Achieving the Dream:
Recommendations for Admissions and Financial Aid Administrators on Working with Undocumented Students

EXECUTIVE SUMMARY:
Every year, approximately 65,000 undocumented youth graduate U.S. high schools. Often, undocumented students encounter barriers to access to higher education because of disparate federal, state, and institutional policies. Since higher education institutions ultimately decide whether to admit or enroll undocumented students, admissions and financial aid staff play a critical role in easing the path to higher education for these students.

BACKGROUND:
Of the 11.2 million unauthorized immigrants living in the U.S., 2.2 million are estimated to be undocumented youth. Undocumented youth lack legal immigration status but can complete a K-12 education, thanks to the 1982 Plyler v. Doe Supreme Court decision. Because postsecondary education benefits were not included in the Supreme Court decision, undocumented youth face several barriers in their pursuit of a college education. While federal law does not bar colleges and universities from enrolling undocumented students, a clause in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) leaves it up to the states to determine policies on admission, in-state tuition, and state-based financial aid.

Since the passage of IIRIRA, states legislatures and higher education institutions have been tasked with interpreting and designing policies in accordance with federal law. Although federal law can come in conflict with state or institutional policies, institutions are free to interpret the ambiguous IIRIRA clause as they design their own admission, financial aid, and registration policies. The issue of increasing access to undocumented students can be considered controversial, however it is critical for institutions to interpret IIRIRA in an inclusive manner that opens access to higher education to all students, regardless of immigration status.

FEDERAL AND STATE POLICY:
Though public opinion of immigration remains evenly divided across the country, recent polling shows strong support for the DREAM Act—the Development, Relief, and Education for Alien Minors Act—and for undocumented students having access to higher education. While federal initiatives, including the DREAM Act and comprehensive immigration reform, have been proposed, state legislatures have introduced legislation in an attempt to address the lack of federal policy.

The DREAM Act, first introduced in 2001 by Sen. Richard Durbin (D-IL), offers a pathway to citizenship for undocumented youth who came to the U.S before their 16th birthday, obtained their high school diplomas or GEDs, and pursued either

military careers or higher education for at least two years. This bipartisan legislative proposal has failed to pass since it was first introduced in 2001.

However, the U.S. Department of Homeland Security has introduced the Deferred Action for Childhood Arrivals program also known as “DACA”. Eligible undocumented youth receive a two year reprieve from deportation and a temporary work permit, which allows youth to work legally in the U.S. and obtain drivers licenses in most states. An estimated 800,000 undocumented youth may be eligible for the program and will greatly impact the lives of undocumented youth.

State and institutional policies also frequently change. Table 1 summarizes state policies and legislation since March 2013. In general, most policies concerning undocumented students tend to fall into three categories:

- Inclusive;
- Restrictive; and
- Unstipulated.

Inclusive policies support access to higher education for undocumented students and uphold values of diversity and inclusion for all students. Inclusion is evident in admission, residency classification, and funding practices. Examples of inclusive policies include: allowing admission of undocumented students to both public and private universities and colleges, giving access to state-based financial aid and classifying undocumented students as residents, which offer lower tuition rates. Thirteen states have in-state tuition residency classification policies: California, Colorado, Connecticut, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oregon, Texas, Utah, and Washington. Meanwhile, Rhode Island’s and Delaware’s college systems allow undocumented students to pay in-state tuition rates at certain public colleges and universities. Four states—California, New Mexico, Illinois, and Texas—have passed some version of a state DREAM Act, which opens up state-based scholarships and grants to undocumented students. For example, undocumented students attending California public universities and colleges have access to in-state tuition rates and, thanks to the passage of the California DREAM Act, to some state financial aid and scholarships.

Restrictive policies limit access to higher education for undocumented students. Alabama, South Carolina and Georgia currently ban admission of undocumented students in their state public universities and colleges. Other restrictive policies limit access to in-state tuition classification, such as those passed by state legislatures in Arizona, Georgia, Indiana, Oklahoma, and Ohio. Few states, however have successfully adopted extreme policies to deny access to undocumented students.

Most states have unstipulated policy environments, where the state or coordinating board has not yet defined a system wide policy. Individual higher education institutions are then left to develop their own practices or policies. Other states have attempted to implement in-state tuition policies, but these have failed at the legislative level. In some states, like Michigan, higher education institutions have the autonomy to establish their own practices and policies for admitting undocumented students at their respective college and university in absence of a coordinating board.

New admission and residency policies are being introduced with each legislative calendar. Wisconsin and Oklahoma had previously allowed in-state tuition rates for undocumented students but have since rescinded this policy. North Carolina’s community college system changed its admission and in-state tuition policies four times before finally agreeing to admit undocumented students but only if they paid out-of-state tuition rates. In Arkansas, Iowa, Pennsylvania, Ohio, and Washington legislators recently introduced state-level DREAM Acts.

Paying for college is another barrier for undocumented students, who do not have access to federal financial aid. Some states, including Texas, California, New Mexico, and Illinois, offer access to state-based financial aid and scholarships, but the majority do not. Furthermore, since most states have unstipulated policy environments, undocumented students do not have access to in-state tuition rates, which would decrease the cost
significantly. While some private scholarships are available, this type of aid is limited. Financial aid from colleges and universities themselves varies widely across the states.

Given the complex policy environment, undocumented students face several obstacles in their pursuit of higher education. Until the DREAM Act passes, it is important to consider that, ultimately, states do not admit undocumented students, colleges and universities do.

**ROLE OF ADMISSIONS AND FINANCIAL AID ADMINISTRATORS AND RECOMMENDATIONS:**

Admissions and financial aid staff frequently encounter issues related to undocumented students. Admissions officers can meet undocumented students at college fairs or may be referred to a student by a high school guidance counselor or a teacher. Similarly, administrators might be approached by staff or other administrators who have questions about the impact of financial aid policies on the undocumented student population. If the college or university does not have clear admission, registration or financial aid policies, students might feel discouraged to apply to an institution, while staff might feel frustrated by their inability to fully support undocumented students.

There are several resources available for both admission and financial aid administrators. Both the American Association of Collegiate Registrars and Admissions (AACRAO) and the National Association of Student Financial Aid Administrators (NASFAA) provide legislative updates and offer opportunities for advocacy on the issue. Also, the “Federal Student Aid Information for Counselors” website offers a detailed presentation on how to advise undocumented students about financial aid.

At the institutional level, admissions and financial aid counselors can promote inclusive practices for admitting and registering undocumented students by following these recommendations. **Understand your state laws:** Without any federal law to provide relief to undocumented students, it is important to stay up to date with your respective state admission and residency policies. The National Conference of State Legislatures provides information on state

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**Table 1: State and Institutional Policies and Practices (as of March 2013)**

<table>
<thead>
<tr>
<th>State Policy Environments</th>
<th>Admission</th>
<th>State Financial Aid</th>
<th>Residency Requirements Established by State Legislature</th>
<th>Residency Requirements Established by Boards of Regents or College Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusive</strong></td>
<td>CA, CO, CT, DE, IL, KS, MA, MD, NE, NC*, NM, NY, OK, TX, UT, WA</td>
<td>CA, IL, NM, TX</td>
<td>CA, CO, CT, IL, KS, MD, NM, NE, NY, OR, TX, UT, WA</td>
<td>DE, MA, RI</td>
</tr>
<tr>
<td><strong>Restrictive</strong></td>
<td>AL, GA, SC</td>
<td>MI</td>
<td>AZ, GA, IN, OH, OK</td>
<td>AL, GA</td>
</tr>
<tr>
<td><strong>Unstipulated</strong></td>
<td>AK, DC, HI, ID, IL, IN, IO, KY, LA, ME, MI, MN, MO, MT, NH, NJ, ND, PA, SD, TN, VT, VA, WV, WI, WY</td>
<td>MN, NV</td>
<td></td>
<td></td>
</tr>
</tbody>
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Notes:
- Michigan law limits state financial aid to non U.S. citizens, permanent residents and approved refugees. MCL §390.974 (1)d and R390.1154 (1) (a)
- University of North Carolina Board of Governors’s (Chapter 700, 7001.1.4 (G)) institutional policy bars in state tuition and admission to select NC institutions.
legislation and frequently updates its legislative database.

**Review your institutional policies:** Some colleges and universities have not updated their institutional policies to reflect changes in state legislation. Review your institution’s policies. If you notice discrepancies between your practice and state policy, inform your supervisors and general counsel.

**Provide training:** If an institutional or state policy exists, provide your staff members with ongoing training so they stay up to date on the issue. On a regular basis, evaluate how well the policy is working and make improvements if necessary.

**Promote inclusiveness:** If your state has an unstipulated policy environment, your institution can favorably interpret the ambiguity of the IIRIRA provision and recommend inclusive policies for undocumented students. Be an advocate on the issue.

**CONCLUSION:**
While several institutions and states have committed to implementing inclusive policies and have thereby opened a window for greater access to higher education for undocumented youths, the majority of states have not. As the first point of contact at an institution, admissions and financial aid staff can help promote access for these students. Until a permanent path to citizenship is passed, either through the DREAM Act or comprehensive immigration reform, admissions and financial aid administrators can advocate for more inclusive policies within their institutions.