

# Undocumented Students: The Next Wave

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# Undocumented Students: Who are they?

- Undocumented students include those students born outside of the United States, many of whom have lived in this country for a significant portion of their lives, and who reside here without the legal permission of the federal government.
- Many of these students and their families entered the country legally on tourist or work visas and chose to stay in the US after their visas expired. Others entered without any form of documentation.

# Undocumented Students: Who are they?

- The U.S. Census Bureau estimates that in the year 2000, approximately 2.5 million undocumented youth under age 18 were living in the U.S.
- Each year, over 65,000 undocumented students graduate from U.S. high schools.
- Some undocumented students are high school valedictorians and thousands graduate eligible to attend a 4-year university.

# Undocumented Students: Who are they?

## **Similar to peers:**

- Low-income
- Poor academic preparation
- First-generation college-goers
- Navigate educational system alone
- Less likely to have medical insurance

## **Different from peers:**

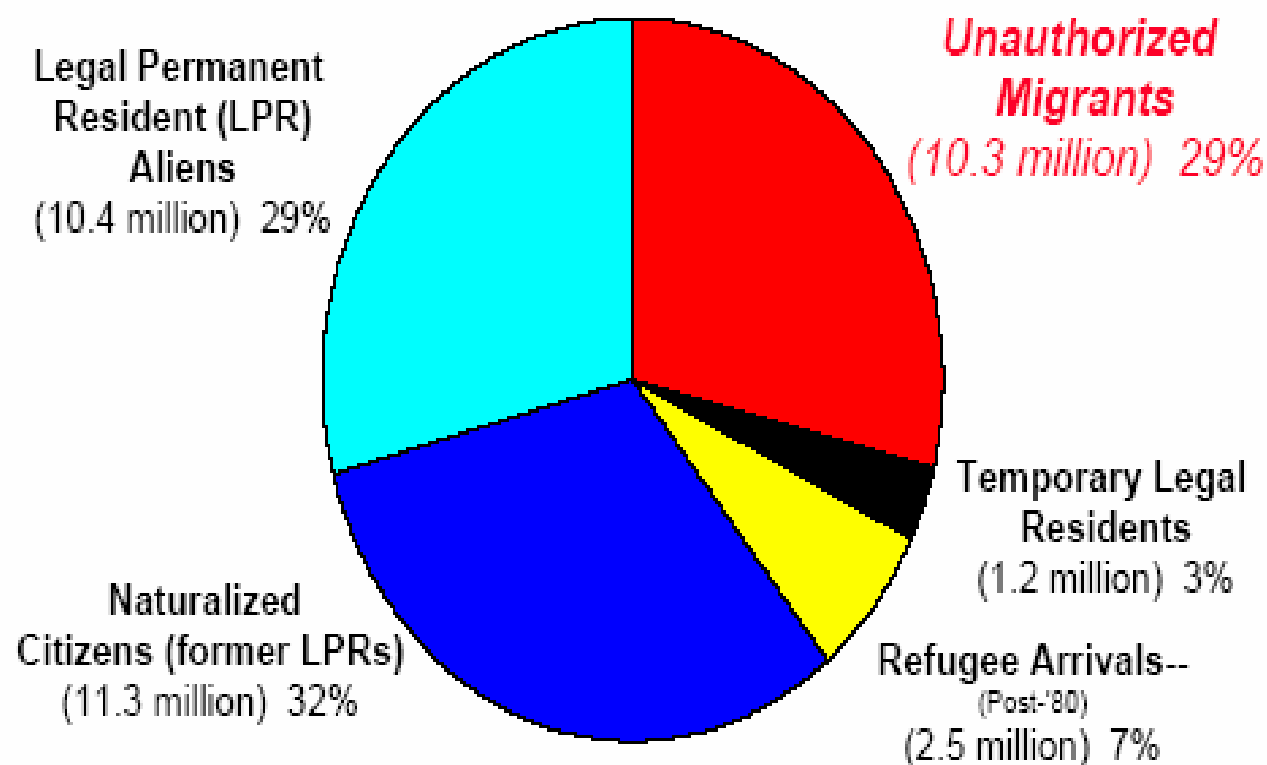
- Cannot gain legal employment
- Cannot acquire a driver's license
- Do not qualify for government-sponsored financial aid
- Live in fear of discovery/deportation

# Undocumented Students:

Why don't they just apply for their green cards?

- Existing avenues for gaining legal status are fairly restrictive
- Generally, someone must be sponsored by a close relative who is already a citizen or resident, or by an employer
- Even if the student has a close relative (e.g. sibling) to sponsor, he/she may still need to wait several years to reach their turn in line to apply

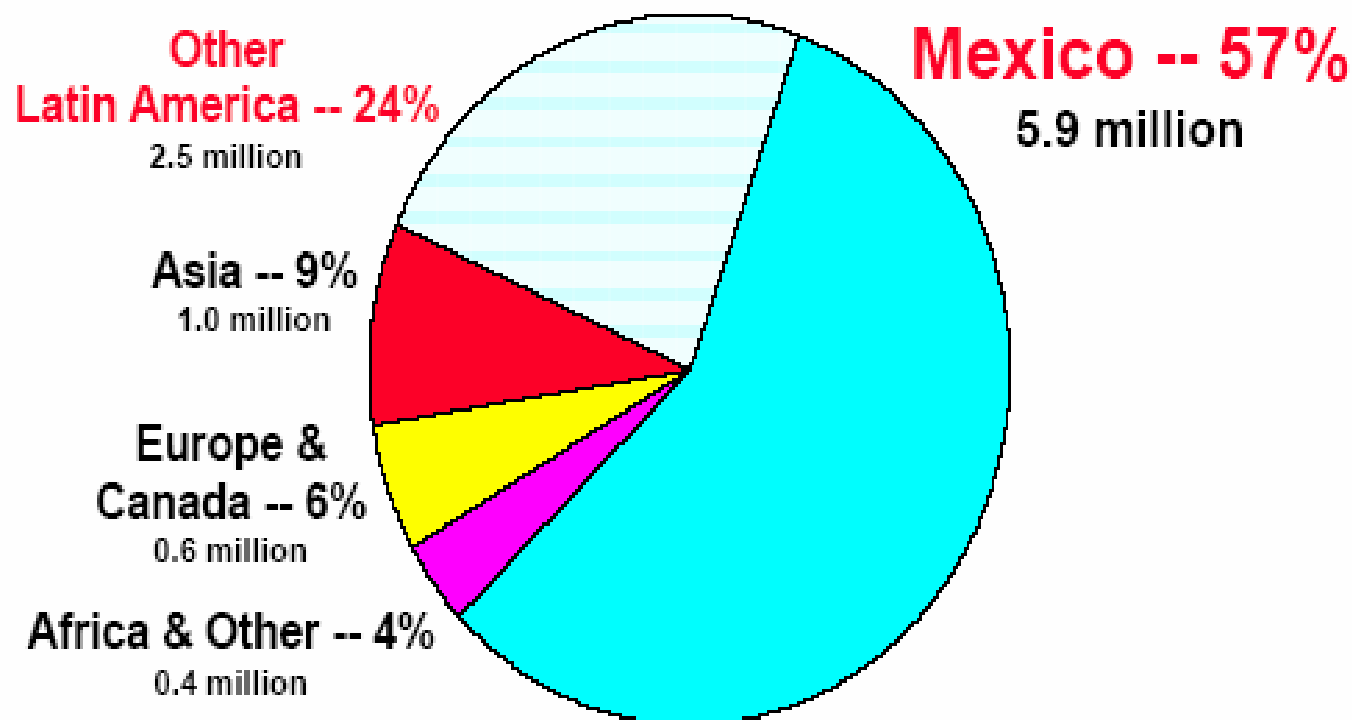
# Legal Status of Immigrants



**35.7 Million Foreign-Born in 2004**

(Demographic estimates based on March 2004 CPS  
with allowance for omissions)

# ***Unauthorized Are Largely Latin American***

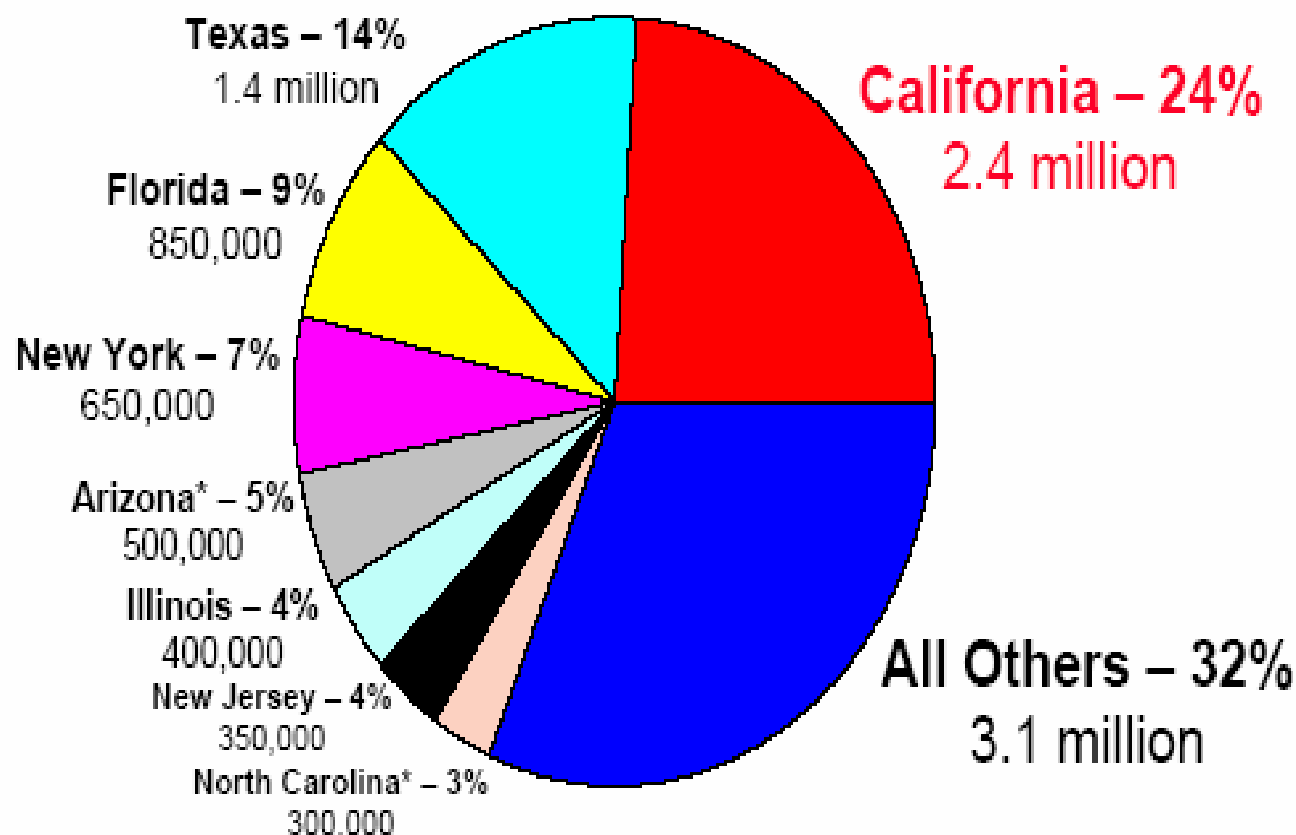


**10.3 Million Unauthorized in March 2004**

(Demographic estimates based on March 2004 CPS  
with allowance for omissions)



# Unauthorized Concentrated, but Also Dispersing



**10 Million Unauthorized for 2002–2004**

(Average of estimates for 2002-2004, except \*2003–2004)



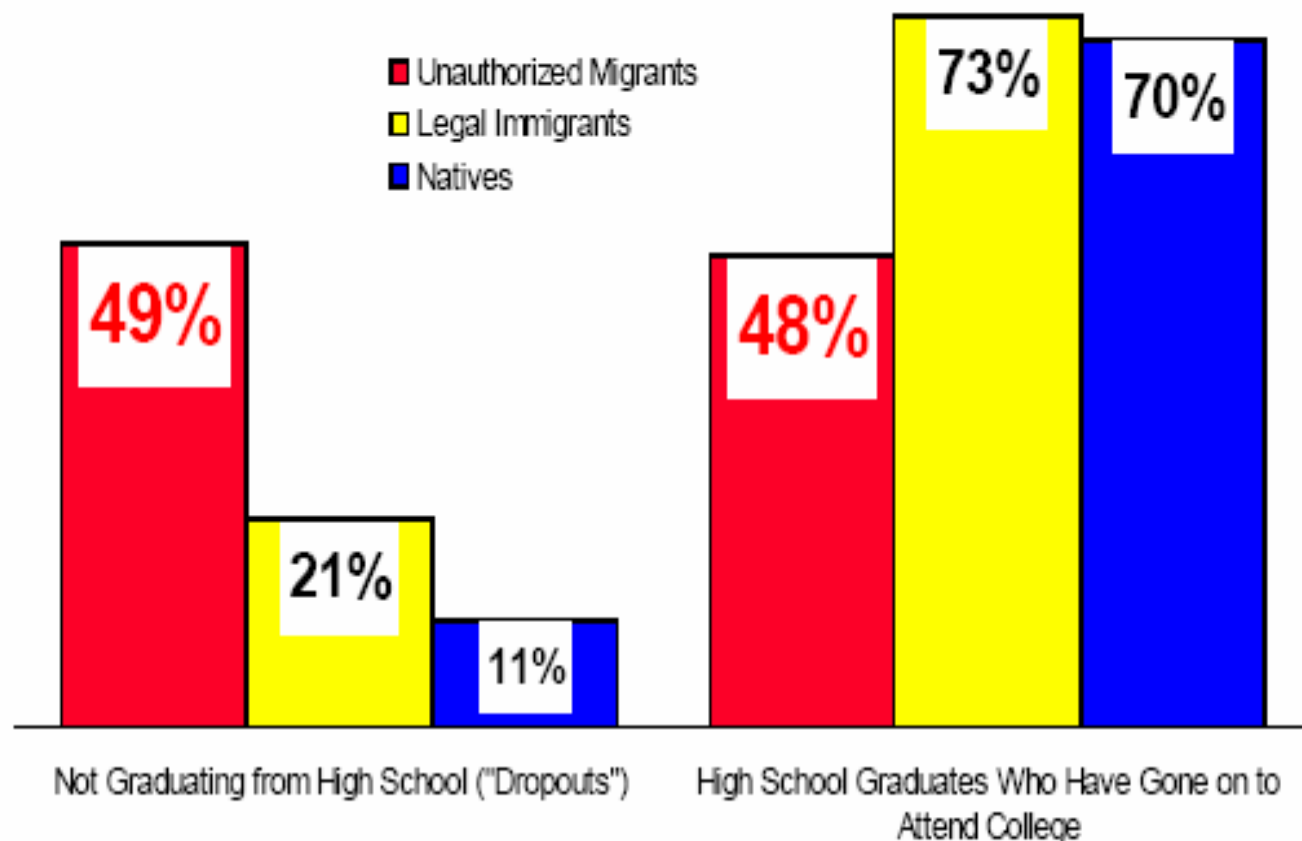
## **Size of Unauthorized Population, 2002–04**

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- **200,000–250,000**
  - Georgia
  - Colorado
  - Maryland
  - Massachusetts
  - Virginia
  - Washington
- **100,000–150,000**
  - Nevada
  - Oregon
  - Pennsylvania
  - Michigan
  - Ohio
  - Wisconsin
  - Tennessee
- **55,000–85,000**
  - Connecticut
  - Utah
  - Minnesota
  - Kansas, New Mexico
  - Indiana, Iowa
  - Oklahoma, Missouri
- **20,000–35,000**
  - South Carolina, Idaho
  - Rhode Island, Arkansas
  - Alabama, Kentucky
  - Nebraska, Louisiana
  - Hawaii, Dist. of Columbia
  - Mississippi, Delaware
- **Under 10,000**
  - 9 Others

## Unauthorized Youth Less Likely to Continue Education

Share of Each Group's 18-24 Population, 2004



# State Policy

Several states have passed legislation providing in-state tuition benefits to those who have attended high school in the state for three or more years and graduated.

- Texas, California, Utah, Illinois, Washington, Oklahoma, New York, Kansas, New Mexico, Nebraska

# State Policy

- Texas and Oklahoma also offer state aid to undocumented students.
- Some public and private institutions earmark funds, despite state law, to provide financial aid to undocumented students.
  - This information varies by state and is not publicized so undocumented students and their advocates must do their own research to find out about existing resources.

# Federal Policy

## **1982: Plyler vs. Doe**

U.S. Supreme Court decision that granted undocumented students the right to a public school education from K-12 grade in the U.S.

**1996: “Illegal” Immigration Reform and Immigrant Responsibility Act (IIRIRA), Section 505:** Law limiting eligibility for preferential treatment of undocumented immigrants on basis of residence for higher education benefits.

# Federal Policy – DREAM Act

## 2007?: DREAM Act

- If passed, it would provide conditional “lawful permanent resident status” for undocumented students for up to 6 years, while they complete at least 2 years of college or military service.
  - Upon graduation, they would be granted permanent residence.
  - Policy would repeal Section 505 of IIRIRA which discourages states from providing in-state tuition.
    - Restores possibility for states to provide in-state tuition and possibly state aid.
    - There are complications that prevent the inclusion of federal aid, namely the IIRIRA.

# Federal Policy – DREAM Act

- To be eligible, a student must have been in the US for at least 5 years and demonstrate “good moral character.”
- The law does not make students eligible for federal aid but they could be eligible for state aid or work-study.
- The DREAM Act may be introduced at any time.



# Federal Policy - DREAM Act

## What can we do to help?

- Contact your local congressperson to encourage them to push to have the DREAM Act introduced for a vote.
- If and when the DREAM Act is introduced, encourage your local congressperson to vote in favor of the legislation.

# For up-to-date information about your state:

## For up-to-date information on state/federal legislation:

- National Immigration Law Center

[www.nilc.org](http://www.nilc.org)

## For research and statistics on undocumented immigrants:

- Pew Hispanic Center

[www.pewhispanic.org](http://www.pewhispanic.org)

# **For up-to-date information about undocumented student rights in your state:**

## **CONTACT:**

- Your state department of education
- The governing body of the particular college or college system you are working with
- Immigration attorney in your area

# Challenges to College Access

- Students are uninformed or misinformed
- Students need assistance when completing college admissions applications
- Students must engage in a rigorous scholarship application process to acquire funds for college
- Students' college choices are largely influenced by finances
- Once admitted, students face additional challenges when entering college

# Challenges to College Access

## **Students are uninformed or misinformed**

- Many undocumented students are told that they cannot go to college.
- Many undocumented students are not aware of their post-secondary options so they believe that higher education is out-of-reach.
- Many undocumented students believe that there is no money available to help them pay for college.

# Challenges to College Access

**Students need assistance when completing college admissions applications.**

- Students have difficulty answering residency and income-related questions on applications.
- Financial concerns largely impact students' college aspirations and choices about where to apply.
  - Tuition costs
  - Housing costs
    - Location
  - Application fee-waiver eligibility

# Challenges to College Access

**Students must engage in a rigorous scholarship application process to acquire funds for college.**

- Undocumented students are ineligible for government-sponsored financial aid and most private scholarships.
- Undocumented students face difficulty finding scholarships that do not require US citizenship/ residency.
- Some information on existing scholarship lists is out-dated.
- Scholarship applications are often extensive and time-consuming.
- Scholarships are typically insufficient to cover all college expenses, so students must be creative about funding their education.



# Challenges to College Access

## **Students' college choices are largely influenced by finances**

- Undocumented students often choose to apply to and attend local schools so they can live at home while in college, due to the costs of room and board.
- Undocumented students apply to a limited number of institutions due to application and tuition costs.
- Undocumented students who are admitted to 4-year institutions often choose to attend community college as it is the least expensive option.

# Challenges to College Access

## **Once admitted, students face additional challenges when entering college**

- Students are sometimes unsure about how to talk about their residency status with campus-based professionals.
- Due to poor prior preparation, undocumented students often perform poorly on college assessments and may need additional support in college.
- Scholarship recipients are unclear about how to utilize scholarship awards.

# Financial Aid for Immigrant Students

- If a student filed an application with INS, the student may already be eligible for resident fee status and also to receive state financial aid. Have them speak to their attorney.
  - If the student has a “green card” or social security number, they are eligible to complete the FAFSA.
- Undocumented students should not complete the online FAFSA application.
  - Undocumented students should contact someone at the college they plan to attend to ask about completing a paper FAFSA for institutional aid.
- Some students/families may be eligible for loans from some banks/loan agencies if they have a co-signer who is a U.S. citizen or legal permanent resident.

# Immigration

- If students are unsure of their immigration status (i.e., eligible, ineligible, in process), they should contact a licensed immigration attorney.
- Students and their families should be made aware that these individuals will not report them to the CIS and can help them if they need immigration assistance.
- Many immigration attorneys also provide free or low-cost services.

# Know Your Rights!

- Undocumented students (in most states) cannot be denied admission to a college or university based on their immigration status.
- Undocumented students are not required to show a state issued ID or social security card to apply for college admission.
- Undocumented students are not required to show proof of legal residency or application for legal residency when enrolling in college.

*If you believe a students' rights have been violated, contact:  
MALDEF at 213.629.2512 for assistance.*

# Harsh Reality for Undocumented Students

- Securing sufficient funds to pay for college remains difficult.
- Students' professional options after college are severely limited.
- Many undocumented students are not currently eligible to apply for residency.



# ...The Bright Side

- There are currently 10 states that have passed legislation to provide undocumented students with in-state tuition, which shows that change is possible.
- Undocumented students are still better off with a college education than without one.
  - Networks, knowledge, and skills.
- Democratically controlled Congress may be more willing to introduce the DREAM Act.



# Now that we know, what can we do?: EDUCATION

- Develop a systematic way to disseminate information and assist undocumented students as they move through high school and college.
- Educate undocumented students and their advocates about their post-secondary options.
- Educate undocumented students about how to correctly complete the college and scholarship application processes.

# Now that we know, what can we do?: FUNDRAISING

- Provide undocumented students with useful scholarship lists and applications.
  - Assist undocumented students as they apply for scholarships.
- Work with scholarship providers in your area to encourage them to offer funding to undocumented students.
- Help students develop a portfolio to use when soliciting donations.
- Earmark organizational funds to provide scholarships to undocumented students.
- Help students find other creative ways to fund their education (e.g., family members, teachers, parents' employers, local business, large companies).

# Now that we know, what can we do?: NETWORKING

- Connect undocumented students with advocates and resources on your campus.
- Connect undocumented students with other undocumented college-goers to begin a network of support.
- Connect families with the parents of undocumented students to begin a network of support.
- Connect students and families with agencies offering free immigration services.

# Scholarship Resources

- Mexican American Legal Defense and Education Fund (MALDEF) scholarship list for undocumented students
  - [www.maldef.org](http://www.maldef.org)
- June McBride's Path to Scholarships book that outlines how to apply for scholarships. Her CD has links to scholarships, including those for undocumented students.
  - [www.NeedCollegeMoney.com](http://www.NeedCollegeMoney.com)

# Additional Resources

**For information on a scholarship program for undocumented students:**

- Salvadoran American Leadership and Educational Fund (SALEF)

[www.salef.org](http://www.salef.org)

**For immigration information and legal advice for immigrant youth:**

- Public Counsel

[www.publiccounsel.org](http://www.publiccounsel.org)

If you are interested in training your staff or other local college access professionals on how to work with undocumented students

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