

WHO ARE UNDOCUMENTED STUDENTS?

An undocumented student is a foreign national who: (1) entered the United States without inspection or with fraudulent documents; (2) entered legally as a nonimmigrant but then violated the terms of his or her status and remained in the United States without authorization; (3) has Deferred Action Childhood Arrival (“DACA”) status or has previously had DACA; or (4) is otherwise currently in the process of legalizing.

Most undocumented students:

- Have lived in the United States most of their lives
- Have learned English
- Have attended elementary, middle, and high school in the United States
- Have completed high school and want to pursue a college education
- Currently lack a way to become legal residents or citizens of the United States

THE UNDOCUMENTED POPULATION

11.3 million	Undocumented immigrants of all ages live in the United States. ¹
1.3 million	Undocumented immigrants ages 18-24 live in the United States. ²
1.3 million	Undocumented youth in the United States are potentially eligible for the DACA federal policy directive, which provides deferral from deportation and a work permit. ³
92,000	Undocumented students who have lived in the United States for at least 5 years graduate from high school each year; only about 5 to 10 percent go on to college. ⁴
454,000	Undocumented immigrant youth and adult learners are enrolled in school (e.g. college) throughout the United States.⁵

State Demographics: California is the state with the largest number of undocumented immigrants (3 million). They represent 27% of all undocumented immigrants nationwide and 7% of the total CA population.⁶

CHALLENGES UNDOCUMENTED STUDENTS FACE IN PURSUING A COLLEGE EDUCATION

Financial Obstacles

The primary obstacle for a college-bound undocumented student is financial. Based on current government policies, undocumented students cannot qualify for federal and most state-based financial aid, including grants, work study jobs, or loan programs. The cost of full time enrollment at a public college or university ranges from \$15,000 to \$40,000 per year. Without financial aid, the costs of attending a college can often be prohibitive for undocumented students and their families.

¹ <http://www.pewresearch.org/fact-tank/2018/09/14/key-findings-about-u-s-immigrants/>

² https://www.dhs.gov/sites/default/files/publications/Unauthorized%20Immigrant%20Population%20Estimates%20in%20the%20US%20January%202014_1.pdf

³ <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

⁴ <https://www.migrationpolicy.org/research/unauthorized-immigrants-graduate-us-high-schools>

⁵ <https://www.presidentsalliance.org/report-undocumented-students-in-higher-education-how-many-students-are-in-u-s-colleges-and-universities-and-who-are-they/>

⁶ <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/CA>. See also, <http://www.pewhispanic.org/interactives/unauthorized-immigrants/>. See also, <https://www.americanimmigrationcouncil.org/research/immigrants-in-california>

In-State Tuition & Financial Aid

Generally, to receive the in-state tuition discount, undocumented students must attend a school in a state for a certain number of years and graduate from high school or obtain a GED in that state. The chart below shows tuition equity laws and policies that allow undocumented students to qualify for in-state tuition in their state of residence.

THE UNDOCUMENTED POPULATION⁷

States offering in-state tuition through legislation	California, Colorado, Connecticut, Florida, Illinois, Kansas, Kentucky, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, Virginia, and Washington.
**In-state tuition approved by Board of Regents instead of state Legislature	*District of Columbia also offers in-state tuition **Hawaii, Michigan, Oklahoma, and Rhode Island
States offering state financial aid or institutional scholarships at public colleges or universities	California, Colorado, Illinois, Maryland, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Washington, and District of Columbia
Prohibits in-state tuition for undocumented immigrants	Alabama, Arizona, Georgia, Indiana, Missouri, and North Carolina
Bans admission of undocumented students at some or all public colleges	Alabama, Georgia (university system only) and South Carolina
States without explicit legislation on tuition or state financial aid	Alaska, Arkansas, Delaware, Iowa, Louisiana, Maine, Mississippi, Montana, Nevada, North Dakota, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

As more states debate in-state tuition for undocumented students, individual colleges and universities have approved similar policies for their particular institutions; these include University of Michigan, Eastern Michigan University, and St. Louis Community College, among others.

Private Colleges and Universities

Almost all private colleges and universities classify undocumented students as international students and consider their financial situation in determining admissions. As a result, undocumented students compete with students from every country in the world for a handful of enrollment slots. These schools consider an undocumented student's ability to fund their entire four years of college in admissions decisions. The cost of attending a private college for four years ranges from \$80,000 to \$200,000. Because of these policies, thousands of qualified and competitive undocumented students are denied admission to private colleges every year.

CURRENT FEDERAL POLICIES AFFECTING UNDOCUMENTED STUDENTS

Plyler vs. Doe

In 1982, this Supreme Court ruling determined that K-12 education is a fundamental and protected right and will be provided to all children in the United States, regardless of citizenship or residency status.⁸

Family Educational and Privacy Act ("FERPA")

This federal law protects the privacy of student records at educational institutions, including elementary and secondary schools, colleges, and universities.⁹

Deferred Action for Childhood Arrivals ("DACA")

Announced on June 15, 2012, this policy grants temporary administrative relief from deportation to undocumented young people. Individuals who are granted DACA are considered to be lawfully present in the United States and

⁷ *Id.* See also, <https://www.nilc.org/wp-content/uploads/2017/10/table-access-to-ed-toolkit.pdf> and <https://www.nilc.org/issues/education/eduaccessstoolkit/eduaccessstoolkit2/#maps>

⁸ <https://www.americanimmigrationcouncil.org/research/plyler-v-doe-public-education-immigrant-students>

⁹ <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

are eligible for work authorization and a social security number. DACA is a temporary program that can be renewed but falls short of granting undocumented young people a pathway to citizenship.¹⁰ On September 5, 2017, the Trump administration attempted to end DACA. A series of lawsuits that were filed against the administration for terminating the program unlawfully has resulted in the U.S. Supreme Court ruling to restore the DACA program. However, the Trump administration has since issued a new memo that limits DACA. Only DACA renewals are currently being accepted.¹¹

Since September 2012, 961,326 people have applied for this temporary benefit.¹²

Affordable Care Act (“ACA”) Health Care Reform

Unfortunately undocumented immigrants (including DACA recipients) were excluded outright from federal health care reform. However, DACA recipients in California, who meet eligibility requirements, are now eligible for state-based health care programs, such as Medi-Cal.¹³

CURRENT CALIFORNIA STATE POLICIES AFFECTING UNDOCUMENTED STUDENTS

Assembly Bill (“AB”) 540 as expanded by Senate Bill (SB) 68

This law allows certain non-resident students who complete at least three years of full-time attendance or the equivalent at a CA high school, adult school, or California Community College (credit & noncredit) and degree requirements to receive reduced in-state tuition at public colleges and universities.¹⁴

California Dream Act

This law, composed of AB 130 and AB 131, allows qualifying AB 540 students to access state and institutional funds to finance their college/university education. Students are able to access non-state funded scholarships directly through their colleges and state-funded financial aid.¹⁵

AB 1024

This law permits the California State Supreme Court to admit as an attorney any applicant that fulfills the requirements for admission to practice law, regardless of immigration status. AB 1024 makes California the first state to grant law licenses to undocumented aspiring attorneys if they meet all other eligibility requirements.¹⁶

SB 1159

This law requires all 40 licensing boards under the California Department of Consumer Affairs to consider applicants regardless of immigration status. In effect, SB 1159 allows undocumented individuals to obtain professional licenses.¹⁷

AB 2184

This law requires cities in California to accept a California driver’s license or identification number, individual taxpayer identification number, or municipal identification number in lieu of a social security number if the city otherwise requires a social security number for the issuance of a business license.¹⁸

SB 183

This law extends existing protection regarding equal rights and opportunities in postsecondary educational institutions in California from being subjected to discrimination on those bases of immigration status.¹⁹

10 <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>

11 <https://www.nilc.org/issues/daca/>

12 https://www.uscis.gov/sites/default/files/document/data/DACA_performancedata_fy2020_qtr2.pdf. See also, <https://www.npr.org/2017/11/16/564655140/oops-we-lost-your-daca-application>

13 <https://www.nilc.org/issues/health-care/immigrantshcr/>

14 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB68

15 <https://dream.csac.ca.gov/>

16 <https://cliniclegal.org/resources/professional-licenses-undocumented-immigrants>

17 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB1159

18 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2184

19 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB183

RESOURCES FOR ADDITIONAL INFORMATION

Immigrants Rising	www.immigrantsrising.org
United We Dream	www.unitedwedream.org
National Immigration Law Center	www.nilc.org
College Board	www.collegeboard.com
Mexican American Legal Defense Education Fund	www.maldef.org
Pew Hispanic Center	www.pewhispanic.org
Public Policy Institute of California	www.ccpic.org
U Lead Network	www.uleadnet.org

ABOUT US

Founded in 2006, **Immigrants Rising** transforms individuals and fuels broader changes. With resources and support, undocumented young people are able to get an education, pursue careers, and build a brighter future for themselves and their community. Immigrants Rising is a fiscally-sponsored project of Community Initiatives. For more information, visit www.immigrantsrising.org. For inquiries regarding this resource, please contact Nancy Jodaitis, Legal Services Director, at legalintake@immigrantsrising.org.