

IMMIGRANT YOUTH AND MIXED IMMIGRATION STATUS:

Implications and Access to Higher Education in Ohio

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PRESENTATION OVERVIEW

- Terminology
 - Undocumented Immigrants
 - Mixed Immigration Status Homes
- Policy Overview
 - Development, Relief, and Education for Alien Minors (DREAM) Act of 2001,2009
 - Deferred Action for Childhood Arrivals (DACA) of 2012
 - Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) **
- Accessing Higher Education
 - In-State Tuition
 - Financial Aid
 - Scholarships (Private vs. Public)

UNDOCUMENTED IMMIGRANTS

Definition: a person of foreign-born nationality living in the US, subject to deportation, who:

- entered the country without any form of documentation or
- are in-between immigration status.

More conceptually correct than: *illegal, illegal alien, illegal immigrant*

- Improper entry: one time misdemeanor criminal offense
- Overstaying visa: civil offense

Legislatively excluded from social welfare benefits (PRWORA, 1996)

- Public housing
- Food assistance
- Non emergency health care

Make up 5.1% of the U.S. labor force

Pay estimated \$11.84 billion in state and local taxes (in 2012)

- Individual Taxpayer Identification Number (ITIN) to file income taxes, but not eligible for the Federal Earned Income Tax Credit ("EITC")

UNDOCUMENTED IMMIGRANTS

Approx. 11.3 million residing in U.S

- 5.9 million of Mexican Citizenship (Pew Research Center, 2014)
- 40% Visa Overstays
 - Estimated majority by air travel
 - One-third coming from outside of Mexico, Central America
- 1.76 million are youth

In Ohio:

- Approx. 83,000 people
- 51% Mexico and Central American
- 72% More than 5 years of residence in State

(www.migrationpolicy.org/data/undocumented-immigrant-population/state/OH/)

UNDOCUMENTED IMMIGRANTS

K-12: Students eligible to public education (Plyler v. Doe, 1982)

- *Approx. 65,000 yearly high school graduates*

In Ohio:

- *Approx. 10,000 students (3-17 years old)*
 - 92% enrollment
 - 26% High School Diploma

www.migrationpolicy.org/data/undocumented-immigrant-population/state/oh/

UNDOCUMENTED IMMIGRANTS

College/University:

- **Ineligible** for Federal Financial Aid, Public Scholarships, Student Loans (IIRIRA, 1996)

Pay International Student Rate

- Up to 3x price of in state tuition

MIXED IMMIGRATION STATUS HOMES

- Definition: a family whose members include people with different citizenship or immigration statuses.
- Approx. 9 million people in the U.S are in mixed-status families (Enriquez, 2015)
 - ~4.5 million are U.S.-born children with at least one undocumented parent; population predicted to continue to grow. (Passel & Cohn, 2011).
- U.S. citizen children and their undocumented parents often share in the risks and limitations associated with undocumented immigration status.
 - Apprehension/Limited access to social benefits
 - Economic Fragility
 - Low Wages/ Long work hours/ worker exploitation
 - Fear of family separation (via deportation: Ten years to lifetime ban)
 - Toxic Stress, Insecurity, Fear, Depression, Social isolation, Mistrust of law enforcement
 - Approx. 90K foreign-born parents of U.S citizen children deported annually (Wessler, 2012)

THE DREAM ACT

(DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS)

2001

Multi-phase process that would first grant conditional residency if.

- entered United States before the age of 16
- continuously lived in the country for at least 5 years
- graduated from a United States high school or obtained a GED
- person demonstrates good moral character
- pass criminal background checks and reviews
- After having obtained and held conditional resident status, permanent residency may be granted if .
 - have attended an institution of higher learning or served in the United States military for at least 2 years and if discharged, have received an honorable discharge
 - pass another series of background checks
 - continue to demonstrate good moral character

2009

- Be between the ages of 12 and 35 at the time the Law is enacted
- Arrived in the United States before the age of 16
- Resided continuously in the United States for at least 5 consecutive years since the date of their arrival
- Graduated from a US high school or obtained a General Education Diploma
- Good moral character

***FAILED TO PASS**

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

- 2012 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.
- US- ~1.2 M people eligible but only 55% filed
- Ohio- ~15,000 people eligible but only 3,100 filed

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

- Have been born on or after June 16, 1981.
- Have come to the United States before your sixteenth birthday.
- Have continuously lived in the U.S. since June 15, 2007.
- Have been present in the U.S. on June 15, 2012, and on every day since August 15, 2012.
- Not have a lawful immigration status. To meet this requirement (1) you must have entered the U.S. without papers before June 15, 2012, or, if you entered lawfully, your lawful immigration status must have expired before June 15, 2012; and (2) you must not have a lawful immigration status at the time of your application.
- Be at least 15 years old. If you are currently in deportation proceedings, have a voluntary departure order, or have a deportation order, and are not in immigration detention, you may request deferred action even if you are not yet 15 years old.
- Have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, be an honorably discharged veteran of the Coast Guard or U.S. armed forces, or "be in school" on the date that you submit your deferred action application. See below for more information about meeting the "be in school" requirement.
- Have not been convicted of a felony offense. A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.
- Have not been convicted of a significant misdemeanor offense or three or more misdemeanor offenses. See below for more information about offenses that may disqualify you.
- Not pose a threat to national security or public safety. (DHS has not defined what these terms mean but has indicated that they include gang membership, participation in criminal activities, or participation in activities that threaten the U.S.)
- Pass a background check.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Provides:

- Work Permit
- Driver's licenses: state by state basis
- In State Tuition
 - Only 19/50 States
 - Ohio in 2013, Forever Buckeye

Is Not:

- A path to lawful permanent resident status or U.S. citizenship.
- The Dream Act of 2001 (DREAMer students)
- Immigration Reform

Not be eligible

- Health coverage under federal Medicaid nor (CHIP)
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI) program
- Assistance under the Supplemental Nutrition Assistance Program (SNAP)

* Note: Executive Action can be revoked by following administration*

POST SECONDARY ACCESS AFTER DACA

Institutional Challenges

- High school educators and administrators do not always have exposure/ expertise in policies and scholarships
- College admissions staff lack crucial information/ unfamiliar with policy
- Admissions process and information for DACA is not uniform

Financial Challenges

- Excluded from federal financial aid and scholarships, work study
- Self-funded
- High attrition rates
- Deferred degree attainment

DEFERRED ACTION FOR PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENTS (DAPA)

Proposed Requirements:

- Have lived in the United States without interruption since January 1, 2010
- Have been physically present in the United States on November 20, 2014 (the date the program was announced)
- Be physically present in the United States when applying to the program
- Have lacked lawful immigration status on November 20, 2014
- Have had, as of November 20, 2014, a child who is a U.S. citizen or lawful permanent resident
- Not have been convicted of a felony, significant misdemeanor or three or more other misdemeanors, and not "otherwise pose a threat to national security or be an enforcement priority for removal."

Approx. 3.7 million immigrants potentially eligible for DAPA

EXPANSION OF DACA

- Have continuously lived in the U.S. since 2010
- Eliminate the requirement that applicants be younger than 31 years
- lengthen the renewable deferral period to two years.
- would increase the number of eligible people by an estimated 330,000

DAPA AND DACA EXPANSION

November 2014- Announced

February 2015 - Preliminary injunction blocked implementation

January 2016- Supreme Court agreed to review the case.

Mid Summer 2016 - Decision expected