

EDUCATORS FOR FAIR CONSIDERATION

# THE CASE FOR UNDOCUMENTED STUDENTS IN HIGHER EDUCATION

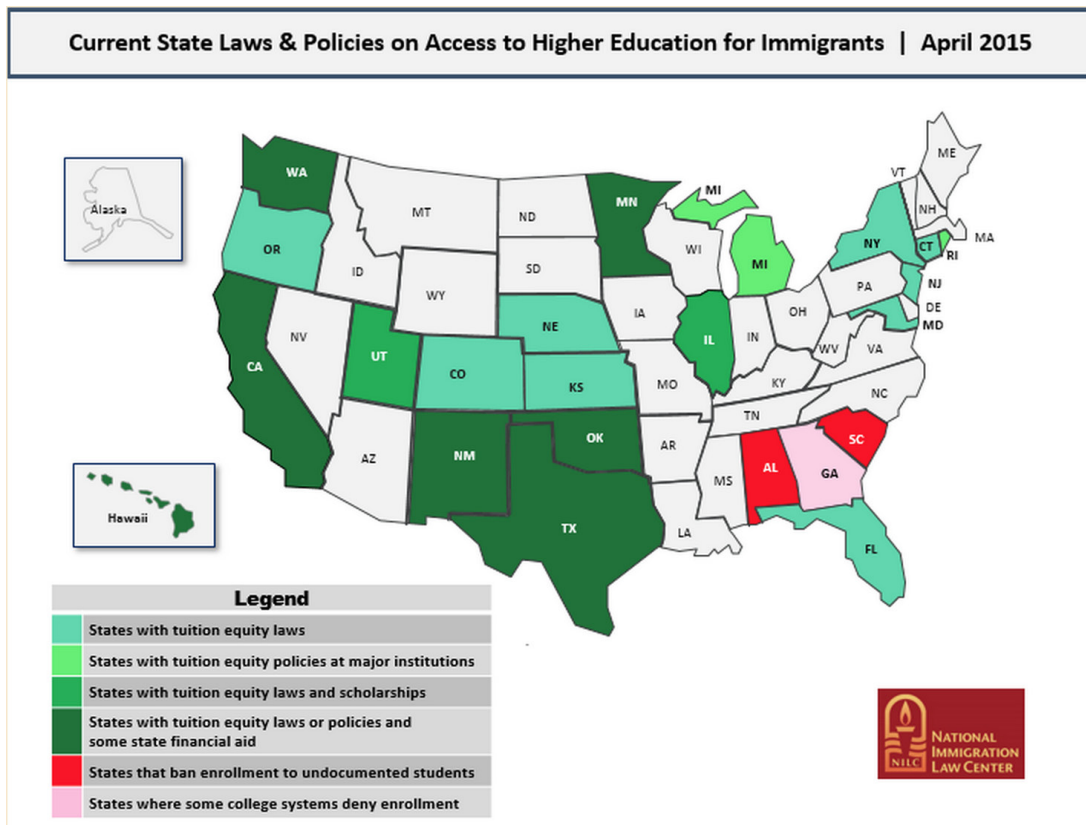
# INTRODUCTION

“It’s remarkable for undocumented students to even apply to college. I mean, we come from another country; we have to learn English; we face a lot of adversity; and we still graduate from high school and apply to college. Who would be a better candidate for a scholarship? If we get just a little help, then I think we’ll become some of the strongest students and most successful people. I don’t see us as risks; I think of us as smart investments.”

– Irving Pineda, profiled in E4FC’s film, *American Dream Seekers* (2007), and now a graduate of UC Merced (2010)

Every year, 65,000 students who have grown up in the United States graduate from high school with limitations from fully participating in American society. Although they have played little to no role in the decision to emigrate or to remain in the United States without legal status, they face tremendous social, financial, and legal barriers. Nearly 30% of undocumented children live below the poverty line.<sup>1</sup> Most live in constant fear of deportation and involuntary family separation. While federal law guarantees them a free public K-12 education, they face intractable challenges while pursuing higher education.

Each state differs in its laws regarding tuition rates, enrollment, and state-based financial aid for undocumented students. Only 19 states allow undocumented students to pay in-state tuition; in most states, they are required to pay out-of-state tuition at public colleges and universities at over 1.4 times the cost of resident tuition.<sup>2</sup> In Alabama, South Carolina, and some college systems in Georgia, undocumented students are outright banned from enrollment.<sup>3</sup> California, Hawaii, Minnesota, New Mexico, Oklahoma (certain grants), Washington state, and Texas are the exceptions in providing state-based aid; Illinois is the first and only state to create a private scholarship fund for undocumented youth.<sup>4</sup> Nationwide, all undocumented students are ineligible for federal financial aid, including grants, work study, and government loans.



Because of their ineligibility for federal financial aid, most undocumented college students depend primarily on private scholarships. Unfortunately, funding is scarce. Undocumented students are often deemed ineligible because most private scholarships require U.S. citizenship or permanent legal residence.

Deferred Action for Childhood Arrivals (DACA), a federal policy directive announced on June 15, 2012, has created new opportunities for about 1.9 million undocumented youth who came to the U.S. before the age of 16, have lived in the U.S. continuously for at least five years, and have graduated from high school or obtained a GED. Qualifying immigrant youth can request a temporary two-year reprieve from deportation and apply for a work permit. DACA also provides beneficiaries a Social Security Number, temporary lawful presence, and a more tangible future in the United States. It does not, however, provide access to federal or state-based financial aid.

Even with DACA, undocumented students are still greatly in need of financial assistance for higher education. In this publication, we hope to encourage scholarship providers and other funders to consider the merits of these hardworking, high-achieving students. We wish to show that these youth are some of the most industrious students America has to offer, that they are powerful role models in our communities, and that increased financial assistance will allow them to more fully contribute to U.S. society.

**It is our most sincere belief that *all of us* would benefit from helping undocumented students contribute meaningfully to this country.**

# UNDER FEDERAL LAW, ALL STUDENTS – REGARDLESS OF CITIZENSHIP OR RESIDENCY – ARE ENTITLED TO AN EDUCATION.

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The U.S. Supreme Court case *Plyer v. Doe* (1982) prohibited states from denying undocumented children a public K-12 education. According to the ruling, denying them that education would create a “lifetime of hardship” for undocumented children and a “permanent underclass” of individuals.

While the court decision makes it clear that undocumented students deserve access to an education and social mobility, a high school diploma is no longer sufficient. The structure of the U.S. labor market has changed in recent years. Today, a “high school diploma creates fewer opportunities for those entering the labor market. Arguably, the ticket to social and economic mobility has increasingly become a college degree.”<sup>5</sup>



**“I’ve heard some students say that undocumented students are taking away other students’ opportunities. But I can’t take those students’ opportunities, no matter how hard I try. I don’t think I’m stealing anything. I’m just making my own path and fighting for my own opportunities. And I believe that’s why I deserve a chance.”**

*-- Ingrid Hernandez, E4FC Ambassador and now a graduate of Stanford University (2011)*

# UNDOCUMENTED STUDENTS WHO PURSUE HIGHER EDUCATION HAVE PROVEN THEY CAN SUCCEED.

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**“We must take advantage of the extraordinary talents of undocumented students. These are exceptional young people who have overcome incredible challenges to gain admission to great universities like UC Berkeley. As a society, we should do everything we can to support these top students who have earned the right to a college education.”**

*– Robert J. Birgeneau, Chancellor of UC Berkeley*

Undocumented students who pursue higher education constitute a small group of extremely talented and motivated youth who have already overcome multiple, unique obstacles. The obstacles that undocumented students confront cannot be overstated. As they navigate the education system – often without family guidance – they must deal with complex, sometimes overlapping issues that impede their ability to succeed academically. These challenges include: poverty, assimilation, language barriers, violence in their community or home environment, lack of access to health care, and mental health issues.

In the face of these obstacles, it is a monumental accomplishment when an undocumented student completes high school. The Urban Institute estimates that 65,000 to 80,000 undocumented students who have lived in the United States for 5 years or longer graduate from high school every year.<sup>6</sup>

It is an even greater accomplishment when an undocumented student succeeds in transitioning onto higher education. The Pew Hispanic Center found that only 61% of undocumented students who arrive in the U.S. before the age of 14 go onto college, which is considerably lower than the rate for legal permanent residents (76%) or U.S. born residents (71%).<sup>7</sup>

Here's what one educator says about Luis Gutierrez, one of E4FC's New American Scholars and now a junior at UC Berkeley:



**“Luis comes from an economically disadvantaged background but has not let this hold him back from exploring different opportunities to improve himself. His family of six is financially supported by his father and they all live in a one-room studio apartment in Oakland. Neither of his parents have a college education; only his father finished high school. Despite family hardships, Luis continues to nurture his aspiration to use higher education as a means of overcoming his current personal circumstances. He has excellent work habits and self-discipline. He is attracted to challenging opportunities that rigorous college life will present.”**

*– Dr. Judith Ned, Executive Director of Stanford Medical Youth Science Program*

# UNDOCUMENTED STUDENTS AFFIRM OUR AMERICAN BELIEF IN THE VALUE OF HARD WORK.

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**“America’s prosperity has always depended on hard work, sacrifice, drive, and the dreams of immigrants. Our future depends on them even more.”**

*– U.S. Chamber of Commerce CEO Tom Donohue*

Undocumented students in higher education are not seeking handouts or entitlements. On the contrary, they just want the same opportunities as other students who have also earned them by studying hard and preparing themselves for college. Despite facing unique financial obstacles in pursuit of a college degree unlike their American citizen peers, they remain resilient. Helping them pursue their dreams of a higher education proves that the United States is still a country that values hard work and rewards that hard work with earned opportunities.

Here’s what one educator says about New Latthi, one of E4FC’s New American Scholars and now a graduate of UC Berkeley (2012):



**“New takes his academic career very seriously and has exceptional time management skills. It is impressive to consider the fact that he received all As in his classes last semester, since judging by his homework and in-class performance, it seems as though he devoted every moment of his time to my class. I am convinced his motivation in terms of achieving his academic and professional goals will not wane. His enthusiasm for academia and willingness to engage in learning both in and beyond the classroom setting is inspirational!”**

*– Melissa Etzler, Ph.D. candidate at UC Berkeley*

# THE UNITED STATES SEEKS THE MOST ENTREPRENEURIAL AND INDUSTRIOUS MINDS.

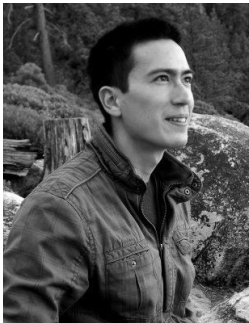
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**“I have been asked why technology people like myself are supporting this cause. Perhaps the reason tech industry people want to help these young adults is we value intellect, we value initiative, and we value hard work. We see in these kids the attributes that are valued in the entrepreneurial world. We also understand that our personal success is largely because we had the freedom to work, the freedom to travel, the freedom to pursue whatever dream we had. Undocumented students are like us but without any of those freedoms.”**

*– Jeff Hawkins, founder and inventor of Palm Computing, Treo, and Numenta*

Immigrants – high IQ risk-takers rich with creative energy – have played an instrumental role in making America prosperous. Between 1980 and 2005, companies that were five years old or less created virtually all new net jobs in the United States.<sup>9</sup> Over the last decade, about 25 percent of successful high tech start ups, including Google and Sun Microsystems, were founded or co-founded by immigrants.

Faced with tremendous obstacles, undocumented students exhibit the same entrepreneurial spirit to find innovative ways to overcome their challenges. Until DACA, the lack of a Social Security Number meant that undocumented students could not be legally employed. Even with DACA, most undocumented students do not have access to any government financial aid. Nonetheless, they take a leap of faith and begin their pursuit of college without any guarantee that they will be able to pay for it. Along the way, they seek out any and all opportunities and resources that can support them. They live at home and commute long hours; they share textbooks; they support themselves by selling their own handmade crafts, tutoring other students, and sometimes even by creating their own small businesses.



**“It’s easy for us to make immigration status our number one problem, but with a lot of work you can live a meaningful life. There are possibilities, but they are not served on a silver platter.”**

*– Mario Lio, one of E4FC’s New American Scholars and now a graduate of UC Berkeley  
(2010)*

# UNDOCUMENTED STUDENTS ARE POWERFUL ROLE MODELS.

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Undocumented students in higher education are role models for younger family members, friends, and neighbors – many of whom are legal permanent residents or U.S. citizens. In particular, nearly 3.5 million undocumented immigrants live with at least one child who is a U.S. citizen, according to the Migration Policy Institute.<sup>9</sup> Through their success and determination, undocumented students inspire a whole generation of students to do well in school, think positively about their communities and neighborhoods, and become engaged, informed members of society.

Here's how Miriam, a student profiled in E4FC's documentary film *American Dream Seekers* (2007) and now a graduate of Mills College (2010), explains how she mentors her younger documented siblings:



**“Here’s what I tell my younger siblings: Maybe I don’t get federal aid. Maybe I have to pay more because I don’t get a lot of money. But I’m still going to college. I’m still making it through. Being undocumented – or being an immigrant – isn’t going to stop me. And nothing should stop them. Whatever obstacles they may reach in their lives, they shouldn’t give up on what they want to do. My dream of going to college and being a successful woman is being accomplished. I want to show them that nothing should keep them away from their dreams or their goals, whatever they might be.”**

Claremont University Professor William Perez found that undocumented students in California (in UCs, CSUs, and CCCs) exhibit higher than average levels of community and civic activity. Through participant observation and in-depth semi-structured interviews, he concluded: “The unique experience of being undocumented have led some of them to develop leadership skills and an orientation towards community service. Moreover, leadership experiences in school have provided the necessary skills to actualize their organizing and advocacy pursuits.”<sup>10</sup>

Angel Ku, one of E4FC's New American Scholars and now a graduate of San Francisco State University (2012), explains why sought to create Pre-Health Dreamers, a national network to help promising undocumented students pursue careers in health and science:



**“As an undocumented person, there are moments when I seriously doubt whether or not I’ll make it in the biomedical field. Sometimes I feel alone, but I carry the love of my peers and a passion for liberation in my heart. This fight is bigger than me. I must continue to voice the struggles of undocumented students in unheard places, so that my peers can achieve what I have and more.”**



# UNDOCUMENTED STUDENTS ARE AN IMPORTANT PART OF OUR FUTURE ECONOMIC STABILITY.

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**“With rare historical exceptions like anti-Chinese nativism of the late 1800s, belief in the immigrant story of aspiration and the U.S. as a land of opportunity have been core American values... immigration is one reason the U.S. has better prospects than the aging entitlement states of Europe and Japan. America needs immigrants with varying degrees of skill and income for economic growth.”<sup>11</sup>**

*Wall Street Journal* Editorial, Nov 13, 2012

Former Secretary of Labor Robert Reich argues that immigrants are part of the solution to stabilize Medicare and Social Security.<sup>12</sup> This year, Social Security is paying out more benefits than it receives. The U.S. is experiencing a demographic shift; not only are more seniors retiring, but also they are living longer and having fewer children. In other words, more people are retiring than there are working. In a few decades, there will not be enough workers whose payroll taxes can sustain benefits to seniors.

Immigrant populations, on the other hand, are demographically opposite of the U.S.; their populations have more young people than older people. Having more young immigrants means that they will spend more decades contributing in payroll taxes. Thus, Reich concludes: “One logical way to deal with the crisis of funding Social Security and Medicare is to have more workers per retiree, and the simplest way to do that is to allow more immigrants into the United States. Immigration reform and entitlement reform have a lot to do with one another.”

Fortunately, the U.S. already has a population of undocumented young people who have the potential to contribute to the entitlements of older Americans. Some undocumented youth can apply for a work permit given the nascent policy directive Deferred Action for Childhood arrivals. But to contribute substantial amounts in payroll taxes, they first need access to well-paying jobs only attainable with a college degree.

**“All I yearn for is an opportunity to give back to this country that has given me so much. I want to prove to everyone that nothing is impossible if you reach for the sky. I am the first out of by 156 cousins to apply to college.”**

*– Christian, one of E4FC’s New American Scholars and a student at UCLA*

# WE HAVE ALREADY INVESTED IN THESE STUDENTS' EDUCATIONS AND SHOULD MAXIMIZE THE DIVIDENDS.

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We have already invested considerable resources in the primary and secondary educations of undocumented students. Many come to the U.S. as young children. They complete a majority of their education in the U.S. Many do not even realize they are undocumented or do not share the same opportunities as their peers until time comes to apply to college.

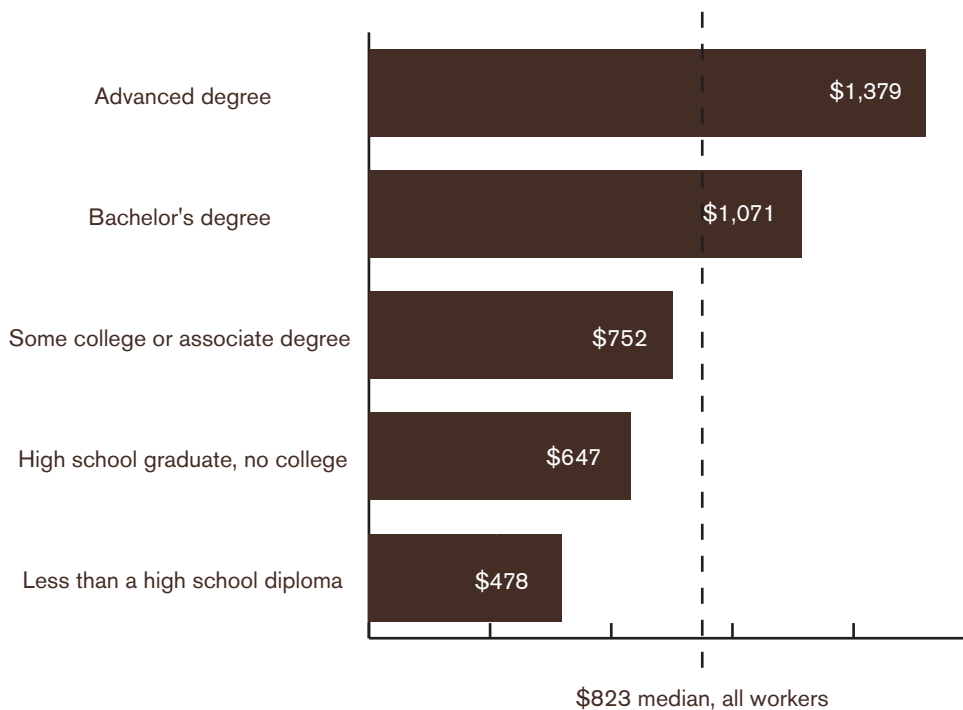
In order to realize this investment, we should help undocumented students pursue higher education so they can work and participate meaningfully in our society. With college degrees, they will be able to contribute substantially more in taxes, support their families, and be less likely to receive government assistance.

A RAND study found that though raising the college graduation rate of Hispanics and African Americans would increase spending on public education, these costs would be offset by savings in public health and welfare expenditures and increased tax revenues resulting from higher incomes.<sup>13</sup> A 30 year old Mexican immigrant woman with a college degree will pay \$5300 more in taxes and require \$3900 less in government expenses each year compared to a high school dropout with similar characteristics.<sup>14</sup>

A Bachelor's degree affords recipients higher wages, as shown in these 2012 Bureau of Labor Statistics:

## EDUCATION PAYS

Median weekly earnings for full-time workers age 25 and over



Source: Bureau of Labor Statistics, Current Population Survey

# DEFERRED ACTION FOR CHILDHOOD ARRIVALS CREATES NEW REASONS TO SUPPORT STUDENTS.

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**“Our journey is not complete until we find a better way to welcome the striving, hopeful immigrants who still see America as a land of opportunity, until bright young students and engineers are enlisted in our workforce rather than expelled from our country.”**

*– President Barack Obama*

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On June 15 2012, the Department of Homeland Security (DHS) announced that certain undocumented youth may apply to the U.S. Citizenship and Immigration Services (USCIS) for relief from deportation or from being placed into deportation proceedings. DACA provides temporary relief from removal as well as employment authorization for two years subject to renewal. On August 15, 2012, the administration began accepting applications, which are approved on a case-by-case basis. To apply, individuals must submit a \$465 application fee and documents to prove that the following requirements.

On November 20, 2014, President Obama announced that he will grant temporary relief from deportation and eligibility for work permits to as many as five million undocumented immigrants across the nation.

The two key provisions of the announcement include the expansion of Deferred Action for Childhood Arrivals (DACA) and the creation of a program called Deferred Action for Parental Accountability (DAPA). These extended types of deferred action have not gone into effect. On February 16, 2015, a federal judge has ruled to temporarily halt the implementation of the DACA expansion and DAPA programs.

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A person may qualify for deferred action if s/he:

- » was under the age of 31 as of June 15, 2012;
  - » came to the U.S. before turning sixteen;
  - » has continuously resided in the U.S. since June 15, 2007;
  - » was physically present in the U.S. on June 15, 2012, and at the time of making his or her request for DACA;
  - » is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a GED, or is an honorably discharged veteran; and
  - » has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, or does not otherwise pose a threat to national security or public safety.
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As of March 2014, USCIS has approved 643,000 applications.<sup>16</sup> However, the Migration Policy Institute estimates that up to 1.9 million undocumented immigrants could benefit from the new policy directive.<sup>17</sup> Of this amount, 57% are immediately eligible and 43% may be eligible once they meet the eligibility requirements.

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DACA encourages undocumented students to continue their educational and professional pursuits by:

- » providing an incentive to finish school in order to meet eligibility requirements;
  - » allowing opportunities to access paid internships during school; and
  - » opening up possibilities to work in their field of choice after graduation.
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# OPPORTUNITIES FOR FUNDERS TO SUPPORT UNDOCUMENTED STUDENTS

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- » Fund **scholarships** that provide direct financial support to undocumented students.
- » Fund **internships** that provide meaningful career and professional opportunities for undocumented students.
- » Fund **educational institutions and community-based organizations** that provide reliable information, mentoring, and ongoing support for college-bound undocumented students.
- » Fund **legal service agencies** that assist undocumented students in applying for Deferred Action for Childhood Arrivals (DACA) and other long-term immigration remedies.
- » Fund **creative expression** by and about undocumented students so that their stories can be heard.
- » Fund **advocacy organizations** that work towards enactment of federal and state laws to make it possible for undocumented students to live, work, and study legally in the United States.

# CONCLUSION

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**“They’re our children’s friends. They are people we know. This is a huge national problem that needs resolution.”**

*– Laurene Powell Jobs, widow of Apple founder Steve Jobs*

While every student has a right to a K-12 education, the future of our economy and society requires more college graduates. College-ready undocumented students have proven they can succeed academically despite seemingly insurmountable social, financial, and legal barriers. In the face of these challenges, their hard-won success affirms our belief in the value of hard work and education. Indeed, they are some of the most industrious and entrepreneurial students our country has to offer. They also serve as powerful role models in our communities, paving the way to higher education for siblings, cousins, neighbors, and friends.

The most recent development in immigration policy, Deferred Action for Childhood Arrivals, provides many of these students with the ability to live free from deportation and the ability to work legally in this country, but it does benefit all undocumented students and it does not remove the financial barriers that prevent most undocumented students from pursuing higher education.

We believe undocumented students should be given the financial support they need to pursue higher education, which is quickly becoming a requirement for social mobility in this country. By giving them the financial means to pursue higher education, we are realizing the investments we have already made in their primary and secondary educations and positioning them to contribute meaningfully to our future economic stability.

Undocumented students need us. We need them.

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# ABOUT THE AUTHORS

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**CATHERINE EUSEBIO** was born in the Philippines and immigrated to the United States at the age of four. She earned her Bachelor's Degree in Political Science at UC Berkeley while also advocating for immigrant communities on campus and in the greater Bay Area. Catherine continues to promote the rights of immigrants as a Social Justice Fellow at Asian American Pacific Islanders in Philanthropy.

**FERMÍN MENDOZA** was born less than two miles south of the Rio Grande in Tamaulipas, Mexico and immigrated to the United States at the age of four. As a Public Policy major at Stanford University, he advocated for undocumented youth through the Stanford Immigrant Rights Project and as an intern with Educators for Fair Consideration. He also advocated for LGBT rights as a member of the Stanford Students for Queer Liberation and as a former volunteer in the "No on Proposition 8" Campaign.

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# ABOUT US

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## EDUCATORS FOR FAIR CONSIDERATION (E4FC)

Founded in 2006, Educators for Fair Consideration (E4FC) empowers undocumented young people to pursue their dreams of college, career, and citizenship in the United States. We address the holistic needs of undocumented young people through direct support, leadership and career development, community outreach and education, creative expression, and advocacy. Our programming is designed by and for undocumented young people with support from committed allies. For more information, please find us online at [www.e4fc.org](http://www.e4fc.org).