



# **SERVING & ADVOCATING FOR UNDOCUMENTED STUDENTS**

**September 25, 2025  
NMEAF – FAFSA Training**

**Please note that the information on these slides is current  
as of 09/23/25 and is not intended to serve as legal advice.**



# TERMINOLOGY

**Undocumented** - People who are not U.S. citizens or Permanent Residents of the United States, who do not hold a current visa to reside in the U.S. and who have not been approved for legal residency in the U.S.

**Deferred Action for Childhood Arrivals (DACA)** – A program that protects successful applicants from deportation and gives them work authorization for a renewal period of 2 years it provides lawful presence but it not lawful status.

**Mixed Status Family** - A family whose members include people with different immigration statuses.

**Legal Permanent Resident (LPR or Green Card)** – A person who has been granted the right to reside permanently in and to work without restrictions in the United States.

**Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP), U.S. Citizenship and Immigration Services (USCIS) & Homeland Security Investigations (HSI)** – Federal agencies responsible for enforcing immigration laws and processing immigrant paperwork. Collectively known as “La Migra.”

**Individual Taxpayer Identification Number (ITIN)** - 9-digit number the IRS issues to people filing a tax return who are not U.S. citizens and who do not have or are not eligible for a Social Security number. An ITIN can be used for tax reporting purposes and to run background checks but does not serve for employment authorization.



# WHO ARE UNDOCUMENTED STUDENTS?

- Illegal Aliens vs. Undocumented
- High school graduates, not criminals! An estimated 120,000 students receive their high school diploma every year (fwd.us, 2023)
- 408,000 students are enrolled in US colleges and universities (Presidents' Alliance on Higher Education and Immigration, 2024)
- Regular citizens trying to get an education
- Some didn't have a choice to be undocumented
- Community composed of diverse nationalities, races and ethnicities
- Part of the campus community
- Federally guaranteed an American K-12 education but not higher education



# IT'S THE LAW

## **New Mexico Senate Bill 582 (2005)**

- A public post-secondary educational institution shall not deny admission to a student on account of the student's immigration status.
- Any tuition rate or state-funded financial aid that is granted to residents of New Mexico shall also be granted on the same terms to all persons, regardless of immigration status.

## **Qualifying Criteria for State Aid**

- Attended a secondary educational institution in New Mexico for at least one year,
- AND
- Have either graduated from a New Mexico high school or received a general educational development certificate in New Mexico.



# FAFSA vs STATE AID

## FAFSA

- U.S. Citizens, Legal Permanent Residents & some “eligible non-citizens”
- Pell Grant, Loans, Work-study
- UNM Priority Date

## UNM State Aid

- SB582 Eligible Undocumented Students /DACA Recipients
- State Grants, NM Work-study (Employment Authorization)
- UNM Priority Date



# WHAT CAN WE DO?

- Contribute to the sense of community, care, and safety
  - Refrain from spreading misinformation, be critical of information & sources being shared
- Educate yourself of resources that are available for undocumented immigrants and share with students and colleagues
  - For many students, warm hand-offs are important
- If an undocumented immigrant comes out to you, respect & acknowledge their experiences even if you don't agree with them
  - Advocate for inclusivity with a student-centered mindset – your response is key!





# WHAT CAN WE DO?

- Work to remove systemic barriers
  - Examine policies that are exclusive without a purpose
- Create funding opportunities/programming experiences for undocumented students with institutional, state, and allowable grant opportunities
  - Create institutionally funded scholarships and private partnerships
  - Identify or create internships, fellowships and externships
- Understand limitations set for undocumented students
  - Student's ability to travel and/or apply to various opportunities including school trips
- Make yourself visible as an ally
  - Use artwork, posters, stickers that showcase your values



# EMPLOYER RIGHTS BY NILC

## RESTRICTED AREAS

- Immigration agents can enter a private area ONLY IF they have a *judicial warrant* **signed by a judge** and say “**U.S. District Court**” or a **State Court** at the top.
- Without a judicial warrant, ICE needs YOUR permission to enter private areas.
- If ICE agents try to enter a private area, you should say: “*This is a private area. You cannot enter without a **judicial warrant** signed by a judge. Do you have a judicial warrant?*”
- If ICE agents tell you that they have a judicial warrant, ask for a copy and read it. The employer can accept the warrant but still decline to consent to the search.

## PUBLIC AREAS

- Anyone – including ICE agents – can enter public areas without permission.
- Public areas can include parking lots, lobby or waiting areas.
- Being in a public area does NOT give ICE the authority to stop, question, or arrest just anyone.
- TIP: To show that some areas are private or restricted, mark them with a “Private” sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.



# SIGNED JUDICIAL WARRANTS VS. IMMIGRATION WARRANTS



NATIONAL  
IMMIGRATION  
LAW CENTER

AO 151 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT  
for the  
Eastern District of California

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
[Redacted]  
Davis, California 95616

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA.  
(Identify the person or describe the property to be searched and give its location).  
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):  
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 5-9-2011  
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge \_\_\_\_\_.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (to exceed 30)  
Until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 4-25-2011 9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE  
(Print name and title)

Is this the right address?

Note: only the person, property, & areas specified may be searched

Is it still current?

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien) \_\_\_\_\_  
(Place of entry) \_\_\_\_\_ (Date of entry) \_\_\_\_\_

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_

subject to removal/deportation from the United States based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings  
☐ a designated official  
☐ the Board of Immigration Appeals  
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

(Signature of immigration officer) \_\_\_\_\_  
(Title of immigration officer) \_\_\_\_\_



# RESOURCES

- **Please check these regularly for updates!**
- <https://elcentro.unm.edu/services-tab/resources/community-resources.html>
- <https://www.nmilc.org/toolkit>
  - Know Your Rights (Toolkit) by the New Mexico Immigrant Law Center (NMLIC)
- <https://nmdoj.gov/get-help/guidance-on-immigration-enforcement/>
  - Guidance on Immigration Enforcement by the New Mexico Attorney General
- <https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>
  - What to do if immigration comes to your workplace by the National Immigration Law Center (NILC)
- <https://president.unm.edu/2025-federal-executive-actions/index.html>

# Contact Info.

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