



## SUMMARY

**Cultivation of  
Hope and  
Inclusion for  
Long-term  
Dependents  
Raised and  
Educated  
Natively**

- 1** Provides a path to permanent residency for children who:
  - were brought to the U.S. as child dependents of long-term visa holders
  - maintained legal status in the U.S. for 10 years
  - graduated from an American university
- 2** Protects children from aging-out by locking in a child's age on the date on which a parent filed for a green card rather than the final action date.
- 3** Provides work authorization for children of long-term visa holders whose green card applications are backlogged, if they are at least 16 years old.
- 4** Allows children who have aged out to retain original priority date for future petitions.

### WHY IS THIS NEEDED?

Most Americans are not aware that it is possible for an immigrant child to grow up in the United States with a legal status and still not have a clear path to citizenship. These children were raised here and have completed all of their education here. As STEM graduates and essential workers, these children provide immense benefits to the U.S., and forcing them to self-deport could cost the U.S. over \$30 Billion in net fiscal benefits. This bill permanently fixes this issue and allows children who grew up here as long-term dependents to be recognized as the Americans that they are.

## Dependent Immigrant Youth/Documented Dreamers in CA & SB 1160 FAQ

### Frequently Asked Questions:

#### 1. What are the current requirements of AB 540?

68130.5. Notwithstanding any other law:

(a) A student, *other than a person excluded from the term “immigrant,” for purposes of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code*, shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges if the student meets all of the following requirements:

**(1) Satisfaction of the requirements of either subparagraph (A) or subparagraph (B):**

**(A) A total attendance of, or attainment of credits earned while in California equivalent to, three two or more years of full-time attendance or attainment of credits at any of the following:**

- (i) California high schools.
- (ii) California high schools established by the State Board of Education.
- (iii) California adult schools established by any of the following entities:
  - (I) A county office of education.
  - (II) A unified school district or high school district.
  - (III) The Department of Corrections and Rehabilitation.
- (iv) Campuses of the California Community Colleges.
- (v) A combination of those schools set forth in clauses (i) to (iv), inclusive.

**(B) Two or more years of full-time high school coursework in California, and a total of two or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.**

#### 2. What changes to AB 540 will SB 1160 bring?

The existing AB 540 program and students that currently qualify for AB 540 will not be impacted. The only change made by SB 1160 is to include children of visa holders who otherwise meet the requirements already set forth by AB 540 (see above).

#### 3. What is the student population this bill is aiming to help?

This bill seeks to expand financial affordability of college to children of long term visa holders, approximately 5,000 - 10,000 students. Children of long-term visa holders have been overlooked at the state and federal level for many opportunities, including access to in-state tuition, scholarships, work authorization, and financial aid. These children have attended the majority, if not all, of their primary education in California. Their parents have paid CA state taxes for typically decades as well.

**4. What types of visas do these students typically hold?**

Children of long-term visa holders have typically been dependents on E, H, L, O, P, R, TN visas, as well as F, J, M, S, V visas. Due to the federal policy, children of long-term visa holders can no longer be dependent on their parents' visas at age 21. When they “age out”, they must switch to an F-1 visa, an international student visa, in order to maintain a status in the country. SB 1160, as amended, would allow access to in-state tuition for children who have been dependents on E, H, L visas, and F-1 students who were formerly dependents on E, H, and L visas.

**5. How many students would this impact? How many would be impacted in California?**

It is estimated that there are a total of 40,000 to 50,000 children of long-term visa holders in California. Approximately 5,000 to 10,000 are of age to be in college or would be matriculating in college. These 5,000 to 10,000 students in California would benefit from the bill.

Explanation of the statistic above: Based on [DHS data](#), there are currently 228,571 children of nonimmigrant visa holders. So  $228,571 \times 18\%$  (percent of total nonimmigrants in California compared to all of the United States) gives about 41,000.

<https://www.dhs.gov/immigration-statistics/population-estimates/NI>

**6. Can dependent visa students already receive in-state tuition? What is that process like, what are some of the barriers that exist?**

Some dependent visa students can receive in-state tuition depending on university or college policy. Sometimes, the college and university have vague policies around in-state resident requirements for visa holders, which are interpreted inconsistently to students based on a case-by-case basis. When a dependent visa student “ages out” and changes their status to F-1 international student, most universities change their residency status to the international tuition rate. In addition, while some dependent visa students can receive in-state tuition, they are not eligible for financial aid, scholarships, and federal and private student loans. In order to afford tuition, these students consider letting their status run out or their parents take out high-interest private loans.

**7. What is the current process for a student to pay in-state tuition?**

The typical California student applies for the university or college as a California resident and once they submit their Statement of Intent to Register, they submit a residence questionnaire. After an initial review, the university or college may request additional information or documents. These might include: driver's licenses/ID cards, tax returns, vehicle, voter or selective service registration, employment or housing verification, and bank statements.

**8. What is the current process for out-of-state students to pay in-state tuition?**

To be eligible for classification as a California resident for tuition purposes, the student or the parent/guardian, if the student is a minor, must provide verification that they have been physically present in California and their intent to continue their stay in California. The student or parent/guardian must be physically present in California for more than one year. California law stipulates the burden of proof rests with the student, and merely living in California for a year does not support a claim for residency for tuition purposes. The student, or in some cases a parent or legal guardian, must demonstrate intent to remain indefinitely in the state for more than one year and sever all residential ties with the former state of residence.

**9. What is the current process for a dependent visa student to pay in-state tuition?**

The provisions for California residency for tuition purposes at the California State University (CSU), for example, differ from other provisions of California residency. Additionally, the provisions for residency at the CSU differ from those at the University of California and the California Community Colleges. Oftentimes, due to the visa status, the student must apply as an international student to the college or university. Once the student registers at the college or university, the student has a burden of proof to demonstrate eligibility of in-state tuition in accordance with the university's or college's policy. They are typically requested to provide the following supporting documents: showing their dependent visa documents, showing California as home address on federal income tax forms, payment of California state income tax as a resident, ownership of residential property or continuous occupancy of rented property in California, possessing a California driver's license, possessing California motor vehicle plates, high school transcript of a California high school, dates of attendance at a California high school, and establishing and maintaining active California bank accounts. In order to change from non-resident to resident, typically a student must file an affidavit and form, along with supporting documentation. Then, the university or college reviews the documents and makes a decision if the student is exempt from out-of-state tuition. Commonly, colleges and universities have policies

around in-state resident requirements for visa holders that are interpreted inconsistently to students based on a case-by-case basis. Some documented dreamers have not been granted in-state tuition at the same university where other documented dreamers have been able to be eligible for in-state tuition.

**10. What are the types of occupations of the parents of dependent visa students?**

Children of long-term visa holders have typically been dependents on E, H, L, O, P, R, TN visas, as well as F, J, M, S, V visas.

SB 1160, as amended, would provide college affordability to dependent students of E, H, and L visas.

Typically, E- visa holders are individuals coming to work in the U.S. that are investing capital in a U.S. business or carrying out trade between individuals and firms in the U.S. and the country under which the visa holder is a citizen or national. This trade can be in a wide range of industries including transportation, communication, banking, advertising, and management. Certain employees of treaty traders and treaty investors (that is, those coming to engage in duties of an executive or supervisory character, or, if employed in a lesser position, having special qualifications that make their services essential to the operation of the enterprise) receive the same classification as their employer.

H-1B visa holders are individuals who come to the U.S. to perform services in a specialty occupation with highly specialized knowledge or a higher degree in the specialty.

L-visa holders are intracompany transferees, including managers or employees with specialized knowledge.

**11. If SB 1160 became law, who would pay international tuition, since many visas holders seem to qualify?**

To qualify for in-state tuition under the bill, the existing eligibility criteria from AB 540 still have to be met. AB 540 requires individuals to have attended high school in California for three or more years and graduated from a California high school. With this requirement in place, someone who comes to California on a visa just to attend a college or university would not be eligible for in-state tuition. International students coming from overseas would still be required to pay international student tuition. However, this bill would ensure that children who were raised in California on dependent visas, can continue to pay in-state tuition even after aging out of the system and switching over to an international student visa.

Under the current law, if a dependent visa student chose to lose their status, their new undocumented status would allow them to qualify for in-state tuition due to



AB 540. Hence, requiring one to be undocumented under current law to benefit for in-state tuition negatively affects many students. SB 1160 seeks to remove that requirement and would not increase the applicable pool of students any more, since all visa holders who meet the criteria of attending high school in California are eligible to qualify by losing their status.

**12. AB 540 and subsequent legislation extended financial aid assistance to undocumented students who met certain requirements. Do children of visa holders need this assistance?**

As with any class of students, some individuals may need additional financial aid and some may not, depending on personal circumstances. Like the population of students that currently qualify under AB 540, the individuals who meet certain thresholds may be eligible for additional grants from the State, if their situation qualifies them for it. Oftentimes, there is a perception that visa holders may not need financial assistance due to their income level. However, in the case where this is true, they would not qualify for the additional grants due to the income thresholds that are in place for such assistance.

It only ensure that individuals who otherwise could qualify if they had lost status, do not have to make that choice to become undocumented to seek greater benefits than allowed.

SB 1160, as amended, does not provide Documented Dreamers with access to state grants, loans, and other programs that recipients on the current AB 540 benefit from.

**To learn more about the Documented Dreamer population, please refer to the following:**

1. <https://www.americanimmigrationcouncil.org/research/documented-dreamers-overview>
2. CA article:  
<https://www.kqed.org/news/11913665/200000-documented-dreamers-are-literally-waiting-a-lifetime-for-a-green-card>
3. <https://www.nytimes.com/2022/04/30/us/politics/documented-dreamers.html>
4. <https://www.cato.org/blog/huge-fiscal-benefits-including-legal-immigrant-dreamers-dream-act>
5. [100,000 Children in the Employment-Based Green Card Backlog at Risk of Family Separation](#)
6. <https://www.cato.org/blog/new-bill-prevents-forced-departure-documented-dreamers>

7. <https://www.padilla.senate.gov/newsroom/press-releases/padilla-paul-introduce-bipartisan-bill-to-protect-thousands-of-documented-dreamers/>
8. <https://www.kqed.org/news/11912027/a-visa-immigration-crisis-is-hitting-silicon-valley>

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## Updates for Fall 2023

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6 de marzo de 2023, 11:00

Dear Solano International Student –

SEVP has let us know that the federal government plans to terminate the national emergency declaration for COVID-19 on May 11, 2023. That being said, the guidelines for how many online classes you may take is reverting back to the original guidelines. International students are permitted to take ONE (1) fully online class per semester towards your 12 unit requirement beginning in the Fall 2023 semester. A hybrid class is not considered an online class. For example, if the lecture is scheduled for online meetings but you must meet in person for labs, this does not count as an online class.

Additionally, we would like to make you aware that our international tuition rate will be increasing, starting with the Fall 2023 semester, from \$304/unit to \$368/unit. The capital outlay fee of \$11/unit will remain the same. This is the first increase made to our international tuition since 2019, and we remain below the state average of \$400/unit.

Thank you for your understanding in these matters. Please let me know if there are any questions.

Thank you,