

FREQUENTLY ASKED QUESTIONS ABOUT UNDOCUMENTED STUDENTS

WHO ARE AB 540 STUDENTS?

- AB 540 students are U.S. citizens, legal permanent residents, and undocumented immigrants who have attended a California high school for three years, graduated from a California high school, and signed a California Nonresident Tuition Exemption affidavit.
- About 70% of AB 540 recipients at UC are documented students.
- The ratio of undocumented AB 540 students is higher at CSU and CCC.

WHAT LEGISLATION AFFECTS UNDOCUMENTED STUDENTS?

AB 540

Effective January 1, 2002, the law exempts certain undergraduate and graduate students from paying nonresident tuition at public colleges and universities in California. To qualify, students must:

- Have attended a California high school for at least three years.
- Have graduated from a high school in California or received an equivalent degree (GED or California High School Proficiency Exam).
- Have signed the California Nonresident Exemption Request, which states that the student meets all the requirements to qualify for AB 540 status and, if s/he is undocumented, is in the process of adjusting their immigration status, or will do so as soon as they are eligible.
- Not possess a non-immigrant visa.

Federal DREAM Act

The Development, Relief and Education for Alien Minors (DREAM) Act is a piece of proposed federal legislation that Congress has not yet passed. During the first six years, qualifying people would be granted conditional residency status and would be required to: a) graduate from a two-year community college; b) complete at least two years toward a four-year degree; or c) serve two years in the U.S. military. After this six-year period, those who meet at least one of these conditions would be eligible for permanent resident status.

To qualify for conditional residency, undocumented individuals must have demonstrated good moral character, graduated from a U.S. high school, arrived in the U.S. before age 16, and lived in the country continuously for at least five years prior to the bill's enactment.

California DREAM Act – Part I

AB 130

Effective January 1, 2012, AB 130 allows students who meet AB 540 criteria to apply for and receive UC grants and scholarships funded by private sources, such as gifts to UC, UC endowments, and alumni contributions (provided that the terms of the award do not exclude non-citizens).

California DREAM Act – Part II

AB 131

Effective January 1, 2013, this legislation will allow students who qualify for AB 540 to apply for and receive:

- Institutional grants such as UC Grant, State University Grant, Educational Opportunity Program and Services fee waivers.
- Board of Governors fee waivers at the California Community Colleges.
- State financial aid, including Cal Grants and Chafee Foster Youth Grants for use at eligible public and private institutions.

Deferred Action for Childhood Arrivals (DACA)

Announced on June 15, 2012, DACA is a discretionary determination by the Department of Homeland Security that suspends deportation of unauthorized individuals. A person who has been granted DACA is eligible to receive employment authorization for the period of DACA, provided he or she can demonstrate “an economic necessity for employment.” Individuals in possession of a work authorization permit will receive a Social Security Number and may be employed by UC during the effective period of the permit.

DACA does not make individuals eligible for AB 540 status or change their eligibility for federal, state, or UC financial aid.

Unauthorized individuals who meet the following criteria are eligible to apply for DACA:

- Arrived in the U.S. before age 16.
- Be between 15 and 30 years old.
- Have been under age 31 on June 15, 2012.
- Have continuously resided in the U.S. for a minimum of five years prior to June 15, 2012, and must have been present in the U.S. on June 15, 2012.
- Currently be in school, have graduated from high school, earned a GED, or be an honorably discharged veteran of the U.S. armed forces.
- Not have been convicted of a felony offense, a “significant misdemeanor offense,” three or more non-significant misdemeanors, or otherwise pose a threat to national security or public safety.