



# Overview

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- \* Characteristics, barriers, and challenges of undocumented students
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- \* Scenarios
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# Immigration terminology



- \* **U.S. Citizenship**: Obtained by birth (*jus soli*, which is contained in the 14th Amendment), or by naturalization (legal process to obtain citizenship administered through USCIS). *Some in the U.S. are currently arguing to do away with "birthright" citizenship.*
- \* **Legal Permanent Resident (LPR)**: Obtained through family, employment, refugee, VAWA, or asylum status. You can live and work in the United States, travel, and be protected by all laws of the United States. LPR status is granted for 10 years; it is renewable and LPRs can apply for citizenship after continuous residence in the United States for 5 years. A LPR holds a "green card."
- \* **H1B visa**: non immigrant employment-based visa. Temporary.

# Terminology – cont'd.

- \* **Student visa**: an "F-1" visa that permits international students to study in the U.S. (usually valid for 5 yrs. or the duration of their studies). F-1 students may not work off campus their 1st year; after that, they may hold limited types of employment. Must be full-time student, in a course of studies that culminates in a degree or certificate.
- \* **OPT program**: "Optional Practical Training": permits F-1 holders to work in employment" directly related to major area of study" during education or immediately afterward. Time limited.

# Terminology – cont'd.

- \* **Asylum:** Status is granted to applicants already residing in the United States who can prove they have suffered persecution based on race, religion, nationality, political opinion, or membership in a particular social group. Those with asylum can work lawfully, travel, and adjust status to LPR after one year of having asylum status.
- \* **Temporary Protected Status (TPS):** Individuals from TPS-designated countries can apply for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, when the country is unable to handle the return of its nationals adequately. TPS allows people to apply for employment authorization during the time they hold TPS. TPS is not a legal status and therefore they cannot adjust status to lawful legal residence (with few exceptions), nor can they travel internationally.

**Source:**

<https://www.uscis.gov>

# The Dream Act

**UNDOCUMENTED**  
**BUT UNAFRAID**

- \* **Development, Relief and Education for Alien Minors**
- \* Would have allowed eligible undocumented youth a 6 year conditional path to citizenship, requiring completion of a college degree or two years of military service
- \* When the DREAM Act did not pass in Congress, President Obama announced DACA in 2012



# DACA & definitions



- \* **DACA**: Deferred Action for Childhood Arrivals program, implemented by President Obama in 2012, protects eligible applicants from deportation and grants work authorization for 2 years (SSN#). Some prefer the term "DACA-mented".
- \* **Undocumented**: Status referring to foreign-born people without legal permission to be in country; may have entered country legally (but visa/permit has since expired), may have entered country without legal documents. **Human beings are not "illegal."**
- \* **Bridge Act**: If DACA is repealed, there is a proposal in Congress to extend DACA for those already covered under the program; it is uncertain whether this legislation would pass

# Additional terms

- \* **Mixed status families**: families where family members have different immigration status. For example, parents may be undocumented, one child may have DACA, younger children may be U.S. citizens.
- \* **Undocu-ally**: people who have "legal status" (eg: US citizens) but who verbally and in actions take a stance of solidarity with the undocumented community.
- \* **Undocu-friendly**: This term is used to refer to schools that have systems and practices in place that work with and for undocumented students.

# National Statistics



- \* Approximately 11 million undocumented residents
- \* Approximately 70% are from Mexico and Central America
- \* Approximately 1.8 million are enrolled in school
- \* Approximately 16.6 million people live in mixed status families (as of 2012)
- \* *17% of California children have parents without documentation*
- \* 750,000 DACA protected individuals in U.S. today

Source: 2014 Center for Migration Studies ([cmsny.org](http://cmsny.org))

# Oregon Undocumented & Mixed Status Students



116,000 unauthorized immigrants in Oregon in 2014

- \* 82% Mexico & Central America
- \* 10% Asia
- \* 4% Europe/Canada/Oceania

65% have lived in the U.S. for 10 years or more

- \* 7.5% of Oregon children have at least one parent who is undocumented
- \* 78.7% of Oregon children of undocumented parents are U.S. citizens
- \* In 2016: 19,707 DACA requests in Oregon

# Tuition Equity in Oregon

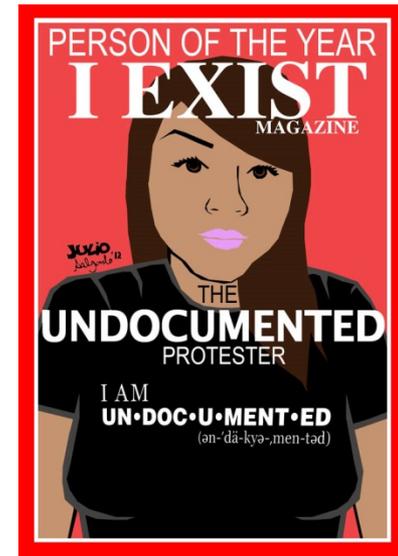


- \* **Tuition Equity**= in-state tuition at public universities for undocumented students (exists in 18 US states; AB 540 in CA)
- \* Oregon HB 2787, passed in 2013, grants tuition equity
  - \* Eligible students pay same rates as Oregon residents: in-state tuition
- \* Eligible students who are not citizens or LPR
- \* **Eligibility criteria:** attended school in US for 5 years or more, attended Oregon high school for 3 years or more, graduated from Oregon high school within 3 years before initial enrollment at the UO.
  - \* Show *intent* to become U.S. citizen or LPR.

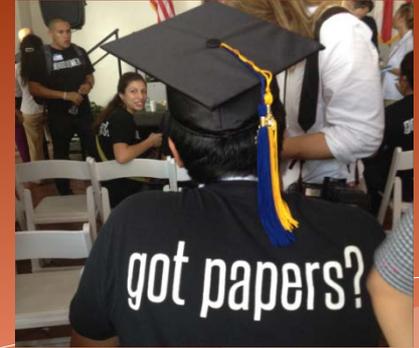
# Characteristics of undocumented college students

## Most...

- \* Have lived in the U.S. since early childhood
- \* Went to grade school, middle school, and high school in the U.S.
- \* Think of themselves as Americans (not "international" or even "Immigrant" students); *social* citizens, even if no *legal* citizenship
- \* Often unaware of their status until time to obtain drivers license or apply for college



# Barriers and Challenges



## \* **Blocked rites of passage:**

- \* Obtain drivers license
- \* Purchase cell phone
- \* Get a job
- \* Open bank account
- \* Establish credit
- \* Study abroad
- \* Internships
- \* Choice of major restricted

## \* **Mental Health Concerns**

- \* Anxiety, fear, despair
- \* Is tomorrow the day that I, my parents, or siblings, get deported?
- \* Suicidal ideation, attempts
- \* Psychosomatic symptoms
- \* **Limited access to health care**
- \* **Anti-immigrant rhetoric**
- \* **Racism, stereotypes, discrimination**

# Barriers and Challenges

- \* Isolation
  - \* Sharing is risky for both self and family
  - \* Shame, embarrassment
- \* Bad information
  - \* Well meaning people giving legal advice, outing status, directing students to scholarships for which they are not eligible
- \* "Support" that is ineffective
  - \* "You are making too much of this"
  - \* "I'm sure it will all work out"

# Checking our assumptions...

- \* Who is an "American"?
- \* Who is an "immigrant"?
- \* Who is an "international student"?
- \* Who is eligible for financial aid and scholarships?



Shepard  
Fairey

# Scenario #1

*Student, in office hours:* I have an immigration appointment for my green card interview at the same time as our midterm. Can I schedule a make-up?

*Professor, in class next week:* Hey everyone, please congratulate Sandra on getting her green card last Wednesday!

*What is a better response?*

# Scenario #1

Always keep immigration information confidential unless the student has specifically given you permission to share it.

# Scenario #2

*Professor, in syllabus:* There is a required field trip to visit an immigrant community in Woodburn. You are responsible for your own transportation to Woodburn.

*Student, to herself:* I cannot take this class because I do not have a driver's license.

*What is a better response?*

# Scenario #2

Find opportunities in your syllabus/class to signal that you understand that DREAMers are out there and that you understand their concerns.

*Professor, in syllabus and in class:* There is a required field trip to an immigrant community in Woodburn. I understand that for various reasons (immigration, financial, etc.) not all students have a driver's license. I will create a space on Canvas for you to arrange carpools and transportation to Woodburn and will work with students to ensure that everyone has a way to get there.

# Scenario #3

*Student, in email:* Dear Professor, as you have probably seen from my "undocumented and unafraid" shirt, I am a DREAMer and am participating in the following scholarship fundraiser (see below). Can I please invite my classmates to it at the beginning of class?

*Professor:* Forwards email to her colleagues, asking if they would announce the fundraiser in their classes too.

*What is a better response?*

# Scenario #3

Students who are "out" in one context may prefer to keep their status private in another.

*Professor, in email response:* Dear Pilar, I would be glad to forward your email to my colleagues in the department so they can help spread the word. Would that be OK with you?

# Scenario #4

*Student, in office hours:* I am so worried that my parents are going to be deported. I can't sleep or focus on my school work.

*Professor:* Your parents are law abiding so I'm sure they don't have anything to worry about. I read in the newspaper that the administration is only targeting people with a criminal record.

# Scenario #4

Unless you are an immigration attorney, you should never counsel students on any legal matter, nor express your opinion about their legal status. This does not mean you must hide what you do know, only that you must contextualize it appropriately and understand that your empathy, not your knowledge, is what the student needs most.

*Professor:* That sounds so scary; I am so sorry. What can I do to help you succeed in class under these difficult circumstances? Let me show you a website that might have some useful information for you and your family.

## What not to say

- \* Why don't you just get legal status/residency/citizenship?
- \* Are your parents legal?
- \* Are you illegal?

## What to say

- \* Have you talked to an immigration attorney to find out if you can adjust your status? There may be immigration remedies that you and your family don't know about.
- \* I'm not sure what your family members' status is, but I know these are very uncertain and trying times and it must be difficult for you.
- \* Your immigration status is not my business, but I'm concerned about you and want you to know there are confidential resources on campus that can support you.

# Creating an “Undocufriendly” Campus

- \* Listen and learn
- \* Be empathetic
- \* Publicly endorse undocumented students
- \* Train faculty and staff about undocumented students
- \* Provide equity of treatment
- \* Respect undocumented students’ privacy
- \* Provide SAFE ZONES for undocumented students
- \* Provide information
- \* Provide financial aid support
- \* Provide counseling



# UO Administration Stance

- \* "We want to be very clear that we support all UO students, regardless of immigration status," President Schill and Provost Coltrane
- \* "While it is too soon to speculate on what may happen in the future, the University of Oregon remains committed to DACA and providing an inclusive campus that values global citizenship and engagement"
- \* The UO will not "facilitate immigration enforcement" on campus without proof the individual is an "imminent risk" to the health or safety of others.
- \* UO also said it would not share immigration status information with the federal government unless "required by court order."

\* <http://around.uoregon.edu/content/uo-reaffirms-support-students-regardless-immigration-status/> /

<https://president.uoregon.edu/uo-values-global-engagement-and-our-international-scholars>

"The UO welcomes and supports students without regard for immigration status" (President Schill & Provost Coltrane, 2017).

# Resources at UO



- \* Visit: <https://blogs.uoregon.edu/dreamers/>
- \* Visit: [https://international.uoregon.edu/immigration\\_faqs](https://international.uoregon.edu/immigration_faqs)

These websites provide information about:

- \* Counseling support, mental health concerns, stress
- \* Financial Aid, Legal Counsel, Legislative updates
- \* What to do if you experience or observe bias, discrimination

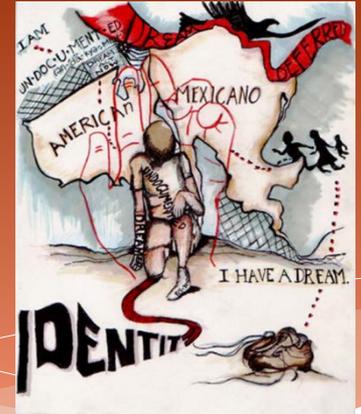
Contact: **Jane Irungu**, PhD, Assistant Vice President of Student Engagement

[jirungu@uoregon.edu](mailto:jirungu@uoregon.edu), Phone: 541-346-4464

# Resources outside of the UO

- \* Educators for Fair Consideration: <http://www.e4fc.org/whatcaneducatorsdo.html>
- \* American Civil Liberties Union: <https://www.aclu.org/>
- \* CAUSA: Oregon's immigrant rights organization: <http://causaoregon.org/>
- \* Immigration Policy Center of the American Immigration Council: <http://www.immigrationpolicy.org/>
- \* Mexican American Legal Defense Education Fund: [www.maldef.org](http://www.maldef.org)
- \* National Immigration Law Center: [www.nilc.org](http://www.nilc.org)
- \* Pew Hispanic Center: [www.pewhispanic.org](http://www.pewhispanic.org)
- \* United We Dream: [www.unitedwedream.org](http://www.unitedwedream.org)

# Trump's Executive Orders



- \* January 25, 2017 President Donald Trump signed an executive order titled “Enhancing Public Safety in the Interior of the United States.”
- \* February 17, 2017, Homeland Security Secretary John Kelly signed new memos that empower federal authorities to aggressively detain and deport immigrants at the border and in the U.S. interior.

# Memo Details



- \* **An end to long-standing basic protections for children arriving alone at the border.** DHS also will penalize their parents.
- \* **A massive expansion of detention,** including a requirement that DHS officers detain nearly everyone they apprehend at or near the border. This will be a boon to the private prison industry.
- \* **Prosecution priorities and discretion are gone.** Rescinds earlier policies on whom to prosecute and deport and whom to deprioritize because they pose no threat to our communities. Those not charged or convicted but who are "believed" to have committed "acts that constitute a chargeable criminal offense" can be deported. *New enforcement priorities cover nearly all undocumented individuals in the US.*

# Memo Details



- \* **Creation of a deportation force.** 5,000 additional Customs and Border Protection (CBP) agents, 10,000 additional Immigration and Customs Enforcement (ICE) agents. Massive expansion of a law ("287(g)") that allows DHS to deputize state and local law enforcement officers to perform the functions of immigration agents. Expand the ways in which local police collaborate with ICE.
- \* **Plans to bypass immigration courts and short-circuit due process.** The memos indicate that many people in the interior of the country – not just those at the border – could be subject to expedited deportation without due process, without going before a judge.

# Relevant Oregon Laws



- \* OR 181A.820 (2015) limits state and local law enforcement from participating in federal immigration enforcement activities if there is no criminal activity
- \* Prevents "deputizing" local law enforcement under 287(g) for the purposes of federal enforcement
- \* Unclear the extent to which Oregon's "sanctuary" status will be upheld under current Administration