Helping Undocumented Students Pursue Immigration Assistance:  
A Quick Reference for School Staff

Although school staff cannot ask students or parents about their immigration status, it is not uncommon for undocumented students to share their status with teachers, counselors, social workers or others. Many undocumented students are eligible for visas or deferred action on their immigration status. School staff can make a significant difference in students’ lives if they encourage students to seek legal help.

**How to encourage students to seek help**

- Inform the youth that it very often is easier to obtain legal immigration status before turning 18 years old. Timing is critical!
- Inform the youth that leaving the country, even briefly, could result in disqualifying the youth for immigration relief or even banning them from re-entering the US.
- Assist youth in connecting with a reputable legal services agency.
- Assure the youth that legal services agencies are required to maintain confidentiality.
- Assist attorneys in building a relationship and trust with the youth.
- Support youth through the immigration process.
  - Help compile documents the youth will need. Often, school records, verification of homelessness, and other education documents can help youth apply for immigration relief and qualify for fee waivers.
  - Help youth identify a secure mailing address for immigration notices.
  - Remind youth about immigration-related appointments and support their attendance.

**How to find reputable legal resources**

The ACLU has compiled a nationwide directory of reputable immigration legal services. Most of these providers receive many more referrals than they can accept, but they are the best place to start for assistance.  

Local foreign-language newspapers are full of advertisements for “legal professionals” offering visas. Students and families should beware of people demanding large payments up-front or promising a visa for a fee. Before entering into any agreement with a professed immigration professional, students and families should get information about that person’s qualifications and check with the state bar association to find out if people who claim to be lawyers are licensed as such.
How to know if a student may be a good candidate for a visa or deferred action

There is no simple checklist to know if a student is eligible for a visa. Eligibility for some relief ends when a youth reaches a certain age. To help students know their options, it is worth referring them to an immigration attorney as soon as possible to evaluate the relief that may be available to them.

Some youth who *may* be eligible for a visa, deferred action or other relief include those who:

- Have been abused, neglected or abandoned by at least one parent.
- Have a parent(s) who left them in the U.S. and returned to the home country or went to another country, and reunification is not viable.
- Have suffered, or whose parent(s) or sibling(s) has suffered, substantial physical or mental abuse from a violent crime.
- Have suffered substantial physical or mental abuse from child abuse.
- Have been abused by a parent/other adult who is a legal US resident or citizen with whom child resides.
- Have a parent who has been abused by another adult who is a legal US resident or citizen with whom child resides.
- Have been victims of sex or labor trafficking.
- Are of a race targeted for persecution in their native country.
- Are of a religion targeted for persecution in their native country.
- Are of a national origin targeted for persecution in their native country.
- Have political opinions, or their parents do, which are severely persecuted in their native country.
- Are of a “particular social group” (this includes sexual orientation) targeted for persecution in their native country.
- Have been recruited as gang members or child soldiers in their native country.
- Were forced into prostitution or marriage.
- Meet all of the following criteria:
  - Entered the United States before the age of 16;
  - Were under the age of 31 on June 15, 2012;
  - Have lived in the U.S. since June 15, 2007;
  - Were physically present in the U.S. on June 15, 2012;
  - Are at least 15 years old now; and
  - Are enrolled in school or have already obtained a GED or high school diploma.

Remember, immigration law is extremely complex, and a simple mistake can prevent a young person from getting a visa for which he or she is eligible!

*Don’t try to help students through the immigration process on your own, and discourage students from trying to work through the process without reputable legal help.*

For more information

- Kids in Need of Defense (KIND), [www.supportkind.org](http://www.supportkind.org)
- Catholic Legal Immigration Network (CLINIC), [www.cliniclegal.org](http://www.cliniclegal.org)