



Frequently Asked Questions Legal Status or Lawful Presence

Eligibility

1) Am I eligible for the Boettcher Foundation Scholarship if I am not a United States Citizen or Legal Permanent Resident?

To be eligible for a Boettcher Scholarship, you must meet the following criteria:

- Must be a graduating Colorado high school senior who has lived in Colorado for your junior and senior years of high school, and
- Must be citizen, legal permanent resident, or lawfully present (including through DACA) in the United States
OR
- Meet the requirements and have applied or started the process of applying for citizenship, legal status or lawful presence. (Although students can be in the application process for legal status or lawful presence during the Boettcher selection timeframe, in order to become a Boettcher Scholar, you must provide documentation that shows you have successfully completed the process.)

2) With current legislative and executive actions, will anything change in the upcoming months regarding eligibility?

There is a possibility that eligibility will shift with current legislative and executive efforts. The Boettcher Foundation is monitoring this issue closely and will continue to work with our legal counsel to determine individual applicants' eligibility. We will provide updates as information becomes available.

3) What are DACA, lawful presence and legal status?

- **What is Legal Status?**

Generally speaking, a person with legal status has the right to remain in the United States permanently and holds an immigrant visa, commonly referred to as a "green card". Those with an immigrant visa are also known as lawful permanent residents. A person may have conditional legal status in certain circumstances. A person may be eligible for an immigrant visa for a variety of reasons, but most commonly because of a family connection to a United States citizen or lawful permanent

resident, a relationship to an employer, or status as an asylee or refugee (a person entitled to asylum or refuge from his or her home county) for more than a year.

- **What is Lawful Presence?**

A person may be lawfully present in the United States without having legal status. For instance, those who have been granted deferred action under DACA are lawfully present though they are not lawful permanent residents (see below). Those lawfully present are in the United States on a temporary basis, even if they might remain here for a long period of time. Other examples of the lawfully present include those in the United States on a student visa or those granted temporary protected status based on unrest in their home country. It is common for a lawfully present individuals hold one of many types of visa. It is important to note that some types of visa allow the holder to attend a college or university as a degree-seeking student, but others do not. You will only be eligible for a Boettcher Scholarship if the visa or you hold or have applied for permits you to be a full-time post-secondary student.

- **What is DACA?**

DACA is a federal program that allows people who came to the United States as children and meet several requirements to request deferred action on removal (deportation). An individual who has received deferred action under DACA is considered by the Department of Homeland Security to be lawfully present in the United States during the period deferred action is in effect. See more information at www.uscis.gov. At this time, United States Citizenship and Immigration Services is not accepting new applications under DACA, but those previously granted deferred action are eligible to apply for renewal of their status. More information can be found at <https://www.uscis.gov/daca2017>.

Process

4) How do I apply for the Boettcher Scholarship?

- During the application round of the Boettcher Scholarship you need to select the status that most closely applies to your current status or status you are eligible for or in the process of applying for. By selecting either Lawful Presence or Other Legal Status, you are stating that, to the best of your knowledge, you currently hold or are eligible to apply for lawful presence or legal status in the United States.
- If selected as a semifinalist, you must provide to the Boettcher Foundation (i) proof of lawful presence or legal status, or (ii) proof of application for lawful presence or legal status by submitting a confirmation letter from the United States Citizenship and Immigration Services (USCIS) verifying they have received your application, or proof of correspondence with an attorney that verifies your effort to obtain lawful presence or legal status.
- We ask that students continue to keep us updated about any notifications they receive as their application moves through the process. These updates can be sent directly to scholarships@boettcherfoundation.org.

5) What if I am selected as a Boettcher Scholar?

- If selected as a Boettcher Scholar, you must provide proof of approval (please reference question No. 7 below for details about proof of approval) and a signed Affirmation of Lawful Presence or Legal Status in the United States to the Boettcher Foundation by August 1. (Affirmation document will be provided by the Boettcher Foundation to all Boettcher Scholars.)
- A new signed Affirmation of Lawful Presence or Legal Status in the United States must be provided to the Boettcher Foundation **every** year that you are a Boettcher Scholar.
- You must remain in good standing with the Boettcher Foundation in accordance with the Boettcher Foundation Scholarship program Policies and Conduct Contract.

6) Can I apply for the Boettcher Scholarship if I have applied for legal status or to be lawfully present in the United States, but have not been notified of a decision yet?

- Yes. In the application round you will need to select the status that most closely applies to your current standing or standing you are in the process of applying for on the Boettcher Scholarship application, stating that to the best of your knowledge you will meet all requirements for obtaining lawful presence or legal status in the United States.
- If you are selected to move into the semifinalist round of Boettcher Scholarship selection or are selected as a Boettcher Scholar, there is additional proof of application for lawful presence or legal status and approval required. (Please see questions 3 & 4 above.)

7) What must I submit in order to confirm that I hold legal status or am otherwise lawfully present in the United States?

The Boettcher Scholarship is only given to students who have legal status or are otherwise lawfully present in the United States. Selected Boettcher Scholars who are not citizens must submit a signed Affirmation of Lawful Presence or Legal Status in the United States along with documentation of legal status or lawful presence approval to the Boettcher Foundation by August 1.

While there are many documents and combinations of documents that demonstrate legal status or lawful presence in the United States, the list below identifies many of the most common. Documents must be current (not expired). Documents not on the list below will be evaluated on a case-by-case basis.

- Form I-551 (Permanent Resident Card or Alien Registration Receipt Card, commonly known as a "green card")
- Temporary I-551 Stamp on foreign passport or I-94 or I-94A

- Form I-797 showing approval of deferred action status (under DACA)
- Form I-766 (Employment Authorization Document) annotated “C19” (temporary protected status), “A13” (family unity status), or to show another qualifying status
- Form I-94 with stamp showing
 - grant of asylum under section 208 of the Immigration and Nationality Act (INA);
 - admission under Section 207 of the INA (refugee status); or
 - admission for at least one year under Section 203(a)(7) of the INA (diversity visa lottery);
- Grant Letter from the Asylum Office or INS
- Form I-571 (Refugee Travel Document)

If the expiration date on your acceptable documents is on or before August 1, you must provide updated/renewal documentation to confirm your lawful presence or legal status in the United States to the Boettcher Foundation by August 1. If you have questions about if your lawful presence or legal status documentation is valid, or if you have another form of documentation other than listed above, please contact the director of programs, Tiffany Anderson, at Tiffany@boettcherfoundation.org.

8) I applied for the Boettcher Scholarship and I applied to obtain lawful presence or legal status, but I have not been notified of the status of my application. Can I still receive the Boettcher Scholarship for the upcoming year?

Students may apply for the Boettcher Scholarship before they receive confirmation of their lawful presence or legal status in the United States. However, if you are selected as a Boettcher Scholar, in order to be eligible to receive the Boettcher Scholarship, you must submit proof of your lawful presence or legal status in the United States to the Boettcher Foundation by August 1. Please reference question No. 7 above for information about acceptable documentation to confirm lawful presence or legal status.

9) What are the requirements to stay eligible for the Boettcher Scholarship?

To maintain eligibility for the Boettcher Scholarship while you are in college, you must:

- Remain in good standing with the Boettcher Foundation in accordance with the Boettcher Foundation Scholarship Program Policies and Conduct Contract.
- Sign a yearly Affirmation of Legal Presence or Lawful Status in the United States.
- **And** provide continuous proof of lawful presence or legal status (ensuring renewal documentation is provided to the Boettcher Foundation before your original documentation’s expiration date.)

10) At which colleges may I use the Boettcher Scholarship?

- Boettcher Scholars must attend a four-year college or university in the State of Colorado in order to receive the Boettcher Scholarship.
- The Boettcher Foundation's acceptance of lawfully present students or students with other legal status does not guarantee acceptance of these scholars into the different Colorado institutions, nor does it guarantee the 25% scholarship match that the institutions provide to Boettcher Scholars. We will work individually with any selected student to ensure they pick the Colorado institution that is the best fit for their interests and eligibility status.

11) If I am no longer considered lawfully present or no longer hold legal status in the United States, can I still receive the Boettcher Scholarship?

- Once you become a Boettcher Scholar, you are eligible to receive undergraduate funding for up to four (4) consecutive years, as long as you continue to be eligible to receive federal student financial aid, or continue to be lawfully present or hold legal status in the United States, and you remain in good standing with the Boettcher Foundation in accordance with the Boettcher Foundation Scholarship Program Policies and Conduct Contract. If you are no longer considered lawfully present or no longer hold legal status in the United States, **you must notify the Boettcher Foundation immediately.**

If you are not lawfully present or do not hold legal status in the United States, the Boettcher Foundation will not continue to provide your scholarship.

12) If I am no longer lawfully present or no longer hold legal status in the United States, will I have to pay back the Boettcher Scholarship I already received?

- No, if you met all of the Boettcher Scholarship requirements at the time you received the Boettcher Scholarship, you will not have to pay back the scholarship if you are no longer lawfully present or no longer hold legal status in the United States. Your loss of lawful presence or legal status, however, will affect your ability to receive future funding from the Boettcher Foundation.

13) Can I study abroad with the Boettcher Scholarship?

- The Boettcher Scholarship and the International Education Grant can be used for study abroad programs offered through partner colleges or universities in Colorado, as long as you meet all other scholarship requirements.
- If you are not a United States citizen, before leaving the country, confirm that you will be able to re-enter the United States. Legal guidance should be considered before any decision to study abroad is made.

Other Questions and Resources

14) If I apply for the Boettcher Scholarship, how will the information I provide be shared and protected?

- The Boettcher Foundation will not release any student's information to federal officials or anyone else outside of our campus partners for recruitment purposes, unless we receive a lawful subpoena or warrant that requires us to do so.
- For more information about how student information may be used and how the Boettcher Foundation protects student information, please contact the director of programs:

Tiffany Anderson

Director of Programs

Tiffany@BoettherFoundation.org

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