

Advising Undocumented Students & Students from Mixed-Status Families in California

Talking Points, Tips, and Resources for Navigating College and Financial Aid Conversations

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Table of Contents

Introduction	1
Sample Talking Points for Common Advising Scenarios	2
Best Practices When Advising Undocumented Students or Students from Mixed-Status Families	5
Questions to Help Students From Mixed-Status Families Assess their Risk and Comfort with Submitting FAFSA	6
Examples of Benefits of Higher Education for Undocumented Students	8
Acknowledgements	9

Introduction

This resource guide is created for K-12 and college educators in California to help guide conversations with undocumented students and students from Mixed Status Families regarding college and financial aid concerns.

Undocumented Students refer to students who do not have legal immigration status. This can include students who:

- entered the U.S. without inspection (e.g. crossing the border without going through a port of entry);
- entered with legal status and overstayed their visa;
- are currently in the process of gaining legal status (e.g. the individual's asylum application is pending);
- are Deferred Action for Childhood Arrivals (DACA) recipients (valid or expired); or
- are Temporary Protected Status (TPS) holders.

Students from Mixed Status Families refer to students who have legal immigration status and qualify for FAFSA, but have contributor(s) (e.g. parents, legal guardians, or spouse) who are undocumented and do not have legal status.

Disclaimer: This document is created for informational purposes only. It is not intended to be, nor should it be construed as legal advice. For information regarding a student's immigration status, please encourage the student to seek legal advice from a qualified immigration professional.

Sample Talking Points for Common Advising Scenarios

1. "I don't know if I should apply for FAFSA or CADAA."

"Depending on your immigration status, you may qualify for either FAFSA or CADAA. Let's walk through the eligibility criteria for both FAFSA and CADAA so you can determine which one fits your situation better. If you're unsure about your status or don't feel comfortable answering certain questions, that's completely okay—you don't have to answer them right now."

Tip: Students may feel uncomfortable disclosing their immigration status or may be unsure what their status is. Because of this, reviewing eligibility for both FAFSA and CADAA helps inform students of their options without requiring them to disclose their immigration status.¹

2. "I can't afford to go to college because of my immigration status."

"Lots of students qualify for financial aid in California even if they're not U.S. citizens or green card holders. Many undocumented students can receive financial aid in CA through an application called the CA Dream Act Application (CADAA for short). Let's walk through the eligibility criteria for both CADAA and FAFSA so you can determine whether you qualify for either application."

Tip: Undocumented students who qualify for AB 540 can qualify for state and institutional aid in CA, such as Cal Grant and campus scholarships. They qualify for many programs, including some that cater directly to immigrant students.²

3. "I don't see the point of going to college since I'm undocumented and can't work."

"Being undocumented doesn't mean you can't pursue a career. Undocumented students can pursue many income-generating opportunities through starting your own business and independent contracting.³ Having a college degree can help you with these career paths and offer many other benefits as well, such as:"

- Connecting to networks, mentors, and community;
- Opening doors to new professional opportunities and income sources;
- Gaining new skills and resources to pursue independent contracting and entrepreneurship, which do not require a work permit;

¹ Use Immigrants Rising's [FAFSA vs CA Dream Act: Apply to the Correct Financial Aid in CA](#) guide to walk the student through the difference between the two applications.

² Use [Immigrants Rising's CA In-State Tuition Tool \(ISTT\)](#) to help a student assess their eligibility for AB 540. If they're not yet eligible, the ISTT provides them with next steps on how to build eligibility.

³ If the student is interested in learning more about independent contracting and entrepreneurship, share Immigrants Rising's [5 Tips to Get Started as an Independent Contractor/Freelancer](#).

- Moving and working abroad in the future;
- Being a competitive candidate for jobs when you eventually gain legal status in the future; and
- Possibility of securing legal status through employment in the future.

Tip: Emphasize to students the various benefits of a college education, even if they do not currently have work authorization. Provide concrete examples, like the ones we have provided on Page 8.

4.

"I don't want to apply for financial aid because I am worried about putting my family at risk."

"Let's talk through some of your concerns and help you make the best decision for you and your family."

Tip: Guide the student through FAFSA and CADAA eligibility. If possible, assess which application the student is eligible for.

If a student is FAFSA-eligible:

"If you don't feel comfortable or safe applying for FAFSA, you can apply for CADAA instead this year. It would be very difficult to use CADAA information for immigration enforcement purposes, because CADAA is protected by CA's sanctuary laws. However, keep in mind that CADAA will assess you for state financial aid and campus-specific financial aid, but not federal financial aid, like Pell Grants or federal student loans. This means you may receive less financial aid if you apply for CADAA instead of FAFSA. You can also consider applying for CADAA now and switch to FAFSA later."⁴

Tip: Review the list of questions on Page 6 with your students from mixed-status families to help them assess their risks and comfort with submitting a FAFSA this year.

If a student is CADAA-eligible:

"Since you qualify for CADAA, you can safely apply for state financial aid and campus-specific financial aid. It would be very difficult to use CADAA information for immigration enforcement purposes because CADAA is protected by CA's sanctuary laws."⁵

⁴ Share CSAC's [CADAA for Mixed-Status Families](#) page with the student.

⁵ Share CSAC's [Protection of Student Information for CADAA Applicants](#) page with the student.

5. "I'm overwhelmed and scared. I don't know what to do."

"I know a lot is changing right now, but I'm here to support you. Would it be helpful if I shared some other resources with you?"

Tips:

- Always reaffirm the student's feelings and the confidentiality of your conversations.
- Obtain consent to share a student's situation with other professionals, and do not create a paper trail with identifying information, such as their name.⁶
- Refer students to mental health resources.⁷
- Refer students to legal resources.⁸
- Refer students to resources to help them and their families prepare in the case that a family member is detained or deported.⁹
- Refer students to Red Card and Know Your Rights resources.¹⁰

⁶ Review our [Communication Principles for Supporting Undocumented Students and Mixed-Status Families](#).

⁷ Share Immigrant Rising's [Mental Health Connector](#) and [Wellness Support Groups](#).

⁸ Share these legal resources: [Immigration Law Help](#) | For California Community College students: [Find Your Ally](#) | For University of California students: [UC Immigrant Legal Services Center](#) | For California State University Students: [Legal Support Services](#).

⁹ Share Immigrant Legal Resource Center's [Step-by-Step Family Preparedness Plan](#).

¹⁰ Share Immigrant Legal Resource Center's [Red Cards](#), which people can print out and carry with them in case of encounters with ICE. They are available in multiple languages. You can also share this resource by the National Immigration Law Center: [Know Your Rights No Matter Who is President](#).

Best Practices When Advising Undocumented Students or Students from Mixed-Status Families

Do not use the term “illegal” or “alien.” Do not assume all students are DACA recipients.

Instead: If you know a student or family member does not have legal status, use the term “undocumented” unless you know more about their status.

Do not seek information about a student or family’s immigration status specifically.

Instead: Advise the student broadly of all options, and help them learn what they may qualify for (for example, walk through both FAFSA and CADAA with the student and allow them to assess which application they may be eligible for).

If a student discloses their status to you, do not avoid the conversation.

Instead: Thank the student for sharing their immigration status with you. Reassure that the information will be confidential. Help the student understand all of the options that may be available to them.

Do not collect/record information about students’ immigration status. Do not share students’ status with coworkers without explicit consent.

Instead: Emphasize that the advising session is completely confidential. Seek permission from the student before asking for help from someone else.

Do not expect the student to understand their immigration status.

Instead: Assess eligibility for specific programs by walking the student through each criteria (for example, review the criteria for qualifying for both FAFSA and CADAA so the student can determine which application they may be eligible for).

Do not pressure the student to answer questions about their and their family’s immigration status.

Instead: Let the student lead the conversation. Emphasize that the student does not have to answer any questions that they are not comfortable with. Inform them that the conversation will remain completely confidential.

Questions to Help Students From Mixed-Status Families Assess their Risk and Comfort with Submitting FAFSA

Currently, FAFSA data is protected by federal laws and cannot be used for immigration enforcement. However, we cannot guarantee these protections will remain in the future. Students from mixed-status families may have concerns that submitting a FAFSA may put their undocumented contributors at risk of being exposed to federal immigration agencies due to potential changes.

The following questions are meant to walk families through what data may be collected or has already been collected and shared with federal agencies. This will help families become more aware and assess the risks factors to submitting the FAFSA.

■ **Have you, as a student, submitted a FAFSA application before?**

Context: Families should be aware that, if the student has submitted the FAFSA in the past, the U.S. Department of Education already has access to the information they have submitted. Continuing students who submitted the FAFSA in prior years can choose to renew their application. If the continuing student were to reapply for FAFSA this year, the Department would only be adding any updated information to the database (e.g., income information, change in address).

■ **Has your contributors' personal identifiable information been submitted through a previous FAFSA? For example, do you have any older siblings who have submitted a FAFSA in previous years?**

Context: The U.S. Department of Education is required to retain the FAFSA applicant and their contributors' information for the length of the applicant's relationship with the Department. For example, if the student takes out a federal loan, the Department will retain the student and their contributors' information for the full life of the loan. If the student receives or has received a Pell Grant, the Department will keep their information to track lifetime limits. The current database being used was established in 2004.

■ **Have you or your contributors already created a FSA ID/StudentAid.gov account?**

Context: To the extent that a student or a contributor has already provided information when creating a StudentAid.gov account or previously filling out the FAFSA form, the U.S. Department of Education likely still has that information. If the student were to submit a new FAFSA form, the Department would only be adding updated information to the database (e.g., income information, change in address).

Has your contributors' personal information been submitted to the federal government in other ways? For example, has your contributor(s) filed taxes with the IRS, applied for immigration benefits to USCIS, or obtained a CA Driver's License from the DMV?

Context: Families should be aware that contributors' data may have already been shared with federal agencies other than the Department of Education. For example, contributors may have shared their data when filing taxes with the IRS, applying for immigration benefits to United States Citizenship and Immigration Services (USCIS), or when obtaining a driver's license through the DMV.

Examples of Benefits of Higher Education for Undocumented Students

Benefit	Example
Connect to networks, mentors, and community	Through her college's alumni network, Sara met someone who is 10 years ahead of her in her dream career. This person became a mentor to Sara and helped her learn the ins and outs of an industry that she was unfamiliar with.
Open doors to new professional opportunities and income sources	Safiya applied for a fellowship offered by her university, which provided her a \$10,000 grant and mentorship to start her own business.
Gain new skills and resources to pursue independent contracting and entrepreneurship, which do not require a work permit	After taking business classes, joining his university's entrepreneur club, and serving as a research fellow for a professor, Debo gained the skills and resources to become an independent contractor as a strategic and financial advisor to small businesses.
Move and work abroad in the future	Because he had a college degree from a U.S. university, Manuel was a competitive candidate and secured a job offer in Canada.
Being a competitive candidate for the workforce when you eventually gain legal status in the future	Although Umi was undocumented throughout college, she eventually gained legal status years later. Because she has a college degree and relevant experience through internships and independent contracting opportunities, Umi received a job offer at an education non-profit.
Possibility of securing legal status through employment in the future	Marquez graduated with a BS in engineering and received a job offer at a company willing to sponsor him for an employment visa. Marquez decides to consult a lawyer to assess his options.

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First Gen Empower (FGE) partners with high schools, colleges, and student-serving organizations to strengthen their institutional capacity to support first-generation, low-income and undocumented students. Learn more about First Gen Empower at firstgenempower.org.

Southern California College Attainment Network (SoCal CAN) is an alliance of 120 organizations working together to increase the rate at which students from underserved communities access and complete college by scaling effective practices, building strategic partnerships and advocating policies that eliminate systemic barriers and advance student success. Learn more about SoCal CAN at socalcan.org.

Immigrants Rising empowers undocumented people to achieve their educational and career goals through personal, institutional and policy transformation. Learn more about Immigrants Rising at immigrantsrising.org.