

The difference between Colorado ASSET and Deferred Action for Childhood Arrivals (DACA)

- ▶ DACA and ASSET are both public policies that are affecting our undocumented youth (AKA DREAMers) right now, at almost the same time.
- ▶ Needless to say, there is a lot of confusion about the differences between the two.
- ▶ ASSET is a state level law that only affects the price of attending a public Colorado higher education institution. It does not address other immigration issues. States do not have the power to change immigration law; they do have the power to pass laws that directly and/or indirectly affect the immigrant and undocumented populations within their state.
- ▶ DACA is a federal level policy change that has its own set of criteria set by the US Citizenship and Immigration Services department.
- ▶ Students who qualify for ASSET do not automatically qualify for DACA; or vice versa. There will be students who qualify for one but not the other. There will be students who qualify for both. And, there will be students who will not qualify for either one.

Colorado ASSET:

Colorado ASSET will allow all qualified high school or GED graduates to attend a public Colorado college or university at the in-state tuition rate, regardless of immigration status, provided they can meet the following criteria:

If a student graduated on or after Sept. 1, 2013 they must have:

1. Attended a Colorado high school for 3 years immediately before earning a high school diploma or GED in Colorado.
 - As long as a student attended 6 academic terms, not necessarily from 3 consecutive academic years—and then graduated or received a GED—the student would satisfy the high school requirement. (CDHE FAQ document)
 - ASCENT and/or Concurrent Enrollment programs are considered part of a student's high school program and may be counted toward the 3 year academic residency requirement.
2. Been admitted (not enrolled) to a public college or university in Colorado within 12 months of graduating or earning a GED.
3. Complete the Colorado Opportunity Fund application, including the Affidavit, stating that the student has applied for legal presence in the US OR will apply for legal presence in the US as soon as they are able to do so.
 - In order to receive the COF stipend, a student will also need a State Assigned Student Identifier (SASID), issued by a Colorado public school district.

If a student graduated before September 1, 2013 they must have:

1. Attended a Colorado high school for 3 years immediately before earning a high school diploma or GED in Colorado.
2. Been admitted to a public college or university in Colorado.
3. If the student did not enroll in a Colorado state-funded college within 12 months of graduating high school they will have to prove they have been physically present in Colorado for the last 18 months prior to enrollment.
4. Complete the Colorado Opportunity Fund application, including the Affidavit, stating that the student has applied for legal presence in the US OR will apply for legal presence in the US as soon as they are able to do so.
 - In order to receive the COF stipend, a student will also need a State Assigned Student Identifier (SASID), issued by a Colorado public school district.

Deferred Action for Childhood Arrivals:

What is deferred action for childhood arrivals (DACA)?

A2: On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the guidelines set forth in the Secretary of Homeland Security's memorandum

You may request consideration of deferred action for childhood arrivals if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or other equivalent State-authorized exam in the United States, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Individuals can call USCIS at 1-800-375-5283 with questions or to request more information on the deferred action for childhood arrivals process or visit www.uscis.gov.

-Taken from the [US Citizenship and Immigration Services "Frequently Asked Questions"](#)

DACA and ASSET

Undocumented students who attended high school in Colorado for FEWER than three years, regardless of the time they have been physically present in the state, are not eligible to qualify for in-state tuition classification under ASSET.

Students who have been granted DACA status MAY BE eligible under existing in-state tuition criteria depending on individual institution practices.

- If a student can provide documentation that he or she resides in Colorado and has acceptable evidence of domicile, such as a valid driver's licensure and/or social security number, the student MAY qualify for in-state tuition under existing tuition classification laws and policies.

- Taken from the [Colorado Department of Higher Education ASSET FAQ:](#)

DACA

- Announced on June 15th, 2012 by Secretary of Homeland Security Janet Napolitano- Application opened August 15th, 2012.
- Expansion of Prosecutorial Discretion
- Application submitted to and reviewed by the US Citizenship and Immigration Services.
- Protection from deportation and two years of a potential work authorization. (A valid Social Security number to be used for work purposes only).
- DACA and the work authorization is renewable every 2 years.
- DACA students are not eligible for federal or state funded financial aid: Pell Grants Work Study (government funded), State Merit Aid, Loans, or scholarships Federal Merit Aid, Loans or scholarships.
- DACA does not make a student eligible for other benefits offered by the state or federal government.

ASSET

- Signed into law on April 29th, 2013 by Governor John Hickenlooper
- State Law
- Final determination of ASSET eligibility made by each individual institution with the guidance of the Colorado Department of Higher Education.
- Offers In-state tuition to qualified High School or GED graduates, regardless of immigration status.
- Qualified ASSET students will also qualify for the Colorado Opportunity Fund stipend.
- ASSET students are not eligible for federal or state funded financial aid: Pell Grants Work Study (government funded), State Merit Aid, Loans, or scholarships Federal Merit Aid, Loans or scholarships.
- ASSET does not make a student eligible for other benefits offered by the state or federal government.

Resources for Deferred Action for Childhood Arrivals:

- Adams, A. D. (2012, 12 06). *Deferred Action for "Dreamers": Advising DACA Students About Affording College*. Retrieved 12 24, 2013, from National Association of Student Financial Aid Administrators: http://www.nasfaa.org/advocacy/perspectives/articles/Deferred_Action_for__Dreamers___Advising_DACA_Students_About_Affording_College.aspx
- Colorado Immigrant Rights Coalition. (2012). *www.coloradoimmigrant.org*. Retrieved 12 24, 2013, from Welcome to CO4DACA, Co,orado's one-stop deferred action resource page: <http://www.coloradoimmigrant.org/downloads/AILA%20CO%20DACA%20Referral%20List%20-%20FINAL!%2010.1.12.pdf>
- Department of Homeland Security. (2012). *Deferred Action*. Retrieved 12 24, 2013, from www.dhs.gov: <http://www.dhs.gov/deferred-action>
- Educators for Fair Consideration. (2012). *Deferred Action for Childhood Arrivals (DACA) Resources*. Retrieved 12 24, 2013, from www.e4fc.org: <http://www.e4fc.org/resources/deferredaction.html>
- Federal Student Aid. (n.d.). *Many non-U.S citizens qualify for deferral student aid*. Retrieved 12 24, 2013, from studentaid.ed.gov: <http://studentaid.ed.gov/eligibility/non-us-citizens>
- Immigration Equility. (2012). *Deferred Action for Childhood Arrivals (DACA)*. Retrieved 12 24, 2013, from [Immigration Equality.org](http://immigrationequality.org): <http://immigrationequality.org/issues/immigration-basics/daca/>
- National Immigration Law Center. (2012). *Deferred Action for Childhood Arrivals*. Retrieved 12 24, 2013, from www.nilc.org: <http://www.nilc.org/dreamdeferred.html>
- National Immigration Law Center. (2013, 03 05). *FAQ: Deferred Action for Certian Immigrant Youth*. Retrieved 12 24, 2013, from www.nilc.org: <http://www.nilc.org/FAQdeferredactionyouth.html>
- National Immigration Law Center. (2013, 9 25). *Health Care & DACA Deferred Action*. Retrieved 12 24, 2013, from www.nilc.org: <http://www.nilc.org/acadafaq.html>
- Own the DREAM. (2012). *Requesting Deferred Action*. Retrieved 12 24, 2013, from www.weownthedream.org: <http://www.weownthedream.org/deferred-action/>
- Rocky Mountian Immigrant Advocacy Network. (2012). *Attorneys you may wish to contact related to "Deferred Action" status*. Retrieved 12 24, 2013, from www.rmian.org: <http://www.rmian.org/storage/Deferred%20Action%20Attorney%20List.pdf>
- Rocky Mountian Immigrant Advocay Network. (2012). *Children's Programs*. Retrieved 12 24, 2013, from www.rmian.org: <http://www.rmian.org/childrens-program/>
- Rocky Mountian Immigrant Advocay Network. (2012). *Know Your Rights: Juveniles & Immigration*. Retrieved 12 24, 2013, from www.rmian.org: <http://www.rmian.org/storage/self-help-resources/KYR%20Juveniles%20in%20ICE%20Custody-ENG.pdf>

Singer, A., & Prchal Svajlenka, N. (2013, 08 14). *Immigration Facts: Deferred Action for Childhood Arrivals (DACA)*. Retrieved 12 24, 2013, from Brookings: <http://www.brookings.edu/research/reports/2013/08/14-daca-immigration-singer#>

Together Colorado. (2012). *Deferred Action Resources*. Retrieved 12 24, 2013, from www.togethercolorado.org: <http://www.togethercolorado.org/documents/Deferred-Action-Resources.pdf>

U.S Citizenship and Immigration Services. (2013, 01 18). *Frequently Asked Questions*. Retrieved 12 24, 2013, from www.uscis.gov: <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>