



FACT SHEET

AN OVERVIEW OF UNDOCUMENTED STUDENTS

JANUARY 1/9/14

The Definition of an Undocumented Student

An undocumented student is a foreign national who: (1) entered the United States without inspection or with fraudulent documents; or (2) entered legally as a nonimmigrant but then violated the terms of his or her status and remained in the United States without authorization (as defined by the National Immigration Law Center).

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*

11.1 million Undocumented immigrants of all ages living in the United States

1.6 million Undocumented immigrants ages 19-24 living in the United States

2.1 million Undocumented students in the United States potentially eligible for most recently proposed federal DREAM Act (S. 729 in the 111th Congress)

1.9 million Undocumented youth in the United States potentially eligible for the “Deferred Action for Childhood Arrivals” federal policy directive, which provides deferral from deportation and a work permit

65,000 Undocumented students who have lived in the United States for 5 or more years graduating from high school each year; only about 5 to 10 percent of them go to college.

7,000 – 13,000 Undocumented students enrolled in college throughout the United States

State Demographics: California is the state with the largest number of undocumented immigrants (2.6 MM). They represent 25% of all undocumented immigrants nationwide and 6.8% of the total CA population. About 553,000 undocumented students would be eligible for the most recently proposed DREAM Act in CA.

*Sources for these statistics include the Migration Policy Institute, the Pew Hispanic Center, the Public Policy Institute of California, the Department of Homeland Security and the Urban Institute.

Challenges that 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 - \$40,000 per year. Without financial aid, the costs of attending a college can often be prohibitive for undocumented students and their families.

In-State Tuition & Financial Aid:

Currently, 18 states have passed tuition equity laws or policies that allow undocumented students to qualify for in-state tuition at the public colleges and universities in their state of residence. To receive the in-state tuition discount, undocumented students must reside in state, attend high school for a specified period (1-4 years) in state, and graduate or receive their GED in state. In addition to allowing students qualify for in-state tuition, California, Illinois, Minnesota, New Mexico, and Texas provide access to state-based financial aid.

Conversely, Arizona, Georgia, and Indiana ban undocumented students from receiving in-state tuition. South Carolina was the first state to outright ban undocumented students from attending public colleges and universities, followed by Alabama and Georgia.

State Policies Affecting Undocumented Students in Higher Education

Grant in-state tuition to undocumented students	Colorado, Connecticut, Kansas, Maryland, Nebraska, New Jersey, New York, Oregon, Utah and Washington
**In-state tuition approved by Board of Regents instead of State Legislature	**Hawaii, Oklahoma, Rhode Island
Grant in-state tuition AND makes undocumented students eligible for state-based financial aid	California, Illinois, Minnesota, New Mexico and Texas
Prohibits in-state tuition for undocumented immigrants	Arizona, Georgia and Indiana
Bans admission of undocumented students at some or all public colleges	Alabama, Georgia (University System only) and South Carolina

As more states debate in-state tuition, 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. In this process, undocumented students compete with students from every country in the world for a handful of enrollment slots. For these schools, an undocumented student's ability to fund their entire four years of college is considered in admissions decisions. The cost of attending a private college for four years ranges from \$80,000 - \$200,000. Because of these policies, thousands of qualified and competitive undocumented students are denied admission to private colleges every year.

Current Federal and State Policies Affecting Undocumented Students

Plyler vs. Doe — In 1982, this Supreme Court ruling determined that a 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.

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.

Deferred Action for Childhood Arrivals (DACA) — Announced on June 15th, 2012, this policy grants temporary administrative relief from deportation to undocumented young people. Individuals who are granted Deferred Action are considered to be lawfully present in the United States and are eligible for work authorization and a social security. Deferred action is a temporary 2-year program that can be renewed but falls short of granting undocumented young people a pathway to citizenship.

As of August 2013, 588,725 people have applied for this temporary benefit. Nearly 80% of applications have been approved, less than 2% has been denied and the rest are still in process.

To be eligible for Deferred Action individuals must:

- Have come to the U.S. under the age of 16 and not be above the age of 30 as of June 15, 2012
- Have continuously resided in the U.S. for at least five years preceding June 15, 2012
- Have been actually present in the U.S. as of June 15, 2012
- Either be currently in school, have graduated from high school, have obtained a general education development certificate (or equivalent), or have been honorably discharged as a veteran of the Coast Guard or Armed Forces of the United States
- Have not been convicted of a felony offense, a significant misdemeanor offense, three (3) or more misdemeanor offenses, or otherwise pose a threat to national security or public safety

*Following DACA's announcement, Massachusetts granted in-state tuition to DACA recipients only and other states are considering similar policies.

Affordable Care Act (ACA) "Health Care Reform" - Unfortunately undocumented immigrants (including DACA recipients) were outright excluded from federal health care reform. However, DACA recipients in California are now eligible for state-based health care programs, such as Medi-Cal, if they meet eligibility requirements.

California State Law

Assembly Bill 540 (AB 540) — Passed in 2001, this law allows certain non-resident students who complete at least three years of high school in California to receive reduced in-state tuition at public

colleges and universities (Cal State University, University of California, and CA Community Colleges). In 2009-2010, 40,076 students qualified for AB 540.

California Dream Act — This law, made up of Assembly Bills 130 and 131, allows qualifying AB 540 students to access state and non-state resourced 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. In 2013, 29,200 students submitted a Dream Act application and 7,465 received Cal Grant Awards.

Breakdown of 2013 Cal Grant Awards (through the California Dream Act)			
Community College:	3,226	University of California:	1,254
California State University:	2,740	Other:	245

Law Licenses for Undocumented Immigrants- (AB 1024) – This bill permits the 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.

Pending Federal Policy: Comprehensive Immigration Reform

In June 2013, the U.S. Senate passed their version of comprehensive immigration reform with a pathway to citizenship for the 11 million undocumented people living in the United States. The Senate voted in favor of S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act", which established a fast track, 5-year, pathway to citizenship for undocumented students who came to this country under the age of 16, graduated from high school or its equivalent and attended at least 2 years of higher education or military service. While this was a significant step forward, the U.S. House of Representatives has so far failed to deliver their proposal, thereby missing the opportunity to pass immigration reform in 2013. While Congress continues to debate on immigration reform, the Administration is now being pressured to halt deportations and expand relief to the families of DACA recipients..

Resources for Additional Information

Educators for Fair Consideration	www.e4fc.org
United We Dream	www.unitedwedream.org
DreamActivist	www.dreamactivist.org
Dream Act Portal	www.dreamact.info
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
Urban Institute	www.urban.org

For more information about Educators for Fair Consideration, please visit us at www.E4FC.org.