



Removing Barriers to Higher Education for Undocumented Students

By Zenen Jaimes Pérez

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Introduction and summary

Each year, millions of students graduate from American high schools. Counted among that throng of proud graduates are about 65,000 undocumented students.¹ Unlike for their classmates, however, this moment of achievement for undocumented graduates is muted by the facts that their path to higher education remains difficult at best and that few of them actually complete a postsecondary education.

In 1982, the Supreme Court in *Plyler v. Doe* decided that all students, regardless of their immigration status, were guaranteed a K-12 education.² But the Court's decision did not extend to higher education. Moreover, Congress and a number of state legislatures have affirmatively attempted to bar—and, in many cases, have prohibited—access to education benefits for undocumented students. These legal barriers add to the social and economic challenges undocumented students face—challenges that make their route to higher education very steep compared with their peers.

In the past three decades, the cost of attaining a college degree has increased by more than 1,000 percent.³ Despite the soaring cost, undocumented students in all states are still prohibited from accessing all forms of federal education benefits that make up a large percentage of how students finance their postsecondary education. Furthermore, many undocumented students are denied in-state tuition rates and have to pay higher rates to attend the public college or university in their home state.⁴ These exclusions leave undocumented students unable to pay for a postsecondary education.

Since 2001, states have taken steps to try to make postsecondary education more accessible to undocumented students. State-based DREAM Acts—which have changed state residency requirements to allow undocumented students to pay the same tuition rates as their peers—have become law in several states. The first of the bills passed in Texas with bipartisan support in 2001.⁵ Texas legislators approved the law, acknowledging that the state economy benefits from a more educated population.⁶ Since then, 15 more states have passed similar legislation, and four states have gone even further, passing laws that allow undocumented students to access publicly funded education grants.⁷

Some states, however, continue to place higher education out of reach for undocumented students. Georgia currently bans undocumented students from enrolling in some public colleges and universities. Arizona has passed legislation prohibiting undocumented students from paying in-state resident tuition rates at some of its public colleges and universities; undocumented students can pay in-state resident tuition rates only at Pima Community College and Maricopa Community Colleges.⁸ The top four states—North Carolina, Georgia, Nevada, and Arkansas—with the fastest-growing undocumented populations—each has had more than 200 percent or higher growth in the past 20 years—are also states that lack beneficial tuition-equity laws.⁹ As the numbers of undocumented young people in these states increase, more young people will be locked out of higher education.

Access to higher education for undocumented students is especially important because the pathways to legalization in immigration reform have been closely linked with education attainment. The most recently proposed immigration bill, S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, included an accelerated pathway to legalization for undocumented young people who had completed at least two years of higher education.¹⁰ The federal Development, Relief, and Education for Alien Minors, or DREAM, Act, which provided conditional permanent residency to young immigrants, also required a high school diploma or GED and at least two years at a four-year postsecondary institution.¹¹ Removing barriers to higher education will be paramount to ensuring that the highest number of undocumented young people qualify for any future immigration reform.

Besides tuition-equity laws, other factors contribute to challenges faced by students seeking to enroll in college and complete their degrees. Undocumented students face structural barriers to higher education, such as a lack of adequate mentoring, limited information on eligibility from postsecondary institutions, and a lack of continued financing for tuition and other living costs. Furthermore, the burden of high poverty rates and the need to work to help support their families—as well as a fear of sharing information about their and their family members' legal status; unsupportive college environments; and changing state laws that change residency requirements for in-state tuition rates, leaving students uncertain about their rights—all conspire to lock the door to higher education for undocumented students. The pressures and the lack of prospect of attending college lead to many undocumented students dropping out of high school to seek full-time employment.¹²

These challenges can be overcome. A concerted effort by supportive mentors, high school counselors, and higher-education administrators can have an enormous, positive upside for undocumented students as they navigate the educational system. The federal government, state governments, and individual colleges and universities should ensure undocumented students have the same opportunities to succeed as their peers. The following actions should be taken by Congress, the Obama administration, states, cities, and colleges and universities.

Congress should:

- Pass immigration reform legislation that creates a pathway to citizenship for undocumented youth and that includes progressive education provisions, including:
 - Repealing Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, or IIRIRA—the prohibition on states granting in-state tuition rates to undocumented students
 - Allowing undocumented immigrants access to all federal education benefits without delay
 - Tying education requirements for legalization to high school graduation or GED completion, rather than to earning a higher-education certificate

In the absence of congressional action on immigration reform, the Obama administration should:

- Use the secretary of education’s authority to create an Experimental Site Initiative that allows some beneficiaries of Deferred Action for Childhood Arrivals, or DACA, to access Pell Grants
- Allow parents of DACA recipients to enroll in the new Deferred Action for Parental Accountability, or DAPA, program

States should:

- Continue to pass tuition-equity legislation that changes residency requirements to allow undocumented students to qualify for in-state tuition rates
- Pass legislation that allows undocumented students to qualify for publically funded state education benefits

- Pass legislation that requires professional development for high school and college personnel to increase the understanding and use of the postsecondary options available to undocumented students

Cities should:

- Help create systems to facilitate the enrollment of undocumented parents in DAPA

Colleges and universities should:

- Train advisors and other college administrators to properly address the needs of undocumented students and to create a more welcoming campus environment
- Expand financial aid opportunities for undocumented students and admit more undocumented students

Caught in unfair circumstances, undocumented students—most of them coming of age in the United States—face uncertain futures, their dreams and potential thwarted by roadblocks to higher education. Undocumented students have to navigate a complex web of federal, state, and postsecondary institution policies in order to achieve a postsecondary education. The fact that they are too often locked out of colleges, universities, and other institutions of higher education is a loss not only for them but for the country as well. This lack of access to higher education means that potential entrepreneurs, highly skilled workers, and middle-class consumers and taxpayers will not be there to grow our economy. It is up to policymakers to unblock the path to a brighter future for thousands of young, eager students and for the country as a whole.

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