

Admission and Handling of Undocumented Students: One Institution's Approach



Deana Williams

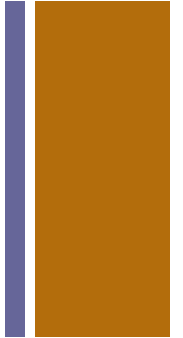
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Who are undocumented immigrants?

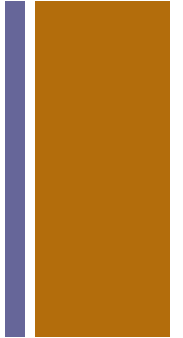


Foreign nationals who entered the U.S. in one of the following ways:

- circumventing proper inspection by an immigration official at a sea, air, or land port of entry
- presenting fraudulent documents during inspection
- legally, in a valid nonimmigrant status (such as a student status or tourist status) but remaining in the U.S. past the expiration of the immigration document



Who are undocumented immigrants?

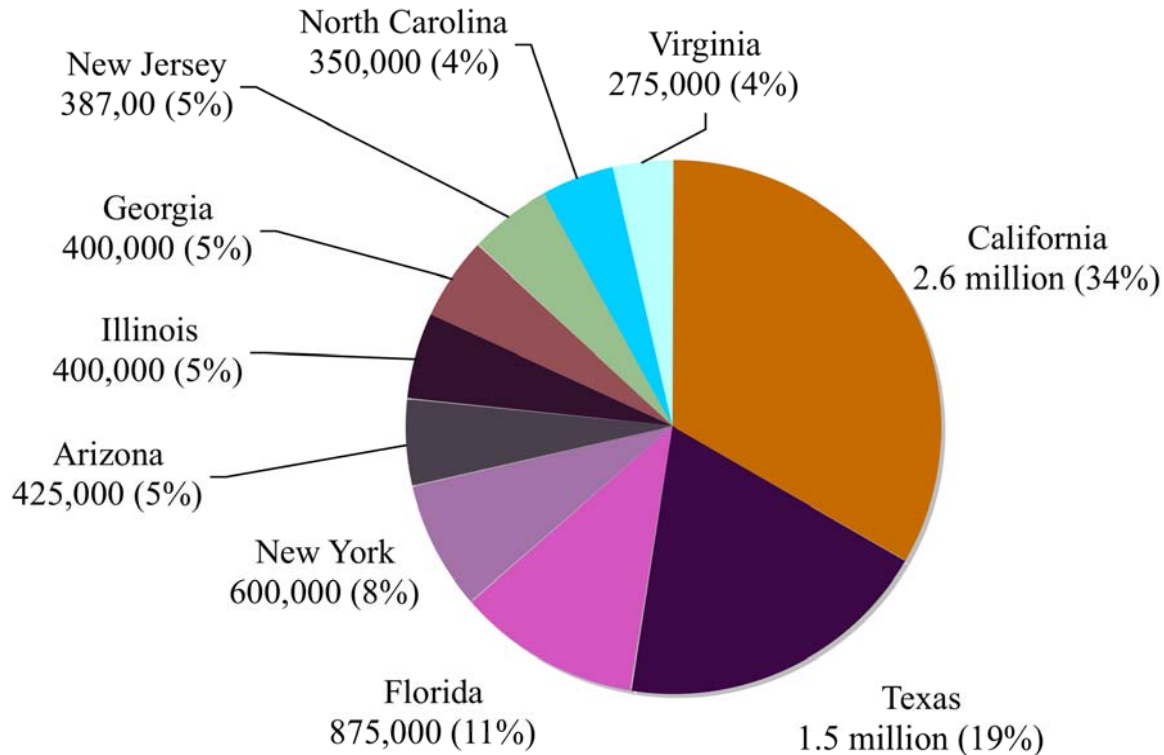
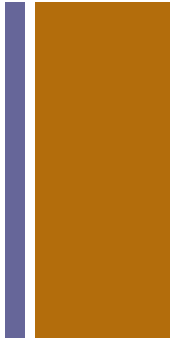


There are approximately 11-12 million undocumented immigrants in the U.S.

- 57% Mexican
- 23% Latin American
- 10% Asia
- 10% European & the rest of the world



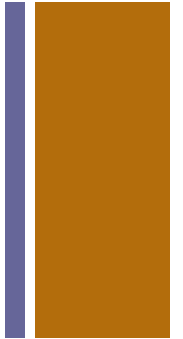
Who are undocumented immigrants?



**Top states receiving undocumented immigrants
based on the 2005 Current Population Study**



Who are undocumented students?



- In 2002, approximately 607,000 undocumented students between the ages of 12 and 20 were enrolled in U.S. K-12 classes. (AASCU, 2003)
- In 2002, there were 1.6 million undocumented children under the age of 18. (Passel, et al., 2004)
- Every year, 65,000 undocumented students graduate from U.S. high schools. (Passel, et al., 2004)
- Only about 5-10% of undocumented students who graduate from high school go on to attend college. (NILC).



Brief History of Undocumented Students' Access to Education

1975

Texas law withheld funds from school districts that enrolled undocumented children.

1982

Supreme Court rules in *Plyler v. Doe* that undocumented children must have access to K-12 education



1983 – 2001

California struggles with the issue of undocumented students in higher education

“This situation raises the specter of a **permanent caste of undocumented resident** aliens, encouraged by some to remain here as a source of cheap labor but nevertheless denied the benefits that our society makes available to citizens and lawful residents. The existence of such an underclass presents most difficult problems for a Nation that prides itself in adherence to principles of equality under the law” *Plyer v. Doe* (1982)

+ 1996

Section 505 of the
*Illegal Immigration Reform
and Responsibility Act*
limits preferential
treatment of aliens not
lawfully present on
basis of residence for
higher education benefits

2001

Texas passes HB1403 & provides instate tuition to students that meet certain criteria. This greatly benefits undocumented students.

2001-2007

Ten states provide in-state tuition benefits to undocumented students

2007

Five state legislatures had bills introduced which sought to repeal the in-state tuition benefit

2001-2007

Federal legislation sought to help undocumented college students





Texas' HB1403 / SB1528

H.B. 1403 introduced by Rep. Rick Noriega during 2001 legislative session

Established new categories of non-citizen students who are eligible for Texas residency

S.B. 1528 passed in 2005 session which incorporated HB 1403 into the regular residency statutes





Texas SB1528

- ❖ Graduate from High School or have received a GED in Texas
- ❖ Have attended high school in TX for at least 3 consecutive years (36 months) leading up to graduating or receiving GED
- ❖ Reside in TX the 12 consecutive months leading up to semester enrolling in college
- ❖ Sign and notarize affidavit stating that student will file an application to become a US permanent resident as soon as he/she is eligible to do so





Texas SB1528 Benefits

They will pay the resident tuition rate

They are eligible for state financial aid

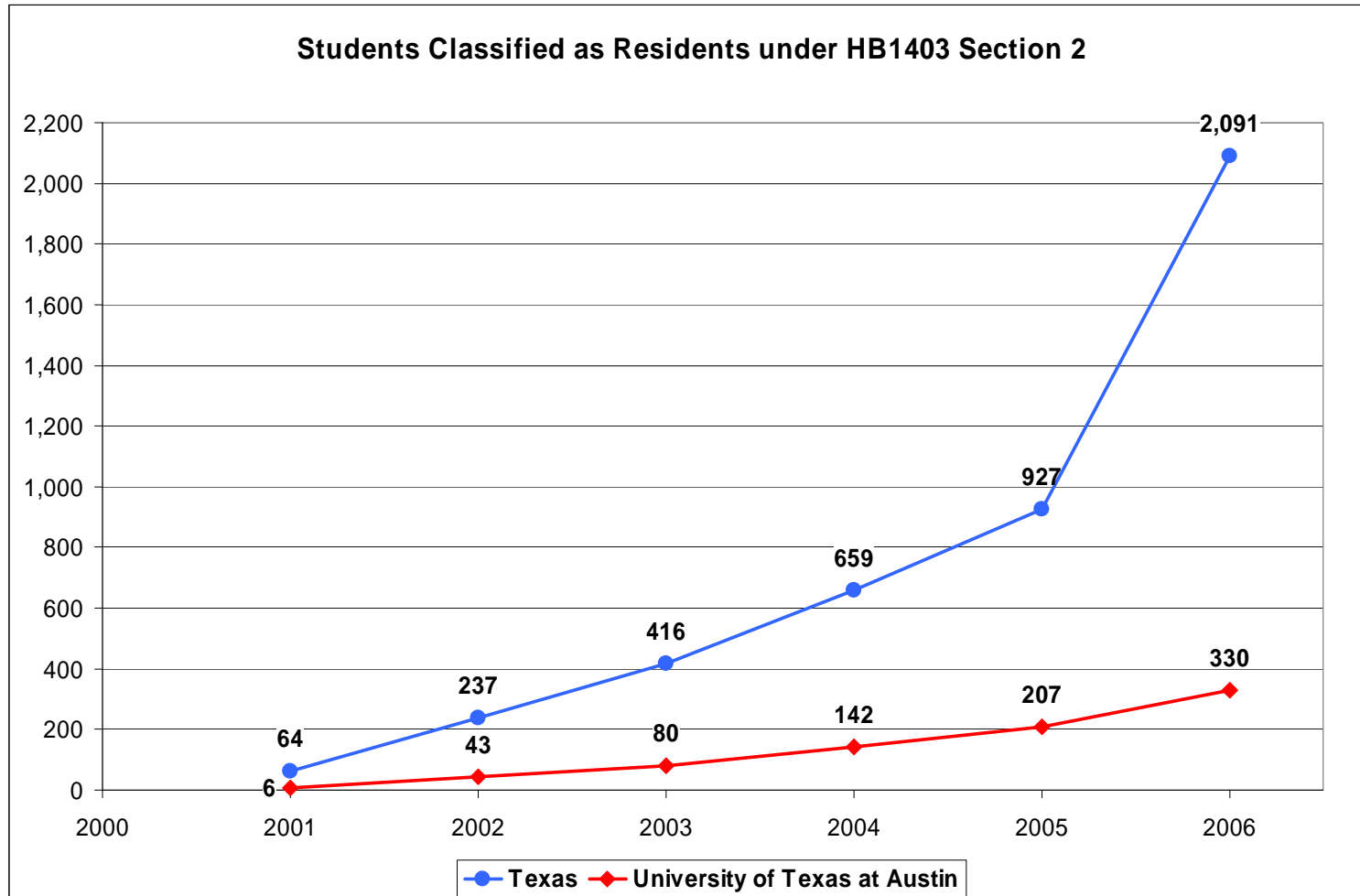
They are Texas residents for admission purposes



+ Students benefited under HB1403/ SB1528 (Fall 2001 – Summer 2006)

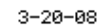
	Section 2 (Undocumented)	Section 4 (Pending Resident Status w/ Immigration)	TOTAL
Public Universities	1,431	1,690	3,121
Community Colleges	3,987	2,291	6,278
All students	5,418	3,981	9,399

+ Students benefited under HB1403/ SB1528 (Fall 2001 – Summer 2006)





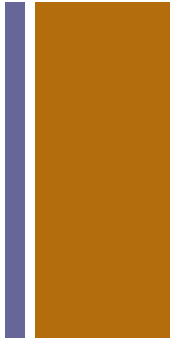
- - In-state Tuition
- - Prohibit
- - Debated not approved
- - Faced Repeal





Source: Chronicle of Higher Education, 4/13/2007

+ State-By-State Review



State	Law number & year of passage	Financial Aid
Texas	2001- HB 1403	YES
California	2001- AB 540	NO
Utah	2002 - HB 144	NO
New York	2002 – SB 7784	NO
Washington	2003 – HB 1079	NO
Illinois	2003 – HB 0060	NO
Oklahoma	2003 – HB 1559	YES
Kansas	2004 – HB 2145	NO
New Mexico	2005 – SB 582	YES
Nebraska	2006 – LB 239	NO

Obstacles Students Faced by Students

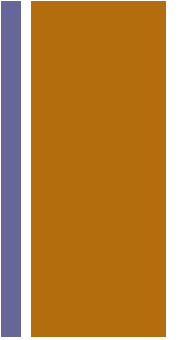


- Financial issues
- Wide range of academic preparedness: remedial to valedictorians
- First-generation college students
- Family language barriers
- Lack of guidance from high school counselors
- Lack of official identification
- Complicated processes not faced by other students
- Immigration concerns

An “invisible” group, undocumented students rarely receive services targeted toward their specific needs.



+ Challenges faced by undocumented students while enrolled in higher education



- Struggling to succeed
- Feeling the pressure of being a role model
- Coping with frustration and uncertainty
- Managing life as a “hidden member” of society
- Missing out on opportunities
- Perception of self as compared to other students
- Complications in using campus services

(Albrecht, 2007)

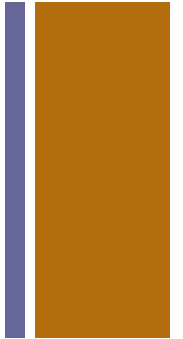
“*Being* an undocumented student in the United States is like being ‘cursed and blessed’ at the same time. Cursed in that you are marginalized by society and you have to live in fear almost everyday. Blessed in the fact that you use that experience and you become a much better person because of everything that you have struggled with, because you work 10 times as hard as maybe somebody who takes it for granted that they were born in this country or somebody who is a legal resident and doesn’t know exactly what that means and what power they have...”

-Guillermo



National Legislation – 2007 DREAM Act

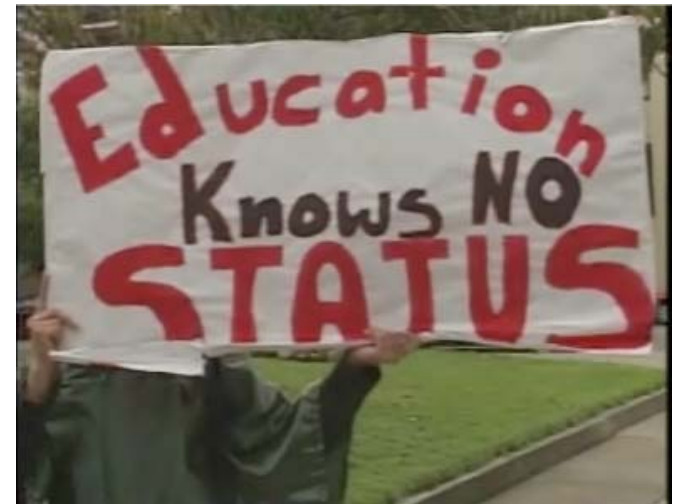
Development, Relief, and Education for Alien Minors Act of 2007



General Requirements:

- Entered the U.S. before age 16
- Accepted into university or have earned high school diploma (or GED)
- Has lived continuously in the U.S. for at least 5 years
- Good moral character

Students would be immediately eligible for a “Z” visa





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