

Undocumented Student Access: A Multi-State Study

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Research that Matters

Basis for the Presentation

- *Study on the Admission of Undocumented Students into the North Carolina Community College System, April, 2009 (available at WWW.JBLASSOC.COM)*
- JBL Associates
- Stanley Freeman; Powers, Pyles, Sutter and Verville PC (Washington, DC)
- Survey of colleges by AACRAO

Undocumented Immigrants

- 4% of the nation's population
- 5.4% of its workforce
- 6.8% of the students in the nation's elementary and secondary schools are unauthorized immigrants themselves or U.S. citizens born to unauthorized parents

--March 2008 Census Bureau, analyzed by the Pew Hispanic Center

Population Estimates

- 11.5-12 million undocumented immigrants in the US
- 1.8 million undocumented children under the age of 18
- 65,000-70,000 undocumented students graduate from high school annually
- 7,000-13,000 undocumented students enroll in college

--*Educators For Fair Consideration*

How Many Undocumented Students?

- The actual number of undocumented students is difficult to determine, because few public higher education systems track these students, and students themselves are reluctant to divulge their status for fear of deportation or other legal consequences.
--Radha Roy Biswas, *Access to Community College for Undocumented Immigrants: A Guide for State Policymakers*, Achieving the Dream, 2005

Most Undocumented Immigrants are Hispanic

- 59% of undocumented immigrants are from Mexico (7 million)
- 11% Asia
- 11% Central America
- 7% South America
- 4% the Caribbean
- <2% Middle East
- 6% other

--Pew Hispanic Center

Undocumented Citizens are a Small Share of the College Population

- About 10% of all unauthorized families have children who are unauthorized themselves
- 49% of unauthorized immigrants who graduated from high school are in college or have attended college
- The comparable figure for U.S.-born residents is 71%

Most Undocumented Students

- Have lived in the United States most of their lives
- Were brought to the U.S. by their parents at a young age
- Learned English and think of themselves as American
- Attended at least high school in this country
- Succeeded academically in high school
- Lack a way to become legal residents or citizens in the U.S.

--*Educators For Fair Consideration*

Undocumented Students Face Multiple Barriers

- Often low-income, but not eligible for federal student aid
- First in their families to attend college
- Often attend low-performing high schools
- English may not be spoken at home

Undocumented Students Start a Journey to Frustration

- Undocumented students in the United States have the right to a primary and secondary school education
- The college admissions, financial aid, and enrollment processes are confusing
- The DREAM Act would provide a path to legal residence for undocumented youth—but it has not passed
- Options vary by state, which is where the confusion starts

Overview of Issues

- Legal
- Operational
- Political

Legal

The individual states must decide for themselves whether or not to admit illegal aliens into their public postsecondary institutions...in the absence of any state policy or legislation addressing this issue, it is up to the schools to decide whether or not to enroll illegal aliens.

U.S. Customs and Immigration Enforcement, 2008

Confusion About the Law

- No federal or state law prohibits the admission of undocumented immigrants to public or private U.S. colleges and universities
- No federal or state law requires students to prove citizenship in order to enter U.S. institutions of higher education
- Institutional policies on admitting undocumented students vary
- The question is whether undocumented students residing in a U.S. state should be eligible for in-state tuition rates at public colleges and universities.

Law is Ambiguous

An alien who is not lawfully present in the US shall not be eligible on the basis of residency within a state for any postsecondary education benefit unless a citizen or national of the US is eligible for such a benefit without regard to where the citizen or national is such a resident.

--*Section 505 of the Illegal Immigration Reform and Immigration Responsibility Act*

Legal Basis

- The federal government has made clear that public school officials cannot request information on the legal status of undocumented immigrants (*Plyler vs Doe, 1982*)
- Colleges can request evidence of citizenship

No Federal Student Aid

- ❑ Federal immigration laws prohibit undocumented students from receiving any federal student aid
- ❑ Most states do not allow undocumented students to receive state financial aid
- ❑ Cannot participate in TRIO programs
- ❑ Excluded from travel abroad programs

Current Version of the DREAM Act

- ❑ Must have entered the United States before the age of 16
- ❑ Must have been present in the United States for at least 5 consecutive years prior to enactment of the bill
- ❑ Must have graduated from a United States high school, or have obtained a GED, or have been accepted into a college or university
- ❑ Must be between the ages of 12 and 35 at the time of application
- ❑ Must have good moral character

Operational

An already confusing college application process is made more difficult for undocumented students by the uninformed admissions and financial aid staff at institutions of higher education.

Latino Studies, 2007

Verification Process

- **Self verification**—Student self-reports on admission forms
- **Local review**—Student submits documents to support residency or citizenship claims. Examples include passports or alien registration visa
- **Database verification**—Students submit information and colleges use national systems to verify.
(Systematic Alien Verification of Entitlements, SAVE)

SAVE Program

- Helps benefit-granting agencies determine an applicant's immigration status to ensure that only entitled applicants receive government benefits and licenses.
- Does not make determinations on eligibility for a specific benefit or license.
- Does not verify status for employment.
- Accesses immigration status information on 100+ million records contained in the Department of Homeland Security's databases.

Examples of Three Approaches

- **In-state tuition** - where undocumented students can attend at in-state tuition rates
- **Out-of-state tuition** - where undocumented students can attend at out-of-state tuition rates
- **No access** - where undocumented students cannot attend

In-State Tuition

- Increased access
- Minimal verification costs
- Taxpayer burden
- Requires legislative approval
- Potential for legal challenge

In-State Tuition

- California
- Illinois
- Kansas
- Nebraska
- New Mexico
- New York
- Texas
- Utah
- Washington
- Wisconsin

California

- Attend a California high school for three or more years
- Graduate from a California high school or receive a GED from California
- Provide an affidavit stating the student will apply for legalization once he/she becomes eligible to do so

Texas

- Lived in Texas three years prior to high school graduation or obtaining a GED from Texas, or
- Resided in Texas the (full) year prior to enrollment in an institution of higher education
- Provide an affidavit stating intent to apply for Permanent Residency when eligible to do so

New York

- Attended a New York HS for two or more years, graduated with a New York HS diploma and applied for attendance to a college or university within 5 years of receiving diploma, or
- obtained a GED from New York and has applied for attendance to a college or university within five years of receiving GED
- Supply an affidavit to the college or university stating that he/she will file an application for legalization as soon as he/she is eligible to do so

Illinois

- Student has resided in Illinois with his/her parent or guardian while attending public or private HS
- Student has graduated from an Illinois public or private HS or received a GED from IL
- Student has attended an Illinois HS for at least 3 years
- Student provides the university with an affidavit stating he/she will file an application to become a permanent resident of the U.S. once he/she becomes eligible to do so

Out-of-State Tuition

- Moderately improves access to higher education
- Higher verification costs and complexity of enrollment
- No taxpayer burden
- Reduced risk of legal challenges
- Examples; Arizona, Colorado, Florida, Georgia, Virginia

No Access

- Reduced access to higher education
- Increased verification costs and admission complexity
- No taxpayer burden
- Institutions must be clear about admission policy
- Reduced risk of legal challenges

Exclude

- South Carolina
- Georgia (under consideration)

Political

Respect for rule of law is at the core of America's triumph as a nation, but tax-paying, legal citizens must compete with illegal recipients of financial aid and in-state tuition to state colleges and universities.

Christian Coalition of Washington

Proponents of the Dream Act

- The United States Student Association (USSA), the nation's oldest and largest student organization, applauds the AFL-CIO for its decision to call on Congress to pass the Development, Relief, and Education for Alien Minors (DREAM) Act as a down payment on comprehensive immigration reform.

--August 9, 2010

The Other Side

- The so-called DREAM Act would create an official path to Democrat voter registration for an estimated 2 million, college-age illegal aliens. Look past the public relations-savvy stories of “undocumented” valedictorians left out in the cold. This is not about protecting “children.” It’s about preserving electoral power through cap-and-gown amnesty.

--Extreme Conservatives

<http://www.extremeconservatives.com/>

Importance of Federal Leadership

- Absence of supportive or definitive legislation at the federal level is making it difficult for states to pass laws and implement programs to assist undocumented students
- Even those who believe in the merits of such policies are hesitant to take action under legally ambiguous conditions

--AASCU

Conclusions

I can't travel, you know, I can't drive, I can't vote, I can't be involved in many social activities because of my undocumented status, I can't apply for scholarships, I can't apply for financial aid, I can't apply for loans, I can't buy a home, I can't do anything, you know, I'm just like, like I'm non-existent in a way, you know what I mean?

Legal Constraints

- Elementary and secondary school personnel cannot inquire about the immigration status of students or their parents.
- Let students know there is no public financial aid available
- Know your state's laws regarding undocumented students
- A school can not officially help students become documented. If an application for citizenship is underway, you can help track the paperwork. You can refer students to qualified immigration lawyers

Critical Success Factors

- ❑ Social support; mentors, advising, counseling
- ❑ Availability of financial aid
- ❑ Positive campus climate
- ❑ Clear institutional policies regarding undocumented students
- ❑ Training for student service personnel

What you can do

- Reach out as early as possible to all students and help them see themselves as college material, explore career options, and prepare academically for college.
- Let students know that undocumented status is not a legal barrier to attending a U.S. college.
- Explain the requirements for federal financial aid and private alternatives at community and parent meetings.

Resources

- *University of Houston Law Center*
www.law.uh.edu/ihelg/undocumented/homepage.html
- National Immigration Law Center
<http://www.nilc.org/immlawpolicy/dream/>
- National Association of College Admission Counselors
<http://www.nacacnet.org/LegislativeAction/LegislativeNews/Pages/TheDREAMAct.aspx>

Links to Scholarship and Resource Guides

- www.maldef.org
- <http://www.usc.edu/dept/chepa/>
- www.nclr.org
- <http://professionals.collegeboard.com/>
- <http://roybal-allard.house.gov/Students/>
- <http://www.latinocollegedollars.org>
- www.salef.org

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