



Helping Undocumented Students Win: Gaining Access to Higher Education

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Statue of Liberty – The Mother of Exiles

“Give me your tired, your poor,
Your huddled masses yearning to
breath free,
The wretched refuse of your teeming
shore. Send these, the homeless,
tempest-tossed to me...”

Why Undocumented?

- Contributing Factors:
 - Loss of status
 - U.S. Supreme Court Case
 - Plyler vs. DOE (1982)
 - Seeking a better life





Loss of Status

- Family unit status
- Temporary residents
- Non-immigrant visas for work, students, tourists, and foreign government officials



Plyler vs. DOE (1982)

- U.S. Supreme Court Case
- Equal Protection Doctrine
 - Prohibits a state or the federal government from denying equal protection of laws to any individual
- Allows for undocumented children (K-12) under the age of 18 to attend U.S. public schools without proof of residency



Number of Undocumented Immigrants

- 11-12 million living in the United States
- Some 2 million are under the age of 18
- Approximately 65,000 *graduate* from public schools each year
 - Many of these young people are unaware that they are undocumented until they go to apply for a driver's license or apply to college



Pathways to Citizenship

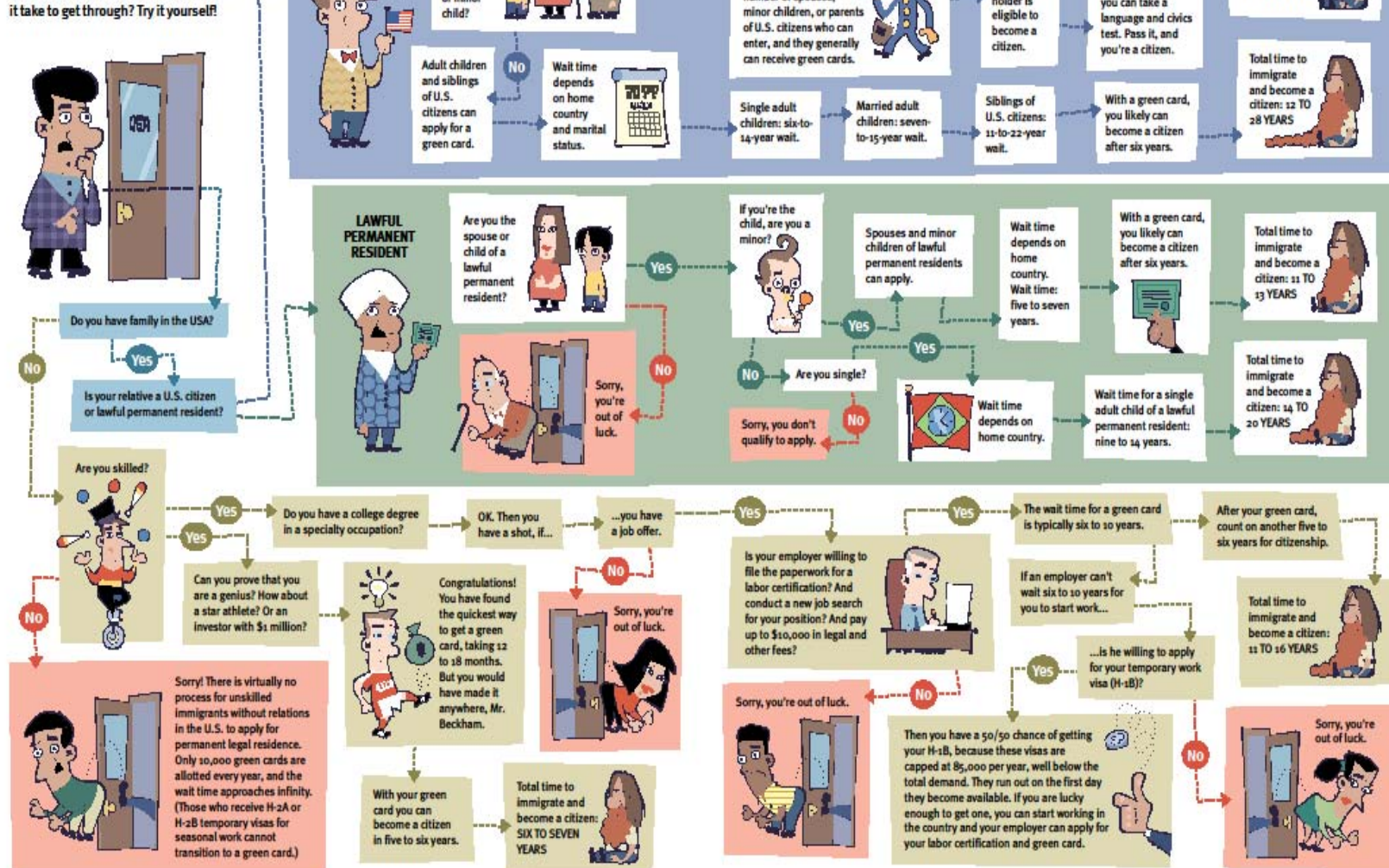
- Blood Relative
- Lawful Permanent Resident
- H1B/Highly Skilled Laborer

What Part of Legal Immigration Don't You Understand?

Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



(Flynn is director of government affairs and Dalmia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)



STUDENT SPEAKERS



THE DREAM ACT



What is the Dream Act?

- Proposed legislation known as the *Development, Relief, and Education for Alien Minors Act* (May 11, 2011)
 - Would permit certain immigrants temporary legal status
 - Would eliminate a federal provision that penalizes state that provide in-state tuition without regard to legal status



Pathway to Legal Residency

- Who would qualify?
 - Students who came to the U.S. at age 15 or younger, at least five years before the date of the bill's enactment
 - Who have maintained good moral character since entering the U.S.
 - Under Senate bill must be under the age of 35
 - Under House bill must be under the age of 32



Pathway to Legal Residency

- Conditional permanent status
 - Similar to lawful permanent resident status
 - Limited duration – 6 years
- Would be able to:
 - Work
 - Drive
 - Attend College
 - Receive student loans and federal work-study



Requirements to Lift Conditional Status

- During period of conditional permanent status must maintain good moral character and have met at least one of the following:
 - Graduated from a 2-year college or studied for at least 2 years toward a B.A. or higher degree; or
 - Served in the U.S. armed forces for at least 2-years



Myths About the Dream Act?

- The DREAM Act grants automatic citizenship to illegal immigrants.
- The DREAM Act is a disguised “amnesty” program.
- The DREAM Act gives scarce student aid dollars to noncitizens.
- The DREAM Act will cost taxpayer’s money.



Myths About the Dream Act?

- Passage of the DREAM Act would create a “magnet effect”, with more illegal immigrants flocking to the U.S.
- The DREAM Act will take away jobs.
- The DREAM Act will allow illegal immigrants who are criminals to become citizens.
- The DREAM Act is part of the left-wing political agenda.



Who Would Benefit?

- An estimated 2.1 million children and young adults might be eligible for legal status
- 114,000 with at least an AA Degree
- 612,000 have an HS diploma/GED
- 934,000 under age 18 – could provide them the incentive to stay in school
- 489,000 could be eligible if they obtain a GED



What are the Economic Benefits?

- Provide access to greater educational opportunities and better jobs, which means more taxable income.
- Allow legalized immigrants to invest in the U.S. economy
- Save U.S. taxpayer money
- Reduce the K-12 drop-out rate
- Keep talented students in the U.S.



What are Other Benefits?

- Would help universities increase enrollments and revenues.
- Aid with military recruitment.



What Can We Do Before the
DREAM Act is Passed?



Institutional Aid

- Scholarships, grants, loans, or work-study programs
- Campus employment
 - Internships
 - RA, Student Government positions
 - Availability varies



Private Sources

- MALDEF – www.maldef.org
- www.getreadyforcollege.org
- www.usc.edu/chepa
- www.nclr.org
- www.latinocollegedollars.org
- www.salef.org



FAFSA Filing

- Parent without an SSN (one or both)
- Spouse who is undocumented
 - Put all zeros in the parent/spouse SSN fields
 - ITIN – Individual Taxpayer Number
 - IRS Publication 519 (www.irs.gov)
 - IRS Wage Threshold
- Conflicting information (must be resolved)



Things to Tweak

- Advocacy
 - Promote basis of Pylar vs. DOE (1982)
 - “Equal Protection Doctrine”
- Changes in education delivery
- Transfer Articulation
- Economic Impact
 - State tax base
 - Federal tax base



QUESTIONS