

Understand the Differences: In-State Tuition vs. CA Dream Act vs. DACA



State of California Jurisdiction

In-State Tuition

Law: AB 540, as amended by AB 2000, SB 68 & SB 1141

What It Does:

- AB 540, as amended, exempts more students from out-of-state tuition fees
- Makes students eligible to apply for financial aid under the CA Dream Act

What It Does Not Do: Does not change their state residency status.

Who Can Apply:

- Undocumented & DACAmented individuals, T and U visa holders, US citizens, & lawfully present immigrants that meet eligibility criteria.
- NOTE: Students with non-immigrant status (other than T or U visas) are not eligible under this pathway.

Eligibility Requirements:

- Student must complete both A & B
 - Part A: Attend three years full-time or the part-time equivalent credits at a CA high school, adult school, Community College (credit or noncredit), or any combination of the above
 - OR Three years of high school coursework and three years of total attendance in a CA elementary school or secondary school
 - OR any combination of the two.

Part B: Graduate from a CA high school; obtain a certificate of completion, GED, Hi-Set or TASC in CA; or attain an Associate's degree from a CCC or fulfill minimum transfer requirements for UC or CSU

CA Dream Act (Financial Aid)

Law: AB 130, AB 131

What It Does:

- AB 130: Opens certain scholarships administered by public institutions to AB 540 students
- AB 131: Opens state-funded grants (including Cal grants, State grants, UC Grants & the CA College Promise Grant) and state programs (EOP & EOPS) to AB 540 students

What It Does Not Do:

- Does not include eligibility for federal grants or funds
- Should not be confused with the federal Dream Act

Who Can Apply:

- AB 540 eligible individuals who are undocumented, DACAmented individuals, T and U Visa holders, U.S. citizens, and lawfully present immigrants who meet eligibility criteria.
- NOTE: Students with non-immigrant status (other than T or U visas) are not eligible under this pathway

Eligibility Requirements:

- For AB 130s student must meet:
 - AB 540 eligibility
 - Individual scholarship requirements
- For AB 130s student must meet:
 - AB 540 eligibility
 - Priority filing deadline & income guidelines
 - GPA & other Cal grant eligibility
 - Program requirements for EOP or EOP&S

Federal Jurisdiction

Deferred Action for Childhood Arrivals (DACA)

Law: Executive Memorandum

What It Does:

- Allows individuals to receive:
 - Employment authorization card and valid Social Security Number
 - Temporary Relief from Deportation/ Removal

What It Does Not Do:

- Does not provide a path to lawful permanent residence, or citizenship
- Does not give eligibility for federal financial aid awarded through FAFSA

Who Can Apply:

- Currently, only individuals who had DACA in the past may submit a DACA renewal application.
- NOTE: People should speak with a legal services provider if they have questions about their specific situation.

Eligibility Requirements:

- For DACA eligibility, please go to ilrc.org/daca or uscis.gov
- For more information about renewing your DACA, use our Steps to Renew DACA flyer at immigrantsrising.org/renewdaca
- For DACA updates, go to immigrantsrising.org/daca

Immigrants Rising helps you make decisions based on your potential, not your perceived limits. Visit our website so you can see what's possible: immigrantsrising.org. For inquiries regarding this resource, please contact Nancy Jodaitis, Director of Higher Education, at nancy@immigrantsrising.org. Revised 7/2024.