

**Chancellor’s Task Force on Undocumented Members of the On-Campus
Community
Recommendations to Chancellor Birgeneau
May 18, 2011**

Introduction

Background

In 2001, California passed Assembly Bill 540 (AB 540) exempting students from paying non-resident tuition at California public colleges and universities if they met the following requirements:

1. Attended high school in California for at least three years; and
2. Graduated from a California high school or earned the equivalent thereof; and
3. Do not hold non-immigrant visas (as defined by US law).

In addition, all AB 540 applicants must file an application and affidavit – which includes a statement that if they are non-citizens without lawful immigration status, they have filed an application to legalize their immigration status or will pursue legal immigration status as soon as they are eligible.

The University of California Regents approved the exemption effective April, 2002 after the passage of Assembly Bill 1543 which immunized public higher education institutions from monetary damages should AB 540 be proved unlawful.

In 2010, a task force composed of staff and students from the UC Berkeley Immigrant Student Issues Coalition (ISIC) forwarded several recommendations to the Chancellor regarding immigrant students at the University of California Berkeley (UC Berkeley) at his regular Spring meeting with the Chicano/Latino students. One of the recommendations was to create a task force focused on undocumented students at the university; the goal of the task force would be to articulate the issues and needs for undocumented students at UC Berkeley and make recommendations for campus initiatives to accommodate them. The Chancellor agreed and assigned the task to Vice Chancellor for Equity & Inclusion, Gibor Basri, to be done in the next academic year. In May, 2010, a group of UC Berkeley students engaged in a hunger strike to voice their protest to Arizona SB 1070 as well as issues facing undocumented immigrants at UC Berkeley. The existing timeline and the actions of the protesters reinforced the creation of the new task force, helping shape its goals and purview. In Fall 2010, the Vice Chancellor initiated the task force with help defining its charge and membership from concerned communities.

At present, no hard data has been collected about the number of undocumented students at UC Berkeley. In 2010, a report to the UC Regents estimated that there are at least 75 potential undocumented students at UC Berkeley.¹ The same report noted that most potential undocumented

¹ [Annual Report on AB 540 Tuition Exemptions 2008-09 Academic Year](#)

students at the University of California were Latino and Asian and that undocumented dependent students were more than twice as likely as documented dependent students (68% compared to 29%) to have parental incomes under \$48,000. Across the University of California, 70% of AB 540 students are documented. Demographic data of this kind does not exist for UC Berkeley. While most undocumented students at UC Berkeley are AB 540, most AB 540 students are *not* undocumented but students from other states who qualify for AB 540 status.

In January 2011, California Assembly Bill 130 (AB 130) was introduced to make undocumented AB 540 students eligible to receive financial support from non-state and non-federal sources. In May 2011, the California State Assembly passed AB 130 and ordered it to the State Senate. Should AB 130 become law, it will obviate some of the recommendations listed here and require new recommendations to be made, especially regarding financial aid policy and practice at UC Berkeley.

Task Force Charge

In Spring 2009, Chancellor Birgeneau asked Vice Chancellor Gibor Basri to form and chair a taskforce on undocumented members of the campus community. The formal charge to the task force was to identify and articulate the issues and needs for undocumented members of the UC Berkeley on-campus community, with particular emphasis on undergraduate students, and make recommendations for campus initiatives to support them in best achieving their goals here, while recognizing legal strictures. Strategies include:

- Assessment of financial resources and gaps for undocumented students
- Assessment campus climate for undocumented students and other community members
- Evaluation of campus services, including their accessibility and effectiveness
- Compilation and assessment of relevant campus policies
- Recommendations to the Chancellor for key policy and service changes
- Insuring continued implementation and monitoring of key policy and service changes after the Taskforce
- Increasing collaboration with outside private entities that can help with these issues

Membership

Members of the Task Force were chosen to represent a breadth of backgrounds in addressing the needs and issues facing undocumented students on campus drawing from faculty, staff, undergraduate students, graduate students, and community members. Nominations for student members were solicited from ISIC – who initially recommended the creation of a task force – as well as Rising Immigrant Scholars through Education (RISE), Multicultural Student Development (MSD), the Educational Equity Alliance, the Associated Students of the University of California (ASUC) and the Graduate Assembly. Vice Chancellor Gibor Basri chaired the Task Force and staffed it from his division. A full list of the Task Force membership is given in Appendix A.

Process

The Task Force first convened in the Fall Semester of 2010. It met approximately once per month with the goal of producing a report to the Chancellor in the Spring Semester. The Task Force created sub-groups to address the issues and needs of undocumented students at different stages in their paths through Berkeley:

- **Incoming Students:** Focused on the issues and needs of undocumented students before coming to Berkeley
- **Retention and Advancement:** Focused on the issues and needs of undocumented students while at Berkeley
- **Post-Baccalaureate:** Focused on the issues and needs of undocumented students who have completed their undergraduate degrees

The sub-groups worked independently, sharing their progress with the rest of the Task Force via email, a b-space site, and in the regular Task Force meetings. Outside experts were brought in when needed to inform the Task Force on a particular issue (e.g., financial aid).

Findings

Issues

The Task Force identified a number of issues and challenges to undocumented students. As little empirical data exists on undocumented students at UC Berkeley, the observations and findings are mostly drawn from the personal and professional experiences of the Task Force members.

1. Financial support

Even though undocumented students are now eligible for in-state tuition and fees through AB 540, they are not eligible for federal, state, or campus financial aid – nor can they be employed by the campus in any capacity including academic positions such as GSI, GSR, tutor, reader, or paid undergraduate research assistant. Some financial aid is available through non-governmental agencies, churches, and nonprofits. Off-campus work, personal/family savings, and off-campus scholarships are the primary means of support for undocumented students. Undocumented students frequently experience enrollment interruptions as they attempt to pay off debts accrued from previous semesters; these interruptions have a negative impact on time to degree for undocumented students. The financial burdens faced by undocumented students are large and the main impediment to a successful and healthy student experience at UC Berkeley.

2. Access to information and resources

Undocumented students are socialized to be invisible both by not taking actions to alert people to their status and by not sharing their status with others. While in recent years some progress has been made in normalizing the status of undocumented students, undocumented students

remain invisible and unconnected. Task Force findings suggest that undocumented students and their parents often lack the information and networks to learn about their options for applying to UC Berkeley; paying for tuition, books, housing, health care, and food; finding a job after graduation; or pursuing graduate education.

3. Institutional support

The Task Force findings suggest that when undocumented students seek academic advice, policy clarifications, or access to certain critical student services, information is often scattered across many websites and services for undocumented students can vary widely. Through word-of-mouth students learn that some staff in campus programs such as Transfer Re-entry and Student Parent Center (TRSP), Student Life Advising Services/Educational Opportunity Program (SLAS/EOP), Multicultural Student Development, Office of the Registrar, and other units are knowledgeable about the issues facing undocumented students and can serve as resources of information and support. Information is currently available on websites such as SLAS/EOP (<http://slas.berkeley.edu/ab540.html>). However, there is no central clearinghouse of information or a designated point person(s) to counsel or advise undocumented students and other community members.

4. Access to information, money, and resources

The Task Force findings suggest that the university lacks clear information on undocumented students – in part due to university policy and practice and in part due to the invisible nature of undocumented students – which makes it hard to target them for aid. UC Berkeley is also constrained by law and so cannot provide campus financial aid to undocumented students. Given these constraints, many staff involved with fund development or financial aid do not know how to help undocumented students – or how to direct or advise individuals and groups wishing to make donations to support undocumented students.

5. Climate towards undocumented students

The Task Force findings suggest that the climate towards undocumented students is fluid – at times uninformed, ambivalent, or hostile. Meanwhile, undocumented students feel uncomfortable seeking help as it can be difficult to identify potential allies and many are reluctant to reveal their undocumented status – sometimes for fear of being reported or stigmatized and treated differently than other students. Services often seem to require students to disclose family or educational backgrounds, which many undocumented students are reluctant to reveal.

6. Legal clarity

The Task Force findings suggest that even well-intentioned staff and faculty often err on the side of caution when dealing with undocumented students due to a lack of clarity regarding what is and is not permissible vis-à-vis the law. This lack of clarity encourages liability aversion which closes down avenues of potential employment, program participation/membership, or skill development for undocumented students.

7. **Connection between undocumented students and university**

The Task Force findings suggest that few connections currently exist between the undocumented student community and the university. While some university organizations on campus such as ISIC work with the undocumented student community, there is no formal connection between undocumented students and the university. The lack of consistent institutionalized connections makes it difficult for the university to gauge the fluidity of climate and the changing needs for undocumented students as well as making it difficult to provide them with services.

8. **Staff employment**

The Task Force finds that the university complies with federal and state laws regarding eligibility for employment by requiring the appropriate documentation of immigration status for all employees. The university police department does not prioritize immigration enforcement among university employees.

Recommendations

To ameliorate the issues listed above, the Task Force envisions the following outcomes to help undocumented students succeed at UC Berkeley:

- Improved cultural shift for undocumented students
 - Undocumented students feel welcome as students and supported at UC Berkeley
 - Campus community members are aware of contributions by undocumented students
- Increased professional development for undocumented students
- Increased education about employment opportunities for undocumented undergraduate and graduate students after graduation
- New opportunities to enhance the on-campus learning experience for undocumented students
- Fewer road blocks to research opportunities for undocumented students
- Administrators and professionals provide undocumented students with accurate and complete information for their academic success
- Faculty, staff, and both current and prospective students are better informed about resources and services available to undocumented students
- Undocumented students have access to pro bono legal counsel
- Outside scholarships provide increased funding for undocumented students
- Better ties between the undocumented student community and the larger campus community
- More undocumented students apply to, enroll in, and complete graduate programs
- More undocumented applicants have a realistic sense of affordable housing options
- Improved access to physical and mental health services for undocumented students
- Increased partnerships with outside organizations serving undocumented students
- Institutionalization of best practices in support of undocumented students through integration with existing standards and protocols

To achieve these outcomes, the Task Force recommends the following actions to the Chancellor:

University Structure and Role

1. Create a staff support position

UC Berkeley should create a new staff position (at least 0.5 FTE) that would serve as the point person for organizing and supporting undocumented students on campus in an analogue to the half-time staff position that supports Cal Independent Scholars Network (CISN). Like the CISN position, the staff member would provide needed continuity for undocumented students on the path from admission through graduation. The position would also entail working with existing groups like ISIC, RISE, ASPIRE, ASUC, and the Graduate Assembly, while also facilitating interactions between students and various units on campus (e.g., Financial Aid Office, Office of the Registrar). The staff member in this position would be current on university policies and practices to help undocumented students navigate their experiences at UC Berkeley. The staff member would also be a subject matter expert on undocumented students on campus and be available for training and workshops to other campus staff.

The position would also include a community outreach component coordinating interactions between undocumented students on campus and outside organizations including non-profits, private donors, and foreign consulates. This person would act as a point of contact for undocumented students seeking outside assistance and for outside organizations trying to connect with students.

2. Create a standing committee on undocumented students

UC Berkeley should establish a standing committee to address the needs of undocumented members of the campus community. The committee would facilitate many of the recommendations made in this report by bringing in speakers, coordinating research, monitoring progress, and ensuring accountability. The committee should be coordinated with the Office of the Vice Chancellor for Equity & Inclusion and be made up of staff, faculty, students, and community members – ISIC, RISE, the Office of Equity and Inclusion. The current task force should aid the formation of the new committee. The committee should promote and support undocumented students while also ensuring that best practices in support of undocumented students are fully integrated – or institutionalized – at UC Berkeley.

3. Continue to advocate for the CA Dream Act and Federal reform

UC Berkeley should continue to use its position as a national leader in higher education to advocate for legislative action at the state and federal levels – the university should, of course, continue to keep its actions lawful. Chancellor Birgeneau’s testimony, articles, and interviews in support of AB 130 and the DREAM Act are prime examples of the action that UC Berkeley should continue to perform. UC should also engage with federal legislators to provide real-world examples of high-achieving unauthorized students who are prevented from fulfilling their potential.

4. Continue to support community policing practices

At present, UCPD at UC Berkeley has made it a practice of not prioritizing immigration enforcement, as this a federal function and may interfere with UCPD's mandate of maintaining a safe and secure campus. This practice should continue and have the support of the university administration, and undocumented students should be made aware of this practice. However, UC Berkeley should not advertise itself as a "sanctuary," as the University cannot ultimately prevent federal law enforcement of immigration laws on the campus. Moreover, it would likely result in an unhelpful political backlash from certain groups. To lessen the impact of undocumented students under-reporting crimes against them for fear of exposing themselves, it should be clear that a person's status should not prevent the reporting of crimes.

5. Raise awareness among donors about ways to help undocumented students

Campus fundraising and development staff, including regional development officers, should be informed of the ways donors can help undocumented students even if they cannot make a direct donation to Berkeley undocumented students. Donors should be directed to outside groups such as *Educators for Fair Consideration*, *Liberty Hill Foundation*, *UC Berkeley Chicano/Latino Alumni Association*, and the *Cal Dream Scholarship Fund* that give scholarships and grants to undocumented students.²

Climate Change

6. Create a "Bear in Mind" video about undocumented students

Chancellor Birgeneau commands a highly visible and influential platform with his "Bear in Mind" video series. To promote awareness of the issues facing undocumented students, the Chancellor should create a "Bear in Mind" video featuring a conversation with undocumented students. Such a video could help dispel some myths about undocumented students, raise awareness, set an example of leadership at the top, and let undocumented students know that their voices are heard.

7. Educate faculty, staff, and students about undocumented students

UC Berkeley should create workshops and resources (e.g., brochures, web sites, Ustream channels, etc.) to educate students, staff, and faculty about undocumented student experiences by dispelling myths, sharing narratives, and explaining laws and policies. The programs would instruct participants on how to provide services to undocumented students inclusively. If students, staff, or faculty want to be allies, information should be available on how to be an effective ally:

- Physical and mental health practitioners should be educated about the health needs of undocumented students and be provided with resources on how to direct undocumented students to resources for additional health care services;

² Should AB 130 become law, development officers will need to be trained in how to direct donors to the selection of university scholarships newly available to undocumented students with AB 540 status.

- Faculty should be informed about funding options available to undocumented students – both undergraduates and graduate students – for doing research on and off campus;
- Staff serving in financial aid and career counseling should be informed about grants, scholarships, and job opportunities available to undocumented students as undergraduates, graduate students, and outside of the university.

8. Set up mechanisms on the internet for undocumented students to connect to networks

To foster the undocumented student community and provide more access to information, formal and informal internet-based services to connect undocumented students to each other and the university should be created. These services should include:

- Central web hub for undocumented students on the UC Berkeley web site with resources on admissions, financial aid, housing, career options, living needs, mentors, and legal support;
- Cross-links on existing web sites serving undocumented students to the central hub and additional information and resources available to undocumented students;
- Anonymous listserv and Ustream channel where undocumented students can share information, support each other, and learn about their options;
- Contact list of faculty and staff who are experienced in dealing with the needs of undocumented students – should include staff in MSD, EOP, transfer center, registrar’s office, career counseling, housing, admissions, and graduate division.

9. Create undocumented student ally signifiers

UC Berkeley should create a means (e.g., sticker or poster) by which student, staff, and faculty allies could alert undocumented students to people who are willing to help them. The signifier should be able to be placed on a door or wall in an unobtrusive but visible manner (similar to rainbow stickers for LGBT allies). These signifiers should be promoted among the undocumented student community, to the groups that work with undocumented students, and at training events for students, staff, and faculty around issues affecting student support services.

10. Create an easy-to-read list of policies and resources for prospective undocumented students

UC Berkeley should create a document for undocumented prospective students on the policies that affect them and a step-by-step procedure of how to apply to UC Berkeley; it should include sections relevant to high school, transfer, and graduate students. It should also include a list of resources to help them apply and a list of groups to help them connect to peers and allies. The document should be posted in a visible location on various UC Berkeley web pages and be available in print for distribution to prospective students at high schools, community colleges, college fairs, etc. This documentation will help undocumented students know their options and what to expect and show that the university is willing to help them.

11. Create an up-to-date directory of housing options for low-income students

UC Berkeley should create a directory of low-income and subsidized housing options for low-income students. The directory should list financial aid and grant options available to help students pay for housing costs. The directory should be available online, promoted to the undocumented and low-income student communities, and coordinated with existing housing resources and documentation. At present, SLAS/EOP produces a brochure on low-cost housing for AB 540 students, but it is not widely distributed or easily accessible. Every term the directory should be updated to ensure the information presented is accurate. The person or group in charge of maintaining the directory should provide contact information to allow for phone, email, or in-person assistance; they should also provide an ombuds service to register and follow-up complaints in order to mitigate housing discrimination and abuses or violations by landlords.

12. Create a lending library of textbooks for undocumented and other low-income students

UC Berkeley should create a space where undocumented and other low-income students can check-out textbooks for classes and skill development. The lending library should work in conjunction with a donation program to allow members of the UC Berkeley community to donate books to add to the collection. Instructors and the campus bookstores should be informed about the lending library and given instructions on how to encourage its use among students. The program would go beyond the existing course reserves in the UC Berkeley libraries, which usually require that books be used for two hours without a renewal option. Additionally, the program should coordinate with existing resources at the Tang Center's Career Counseling Library.

13. Clarify and document financial aid practices for undocumented students

UC Berkeley should clarify information regarding financial aid policy and practice for undocumented students. At present, few students and staff realize that the university is allowed to process and disburse outside scholarships through the Financial Aid Office and that any funds in excess of items billed on the Campus Accounts Receivables (CARS) may be refunded to students. The current Financial Aid Office policies should be condensed into an easy-to-read packet that includes outside grant/scholarship resources with eligibility and contact information. The information should be:

- Available in many different formats (e.g., on the web, in brochures, in newsletters, multiple languages, etc.);
- Placed in different spaces (e.g., the financial aid office, admissions office, college fairs, etc.); and
- Shared across campus and to the larger community (e.g. alumni, donors, city of Berkeley, non-profits, etc.) in coordination with Student Affairs and University Relations.

14. Create a regularly updated resource of research opportunities for undocumented students

The web portal for undocumented students should include a comprehensive listing of research opportunities for undocumented students seeking academic development in preparation for graduate school. The listings should include the field of research, a description of the project, the faculty member involved, the duration of the project, and contact information. Faculty should be informed about the needs of undocumented students and encouraged to submit research projects to the listings. The list should be updated every semester. Protocols should be established for following up with students using the listing to ensure that their needs are met in terms of mentoring, development, and support.

15. Set up pro bono and other means of legal advice for new and current students and staff

Establish a means for immigration lawyers to offer pro bono help to students and staff advance their immigration cases. These resources should be available in many different formats – workshops, hotlines, email, web forums, etc.—and publicized through many channels on campus and in the larger community. Public awareness is vital, as many immigration stages are time-sensitive and carry large penalties if the proper steps are not taken (for example, unauthorized status does not accrue until a student turns 18.) An initial step towards increasing access to legal representation would be to establish a relationship with the *American Immigration Lawyers Association (AILA)* Northern California Chapter. Members of the law school community can facilitate a meeting to discuss a potential collaboration with AILA members. Other community contacts include Mark Silverman at *Immigrant Legal Resource Center*, Sin Yen Ling at *Asian Law Caucus*, and Francisco Gonzalez at *Catholic Charities SF*. Addition local groups offering non-profit legal services include *International Institute of the Bay Area*, *East Bay Sanctuary Covenant*, and *Educators for Fair Consideration*.

16. Train potential “affiliates/non-employees” how to set up Limited Liability Companies (LLCs)

UC Berkeley should provide information to low-income students about options to start or join consulting firm LLCs. Students should be made aware that LLCs can help them earn additional income, establish credit, aid skill development, and build resumes. These companies would exist outside the university, but may be of interest to students or graduates.

Research and Policy Analysis

17. Collect and share best practices from other institutions

UCLA, SFSU, and the California Community Colleges have already taken steps to address the needs of their undocumented students by creating research programs, clarifying and consolidating financial aid information, and developing staff training workshops. To build on their experiences, UC Berkeley should invite key people who were intimately involved in these programs to share their expertise with UC Berkeley policy makers. Suggested speakers include Nancy Jodaitis of San Francisco State University, Leticia Silva of City College San Francisco, Rosa Perez former Chancellor of San Jose/Evergreen Community College, William Perez of Claremont

Graduate University, and Kent Wong of UCLA. To share best practices, UC Berkeley should host a UC symposium on undocumented student issues and research.

18. Use results from Innovation Grant project to inform policies and recommendations

A joint project “Berkeley’s Undocumented Students – Research, Community, Action” was awarded an Innovation Grant by the Office of Equity & Inclusion to build community, conduct research, and facilitate information distribution in the context of undocumented students at UC Berkeley. A questionnaire will be developed and implemented across the UC Berkeley community. The results from the survey and feedback from the project should be incorporated into future UC Berkeley policies regarding undocumented students. The survey should be re-administered every few years to monitor the climate for undocumented students. In addition the Innovation Grant results should be combined with other work from UC Berkeley researchers, especially those in the Haas Diversity Research Center cluster on Diversity and Democracy. Research projects could include a study on economic impact of undocumented students on the California economy in the short- and long-term.

19. Review current laws, regulation and policies to create more inclusive programs for undocumented students

UC Berkeley should push for reform beyond allowing undocumented students to receive financial aid to administrative and policy reforms that will allow undocumented students to engage in leadership academies, fellowships, and internships. Depending upon the details of these programs, there is an argument that they do not constitute “employment” (which is barred by federal immigration law), and therefore UC should not require Social Security Numbers in order to participate in them. The university should leverage its resources from the Warren Institute, Berkeley School of Law, and other bodies with regulatory experience to draft and push for such policy shifts.

Appendix

Appendix A: Membership

Gibor Basri, Vice Chancellor of Equity & Inclusion, UC Berkeley, Task Force Chair

Alfred Alipio Jocson, Human Resources, UC Berkeley

Patricia Baquedano-Lopez, Associate Professor, UC Berkeley³

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Staff to the Task Force:

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³ During Fall 2010