Advancement of Dreamers (LEAD)

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DREAMers

Estella was 10 years old when she and her mother crossed the U.S. border from Mexico with six other immigrants. They walked in the desert for over 10 hours and rarely took breaks. There was little food and water. As risky as this journey was, her mother believed it was worth it for Estella to have a better life. As a college student today, that experience will be forever etched in Estella's memory. Each day she reminds herself that she will never give up. Her dream is to complete her education and become an immigration lawyer. She tells her friends, "I will work hard to succeed and make my parents proud.

I am part of the solution, not the problem."

The United States (U.S.) has long been a key destination for immigrants like Estella and her mother, along with many others from all over the world. According to the U.S. Department of Homeland

¹ Lyric from a hymn by the singer-songwriter and priest Juan Antonio Espinosa

Security, of the total 11.4 million undocumented immigrants living in the United States in 2012, nearly 8 in 10 (78% or 8.9 million people) are from North America, including Mexico, Canada, the Caribbean, and Central America. The largest share is from Mexico (59%). The next largest populations are from Asia (15% or 1.3 million) and South America (8% or 0.7 million). This chapter will focus on one segment of the immigrant



population, young undocumented youth, or DREAMers, who were brought to this country as children.

The term DREAMers originated from a bill in Congress, introduced in 2001, called the DREAM ACT (see Appendix B). DREAM was short for Development, Relief and Education for Alien Minors. This Act never passed, even though many versions have been reintroduced since 2001, the last in 2013.

Had it passed, as many as 2.5 million undocumented youth, or DREAMers, would have been provided an affordable public college education and military service opportunities, providing them with a pathway to citizenship.

Most DREAMers have lived in this country for most their lives, usually arriving in the U.S. between the ages of 5 and 12 years of age. They have been called “Generation 1.5”. Born in another country but arriving in the U.S. as young children, they are distinct from both the first and second generations. The name DREAMer, although it had its origins in the DREAM ACT, is appropriate for another reason, as immigrant youth have high hopes and dreams for a better future. They came with their parents who wanted a better life for their children; some came to escape political or economic conflicts in their native countries; a great many put their lives in danger crossing the border; and some came legally with visas, but their visas expired.

Life in the U.S. is often difficult for DREAMers for several reasons. First, debates over U.S. immigration policy are often divisive and anti-immigrant rhetoric has become prominent. Second, immigrants have witnessed over the last several years an increase in the number of deportations, workplace raids, and restrictive local and state laws, heightening feelings of exclusion, discrimination, fear, uncertainty, and perpetual stress. Third, negative characterizations and stereotypes of undocumented immigrants take a hard toll on many immigrant families. Mayra, a DREAMer who came to this country when she was 5 years old, has been called *illegal*, *alien*, *foreigner*, and *not American*. These terms serve to criminalize and dehumanize Mayra and millions of others like her. They are used to justify abuse by unethical employers who take advantage of many immigrants' fears of speaking up, making them work long hours, for example, in agricultural fields with few breaks and difficult working conditions. Min-Jun and others have been told that they have no right to fight back and no right to live and work in this country, despite having lived most of their lives in this country, and knowing no other country but the U.S. Violeta watched helplessly as her mother died prematurely as she did not have access to adequate medical care.

DREAMers cannot work unless they have a valid social security card reserved for those with legal status, and they can't travel out of the country to visit family and friends because they may be denied reentry to the U.S. Without legal status, they can face deportation at any time to countries they barely remember or do not know at all. DREAMers are often forced to live in the shadows, sometimes having to move every six months to remain hidden from U.S. Immigration and Customs Enforcement (ICE). They often watch with fear and hopelessness as family members and friends are deported, not knowing when they will be able to reunite with their families. Many times, parents of DREAMers did not tell them about



their undocumented status to protect them from verbal and physical discrimination. However, they often learned firsthand of their status when they were asked for a social security card, when applying for a job, or applying to college.

EDUCATION

Despite their high aspirations, undocumented youth have low educational attainment rates. According to the Pew Research Center, 47 percent of undocumented adults aged 25 to 64 have less than a high school education, compared with eight percent of U.S. residents.² They also have low college attendance rates even though DREAMers are well aware that a college degree is often a critical step toward fulfilling their desire for a stable career.

There are approximately 80,000 undocumented immigrants that turn 18 each year and sadly, 16 to 20 percent of them do not graduate from high school. Of the approximately 65,000 that graduate each year, only about 5 to 10 percent go on to college and only about 1 to 3 percent obtain a degree. Undocumented immigrants have a right to obtain a K-12 education, but not a college education. In 1982, the Supreme Court issued *Plyer v. Doe*, a landmark decision that stated all children, regardless of immigration status, were entitled to a free public education in public primary and secondary schools. Supreme Court Justice Blackmun effectively argued that "when a state provides an education to some and denies it to others, it immediately and inevitably creates class distinctions of a type fundamentally inconsistent with the purposes of the Equal Protection Clause because "an uneducated child is denied even the opportunity to achieve." Unfortunately however, this law did not include college enrollment.

² Passel and Cohn, *A Portrait of Unauthorized Immigrants in the United States*, iv.
<http://www.pewhispanic.org/2009/04/14/a>

There are many barriers preventing undocumented students from entering college. In the past decade, debates over immigration reform have been heated, especially as they relate to whether DREAMers should be provided financial aid and/or in-state tuition, which is the ability to pay the same tuition rate as state residents pay. Some opponents of immigration reform have even argued that undocumented immigrants should not have the right to enroll in

postsecondary education and enacted state policies to that effect. In 2008, for example, South Carolina prohibited undocumented students from enrolling in public postsecondary institutions. Alabama also passed a similar

draconian law in 2011. Supporters of this view argue that undocumented students live illegally in the U.S. and, therefore, are not deserving of any services; it is unfair to legal residents to “reward” this type of “illegal behavior”, they say.



In the absence of the DREAM Act or any federal direction on the issue of a right to a college education for DREAMers, states can determine their own policies. Currently, only 16 states provide in-state tuition provisions, passed through their state legislative processes. In addition, five states offer in-state tuition through their state boards of higher education or by the advisement of the state attorney general. Even the Federal DREAM Act, as currently written, does not require states to provide in-state tuition. The DREAM Act lets states decide whether they will or will not offer in-state tuition, making access to college across the U.S. very unequal. Thus, DREAMers have advocated strongly on behalf of future federal immigrant legislation that would be inclusive of in-state tuition in all states and enable federal access for eligible students to federal programs such as Pell grants, federal work-study, and federal student loans. Without nationwide in-state tuition, states like North Dakota, Georgia, Arkansas, and Nevada, all of which have large undocumented populations and do not have in-state tuition policies, have made it very difficult and oftentimes impossible for DREAMers to attend college.

Why is there so much opposition to DREAMers obtaining an education? Regrettably, antiimmigrant rhetoric has shaped the way immigrants are viewed and the opportunities they are afforded. This negative picture, however, is generally overshadowed by the successes of immigrants. When enrolled in college, DREAMers are often high achieving students, or “undocuscholars.” The image of the high achieving student is in clear contrast to the image of the DREAMer as unqualified and unworthy of an education. Compared to their documented counterparts, DREAMers consistently hold higher GPA averages, according to the University of California, Los Angeles Center for Labor Research and Education’s hearing and conference in 2007. It is not unusual to find DREAMers as honor students, exceptional students in search of a better life. They consistently debunk the negative stereotypes often attributed to undocumented individuals.

CONTESTING THE NEGATIVE CONSTRUCTION OF IMMIGRANTS: STANDING UP FOR CHANGE

Over the last 15 plus years, DREAMers have emerged as a powerful force with effective and compelling messaging. They have become the important and vital face of immigration reform. Part of their messaging was storytelling that helped the public, legislators, other college students, faculty, administrators, and other policy makers understand who they were as people and as advocates. In California, as in other states, DREAMers organized campus clubs and worked with well-established networks (see Appendix C).

DREAMers are a powerful, dedicated group of student political activists. They proudly stand for social justice and publicly state: “Unafraid, Unapologetic, and Undocumented.” As activists, they refuse to live in a state of invisibility and fear. They call for greater access to higher



education and for a pathway to citizenship. They have changed the language around their status and proudly call themselves undocumented scholars and predocumented, not undocumented. Living with strong hearts they are resilient and imaginative. They live their lives with meaning and determination to make the world a better place and believe they have a right to be heard, to be safe, and to be treated fairly. As leaders, they stand up for their beliefs and values and purposefully choose not to keep their status private.

DREAMers know they have a great responsibility to be accountable to themselves and other predocumented individuals, but also to their families, allies, organizations, and citizens working for comprehensive immigration reform and justice for immigrants. Their accountability and conscious decisions are often guided by the Iroquois proverb, “In every deliberation, we must consider the impact of our decisions on the next seven generations.”

As DREAMers, they have transformed the immigrants’ rights debate and have talked about the civil rights of immigrants, the right of immigrants to live their lives full of hope and dignity. Immigrant rights are human rights, the basic rights and freedoms to which all humans are entitled, whether or not they are documented. They have transformed the dialogue from only asserting legal rights and the right to a pathway to citizenship to one that also includes and recognizes locally, statewide, and nationally that they are a politically autonomous group with the right to rights. Their vision is inclusive and their fight is for social and policy change. Given the chance to gain an education and the ability to maximize their skills and talents, they can contribute substantially to the long-term growth and prosperity of the nation embodied in a vision for empowerment, integrity, equality, and justice for all.

DREAMERS/DACA AND THE TRUMP EFFECT

The 2016 presidential election has dramatically shaken but not eliminated DREAMers ideals and vision for empowerment. While running for office, Presidential candidate Donald Trump put forth

tough immigration stances including promising to fully fund the building of a wall along the U.S.-Mexico border, arguing that Mexico was sending "criminals" and rapists to the United States, advocating for the creation of a deportation force to deport millions of undocumented individuals, as well as endorsing the extreme vetting of Muslim noncitizens seeking entry into the U.S. He also promised to end President Obama's executive decision program, Deferred Action for Childhood Arrivals (DACA). Obama created this program because the U.S. Congress could not pass comprehensive immigration reform. This program enabled undocumented immigrants who came to the U.S. before age 16 to have temporary protection from deportation, work authorization, the ability to apply for a social security card, and in California, the ability to apply for medical care (Medi-Cal). However, it fell short of providing a pathway to citizenship. Because President Obama issued this program as an executive action and it is overseen by the Department of Homeland Security, the next secretary of the Department, who will be appointed by President-elect Trump, will have the authority to end it immediately.

Given Trump's victory on November 8, 2016 and his anti-immigrant rhetoric during the presidential campaign, DREAMers and DACA recipients have expressed worry and despair, as well as fear they could be forced back into the shadows and/or deported. They worry about their families being separated and what the future will hold for them. Their fears are not unique or unfounded. A survey by Southern Poverty Law Center's Teaching Tolerance project in November 2016 found that "the results of the election are having a profoundly negative impact on schools and students in K-12. Ninety percent of educators' report that school climate has been negatively affected, and most of them believe it will have a long-lasting impact. A full 80 percent describe heightened anxiety and concern on the part of students worried about the impact of the election on themselves and their families."³ This survey was

³ [After Election Day, The Trump Effect: The Impact of the 2016 Presidential Election on Our Nation's Schools](#). A report by the Southern Poverty Law Center © 2016.

administered to over 10,000 teachers, counselors, administrators, and other school personnel. As reported in the press, these same results are being seen on college campuses as well.

Teachers in the survey reported that the election has unleashed a spirit of hatred they have not seen before. Some of the survey's major findings were: nine of ten educators reported a negative impact on their students' moods; eight in ten educators saw heightened anxiety on the part of marginalized students, including immigrants, Muslims, African-Americans and LGBT students; four in ten educators heard derogatory language directed at marginalized students; and sadly, four out of ten educators didn't feel their schools had action plans to respond to incidents of hate and bias, although two-thirds felt that individual administrators had been responsive. Finally, "over 2,500 educators described specific incidents of bigotry and harassment that can be directly traced to election rhetoric. These incidents include graffiti (including swastikas), assaults on students and teachers, property damage, and fights.

Activist DREAMers in California and the nation have vowed to fight against the anti-immigrant policies and practices and the bigotry and racism expressed in their schools and other institutions. They have stated that they will not let fear and despair mute their voices. DREAMers' rallying cry across the nation, "Unafraid, Undocumented, and Unapologetic," remains as vital today as it was in 2011.

In California, activists have urged the state as well as cities, counties, school districts, and colleges to adopt sanctuary/safe-haven policies. In response to their actions and calls from state policy makers, Sacramento City Unified School District's (SCUSD) Board of Education voted unanimously on December 8, 2016 to safeguard students and families by protecting student data and requiring ICE officials to obtain written permission before entering any campus. Shortly after this vote, California State

<http://www.tolerance.org/sites/default/files/general/After%20the%20Election%20Trump%20Effect%20Report.pdf>

Superintendent of Education, Tom Torlakson, called on other K-12 organizations throughout the state to adopt “safe-haven” resolutions like SCUSD’s. He stated: “Our schools are not and will not become an arm of the U.S. Customs and Immigration Enforcement (ICE).”

California policy makers are also at the forefront of developing legislation to support undocumented immigrants on the local and state levels. California Senate President pro Tempore Kevin de León (D-Los Angeles) introduced SB 54, the California Values Act, in December 2016 to prevent the use of state and local public resources to aid federal Immigration and Customs Enforcement (ICE) agents in deportation actions. Democratic mayors in major cities have vowed to fight Trump’s policies and continue their efforts to not ask residents their immigration status when providing services. In Sacramento, CA, Mayor Darrell Steinberg stated in the Sacramento Bee in December 2016 that: “ I can’t say it strongly enough: We are going to assure ...families and kids and anybody who is worried about their status in our community that we are going to stand with them”

<http://www.sacbee.com/news/local/article115282793.html>

On the college and university levels, University of California President Janet Napolitano, California State University Chancellor Timothy White, and State Chancellor-Deignate of the California Community Colleges, Eloy Ortiz Oakley sent a letter on November 29, 2016 to President-Elect Trump urging him to continue the DACA program and to allow DREAMers to pursue their educations in the U.S. Petitions supportive of undocumented immigrants are also being signed by students and faculty members and alumni in colleges and universities across the nation. These petitions are calling on postsecondary institutions to limit their cooperation with federal immigration enforcement authorities and to declare their educational institutions as sanctuaries/safe-havens.

All the actions listed above are cause for hope and send a unified message to undocumented communities that K-12 schools, colleges, and government institutions will stand up against hate and racism. These efforts also confirm that California agencies that have adopted safe-haven policies will

protect the civil rights of the undocumented and that they will direct police departments not to undertake joint efforts to enforce federal immigration laws, allaying deportation fears for many.

LEADING WITH THE VALUES OF HUMAN RIGHTS, INCLUSION AND DIGNITY: CREATING HOPE FOR ALL

Now more than ever, considering Trump's election and the positions on immigration which he reiterated as a candidate, it is important that policies and power structures on the local, state, and national levels reflect the values of inclusion, respect, and dignity and that they also reflect the fundamental observance of human rights and freedoms. When the government uses its powers to deny legal rights and due process to vulnerable groups, such as the undocumented, Muslims, LGBT, and African-Americans, then everyone's rights are at risk. Alianza, a Sacramento area immigration rights group along with other civil rights groups, are committed to seeing that the civil liberties and civil rights of all vulnerable groups are upheld and that we lead with the values of inclusion and dignity. When our nation leads with these values we embrace immigrant and refugee communities. When we lead with these values we "Keep the Dream Alive." When we lead with these values, as individuals and as a nation, we have a responsibility to stand against injustice and give each other hope. Together, as students, educators, academicians, policy makers, public officials, and activists, we can challenge nativism, xenophobia, and the widespread conception of immigrants as undeserving criminals whenever, and wherever we see it.

As Martin Luther King Jr. stated in his remarkable "*I Have a Dream*" speech, "we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the freedom and the security of 'justice'."

Together, both documented and undocumented, we can harness and transform immigrant fears, sadness, and rage into building a strong human rights movement and a culture that protects the most vulnerable from the threats of deportation and hate. Together we can dare to dream of a world we

want to live in and back those dreams up with strategies bold enough to make substantive change, policies that will honor the security of justice, as Dr. Martin Luther King, Jr. has stated; policies that will encourage people to speak up and address bias, policies that will correct misinformation and help others to stand courageously; policies that will affirm that hate and intimidation have no place on our campuses, in our institutions, in the state, and in the world; and policies that will enable all individuals to be welcome regardless of immigration status.



Questions:

1. What words have positive connotations when describing DREAMers? What words have negative connotations when describing DREAMers? (Connotation is an idea or feeling that a word invokes in addition to its literal or primary meaning.
2. How important are words or terms used to describe immigrants in framing a supportive or negative argument about immigration reform?
For example, notice how the sentence meaning shifts when the underlined word is changed:
Positive: Enrique is a proud DREAMer
Neutral: Enrique is a young DREAMer
Negative: Enrique is an illegal alien
3. Why do some young undocumented DREAMers choose to keep their status private?
4. Should a college education be a right for all, regardless of immigration status? Why or why not?
5. What advice would you give to President Trump as he begins his presidency in January 2017?

Activity:

Watch the ALIANZA documentary: <http://alianzadream.org/documentary>
How did you feel about the hopes and aspirations identified by the DREAMers in this documentary?



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APPENDIX A CALIFORNIA LEGISLATION

AB 540

Assembly Bill 540 allows qualifying students, including undocumented immigrant students, to pay in-state tuition fees at public colleges or universities. This means AB 540 students will be allowed to pay the same amount for college tuition as a resident or US citizen.

Requirements:

1. Attended a CA high school for 3 or more years.
2. Graduated from a CA high school or attained a GED.
3. Registered or is currently attending a public college or university in CA.
4. Filed an affidavit with his or her college or university stating that the person will apply for legal residency.

AB 2000

This is an expansion of AB540. It increases the scope of student eligibility for students who graduated early from a California High School with the equivalent of three or more years of credits. If student graduates early, they must have attended CA elementary or secondary schools for a cumulative total of 3 or more years; a student may qualify for exemption from nonresident tuition pursuant to the abovereferenced provision either by high school attendance in California for 3 or more years or by either elementary or secondary school attendance, or both, in California for a total of 3 or more years and attainment of credits earned in California from a California high school equivalent to 3 or more years of full-time high school coursework, in addition to the other conditions referenced above.

CALIFORNIA DREAM Act

The CA DREAM Act is composed of two parts: AB 130 and AB131.

AB130 allows eligible AB 540 students to apply for privately funded scholarships and grants given out by public colleges and universities in California.

AB 131 allows eligible AB 540 students to receive limited state financial aid, which includes: the Board of Governor's Fee Waiver, Competitive Cal Grants, and grants and scholarships awarded by public college and universities in California.

Requirements:

Must be eligible to apply for AB 540 (must meet the four requirements for AB 540 previously mentioned). For AB 130: must meet scholarship's requirements. For AB 131: must meet GPA and income requirements.

Available Aid from the California Dream Act: Cal Grant, Chafee Grant, Middle Class Scholarship, UC Grants, State University Grants, California Community College (CCC) BOG Fee Waiver, EOP/EOPS, Some University scholarships, Some private scholarships administered by campuses

SB 1159 PROFESSIONS AND VOCATIONS: LICENSE APPLICANTS: INDIVIDUAL TAX IDENTIFICATION NUMBER

Authorizes agencies to accept tax identification numbers (TIN) in lieu of social security numbers (SSN) from individuals applying for professional licensure, and **prohibits the denial of licensure applications based on citizenship status or immigration status.**

AB60 DRIVER'S LICENSES

Requires the California Department of Motor Vehicles to issue an original driver license to an applicant who is unable to submit satisfactory proof of legal presence in the United States. Driver license applicants under AB 60 must meet all other qualifications for licensure and must provide satisfactory proof of identity and California residency.

AB 4 TRUST ACT

Limits local jails from holding people for extra time just so they can be deported. County jails can no longer respond to requests to hold individuals solely based on their immigration status, unless certain

conditions are met. Even then, local law enforcement always has the discretion not to use local resources to detain immigrants for extra time. The TRUST Act ensures that people with most low-level, non-violent offenses (misdemeanors) are not wastefully held for deportation purposes. At the same time, the law allows detention of people with felony convictions and of those charged with felonies under certain circumstances. It also allows detention for people with several higher-level misdemeanors (<https://www.aclunc.org/our-work/legislation/trust-act-ab-4>)

SB75 – MEDI-CAL FOR ALL CHILDREN

Children under 19 years of age are eligible for full-scope Medi-Cal benefits regardless of immigration status, if they meet the income standards. DHCS is working with CWDA, county human services agencies, Covered California, advocates, and other interested parties to identify and provide Medi-Cal coverage to all children under 19 with qualifying income. (<http://www.dhcs.ca.gov/services/medical/eligibility/Pages/SB75Children.aspx>)

SB 54 – California Values Act – Introduced 12-5-16

The CA Values Act will keep California law enforcement out of painful deportations which separate families and communities, damage public safety, and undercut due process. The bill would ensure that public officials such as police, sheriffs, and school security officers are not involved in reporting, arresting, detaining, or turning community members over to Immigration and Customs Enforcement (ICE) for deportation. It would also keep schools, hospitals, and courts safe and accessible, with each developing a clear policy to limit deportation activities on their premises to the fullest extent possible. Other key provisions of the CA Values Act would guarantee that California plays no part in creating any kind of national registry to profile Muslims or other groups at risk of discrimination, barring state and local officials from providing information on religion, national origin, or other protected characteristics. The bill would also bolster confidentiality practices at state agencies so immigrants can continue to successfully participate in California's public life. <http://www.caimmigrant.org/cipc-praises-ca-valuesact/>

APPENDIX B FEDERAL LEGISLATION

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the US as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. Determinations will be made on a case-by-case basis under the DACA guidelines.

Requirements:

1. Was under the age of 31 as of June 15, 2012.
2. Came to the US before reaching your 16th birthday.
3. Has continuously resided in the US since June 15, 2007.
4. Was physically present in the US on June 15, 2012.
5. Is currently in school, graduated from high school, or received a GED or are honorably discharged veteran.
6. Has not been convicted of a felony, significant misdemeanor, or does not pose a threat to national security or public safety.

DAPA AND EXPANDED DACA PROGRAMS (nilc.org)

On November 20, 2014, President Barack Obama announced that the U.S. Department of Homeland Security (DHS) would not deport certain undocumented parents of U.S. citizens and parents of lawful permanent residents (LPRs). The president also announced an expansion of the Deferred Action for Childhood Arrivals (DACA) program for youth who came to the United States as children. Under a directive from the secretary of DHS, these parents and youth may be granted a type of temporary permission to stay in the U.S. called “deferred action.” These programs are expected to help up to 4.4 million people, per the Department of Homeland Security.

Requirements DAPA

1. Be the parent of a U.S. citizen or lawful permanent resident.
2. Have continuously lived in the U.S. since January 1, 2010.
3. Have been present in the U.S. on November 20, 2014. It’s also likely that you will need to be present in the U.S. every day from Nov. 20, 2014, until you apply for DAPA.
4. Not have a lawful immigration status on November 20, 2014. To meet this requirement, (1) you must have entered the U.S. without papers, or, if you entered lawfully, your lawful immigration status must have expired before November 20, 2014; and (2) you must not have a lawful immigration status at the time you apply for DAPA.
5. Have not been convicted of certain criminal offenses, including any felonies and some 5. misdemeanors.

Status of Extended DACA and DAPA – Court Summary from National Immigration Law Center (NILC)
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/united-states-v-state-of-texas/supreme-courts-tie-vote-means-dapa-daca/>

In December 2014, Texas and 25 other states filed a lawsuit in the Federal District Court for the Southern District of Texas to stop DAPA and the *expansion* of DACA (DACA+) from being implemented. In February 2015, just two days before the federal government was set to begin accepting applications for DACA+, Judge Andrew Hanen of the Texas district court issued an order—a *preliminary injunction*—that temporarily blocked DAPA and DACA+ from being implemented. When the Obama administration appealed this order, the Fifth Circuit Court of Appeals affirmed Judge Hanen’s decision. This kept DAPA and DACA+ blocked. The Obama administration then appealed the Fifth Circuit’s decision to the U.S. Supreme Court, arguing that DAPA and DACA+ should be allowed to go forward. Having voted 4-4 in *United States v. Texas*, the Supreme Court issued its ruling in the case on June 23, 2016. *U.S. v. Texas* is about whether **two of President Obama’s immigration relief initiatives**—Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and an *expansion* of Deferred Action for Childhood Arrivals (DACA+)—may be implemented... The tie vote means that decisions by lower courts that temporarily blocked DAPA and DACA+ from being implemented remain in effect.

(NOTE: Usually there are nine Supreme Court justices, but currently there are only eight. Since Justice Antonin Scalia died earlier this year, Senate Republicans have refused to hold confirmation proceedings for Merrick Garland, the man President Obama nominated to fill the vacant position.)

The Supreme Court case does not directly involve the DACA program that has been in place since 2012. People who qualify under the original terms of the DACA program can still apply for that program. However, the Supreme Court case does affect the expansion of DACA that the President proposed. That expansion remains on hold.

DREAM ACT (as it appeared in Senate Bill 744 – has not passed)

An expedited road to citizenship would be available to those who entered the U.S. before the age of 16, graduated from high school (or received a GED) in the U.S., and attended at least 2 years of college or served 4 years in the uniformed services. DREAMers would apply for RPI status, and, after 5 years, would be eligible to apply for adjustment to LPR status. They then would be able to apply immediately for U.S. citizenship.

- **No age cap.** There would be no upper-age limit for those who apply under this provision. This makes sense, since the relevant issue is the person's age at the time of entry into the U.S., not his or her current age.
- **DACA streamlining.** The DHS secretary would have the discretion to establish streamlined procedures for people already granted Deferred Action for Childhood Arrivals (DACA).
- **No penalty for offering in-state tuition.** The bill would repeal a provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that prohibited public universities from offering in-state tuition rates to undocumented students on the basis of residence in the state, unless they offered the same rates to nonresidents of the state.
- **Educational loans.** Registered Provisional immigrants (RPIs) who entered the U.S. prior to age 16 (and agricultural workers with blue card status) may qualify for federal work-study and federal student loans. They remain ineligible for federal Pell grants until they adjust to Lawful Permanent Resident (LPR) status.

BRIDGE ACT - “Bar Removal of Individuals Who Dream of Growing Our Economy” – S. 3542

The following information is from <https://www.nilc.org/issues/daca/faq-bridge-act/>

Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL) have introduced the [BRIDGE Act](#), bipartisan legislation whose intent is to allow people who are eligible for or who have received work authorization and temporary relief from deportation through Deferred Action for Childhood Arrivals (DACA) to continue living in the U.S. with permission from the federal government

The BRIDGE Act would make it possible for people who meet certain requirements to apply for and receive “provisional protected presence” and work authorization for a three-year period. The three-year period would end three years after the bill becomes law. The requirements people would have to meet are essentially the same as the [requirements for DACA](#) under the program that was created in 2012.

People who already have DACA would be deemed to have provisional protected presence until their DACA's expiration date, then they would be eligible to apply affirmatively for provisional protected presence.

The BRIDGE bill also would impose restrictions on the sharing of information in DACA and provisional protected presence applications with U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection for purposes of immigration enforcement.

Is the BRIDGE Act the same as the Dream Act?

No. The Dream Act did not pass when Congress voted on it in 2011, and it has not been reintroduced since then. The Dream Act would have permitted certain immigrants who grew up in the U.S. to obtain temporary legal status and eventually to apply for and obtain permanent legal status, then U.S. citizenship. To be eligible, they would have had to meet certain education-related requirements or have served in the U.S. military.

The BRIDGE Act would not provide a pathway to U.S. citizenship. It would only allow people who are eligible for—or who already have—DACA to receive work authorization and provisional protected presence.

Why is the BRIDGE bill being introduced?

Members of Congress from both parties recognize the positive impact providing work authorization and protection from deportation has had on the lives of people with DACA, as well as on the broader society and economy. (These benefits are detailed in a recent report, [*New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes*](#).) The BRIDGE bill would allow DACA recipients the opportunity to continue contributing to our society and economy. In addition, policymakers recognize the need to protect DACA recipients. Since the November 2016 election, many DACA recipients and their allies have expressed concerns over whether President-elect Trump will follow through on his campaign threat to end the DACA program. If it were enacted, this bill's provisions would provide assurance to DACA recipients that they could continue being both authorized to work in the U.S. and protected from deportation.

APPENDIX C: RESOURCES

ALIANZA – <http://alianzadream.org>

Alianza is a collective of active college students, educators, and community activists from the Sacramento area personally committed to issues related to immigration reform, especially those regarding DREAMer students. Its activism takes shape in creating awareness, delivering meaningful outreach, and building systems of support for DREAMer students.

California Dream Network/CHIRLA – <http://chirla.org/CADREAMNetwork>

The California Dream Network is a project of CHIRLA, a statewide network of existing and emerging college campus organizations who actively address undocumented student issues and who work to create broader social change around immigration reform and access to higher education. The CA Dream Network's work is carried out through: college campus organizing; statewide conference calls; regional summits; and annual statewide conferences.

California Immigrant Policy Center (CIPC) – <http://caimmigrant.org>

CIPC advances inclusive policies that build a prosperous future for all Californians, using policy analysis, advocacy and capacity building to unlock the power of immigrants in California.

California Rural Legal Assistance Foundation (CRLAF) - <https://www.crlaf.org/>

CRLAF provides community outreach and education, public policy advocacy, litigation support, and technical and legal assistance for California's rural poor. We target our work in the areas of agricultural workers' health, civil rights, education, labor & employment, immigration & citizenship, pesticides & worker safety, rural housing and sustainable communities.

Educators for Fair Consideration (E4FC) - <http://www.e4fc.org/>

Their mission is to empower undocumented young people to achieve their academic and career goals and actively contribute to society.

Immigrant Legal Resource Center (ILRC) - <https://www.ilrc.org>

The Immigrant Legal Resource Center (ILRC) is a national nonprofit resource center that provides immigration legal trainings, technical assistance, and educational materials, and engages in advocacy and immigrant civic engagement to advance immigrant rights

National Immigrant Law Center – <http://nilc.org>

The National Immigration Law Center (NILC) is one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights of low-income immigrants.

Own the Dream - <http://www.weownthedream.org/>

Own the DREAM is a national campaign to help aspiring Americans brought to this country as children take advantage of the opportunity to apply for Deferred Action for Childhood Arrivals (DACA) and work permits. The campaign will join the resources of United We Dream and its partners to offer assistance to a significant number of the hundreds of thousands of DREAMers eligible for this opportunity to stay in America to complete their education and contribute to the economy.

United We Dream - <http://unitedwedream.org>

United We Dream is the largest immigrant youth-led organization in the nation. Its nonpartisan network is made up of over 100,000 immigrant youth and allies and 55 affiliate organizations in 26 states. They organize and advocate for the dignity and fair treatment of immigrant youth and families, regardless of immigration status. **DREAM Educational Empowerment Program (DEEP)** <http://unitedwedream.org/about/projects/education>

The DREAM Educational Empowerment Program (DEEP) is a catalyst for educational justice and empowerment for immigrant students. DEEP educates, connects, and empowers immigrant students, parents and educators to close the opportunity gap and engage in local efforts to improve educational equity. DEEP seeks to lay the groundwork that advances the educational justice movement in the U.S. by focusing resources and research on the needs and realities of immigrant students in order to increase educational attainment rates.

For more resources go to Alianza's website: <http://alianzadream.org/resources>

