

# **From Access to Success: Undocumented Students and Higher Education**

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## Have you encountered or assisted an undocumented student?

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- Yes
- No



## An undocumented student is:

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- A student who came to the United States without legal immigration status
- A student who came to the United States with a type of visa, but decided to stay after it expired



**A person that becomes a permanent resident of the United States will qualify for in-state tuition rate or financial aid.**

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- True
- False



## College undocumented students

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- Currently undocumented students are attending community colleges and public universities and paying out-state tuition rate or are falsely reporting their documentation status in order to pay in-state tuition rates.



# How can an undocumented student become a lawful permanent resident living in the United States?

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- Immigration through the Diversity Lottery
- Immigration through Employment
- Immigration through a Family Member



**Federal law protects the right of undocumented students to have access to K-12 education.**

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- True
- False



## Raised in the USA

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- Approximately 65,000 undocumented students graduate from US High School each year
- 1982: **Plyler vs. Doe** – Supreme Court determines that undocumented immigrants have the right to access K-12 public education.
- 1996: **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)** – Undocumented immigrants are not eligible for tuition at resident rates unless all students are also eligible.



**Undocumented students are charged in-state tuition rates in states that have passed special laws to address this.**

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- True
- False



## State Policies, Federal DREAMS

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- State initiatives: Allow undocumented students to take college courses at resident tuition rates by circumventing federal law.
- General requirements:
  - Graduate from US High School
  - Attend US High School for 3 years
  - Sign affidavit pledging to apply for permanent residency
- **2005:** 9 states – CA, IL, KS, NM, NY, OK, TX, UT, WA
- **2003:** VA enacts opposite legislation



## State Policies, Federal DREAMS (Cont.)

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- **2001: Development, Relief, and Education for Alien Minors (DREAM) act** – A federal initiative to grant educational access to undocumented students.
  
- Would grant conditional residential status for six years to students who
  - Were 15 or younger when they entered the US
  - Graduated from US high school
  - Demonstrate good moral character



## State Policies, Federal DREAMS (Cont.)

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- Permanent residential status to be granted if by the end of the six-year period the student
  - Completes a two-year degree
  - Completes first two years of a BA
  - Completes two years in the military
  
- 10/24/2007 – 52/24 majority vote in US Senate; 60 votes were needed
- On same date, White House delivered statement opposing legislation
- May be re-introduced in 2009



## Undocumented students are eligible to apply for some forms of academic financial assistance.

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- True
- False



## Major Challenges

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- **Financial**
  - Limited access to financial assistance
  - Lack of knowledge/incorrect perceptions about college costs
  - Incorrect assumptions regarding legal status and aid
- **Cultural**
  - Limited services for immigrant students
  - Acculturation issues
  - Barriers (language, discrimination, etc.)



## What we can do

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- **Advocacy Education**
  - Dialog and Debate
  - “Nuevos Horizontes” Program (Triton College, IL)
  
- **DREAM act preparedness**
  - Outreach to community
  - Strengthen bonds with high schools
  
- **Scholarship development**



**Undocumented students who complete an academic program at an institution of higher education in the United States are able to work in their area of study.**

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- True
- False



## Further Issues

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- ❑ Non-qualifying undocumented students
- ❑ Undocumented students with credentials
- ❑ Limited access to federal aid
- ❑ State policies vs. employment prospects
- ❑ Social and political ramifications



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“Education is essential for the growth and development of the mind. Undocumented students are people like you and me; they have rights. I give support because I believe that their dreams should come true, too”

Christina Briones  
UC Santa Cruz '09



## Resources

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- **Mexican American Legal Defense and Education Fund (MALDEF)**
  - <http://www.maldef.org/>
  
- **Center for Higher Education Policy Analysis (CHEPA)**
  - <http://www.usc.edu/dept/chepa/>
  
- **Educators for Fair Consideration (E4FC)**
  - <http://www.e4fc.org/>
  
- **National Immigration Law Center (NILC)**
  - <http://www.nilc.org/>



## Materials

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This presentation and additional materials can be downloaded directly from the OrACRAO Annual Conference Program Website:

<http://www.oracrao.org/program.html>

