

The College & Financial Aid Guide for:

AB540 Undocumented Immigrant Students

THE AB 540 COLLEGE ACCESS NETWORK

THE RESOURCE GUIDE IS A COLLABORATION BETWEEN THE CENTER FOR HIGHER Education Policy Analysis (CHEPA) at the University of Southern California, the Salvadoran American Leadership and Educational Fund (SALEF), and Maria Lucia Chavez.

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**THE AB 540 COLLEGE ACCESS NETWORK
CENTER FOR HIGHER EDUCATION POLICY ANALYSIS
UNIVERSITY OF SOUTHERN CALIFORNIA**

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Introduction

Since the passage of Assembly Bill 540 in 2001, authored by the late Assemblyman, Marco Antonio Firebaugh, more than 5,000 undocumented students¹ in California have had improved financial access to higher education. AB 540 has become a pinnacle in the lives of students, who because of their immigration status, have historically been denied access to financial aid to fund their college education, despite demonstrated academic excellence. Even since the passage of AB 540 in 2001, many undocumented students remain unaware of the law as well as the rights and opportunities available to them in the United States. Through this resource guide we hope to inform not only those undocumented students who can benefit from AB 540 but also the counselors, teachers, and other advocates who support them.

It is estimated that every year 65,000 undocumented students graduate from high school across the nation^{*}, with the majority residing in California. Some students will attend a four-year institution, others will find their way to community college, and most will not pursue college at all because of the financial burden that paying for college poses to them and their families. The lack of financial aid available to undocumented students as a result of their residency status has left higher education financially out-of-reach for many.

This guide is the result of a collaborative effort of individuals who work and advocate for student's post secondary access. It provides a comprehensive resource detailing the law, history of relevant legislation, immigration definitions and resources, important information about applying for college, tips on succeeding in college including funding their education, and providing the motivation and examples of students like them who have succeeded.

Students:

This Resource Guide was written with you in mind. It is intended to provide you with all of the information you need to be prepared for college, whether you choose to attend a community college or 4-year university, like a UC or CSU. We hope that this guide will help to make the process of applying to college and funding your education as easy as possible. However, it is important to keep in mind that succeeding in college and paying for college will take a lot of hard work on your part. You will have to work twice as hard as students who were born in the U.S. and who are eligible for financial aid. But, don't be discouraged. We believe in you and know that you can achieve your goals. We know this because there are AB 540 Undocumented Students graduating from college every year so it can be done! Good luck!

Adults:

This Resource Guide was written to guide AB 540-eligible undocumented students through the processes of preparing for, applying to, and acquiring funds for college. Whether you are well-informed about post-secondary options for undocumented students or not, please use this guide to supplement the information you have received from other sources and please **SHARE THIS GUIDE WITH ALL OF YOUR STUDENTS!!!** We know that it is sometimes difficult to identify the undocumented students on your campus, so by providing at least some of the information to all students, you are more likely to reach those students most in need. Once students know that they do have options and feel that they can trust you, they are more likely to come to you for additional assistance.

Undocumented students include those students born outside of the United States, many of whom have lived in this country for a significant portion of their lives, and who reside here without the legal permission of the federal government. Some undocumented students and their families entered the country legally on tourist or work visas and chose to stay in the US after their visas expired. Others entered without any form of legal immigration status (Oliverez, 2005)

According to Badger & Yale-Loehr (2006), undocumented students are foreign nationals who: 1) entered the United States without inspection or with fraudulent documents; or 2) entered legally as a nonimmigrant but then violated the terms of his or her status and remained in the United States without authorization.

The U.S. Census Bureau estimates that in the year 2000, approximately 2.5 million undocumented youth under age 18 were living in the U.S.*

Each year, about 65,000 undocumented students graduate from U.S. high schools.
*

40% of all undocumented students live in California. *

In 2001, between 5,000-8,000 undocumented students in California were eligible for in-state tuition under AB 540. *

Many undocumented students have excelled as honor students, class valedictorians, and active members of their communities.²

Many undocumented students were brought to the U.S. at a very young age.

Many undocumented students have aspirations to attend college.

NOTE: Assembly Bill 540 "AB 540" applies to any student who meets the criteria as set forth in the legislation. Here, the term is used as it applies specifically to AB 540-eligible undocumented students.

** These statistics were obtained from a group of studies conducted by the Pew Hispanic Center, www.pewhispanic.org*

FREQUENTLY ASKED QUESTIONS ABOUT UNDOCUMENTED STUDENTS:

Q: What does it mean to be undocumented?

A: An undocumented person is a non-citizen who entered the U.S. without legal immigration status or who stayed after the period he/she was authorized to be here.

Q: If I am undocumented and interested in applying for residency, what should I do?

A: In order to find out if you are eligible to apply for legal permanent residency, contact a licensed immigration lawyer/attorney (*abogado*). DO NOT give your money to a “notario” (notary public). In the U.S., a notario is not a lawyer/attorney and cannot help you establish residency or “get your papers.”

Q: If I am undocumented, can I go to college?

A: YES, if you are an undocumented student you can go to any college or university in California as long as you are admitted/accepted. To avoid paying out-of-state tuition, you need to meet the AB 540 requirements listed in Section 2 of this guide.

NOTE: Students attending a California Community College have as an alternative to AB 540, the ability to apply under Title 5, Chapter 2 “Residency Regulations and Requirements for Undocumented Aliens” 2.22. Admission under this classification allows you to apply for the Board of Governors (BOG) Fee Waiver and Extended Opportunity Programs and Services (EOPS) state aid providing you meet the income guidelines.

Q: If I am undocumented, can I apply for financial aid?

A: *As an undocumented student, you ARE NOT eligible for state (Cal Grant) and federal (FAFSA) financial aid.* Some colleges and private organizations may offer financial assistance to undocumented students. Visit your college’s EOPS, financial aid, and scholarship offices to find out.

Q: Where can I go to find out about scholarships for undocumented students?

A: There are several places where you can find scholarship lists that do not require you to be a US citizen or legal permanent resident, and that do not ask for a social security number. The following websites include scholarship lists: www.maldef.org, www.salef.org, www.usc.edu/chepa, and www.fastweb.com. For additional scholarship information see Section 4 of this guide.

Q: How do I qualify to pay in-state tuition?

A: In order to qualify for in-state tuition (at a public California college or university) under AB 540 you must have completed 3 years of high school in California and graduate or obtain the equivalent of a high school diploma. You must also complete an AB 540 affidavit (California Non-Resident Tuition Exemption Request form) at the college/university that you will attend stating that you meet AB 540 eligibility requirements. Each school has different procedures for completing the AB 540 affidavit so contact the admissions/registrar's office at the college/university that you will attend and ask about how and when to complete and submit the AB 540 affidavit. See the table in Section 4 for more information.

Or, if you or your family have taken steps to obtain or legalize your status (e.g. permanent resident, asylum, family unity program, etc.), you may also apply for in-state tuition under California Community College Title 5, Chapter 2 "Residency Regulations and Requirements for Undocumented Aliens" 2.22; through this process you would then be eligible for state aid, **provided** you meet any additional requirements set forth by those programs (e.g. Low-income).

Q: Is the process for applying to college and university for undocumented students any different when applying under AB 540?

A: For all UC and most CSU, you must apply in November of the year before you wish to begin the following fall. Two sections must be left blank:

- 1) Social Security Number slot should be Left BLANK or enter zeros.
- 2) Immigration Status slot should be left BLANK

Everything else should be filled out completely. Additional materials should NOT be sent with the application. Once you have been accepted by the university, you should fill out and send the AB 540 affidavit (California Non-Resident Tuition Exemption Request form).

For community colleges, you are required to turn in the AB 540 affidavit when you submit your college application. The section requesting your social security may be left blank or you may enter "please assign an ID number". For "immigration status," you may list "AB 540".

Q: What happens if I have already given the school a false SS# or stated citizenship?

A: If you qualify for AB 540 but have falsified information in the past, you should seek legal advice about how to correct the information. For a list of low cost or non-profit legal referrals in your area see Section 6 of this guide.

Articles about undocumented students:

Badger, E. (2002). "Myths and Realities for Undocumented Students Attending U.S. Colleges and Universities". *Journal of College Admission*, 174, 10-15.

Badger, E., Yale-Loehr, S., Vernon, M., & Schoonmaker, L. "Undocumented Students and Eligibility for Enrollment at U.S. Colleges and Universities"
http://www.nafsa.org/Document/admissions_wrapup_newsletter_9.pdf

Fernando, M. (October 25, 2004). Beyond Borders: Thousands of Undocumented Immigrants are U.S. College Students. *Daily Bruin*. www.dailybruin.ucla.edu

Hodge, S. (April 27, 2004). UCLA Immigrant Rights Coalition Lobbies for DREAM Act on Capitol Hill. *Daily Bruin*. www.dailybruin.ucla.edu

Huerta, A., Salinas, A., Conde, D., & Lopez, F.J. (2004). Special issue on education: Demands, battles and dreams of undocumented students. *La Gente de Aztlan Para Los Pueblos de Las Americas*, 33 (2).

McGray, Douglas (April 23, 2006). "The Invisibles". West Magazine. *Los Angeles Times*. www.douglasmcgray.com/theinvisibles.html.

Olivas, M.A. (2004). "IIRIRA, The DREAM Act, and Undocumented College Student Residency". *Journal of College and University Law*, 30 (2), 435-464.

Rabkin, H. (June 4, 2004). Act boosts college-funding options. *Daily Bruin*. www.dailybruin.ucla.edu.

"Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education In California"
<http://tcla.gseis.ucla.edu/reportcard/features/5-6/ab540/pdf/UndocImmigStud.pdf>

Vega, M.A. (March 10, 2004). Jóvenes se unen para dares apoyo en la universidad. *La Opinión Digital*. Website: www.laopinion.com

The Law

AB 540, signed into law on October 12, 2001, authorizes any student, including undocumented students who meet specific criteria to pay in-state tuition at California's public colleges and universities (e.g. California Community College, California State University, and University of California).

Non-resident students are required to pay "out-of-state" or "non-resident" tuition fees to attend California's public colleges and universities. These fees are much higher than "in-state" or "resident" tuition fees. For example, AB 540 allows undocumented students to pay \$26 per unit (in-state) fees at California community colleges versus \$197 per unit (out-of-state) fees. It also allows you to pay \$2,864 (in-state) fees versus approximately \$12,420 (out-of-state) fees at California State Universities (CSU) campuses and \$6,141 (in-state) fees versus approximately \$22,504 (out-of-state) fees at University of California (UC) campuses.

Any student, except a person in nonimmigrant status, who meets the requirements, shall be exempt from paying nonresident tuition at all public colleges and universities in California if they meet the following requirements:

AB 540 Eligibility Requirements

You must have attended a California high school for 3 or more years;

You must have graduated from a California high school or attained the equivalent of a high school diploma;

You must have registered or currently be enrolled at an accredited institution of higher education in California;

You must have filed or will file an affidavit as required by individual institutions, stating that he/she will apply for legal residency as soon as possible; and

You may not be a non-immigrant holding a valid lettered non-immigrant visa.³

AB 540 Affidavit - "CALIFORNIA NON-RESIDENT TUITION EXEMPTION REQUEST"

You must obtain, complete, and submit the AB 540 Affidavit to the appropriate office of the college you WILL attend in order to receive the exemption from non-resident tuition.

California Community Colleges (CCC):

Request and submit the completed AB 540 Affidavit at the Admissions Office when you register/enroll. You may be required to submit additional documentation such as high school transcripts and appropriate records of high school graduation or the equivalent.

California State University (CSU):

Request and submit the AB 540 Affidavit to the Office of Admissions and Records from the campus you will be attending after you have been admitted. You will be required to submit additional documentation such as high school transcripts and appropriate records of high school graduation or the equivalent.

University of California (UC):

Request and submit the AB 540 Affidavit to the Office of the Registrar at the UC campus you will be attending. The Affidavit will need to be submitted once you have been admitted to the UC campus. Check with your campus for more specific instructions.

FREQUENTLY ASKED QUESTIONS FOR AB 540 STUDENTS:

Q: Is 9th grade included in the definition of “high school” if it is included as part of middle school?

A: YES, for purposes of eligibility for the tuition exemption, enrollment in the 9th grade whether at a middle or high school, counts toward the California high school attendance requirement.

Q: Does the high school enrollment have to be at the same California school and for three consecutive years?

A: NO, the three years for a student’s 9th through 12th grades need not be consecutive nor completed at a single California school. For example, if you attended 9th grade at a California middle or high school, left the state to attend 10th grade in another state, and returned to a second qualified California high school to complete 11th and 12th grades, you will have met the requirement of three years of high school attendance in California.

Q: What does “has graduated from a California high school or has attained the equivalent” mean?

In addition to meeting the high school attendance requirement of 3 years, a student qualifies for AB 540 if he or she has one of the following:

A diploma from a California high school; or

A high school certificate of completion issued by a high school district to students that did not pass the high school exit exam; or

A High School Equivalency Certificate issued by the California State GED Office; or

A Certificate of Proficiency⁴ resulting from the California High School Proficiency Examination⁵.

Q: If I am a student who received a high school certificate of completion instead of a regular high school diploma or GED, am I eligible for the exemption from nonresident tuition (AB 540)?

A: YES, provided by Education Code section 68130.5, a student (other than a non-immigrant) who attends high school for three years in California and receives a certificate of completion from a California high school is eligible for the exemption from nonresident tuition.

Q: Does it matter how far in the past I graduated from high school to be eligible for nonresident tuition exemption (AB 540)?

A: NO, it does not matter how long ago you graduated from a California high school or attained the equivalent.

Q: Is there a maximum number of years for which I am eligible to receive this exemption (i.e., qualify to pay in-state tuition under AB 540)?

A: NO, there is no cap on the maximum number of years you can receive this exemption (i.e., qualify to pay in-state tuition under AB 540).

Q: Do I need to be in the legalization process to qualify for AB 540?

A: NO, both students that are already in the process and those that are not yet in the process qualify for AB 540. But remember that the affidavit that you sign says that you will start the process as soon as you are eligible to do so.

Q: Can I utilize AB 540 at a private university or technical college like USC, Stanford, Heald College, Bryman College, etc?

A: NO, AB 540 is utilized only by PUBLIC community colleges and universities in California (CSU/UC), therefore students attending a private institution may be charged non-resident tuition or be processed as “international students.” If you plan to attend a private university or technical school, contact their admissions office to find out how they process undocumented students.

Q: Do adult school students qualify for AB 540?

A: If you have completed 3 years of adult school or finished your GED through an adult school, you MAY qualify for AB 540 if the community college you wish to attend considers it equivalent to high school. Check with a representative at your college who is knowledgeable about AB 540 to find out about your college’s requirements.

Q: Are “home-schooled” students eligible under AB 540?

A: If you were “home-schooled” by a parent or other person who did not hold a California teacher credential, you are NOT eligible, because that “school” would not meet the definition of a “high school in California.”

Q: Can students living out-of-state enroll in a private California “Internet high school,” complete their coursework via distance learning or correspondence, and meet the California high school enrollment and graduation requirements?

A: NO, this type of private school would not meet the requirements of Section 48222 of the California Education Code, which defines a “high school in California” for the purposes of eligibility.

Q: Does qualifying for AB 540 allow a student to receive financial aid?

A: Undocumented students are not eligible for state (e.g. BOG Fee Waiver, EOPS and Cal Grant) and federal (e.g. FAFSA, Pell, and SEOG) financial aid. Some colleges may offer financial aid to undocumented students; visit your college's financial aid office to find out. Scholarships are also available. See Section 4 for more information on scholarship opportunities. However, if the tuition exemption is granted, it could impact the amount and, possibly type, of financial aid the student might receive.

Q: I pay or have paid out-of state tuition, but I am now eligible to pay in-state tuition under the new law (AB 540). Will I be able to get a refund?

A: You will not be eligible for a refund if you paid out-of-state tuition for any term before January 1, 2002. You may be eligible for a refund only if you have paid out-of-state tuition for any term that begins on or after January 1, 2002. Contact the university or college administration for more information.

Q: Does AB 540 change a student's residence status?

A: NO, AB 540 does not grant residency status; rather, it exempts/waives you from paying non-resident tuition. You will continue to be classified as a non-resident.

Q: Is the AB 540 Affidavit confidential?

A: YES, the AB 540 Affidavit will be filed with the college or university you attend, not the USCIS (United States Citizenship and Immigration Service).

KNOW YOUR RIGHTS!

As an undocumented student it is important for you to know your rights.

>>You cannot be denied admission to a California college or university based on your immigration status.

>>You are not required to show a state issued ID and social security card to apply for admission to a California college or university.

>>You are not required to pay out-of state, international, capital outlay, or penalty fees (which may be charged to out-of-state and or international students) to enroll at a California college or university if you qualify for AB 540.

>>You are not required to show proof of legal residency status or proof of application for legal residency status.

>>You are not required to show proof of legal residency status or proof of application for legal residency status.

****IF YOU NEED HELP: Some college/university staff may be unaware of AB 540 or may interpret the law incorrectly. If you feel that your rights under AB 540 have been denied, contact the Mexican American Legal Defense and Educational Fund (MALDEF) at 213.629.2512 for assistance.***

As an undocumented student, it is important to be informed of the laws that affect you. The legislation and bill information below provide historical background for you to understand your rights, restrictions and the advocacy needed to assist you in your pursuit of higher education.

Federal Law

1974: The Family Educational Rights and Privacy Act (FERPA)

The FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

Any information that a student shares with a college or university is protected by this Act.

1982: Plyler v. Doe

The U.S. Supreme Court invalidated a Texas law authorizing school districts to bar undocumented students from public elementary and secondary schools.

The court noted that the statute imposed a "lifetime hardship on a discrete class of children not accountable for their disabling status."

The case did not address explicitly the question of postsecondary education, however, Legislative Counsel has suggested that Plyler v. Doe would not apply to postsecondary education.

Elementary and secondary education (K -12) is a fundamental and protected right. All children, including undocumented children, can attend any public elementary and secondary school free of charge.

1996: Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)

(§§ 505-507) IIRIRA prohibits undocumented immigrants from accessing any postsecondary education benefits *unless* a U.S. citizen or national is eligible for the same benefit.

For example, any state that provides in-state tuition to undocumented students must also provide in-state tuition to out-of-state residents (both permanent residents and citizens).

Proposed Federal Legislation

NOTE: Legislation is subject to change. Check with your State Senators and Congress Members for updated information on the bills described below.

2005: The Development, Relief and Education for Alien Minors (DREAM) Act (S. 2075)

The DREAM Act (S. 2075) was introduced in the U.S. Senate in November 2005.

It could become law if passed by both houses of Congress and signed by the President before the end of 2006.

In March 2006, the Senate Judiciary Committee approved the "DREAM Act" as an amendment to the Committee's comprehensive immigration reform.

If passed, the proposed legislation will have a far bigger impact on education, fairness to children, and American competitiveness than on immigration to the U.S.

The measure would provide that upon high school graduation, individuals who were brought to the U.S. as undocumented children and have grown up in the U.S. would be able to apply for six years of conditional legal immigration status which would be made permanent if they continue to go on to college or serve in the military.

It would eliminate a provision of law enacted in 1996 that currently requires lawful immigration status in order to qualify for any post secondary education benefit based on state residency.

2006: The “New American Dream Act”, H.R. 5131

Introduced in the U.S. House of Representatives on April 6, 2006 as a bipartisan bill.

Formerly known as the Student Adjustment Act, the American Dream Act is the House version of the DREAM Act.

H.R. 5131 still awaits consideration by the House Judiciary Committee, as well as the House Education and Workforce Committee⁶.

The objective of this bill is to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to permit States to determine state residency for higher education purposes, and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain immigrant college bound students who are long-term U.S. residents.

This Act would provide higher education benefits for applicants.

California Law

1986: Leticia A. v. UC Regents and CSU Board of Trustees

In 1986, the Leticia A. law went into effect, asking public colleges and universities to treat undocumented students as residents for tuition purposes.

Between 1986 – 1991 at the UC system and 1986 – 1995 at the CSU system, students who met state residency requirements (1 year and 1 day) qualified to pay in-state-tuition and were eligible for state financial aid (CalGrant).

1991: Bradford v. UC Regents

David Paul Bradford, a UCLA staff person filed suit against UC asking that the original residency statute be declared constitutional.

Despite appeals by the UC and CSU systems, Bradford won his case and as a result, undocumented students lost the right to state tuition and state financial aid.

In 1991, the UC system was forced to treat undocumented students as “non-residents” for tuition purposes.

CSU and California Community Colleges continued to treat undocumented as “residents” until adopting Bradford years later.

In January of 1992, California Community Colleges implemented the “Bradford Decision”. [Title 5, Division 6, Chapter 5, subchapter 1 sect 54045. Alien Students and ECS 68062 (h) (i)]. Under this decision, undocumented students may be classified as residents if they have taken steps to obtain or legalize their status (e.g. permanent resident, asylum, family unity program, etc.). These students would then be eligible for state aid, provided they meet any additional requirements set forth

by those programs (e.g. Low-income).
2001: Assembly Bill 540

California's AB 540, authored by the late Marco A. Firebaugh, is based on high school attendance, and is not an Immigration bill. The bill permits students who complete three years or more of high school in California, and who are pursuing documented status, to be exempt from paying out-of-state tuition. Unlike Leticia A., AB 540 does not provide state financial aid to undocumented students who are eligible.

Proposed California Legislation

2005: California DREAM Act, SB 160

Under Senate Bill 160, authored by Hon. Gil Cedillo Requests the UC system, and requires the CSU and CCC to establish procedures and forms to enable students who are exempt from paying nonresident tuition, under AB 540, to participate in all student aid programs administered by these segments and by the State of California to the fullest extent permitted by, and consistent with, federal law.

The bill also provides that persons exempt from paying nonresident tuition, as specified, who otherwise are qualified, shall receive a CCC's Board of Governors (BOG) fee waiver.

As of April 20, 2006, both the California State University Board of Trustees and the University of California Regents have openly supported this bill along with the California Community College Board of Governors.

Future action is expected, and hence, remains among California's future legislation. Contact Honorable Gil Cedillo's office for more information.

www.senate.ca.gov/cedillo

Additional Information

Since 2001, ten states have passed laws permitting certain undocumented students who have attended and graduated from their primary and secondary schools to pay the same tuition as their classmates at public institutions of higher education. Texas became the first state to allow undocumented immigrants who graduate from a state high school to pay in-state resident tuition at public universities. Nine other states have passed similar measures since then. The states are California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Utah, and Washington.

For a complete list of bills proposed or enacted in your state, regarding immigrant access to higher education, please visit:

http://www.nilc.org/immlawpolicy/DREAM/DREAM_Bills.pdf

High School attendance is the primary requirement to qualify under these bills. To qualify, all 10 states require the students to have:

Attended a school in the state for a certain number of years

Graduated from high school in the state; and

Signed an affidavit stating that they have either applied to legalize their status or

will do so as soon as eligible.

These laws also provide that U.S. citizens or permanent residents who meet these requirements but no longer live in the state are able to qualify for the same tuition rate.

Federal law does not prohibit states from providing in-state tuition to undocumented immigrants. However, it is under the state's discretion to decide whether to do so or not. IIRIRA (§ 505) prohibits states from providing any higher education benefit based on residency to undocumented immigrants unless they provide the same benefit to U.S. citizens in the same circumstances, regardless of their residence (state).

Introduced in 2005, the Development, Relief and Education for Alien Minors (DREAM) Act, S. 2075, is currently pending in the U.S. Congress. The DREAM Act would provide a path to legal status for individuals who are undocumented, even though they were brought to the U.S. years ago as children and have lived most of their lives here. It would also repeal the provision of law discussed above that penalizes states that provide in-state tuition to undocumented immigrant residents by requiring them to provide the same benefits to students who do not reside in the state. Although the DREAM Act eliminates the federal penalty, it does not require states to provide in-state tuition to any undocumented immigrants. Therefore, even after the DREAM Act passes, each state will have to determine for itself whether to do so.⁷

Helpful Websites:

Center for Community Change

<http://www.communitychange.org/>

Friends Committee on Legislation of California

www.fclca.org

Legislation Information of California

<http://www.leginfo.ca.gov/>

Mexican American Legal Defense and Educational Fund

www.maldef.org

NAFSA: Association of International Educators

<http://www.nafsa.org/>

Salvadoran American Legal and Educational Fund

www.salef.org

The California Immigrant Welfare Collaborative

www.nilc.org/ciwc/

The Coalition for Human Immigrants Rights of Los Angeles

www.chirla.org

The National Council of La Raza
www.nclr.org

The National Immigration Law Center
www.nilc.org

U.S. Department of Education
www.ed.gov

Information about policies and programs to assist undocumented immigrants can be found at the following websites:

Facts About Immigrants
http://www.nilc.org/immspbs/research/pbimmfacts_0704.pdf

Further Demographic Information Relating to the DREAM Act
http://www.nilc.org/immlawpolicy/DREAM/DREAM_Demographics.pdf

La Agencia de Orci Launches New PSA Campaign for MALDEF
<http://www.hispanicbusiness.com/news/newsbyid.asp?id=9586>

Overview of Immigrant Eligibility for Federal Programs
http://www.nilc.org/immspbs/special/pb_issues_ovrvw_042005.pdf

Getting Into College

As mentioned earlier, you CANNOT be prevented from attending a college or university in California solely based on your residency status. Undocumented students can attend a California Community College, California State University (CSU), University of California (UC), and many private schools. However, you should be aware that the process of applying for admission to college can be a confusing and expensive process. Undocumented students should seek assistance with their college applications to insure that they correctly complete immigration-related questions and receive application fee-waivers when possible. If you think you meet the eligibility requirements for AB 540, speak to an admissions representative at the college you plan to attend to find out how to complete the California Nonresident Tuition Exemption Request form (AB 540 Affidavit).

The table below provides an outline of various aspects of the college admissions process for California Community Colleges, California State Universities (CSU), Universities of California (UC), and private colleges/universities, including:

Admissions application deadlines

Application fess

Application fee-waiver eligibility requirements

Admissions requirements

Required documents and residency information

Admissions notification

Scholarship information

AB 540 points of contact

Existing AB 540 support groups

	Comments	California Community Colleges	California State University	University of California	Private Institution
Application Deadline	Always check with the individual campus. Deadlines may vary.	There is no formal application deadline, however, you are encouraged to apply early in the final semester of your senior year.	November 30th is the deadline for Fall Admissions. Some campuses extend this deadline.	November 30th is the deadline for Fall Admissions. The University of California publishes specific guidelines on how AB 540 students should proceed with the application. Contact a college counselor or university representative for specific information.	“Early decision” or “Early action” take place in November. Regular admissions application deadlines typically take place in January but can vary by campus.
Application Fee		None	\$55.00 per campus	\$60.00 per campus	Varies per campus but is often around \$55.
Fee Waiver	AB 540 student eligibility for fee waivers differs by each institution type.	N/A	Request to Waive Admissions Fee forms can be obtained online, from a university representative, or from a college counselor. Fee waiver eligibility is determined based on the online admissions application income criteria calculation and residency requirements.	Fee waiver eligibility is determined based on the online admissions application income criteria calculation and residency requirements. A UC fee waiver waives fees for up to four campuses. Contact a college counselor or university representative for specific information.	Contact the respective campus. If you participated in the College Board’s SAT® Program Fee-Waiver Service, you may also be eligible to waive application fees at the private colleges to which you’re applying. Fee-waiver eligibility is determined on a case-by-case basis.
Admissions Requirement		Students must be 18 years old and/ or have a High School Diploma or GED. www.cccco.edu	www.csumentor.org	www.universityofcalifornia.edu	www.aiccumentor.org www.commonapp.org
Required Documents and Residency Information		You will have to identify yourself as AB 540-eligible as part of your application, and sign an AB 540 Affidavit/ Non-Resident Tuition Exemption Form at the campus you will attend. College districts have the ability to accept self-certification via AB 540 affidavit; check with the college’s admission’s office. Those that do not accept self-certification will require the following: Official High School Transcripts w/ posted graduation date. If applying online, most colleges may identify you as AB 540-eligible based on questions answered during the application.	Official High School Transcripts. You will be required to sign an AB 540 Affidavit/Non-Resident Tuition Exemption Form only at the campus you plan to attend.	After being admitted, you will be required to turn in a Statement of Legal Residence (SLR) where you will be asked numerous specific questions related to your residency and your parent’s residency. You should contact a college counselor or university representative when filling this out. You will also need to provide official high school transcripts. You will be required to sign an AB 540 Affidavit/Non-Resident Tuition Exemption Form only at the campus you plan to attend.	AB 540 does not qualify undocumented students to pay in-state tuition at private institutions. Therefore, you may be identified as an international student and may have to pay international fees.
Admissions Notification	Each campus has its own timeline for notifying students of admission. Some campuses begin notifying applicants of an admission decision soon after the receipt of an application.	You are admitted once you file an admissions application.	The timeline for notifying students of admission varies.	The timeline for notifying students of admission varies. You will be notified beginning late-March through early-April.	The timeline for notifying students of admission varies. Ask about rolling admissions.

	Comments	California Community Colleges	California State University	University of California	Private Schools
Scholarships	<p>Financial assistance for students may include: grants, low-interest loans, work-study (on- or off-campus), and various privately supported scholarships for outstanding students in particular fields.</p> <p>There are a couple of scholarship lists compiled with no residency requirements, see Section 4 of this guide for more information.</p>	<p>Visit the campus Scholarship Office and inquire about scholarships available to students regardless of residency.</p> <p>Some Community Colleges have their own Scholarship Foundation.</p>	<p>Visit the website for the campus you wish to attend or the campus Scholarship Office for more information.</p>	<p>For a list of scholarships per UC campus visit: http://www.universityofcalifornia.edu/admissions/undergrad_adm/scholarships.html</p>	<p>Many private colleges and universities award merit-based financial aid to undocumented students. Contact a trusted person to inquire about available scholarships.</p>
AB 540 Point of Contact	<p>Different offices may give you different answers depending on their knowledge of AB 540 policies.</p>	<p>Admissions Office</p>	<p>Admissions Office</p>	<p>Registrar's Office Residency Deputy</p>	<p>Talk to a trusted adult at any private college or university that you plan to attend.</p>
Existing Support Groups	<p>Contact campus or student groups/ organizations on the respective campus for updated information.</p>	<p>GCC - ALAS SMC - ALAS SBCC - Cal SOAP OXCC - EOPS</p>	<p>SJSU - SAHE www.geocities.com/ab540students CSUDH - Espiritu de Nuestro Futuro</p>	<p>UCB - Multicultural Student Development Center UCD - IDEAS UCLA - IDEAS www.studentgroups.ucla.edu/ideas UCR - MEChA UCSB - IDEAS UCSC - Students Informing Now (SIN) Verguenzas</p>	<p>USC - CHEPA</p>
Additional Comments		<p>Any high school graduate is eligible for admission to a community college. However, you do not have to have a high school diploma as long as you are over 18 years of age and can benefit from instruction. High school students may be permitted to enroll for "advanced placement" courses provided they have the consent of their school principal and their college president and meet grade-point requirements. Students and their families that have taken steps to legalize their status (e.g. permanent resident, asylum, family unity program, etc.), may also apply under Title 5, Chapter 2 "Residency Regulations and Requirements for Undocumented Aliens" 2.22; through this process one would then be eligible for state aid (BOG Fee Waiver, EOPS: grants, book service, counseling), provided any additional requirements set forth by those programs (e.g. low-income) are met.</p>	<p>Webpage citing.</p>	<p>AB 540 students may receive a letter from the "Central Processing Center" asking them to complete the residency questions on the application. STUDENTS SHOULD IGNORE THIS LETTER. However, this is not to be mistaken with the Statement of Legal Residence (SLR), which must be filled out.</p> <p>Is your current/most recent school a California college, or did you attend a California high school for two or more years? (item 10 on UC application) If a student answers yes, then per UC director of undergraduate admissions that student is a "resident" for tuition purposes.</p>	<p>Students applying to private colleges/ universities are often required to complete a CSS/Financial Aid PROFILE. Many colleges, universities, graduate and professional schools, and scholarship programs use the information collected in the PROFILE to help them award nonfederal student aid funds. Some private colleges and universities provide financial aid to undocumented students.</p> <p>See NOTE below for more information.</p>

NOTE: When you call the admissions office at a **private university**, ask for a counselor who works on minority recruitment and retention.

Then ask:

- 1) How does your office process and evaluate undocumented students' applications?
- 2) Does your college offer any financial aid for undocumented students (e.g., merit-based scholarships, need-based scholarships, scholarships specifically for undocumented students)?

If so, how much do you provide?

Is there an application process (e.g., interviews, letters of recommendation, etc.)? What is the timeline?

How many apply and how many are awarded?

What are the requirements to maintain the scholarship?

Can transfer students qualify?

If not, has your office made any plans to change your policy towards undocumented students?

Succeeding in College

Financing your education

Affording school is not a matter of “making thousands of dollars, but of saving pennies”. As an undocumented student, you must be creative in order to finance your education since you are ineligible to apply for state and federal financial aid (i.e., FAFSA, BOG Fee Waiver, Pell Grant, Cal Grant). Remember, you can obtain a higher education with hard work, resourcefulness, and support!

Fundraising Tips

Below is a list of various ways AB 540 students have raised money to fund their college education:

- | | |
|----------------------|--|
| <i>Work.</i> | If you have a work permit, that provides you the right to seek employment in the U.S. |
| <i>Stipends.</i> | Undocumented students may be eligible for privately funded stipends. ⁸ |
| <i>Donations.</i> | Ask for donations from former teachers and/or current professors. Do not be afraid to ask! Many individuals are willing to support you in one way or another. |
| <i>Fundraisers.</i> | Hold “house parties” to raise money from friends and family; Organize carwashes, food sales, book sales, graduation sales (candy leis, teddy bears, etc.); or, attend comedy shows (a group gets paid for attending tapings of shows). |
| <i>Scholarships.</i> | Undocumented students are eligible for many private scholarships. Use scholarship search engines like www.fastweb.com to look for scholarships. |

Scholarship Tips

Scholarships are a great way to fund your education, especially if you do not qualify for state/federal financial aid. Below are some tips to help finance your education:

There are organizations and individuals that provide scholarships to undocumented students; however, these are limited in number and becoming increasingly competitive.

Students must contact individual scholarship providers for eligibility requirements, specific deadlines, and application process information. Make sure to obtain information from a representative since the information printed on the list may be outdated. Also, be sure to CHECK ELIGIBILITY REQUIREMENTS. You do not want to spend hours putting a scholarship application packet together only to find out that you are ineligible or that the scholarship is no longer offered.

You should also ask about how the scholarship is awarded. Is the money given to you in the form of a check? Is the money deposited directly with the college? Answers to these questions are important because they determine whether the money may be used for tuition only or for housing, food, books, or other cost you may incur as a student. Some scholarship providers may provide students with a check and others may send it directly to the school you will attend.

It is recommended that students begin looking for scholarships as early as possible. What does this mean? Do not wait until the summer before entering college to apply! Begin your search while in high school and within your high school, school district and local community.

Scholarship lists can be found on the following websites: www.maldef.org, www.salef.org, www.usc.edu/dept/chepa, www.fastweb.com. Please contact support groups, such as other non-profit organizations, student groups, or your campus scholarship office for more information on available scholarships.

Private Aid

Some private universities, companies, and organizations may provide financial assistance to help undocumented students pay for college. Contact individual groups to find out about resources that may be available to you.

Networking

AB 540 Student Networks are a great way to get connected with other undocumented students at your college/university.

When visiting college campuses, talk to:

AB 540 advocates and allies

AB 540 student organizations

Chicana/o Studies Department

Support/ Outreach Programs (EAOP, EOPS, UCLA AAP, Cal SOAP, etc.)

FREQUENTLY ASKED QUESTIONS ABOUT COLLEGE

Q: What is the first step I should take if I want to attend college?

A: If you want to attend college, you should look at the website(s) for the school(s) you are interested in attending to find out about their admissions requirements and costs of attendance.

Q: Is the process for applying for admission the same for all colleges?

A: NO, there are different applications to complete for each system. For example, you will complete one UC application that will go to all UC campuses that you wish to apply to. You will also complete one CSU application that will go to all CSU campuses that you wish to apply to. Each community college and/or private college/university that you apply to will usually require you to complete a separate application. Private colleges/universities may also ask you to complete the “Common Application,” which can be found at www.commonapp.org. Talk to a college counselor, college representative, community organization or other group in your local community that can provide guidance.

Q: What else can I do to improve my chances of being admitted to college?

A: GPA/ Rigor of Courses

College admissions counselors usually consider your GPA and how challenging (rigorous) your courses were to compare your academic performance with that of your peers. Be sure to keep your grades up! This will provide more opportunity not only for college admissions but also for scholarship competitions.

Standardized Tests

In addition to coursework and grades, scores on standardized tests (such as the SAT I, SAT II, and ACT) can be included among the criteria for admission to some colleges and universities.

Take these tests seriously. Be sure to prepare yourself for these tests and ask your high school counselors about test-preparation classes.

Personal Statement/ Essay

Some colleges/ universities will require you to complete a personal statement or series of essays. This is why it is always a good idea to look into what each application for admission requires, ahead of time.

Give yourself enough time to write multiple drafts of your essay/ personal statement. Do not submit the first draft of an essay. Share your essays with teachers, friends, and others who can provide you with feedback.

Your personal statement/ essay is your chance to talk about yourself. Keep your focus narrow and personal, be specific, don't tell them what you think they want to hear.

For more tips on writing your essay/personal statement, check out the following websites: www.collegeboard.com

Letters of Recommendation

University of California (UC) and many private colleges/ universities will require you to submit 2-3 Letters of Recommendation.

These letters must be obtained from a teacher, counselor, administrator, employer, or other individual outside of your family who can speak about your strengths and what you will bring to the college or university you are applying to.

It is important that the person providing the recommendation has a good understanding of your academic history, interests, goals, and direction. Normally this type of letter is addressed to a specific person and should be submitted along with the admissions application or as outlined in the admissions procedure.

Try to give people from whom you are requesting letters sufficient time to write them and return them to you or the college/university you are applying to.

Academic letters of recommendation may contain evidence or confirmation of the following:

- Academic performance
- Honors/awards
- Initiative, dedication, integrity, reliability, etc.
- Ability to work with others and independently

Community Service/ Extra Curricular Activities

Get involved! It is not only important to maintain good grades but also to be involved in your community. You can help other undocumented students know about how to obtain a higher education, tutor younger children at your local elementary, gain leadership skills through programs and internships, and develop other essential skills you will need in college, such as critical thinking, problem solving, and networking skills.

College Credit Before You Start

Often high school students are eligible to receive college credit while they are still enrolled in high school. For example, Advanced Placement courses offer students who prepare early and take more difficult courses during their high school years the chance to gain college credit and save on tuition.

Advanced Placement (AP) courses are available in more than 20 subjects. Students scoring 3 and above on AP exams can receive college credit and save time and money by taking fewer college courses. Ask your high school counselor if AP courses are available in your school.

You may also be eligible for Dual-Enrollment at a Community College. Dual-

Enrollment means that you can also take college courses while in high school and, generally, they may be counted toward your college degree. Contact the community college of your choice to find out if you qualify for the following:

Dual-Credit Student: High school student enrolled in courses that receive both college credit and credit toward meeting secondary school requirements for graduation.

Dual (Concurrent)-Enrolled Student: High school student enrolled in college courses while continuing to be enrolled as high school students. The college courses are only used for college credit.

Q: How much does it cost to attend college?

A: The costs of college attendance will differ depending on the college. For example, community colleges are the least expensive colleges to attend, as tuition is typically less than \$1,000 per year. Attendance at a California State University costs about \$2,864 per year for tuition and \$6,530 for room & board. Attendance at a University of California costs about \$6,141 per year for tuition and \$11,928 for room & board. The costs of tuition and housing at private schools can range from \$20,000-\$50,000 per year. Regardless of the university, college attendance is considerably less expensive when students do not live on campus.

For current tuition/housing fees and additional information visit the following websites:

University of California	www.ucop.edu
California Community Colleges	www.cccco.edu
Los Angeles Community Colleges	www.laccd.edu
California State University	www.csumentor.edu
Private Universities	www.commonapp.org
California Private Colleges/Universities	www.aiccumentor.org

Graduate/ Professional School

There are no restrictions to prevent undocumented students from attending public Graduate/ Professional schools in California. However, some professional schools require employment as part of their curriculum (e.g. graduate teaching credentialing programs). There may be some exceptions if you are interested in attending a School of Education, for instance, but the difficulty is securing employment once you have earned your degree. These types of professions require that you be legally eligible to work in the state of California.

Obtaining Certifications/ State Licenses required for some professions is also difficult for undocumented immigrants due to requirements such as background-checks, a social security number, and state examinations. For more information on obtaining certifications/licenses, please refer to the Department of Consumer Affairs license lookup web page: [http://www2.dca.ca.gov/pls/wllpub/wllquery\\$.startup](http://www2.dca.ca.gov/pls/wllpub/wllquery$.startup).

If you are interested in practicing law in the state of California, please go to the following website: http://calbar.ca.gov/calbar/pdfs/admissions/sf_legal-edu-outside-us.pdf.

Because undocumented AB 540 graduate/professional students are not eligible for any type of federal or state financial aid, paying to attend college remains a concern. You are strictly dependent on your own financial resources, such as private scholarships, grants, and/or loans. Obtaining loans is one possible method of paying for your tuition. The most suggested methods of obtaining a loan are private lending institutions, such as Sally Mae. If you reside in CA without legal immigration status, a legal permanent resident/ U.S. Citizen co-signer is often required.

Employment

Some undocumented AB 540 students who are in the legalization process are eligible for a U.S. work permit. This permit may be adequate for you to work legally. There also may be opportunities to start your legalization process through employer sponsorship under rigorous requirements. For more information, consult a licensed immigration attorney. Violating the terms of your visa status may be enough to prohibit you from future adjustment of your status.

Sometimes, entrepreneurship⁹ is an option. For example, you may be able to apply for a business license and start your own business.

Internships/ Fellowships

Internships are often made available to high school students, college students, and/or recent graduates interested in receiving supervised practical training in their field or profession of interest. Internships are a great way to get “real world” experience while applying to graduate/ professional school. In doing so, you will get work experience and/or community service experience. Internships are also a great way to meet people and develop networks that may help you while you are in college, and after you graduate and are seeking employment.

Fellowships refer to money granted by a university, foundation, or other agency for advanced study or research. Fellowships are often financial grants made to a fellow in a college or university. Fellowships can be viewed as paid internships, for which some undocumented AB 540 students may be eligible.

Research

Working on your own research with faculty members at a college or university is one way to get research experience and possibly earn money. Sometimes undocumented AB 540 students are paid for this type of work in the form of a “stipend.” A stipend is a sum of money allotted on a regular basis, such as a salary for services rendered or an allowance.

Undocumented AB 540 students may be eligible for stipends if the source of funding is tax-exempt. If the stipend comes directly from a public college or university’s funds, undocumented AB 540 students are not eligible. Remember, government funds are not available to undocumented AB 540 students.

Networking

If you want to increase your opportunities for employment upon graduation, networking with college/university staff members and faculty while you are in college is extremely important. You should also try to connect with local professionals in your field of study to determine the types of job opportunities that may be available to you after college. Other students on your college campus may also be able to provide you with this type of information or connect you with people who can help. The size and quality of your academic/professional network will largely determine your access to opportunities and information while in college and when you begin exploring potential careers.

Definition of Terms

Child Citizenship Act of 2000 – A Lawful Permanent Resident (LPR) child under the age of 18 may automatically become a U.S. citizen if his/her parent is a U.S. citizen or becomes a U.S. citizen. The child must reside in the U.S. in the legal and physical custody of the U.S. citizen parent.

Employment Authorization – A non-citizen needs employment authorization from the federal government in order to work legally in the United States. Employment authorization may be proven through a card or visa. For legal permanent residents it is permanent although the card may have an expiration date. For others, it may be temporary and renewable.

Green Card – A resident alien card (also known as a green card, although it is not green) is evidence of lawful permanent residency. It may have an expiration date but the status, including employment authorization, is permanent.

Immigrant – A non-citizen who intends to live permanently in the U.S.

Immigration Consultant, Notary Public (Notario Publico, or Notarios) – These are persons who are not lawyers and CANNOT give legal advice. Before going to a notario, consult with a community organization that provides free or low-cost service. See the agency list at the end of this section. A Notary Public is licensed by the state to administer an oath or witness a statement and is not qualified to give immigration advice.

Lawful Permanent Resident (LPR) – A person who has a “green card” and may live permanently in the U.S. An LPR may work in the U.S. and may serve in the military and pay taxes, but cannot vote. An LPR may be deported for certain criminal convictions or other serious problems. An LPR may become a U.S. citizen through naturalization.

Lawyer/Attorney – A person who is permitted to give legal advice. This person has studied law, has a law degree and is licensed by the State to practice law.

Naturalization – Naturalization is the process of applying for U.S. citizenship. Usually, a person must have been an LPR for 5 years in order to apply for naturalization. A person who is an LPR and is married to a U.S. citizen may apply for citizenship in 3 years.

Non-Immigrant – A non-citizen who is permitted to enter the U.S. for a specific limited period of time, and is given a temporary visa (e.g., students, tourists, diplomats) with an expiration date. Some non-immigrants are granted employer authorization.

Undocumented – A non-citizen who entered the U.S. without legal immigration status or who stayed after the period they were authorized to be here. An undocumented person does not have employment authorization (cannot work lawfully) and may be deported if discovered by CIS. He/she is not eligible for financial aid for college, but may be eligible for private scholarships.

U.S. Citizen – A person born in the United States or a person who naturalized. A U.S. citizen may not be deported, may petition to immigrate family members more easily and quickly than an LPR, and may vote in elections.

U.S. Citizenship and Immigration Services (USCIS) – It is the agency of the U.S. government principally dealing with enforcing immigration laws in the United States. Prior to March of 2003, the USCIS was called the Immigration and Naturalization Service (INS). It is also sometimes referred to simply as CIS.

Visa – A document or stamp placed in a person's passport issued by a U.S. consulate to a non-citizen to allow that person to enter the U.S. Visas are either nonimmigrant or immigrant.

FREQUENTLY ASKED IMMIGRATION QUESTIONS:

Q: I am a nonimmigrant with a currently valid visa (for example, a student or tourist visa). Do I qualify for in-state tuition?

A: You do NOT qualify for in-state tuition under the law (AB 540). However, you may qualify for in-state tuition as a “resident” if your nonimmigrant status allows you to “establish domicile” in the U.S. and you satisfy other requirements for residency. For example, persons with “V” or “K” visas, and citizens of Micronesia or the Marshall Islands should be able to pay in-state tuition if they have lived in the state for more than one year.

Q: How do I apply for a social security card?

A: To obtain a social security card, you must be a U.S. citizen, Lawful Permanent Resident, or have been lawfully admitted to the U.S. You must complete an application, and prove your age, identity and lawful status. There is no charge for a social security card. For more information, go to www.ssa.gov or call, toll-free, 1-800-772-1213. This information is also available in Spanish at www.segurosocial.gov or call, toll-free 1-800-772-1213.

Q: My parents use a number for their tax returns. Is this a social security number?

A: Your parents probably have an Individual Tax Identification Number (ITIN). This number is issued by the Internal Revenue Service (IRS) to persons who are not eligible for a social security number. It does not provide you with the employment authorization and does not grant you any immigration status. To apply for an ITIN, you must file a Form W-8 or W-8SP (in Spanish) with the IRS.

Q: How do I apply for a California driver's license or ID?

A: To obtain a California driver's license or ID, you must have a social security number and meet other requirements. If you are not eligible for a driver's license or ID, you should apply for some other form of photo identification. For example:

Apply for a passport at your local consulate office. If you are from Mexico, you can apply for a “Matricula Consular” or Consular Identification Card at the Mexican Consulate. Sometimes you can use the card to get a library

card, public utilities, and to open a bank account. The card does not provide you with employment authorization and does not grant you any immigration status.

Q: How do I select an immigration lawyer?

There are a number of guidelines for selecting an immigration attorney that you must take into account. Remember that some agencies that administer information for immigration help and advice have no responsibility or liability for information they provide because they are usually not adequately trained in immigration law. On the other hand, immigration lawyers do because they keep up with the latest updates of the law. Because individual cases differ dramatically, consulting with an immigration attorney can assure you that your immigration matters will be handled in the best possible way. Immigration attorneys can help you overcome and avoid legal issues, and simplify the immigration process as much as possible.

The following are suggestions to consider but are not sufficient for choosing an immigration attorney.

1. County Bar Lawyer Referral Services
2. MABA of Los Angeles County Lawyer Information Referral Services:
www.mabalawyers.org
3. Visit the California Bar website at www.calbar.org to verify whether the individual is licensed to practice within California and has had disciplinary proceedings brought against him or her.
4. California Immigration Lawyers:
<http://www.lawinfo.com/attorney/Immigration/California>

Q: How Do I Become a Lawful Permanent Resident While in the United States?¹⁰

Background

Where Can I Find The Law?

Who is Eligible?

How Do I Apply?

Will I Get a Work Permit?

Can I Travel Outside the United States?

How Can I Check the Status of My Application?

How Can I Appeal?

Can Anyone Help Me?

Background

An immigrant is a foreign national who has been granted legal permission to live and work permanently in the United States. You must go through a multi-step process to become an immigrant. In most cases, USCIS must first approve an immigrant petition for you, usually filed by an employer or relative. Then, an immigrant visa number must be available to you, even if you are already in the United States. After that, if you are already in the United States, you may apply to **adjust to permanent resident status** (If you are outside the United States, you will be notified to go to the local U.S. consulate to complete the processing for an immigrant visa.)

Where Can I Find the Law?

The Immigration and Nationality Act is the law that governs immigration in the United States. The part of the law concerning most types of permanent resident status, is Section 245.

How Do I Apply?

To find out how you can apply to become a lawful permanent resident (LPR) of the United States, please consult with an immigration attorney or an informational website for application and processes. After you submit your application materials, you will be asked to go to a USCIS office to answer questions about your applications.

Will I Get a Work Permit?

Applicants for adjustment to permanent resident status are eligible to apply for a work permit while their cases are pending. You should use USCIS Form I-765 to apply for a work permit. You do not need to apply for a work permit once you adjust to permanent resident status. As a lawful permanent resident (LPR), you should receive a permanent resident card that will prove that you have a right to live and work in the United States permanently.

Can I Travel Outside the United States?

If you are applying for adjustment to permanent resident status, you must receive advance permission to return to the United States if you are traveling outside the United States. This advance permission is called Advance Parole. *If you do not obtain Advance Parole before you leave the country, you will abandon your application with USCIS and you may not be permitted to return to the United States.*

How Can I Check the Status of My Application?

Please contact the USCIS office that received your application. You should be prepared to provide USCIS staff with specific information about your application.

How Can I Appeal?

Some applications for permanent residency (Form I-485) can be appealed to the Administrative Appeals Unit (AAU). Decisions from immigration courts can be appealed to the Board of Immigration Appeals (BIA).

Generally, you may appeal within 30 days after the immigration judge decides to remove you from the country. After your appeal form and a required fee are processed, the appeal will be referred to the Board of Immigration Appeals in Washington, D.C. For more information, consult with a community organization or licensed immigration attorney.

Can Anyone Help Me?

If advice is needed, you may contact the following organizations:

Non-Profit and Low-Cost Legal Referrals:

Legal Aid Foundation of Los Angeles

8601 S. Broadway Ave.
Los Angeles, CA 90003
(213) 640-3883
www.lafla.org

L.A. County Bar Immigration Project

300 N. Los Angeles St., Room 3107
Los Angeles, CA 90012
(213) 485-1872
www.lacba.org

MABA

(Mexican American Bar Association of Los Angeles County)
1301 W. 2nd St., #101
Los Angeles, CA 90026
(213) 481-ATTY (2889) (main office)
(213) 250-LAWS (5297) (lawyer referral line)
www.mabalawyers.org

MALDEF

(Mexican American Legal Defense & Educational Fund)
634 S. Spring St, 11th Floor
Los Angeles, CA 90014
(213) 629-2512
www.maldef.org

National Immigration Law Center

3425 Wilshire Blvd., Suite 2850
Los Angeles, CA 90010
(213) 639-3900
www.nilc.org

One-Stop Immigration & Education Center

3600 Whittier Blvd.
Los Angeles, CA 90023
(323) 268-8472
www.weingart.org

Public Counsel Law Center

601 S. Ardmore Ave.
Los Angeles, CA 90005
(213) 385-2977

www.publiccounsel.org

Immigrant Advocates & Organizations:

APALC

(Asian Pacific American Legal Center)
1145 Wilshire Blvd.
Los Angeles, CA 90017
(213) 977-7500
www.apalc.org

CARECEN

(Central American Resource Center)
2845 W. 7th St.
Los Angeles, CA 90005
(213) 385-7800
www.carecen-la.org

CHIRLA

(Coalition for Human Immigrant Rights of Los Angeles)
2533 W. 3rd St. Suite 101
Los Angeles, CA 90057
(213) 353-1333
www.chirla.org

KRC

(Korean Resource Center)
900 S. Crenshaw Blvd.
Los Angeles, CA 90019
(213) 937-3718
www.krcla.org

NAKASEC

(National Korean American Service & Education Consortium)
900 S. Crenshaw Blvd.
Los Angeles, CA 90019
(323) 937-3703
www.nakasec.org

SALEF

(Salvadoran American Leadership & Educational Fund)
1625 W. Olympic Blvd., Suite 718
Los Angeles, CA 90015
(213) 480-1052
www.salef.org

Publications:

Wernick, A. (2004) U.S. Immigration & Citizenship: Your Complete Guide.
Cincinnati, OH: Emmis Books.

California Nonresident Tuition Exemption Request
For Eligible California High School Graduates

Complete and sign this form to request an exemption from Nonresident Tuition. You must submit any documentation required by the College or University (for example, proof of high school attendance in California). Contact the California Community College, University of California or California State University campus where you intend to enroll (or are enrolled) for instructions on documentation, additional procedures and applicable deadlines.

ELIGIBILITY:

I, the undersigned, am applying for a California Nonresident Tuition Exemption for eligible California high school graduates at (specify the college or university) _____, and I declare the following:

Check YES or NO:

Yes	No	I have graduated from a California high school or have attained the equivalent thereof, such as a High School Equivalency Certificate, issued by the California State GED Office or a Certificate of Proficiency, resulting from the California High School Proficiency Examination.
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Yes	No	I have attended high school in California for three or more years.
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Provide information on all school(s) you attended in grades 9-12:

School

City

State

Dates From - Month/Year To -Month/Year

The University of California, The California State University and some California Community Colleges require documentation of high school attendance and graduation (or its equivalent). Follow campus instructions.

Check the box that applies to you—check only one box:

I am a nonimmigrant alien as defined by Federal law, [including, but not limited to, a foreign student (F visa), or exchange visitor (J visa)].

OR

I am NOT a nonimmigrant alien (including, but not limited to, a U.S. citizen, permanent resident, or an alien without lawful immigration status).

AFFIDAVIT:

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the information I have provided on this form is true and accurate. I understand that this information will be used to determine my eligibility for the nonresident tuition exemption for eligible California high school graduates. I hereby declare that, if I am an alien without lawful immigration status, I have filed an application to legalize my immigration status or will file an application as soon as I am eligible to do so. I further understand that if any of the above information is untrue, I will be liable for payment of all nonresident charges from which I was exempted and may be subject to disciplinary action by the College or University.

Print Full Name (as it appears on your campus student records)

Campus/Student Identification Number

Print Full Mailing Address (Number, Street, City, State, Zip Code)

Email Address (Optional)

Phone Number (Optional)

Signature Date

**AB 540 Student
COLLEGE PREPARATION TIMELINE**

Junior Year	Senior Year
<p>September</p> <ul style="list-style-type: none"> » Inquire about the PSAT test date, time and location in October - this test is a preparation for the SAT Reasoning Test and is a qualifying test for several national scholarship programs, including: National Merit, National Achievement, and National Hispanic scholarships. » Meet with your guidance/track counselor and your college counselor to make sure that you are taking college preparatory (A-G) courses and plan for your senior year. » Strive for mostly A's - your grades are especially important this year. CSU/UC schools require you to earn a C or better in A-G courses. 	<p>September</p> <ul style="list-style-type: none"> » Apply for a FAFSA PIN, only if you are already in the process of establishing residency. » Sign up for the SAT Reasoning Test or ACT. » Meet with your guidance/track counselor or college counselor to review your academic records for accuracy and to be sure that you have met the eligibility requirements for the colleges that you plan to apply to. » Get applications from the colleges you will apply to. Many colleges now require students to apply online, so be sure to look at each college's website to determine how to apply for admission. » Be sure to keep your grades up during your senior year. THESE GRADES MATTER!
<p>October - November</p> <ul style="list-style-type: none"> » Take the PSAT/NMSQT. » Think about colleges you are interested in attending; research them online, at your school's college center, at college fairs, and call them to request brochures. » Start a file on the colleges that appeal to you. 	<p>October</p> <ul style="list-style-type: none"> » Consult with your college counselor to review your final list of colleges. » Get information about college application fee waivers from your college counselor if the application fees would be a financial burden to your family. <i>NOTE: AB 540 students ARE eligible for fee waivers for the UC's, but NOT for the CSU's. AB 540 students may be eligible for fee waivers for some private universities, so you should contact the schools to find out.</i> » Attend college fairs at your high school. » Gather information needed for college applications and mark deadlines on your calendar. » Begin requesting letters of recommendation. » If applying early decision or early action, send application now and prepare applications for back-up schools. » Sign up for December/January SAT Subject Tests (if recommended by schools you plan to apply to). » Start submitting admission applications to colleges.
<p>December</p> <ul style="list-style-type: none"> » Receive results of the PSAT. Read the score report and consult your school counselors about your strengths and areas where you can improve. » Think about when you'll take your college entrance exams (SAT Reasoning Test or ACT). If you take the exam in the spring of your junior year, you'll have another chance to retake the test in the fall. 	<p>November</p> <ul style="list-style-type: none"> » <i>Application submission deadline for UC/CSU is November 30th.</i> » Take SAT Reasoning Test and have scores sent to colleges you will apply to. » Check with your counselor for information about scholarships awarded by your school, local companies and community groups.
<p>January</p> <ul style="list-style-type: none"> » Begin searching for scholarships. » A list of scholarships for AB 540/ undocumented students can be found at: www.maldef.org. » Look at your high school's college center for scholarship information. 	<p>December</p> <ul style="list-style-type: none"> » File your last college application! Make sure you meet the deadlines. » If you are eligible, obtain the Free Application for Federal Student Aid (FAFSA) and Cal Grant GPA Verification Form from your college counselor. » Take the ACT (if applicable to schools you are applying to), and have score sent to colleges. » Early decision notifications should arrive.

**AB 540 Student
COLLEGE PREPARATION TIMELINE**

Junior Year	Senior Year
<p>February</p> <ul style="list-style-type: none"> » Meet with your guidance/track counselor and your college counselor to talk about the colleges you are interested in. » Start preparing for the SAT Reasoning Test or ACT if you'll be taking them in the spring. Guidebooks with testing strategies and sample questions are available at public libraries, bookstores, at your school, or online. » Ask your college counselor if your school will offer an SAT prep course. 	<p>January</p> <ul style="list-style-type: none"> » Take the SAT Subject Tests (if applicable) and have scores sent to colleges. » Request that your counselor send the transcripts of your first semester grades to colleges you have applied to. » Attend a Cash for College FAFSA or AB 540 Workshop, at a location near you, apply to.
<p>March</p> <ul style="list-style-type: none"> » Evaluate the college literature that you have collected. » Begin visiting the campuses of the colleges that interest you. Call ahead to participate in a campus tour and presentations about academics, admissions, financial aid. » Register for AP Exams. 	<p>February, March & April:</p> <ul style="list-style-type: none"> » Submit FAFSA & Cal Grant GPA Verification forms by March 2nd (if applicable). » Call colleges to make sure your application materials were received. » Receive acceptance letter and decide on the college you will attend.
<p>April</p> <ul style="list-style-type: none"> » Select challenging senior year courses. » Sign up for the May/June SAT II subject tests (if applicable for the school you are considering). » Look into summer jobs, camps, study programs, or internships - some of them offer scholarships. » Check with your counselor to decide if you should take the SAT Subject Tests in any subject that you will complete in your junior year. » Continue evaluating colleges and narrow down the list of schools that you will apply to. 	<p>May</p> <ul style="list-style-type: none"> » By May 1st, notify your selected college that you will be attending. » Notify other colleges that accepted you that you have selected another college. » Take Advanced Placement exams for any AP subjects you took senior year.
<p>May</p> <ul style="list-style-type: none"> » Take SAT Subject Tests (if applicable). » Take Advanced Placement exams for AP subjects you studied junior year. » Enroll in a summer program, if possible. 	<p>June</p> <ul style="list-style-type: none"> » Request that your counselor send your final high school transcript to the college you will attend. <p><i>NOTE: The college you attend will require you to provide them with your final transcript, in order to qualify for AB 540.</i></p>
<p>June, July and August</p> <ul style="list-style-type: none"> » Visit your favorite colleges with your family. » You'll receive mail from colleges over the summer: be sure to return the reply cards to the schools that interest you. » Prepare for the SAT Reasoning Test or ACT. 	

California's Four Systems of Higher Education

Information Source: http://www.eaop.ucla.edu/0405/pub_calif4system.htm

	Community Colleges	California State University	University of California	Private Colleges
Number Statewide	108	23	10	Over 70
Some Local, State and Private	Harbor, El Camino, Compton, Long Beach, LA Trade Tech, LA Southwest, West LA, Cerritos, etc.	CSU Dominguez Hills, Los Angeles, Long Beach, Fullerton, Northridge, Cal Poly Pomona, etc.	UCLA, UCI, UCSB, UCSC, UCR, UCB, UCSD, UCD, UCSF, UCM	USC, Pepperdine, La Verne, Claremont, Loyola-Marymount, Redlands, Occidental, etc.
Nature of Programs and Curriculum	Two-year schools <ul style="list-style-type: none"> • Career and job entry majors • Transfer classes • AA degrees • Vocational certificates • Concurrent enrollment (for high school students) 	Four-year schools with graduate programs <ul style="list-style-type: none"> • Various majors, depends on campus • Pre-professional training • BA and BS degrees • Master's degrees • Teaching credentials 	Four-year schools with graduate and professional programs <ul style="list-style-type: none"> • Various majors, depends on campus/Research Institution • Pre-professional training • BA and BS degrees • Doctorates and professional degrees (i.e. law, medicine, dentistry) 	Varies according to size
Costs: Fees and/or Tuition (does not include room & board)	Approx. \$1,000 per year \$26 per unit (fees \$330; books & supplies \$648)	Approx. \$3,137 per year	Approx. \$6,000 per year	Approx. \$16,000-33,000 per year
Supported by:	Public tax monies and student fees	Public tax monies and student fees	Public tax monies and student fees	Private funds and tuition fees
Entrance Requirements for Freshman 1) Subject and GPA 2) Test	No subject requirements; must be 18 years old , a high school Graduate or the equivalent. No tests required	High school graduate; Meet eligibility index, minimum of 2.0 GPA; full pattern of subject requirements completed w/C or better (see over). All grades count except P.E. and ROTC (grades 10-12). SAT Reasoning Test* or ACT *(formerly known as the SAT I)	A-G academic subject requirements completed w/ C or better. At least a 2.8 GPA and meet eligibility index; Only UC approved courses calculated in gpa (grades 10-12) SAT Reasoning Test* or ACT and two SAT Subject tests: 1) Elective choice (if math is chosen, Math 2C is required) 2) Elective choice	Prefer students who have met UC entrance requirements. Above 2.0 GPA. SAT Reasoning Test *or ACT Some require SAT Subject Tests Check catalogs for specific test requirements

COLLEGE KNOWLEDGE GLOSSARY

About Classes:

A-G requirements: This term refers to the list of high school courses that are necessary for eligibility for admission to University of California (UC) and many California State University (CSU) campuses. Each high school should have a list of A-G courses available to students.

Advanced Placement courses (AP classes): Advanced placement refers to honors-level classes offered to high school students who seek the most rigorous possible academic preparation and potential college credit upon passing a national exam (see AP tests). The AP Program currently offers 34 courses in 19 subject areas. Different high schools offer different classes. Each course is developed by a committee composed of college faculty and AP teachers, and covers the breadth of information, skills, and assignments found in the corresponding college course.

About Exams:

Advanced Placement tests (AP tests): Advanced placement tests are the final component of AP classes. The AP Examinations are administered each year in May and represent the culmination of college-level work in a given discipline in a secondary school setting. Students who receive a passing score of 3-5 on the AP test earn college credit for that particular subject area.

American College Test (ACT): This test is a standardized test that some universities accept in addition to, or in place of the SAT test (see definition below). The ACT Assessment is designed to assess high school students' general educational development their ability to complete college-level work. The test covers four skill areas: English, mathematics, reading, and science.

Preliminary SAT (PSAT): The PSAT/NMSQT (Preliminary SAT/National Merit Scholarship Qualifying Test) is a program co-sponsored by the College Board and National Merit Scholarship Corporation. This test assesses skills developed in a wide range of courses as well as through experiences outside the classroom. The PSAT/NMSQT consists of three parts: Critical Reading, Math, and Writing Skills. Students who take this test are considered for many scholarships. Don't miss out!

Scholastic Aptitude Test (SAT): The SAT is a test that measures verbal, mathematical and reasoning skills. Many colleges and universities use the SAT as an indicator of a students' readiness to do college-level work. SAT scores can be used as a basis for awarding merit-based financial aid. The SAT is typically taken by high school juniors and seniors and is administered several times each year.

About Financial Aid:

NOTE: As an AB 540/ undocumented student, you are not eligible for state and federal financial aid. The information below is provided in the event that you become eligible by establishing legal permanent residency or U.S. citizenship.

Free Application For Federal Student Aid (FAFSA):

To apply for federal student financial aid, and to apply for many state student aid programs, students must complete a Free Application for Federal Student Aid (FAFSA). The information provided on the FAFSA determines a student's eligibility for state and federal financial aid and sometimes institutional aid as well.

Loans:

Federal programs are the single largest source of education loans. Private education loans are also available from a variety of sources to provide supplemental funding when other financial aid does not cover costs. All student loans must be repaid, usually after graduation. It is important to shop around for loans and seek those with a low APR. Some loans are offered by community based organizations and cities that are 0% interest for the life of your loan.

Grants:

Grants are available to students through the state and federal governments. They are typically awarded to students based on financial need or academic indicators such as a student's grade point average. Unlike loans, grants are monetary awards that the student does not have to pay back.

Scholarships:

Scholarships are another good source of aid for college because, like grants, they do not need to be paid back. Scholarships are offered by many organizations, including government, businesses, and nonprofit organizations. They may be based on academics, achievements, hobbies, talents, organizational affiliations, and career aspirations.

Work Study:

Work study is another form of aid provided to help students subsidize their college costs. Work-study positions are limited to college students and provide them with employment opportunities on or off campus.

QUOTES TO BE INSERTED:

Advocates:

“As the leading advocate of Hispanic higher education, the Hispanic Association of Colleges and Universities (HACU) fully supports SB160 (Cedillo), the California Dream Act. This legislation would allow AB 540 students to compete for financial aid providing them the resources to achieve their higher education dreams.”

Antonio Flores
President and CEO
Hispanic Association of Colleges and Universities (HACU)
www.hacu.net

“As a community college counselor, I feel inadequate when assisting an undocumented student. For instance, many of these hard working students were brought here as pre-school age children, and all they know is our American educational curriculum. Throughout their educational trajectory they have been embedded with the possibilities of the “American Dream” by way of encouragement from their previous teachers and other school personnel. Now they are in my office with the overwhelming feeling of betrayal and alienation simply because they do not qualify for all of the benefits that their American born peers enjoy. All of these years they were told that college is the only way for a better life, but now it is cut short because of the high costs of tuition, books, and transportation. What am I supposed to say...that things are going to be okay you can get financial aid? No it will not be okay, unless these youth have the necessary resources and support from the state and institutional sectors. Twenty-six dollars per unit may seem to be extremely affordable for most, but when one adds up all of the extra costs per semester it gets relatively expensive.”

Richard D. Cortes, M.S.
Counseling Faculty
Santa Monica College
CORTES_RICHARD@smc.edu

Students:

“As an undocumented student in the US since 1990, CA AB540 made pursuing a masters degree in Biology at SJSU a reality that otherwise I could not afford. Paradoxically, to fully impact our community we are an immigration policy away.”

Saul Verduzco
Masters in Biology, SJSU
sverduzc@yahoo.com

“Beyond AB 540, undocumented students need help funding their education to invest their energy in furthering their education. Students being overlooked and left behind, deemed unworthy of support because they lack a piece of paper, can do so much for society if they are acknowledged and helped.”

Maria Gomez
Undergraduate, UCLA
mariag1@ucla.edu

“AB540 was finally a reality after all the dedication and support of everyone for without it I could not have made it thru at a UC campus, though this is just the beginning of the continuity of making dreams a reality of a indefinite struggle of equity in a higher educational system. —We are all part of that struggle.”

Sharet Garcia
Undergraduate, UCSB
sharetgarcia@hotmail.com

“Discrimination has been heightened by ab540. Inferior representation and resources are of the factors that have fostered institutional prejudice in academia. Inevitably it seems direct advocacies have too reflected the systematic function of policy: privilege.”

f.j. lopez
UCLA
tlathuiaci@hotmail.com

“I’ve learned that the world could be a better place to live in, if we all work to reach a goal and give back to our community a piece of service from our hearts out. By becoming a Spanish teacher, I want to be a leader and guide my future students to find their unique abilities. The AB 540 bill has helped me to continue with my mission.”

Erika Sanchez
Undergraduate, CSULA
ericka_42@hotmail.com

“Undocumented students need to be wise, stay motivated, be resilient, and persevere. Be future-oriented and believe that everything will be okay. It’s just a matter of time.”

Mariana Zamboni
Undergraduate, UCLA
mzamboni@ucla.edu

“I believe AB 540 will be of immense help to me and thousands of students who are attending a four year institution but are struggling with the tuition and book costs. There are many students who want to contribute positively to this country by getting an education, it is only fair to be able to get financial aid to help us continue with our education without worry about our economic stance.”

Paola Leon
Undergraduate, Cal State San Marcos
paolar2005@yahoo.com

“Marco Antonio Firebaugh – You will always be remembered for your dedication to equality and social justice. Thank you for improving our access to higher education. You will be missed!”

IDEAS of UCLA

ideas@ucla.edu

“AB 540 has increased our access to the university, but what happens when we graduate? You can start off by interning at the organization of your choice and later continue your education, apply for professional school, or be offered a job. Different opportunities may arise after the completion of your degree. Favorable legislation may be implemented. You never know what will come next. Stay optimistic.”

M.L. Chavez
UCLA '05
mlchavez@ucla.edu

¹ Obtained from a group of studies conducted by the Pew Hispanic Center, www.pewhispanic.org

² Oliverez, P.M. (2005). High aspirations, tough choices: How ineligibility for financial aid shapes college choice for college-ready undocumented students. Paper presented at the annual meeting of the Association for the Study of Higher Education, Philadelphia, PA.

³ Non-immigrant students are not eligible for this exemption. Non-immigrant students, as defined by federal immigration law, may hold one of the following visas: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, TN, TD and V, and TROV and NATO.

⁴ California law requires that the Certificate of Proficiency be equivalent to a high school diploma. A student who receives a Certificate of Proficiency may, with verified parental approval, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. If a student is planning to continue his or her studies in a college or university, they should contact the admissions office of the institution they plan to attend so that the student may understand that institution's admission requirements including whether or not the Certificate of Proficiency will be sufficient for admission.

⁵ The *California High School Proficiency Examination (CHSPE)* is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible persons who pass the *CHSPE* are awarded a Certificate of Proficiency by the California State Board of Education. The test is given in English only. For more information about the CHSPE go to www.cde.ca.gov/ta/tg/sp/chspefaq.asp.

⁶ National Council of La Raza (NCLR), www.nclr.org/content/policy/detail/1331/

⁷ Most of the DREAM Act description was obtained from NILC's "Basic Facts about In-State Tuition for Undocumented Immigrant Students" (July 2005).

⁸ Stipend – A fixed and regular payment, such as a salary for services rendered or an allowance.

⁹ Entrepreneurship refers to the organization, management, and assumption of risks of a business or enterprise, usually implying an element of change or challenge and a new opportunity.

¹⁰ Some information in (1-8) was obtained from the following source: <http://uscis.gov/graphics/howdoi/legpermres.htm#elig>



chepa

CENTER FOR HIGHER EDUCATION POLICY ANALYSIS

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(213) 740-7218

www.usc.edu/dept/chepa