Act on a Dream:
Recommendations for Community College Boards of Trustees on Access to Higher Education for Undocumented Immigrants

EXECUTIVE SUMMARY:
Community colleges often serve as higher education's “engine of access” for undocumented students. Given the lack of clear federal and state laws and policies, higher education institutions have been tasked with defining their own policies for admitting and offering financial aid to undocumented students. These institutions, particularly those under the governance of local autonomous boards, are free to set policy. As a result, community college boards of trustees can play a powerful role in adopting policies that are inclusive of undocumented students.

BACKGROUND:
About 1.8 million undocumented youth are currently living in the U.S., with an estimated 65,000 graduating from high school each year. Often, they have spent their entire lives in the U.S., attending U.S. public schools, yet they encounter barriers to higher educational opportunity because they lack citizenship. The 1982 Supreme Court Plyler v. Doe ruling provided access to free public K–12 education for undocumented children, but did not extend this benefit to include postsecondary education.\(^1\)

Federal law does not bar colleges and universities from enrolling undocumented students. Section 505 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), for example, ambiguously leaves it up to the states to determine postsecondary education benefits, which include admission, in-state tuition, and state-based financial aid laws and policies. Meanwhile, the Development, Relief, and Education for Alien Minors (DREAM) Act, federal legislation that would offer a path to citizenship for undocumented students, has failed to pass since it was first introduced in 2001.

POLICY ENVIRONMENT:
In the absence of a federal DREAM Act, state legislatures and higher education institutions have been tasked with defining their policies on undocumented students. Because the 1996 IIRIRA legislation is ambiguous and debates on the issue are contentious, the federal government has offered further clarification on the legality of enrolling undocumented students. A 1998 memorandum from the U.S. Department of Homeland Security, Immigration, and Customs Enforcement states that enrolling undocumented students does not violate federal law, that state laws must stipulate whether to enroll them, and if there is no state law, that institutions must decide their own policies. Considering how highly charged the immigration issue is, state and institutional policies frequently align with the political dynamics of their states and often change. Table 1 summarizes the differences in state policies and legislation since March 2013.

\(^1\) 1982, Plyler v. Doe, 457 U.S. 202
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, regardless of immigration status. Inclusion is evident in admission, residency classification, and funding practices. Examples of inclusive policies include: allowing admission of undocumented students to public universities and colleges, giving access to state-based financial aid and to lower tuition rates by classifying undocumented students as residents. 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, those attending California public universities and colleges have access to 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, those attending California public universities and colleges have access to in-state tuition rates at certain public colleges and universities.

**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 have adopted such extreme policies to deny access to undocumented students, but some that have are those with the largest growth in immigrant population.

Most states, however, have **unstipulated** policy environments and no state-wide policies. Most have not implemented in-state tuition policies through their coordinating boards, leaving it to individual higher education institutions to develop their own practices. Other states attempted to implement in-state tuition policies, but they failed at the legislative level. In Michigan, which has no higher education coordinating board, individual institutions have established practices and policies for admitting undocumented students.

New and changed 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 only if they paid out-of-state tuition rates. In Iowa, Ohio, Hawaii, and Pennsylvania, state legislators recently introduced their own versions of state DREAM Acts.

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.

Given the complex policy environment, undocumented students face several obstacles in their pursuit of higher education. Though federal policymakers are stalemated on passing the DREAM Act, it is important to consider that, ultimately, states do not admit undocumented students, colleges and universities do.

**COMMUNITY COLLEGE AND UNDOCUMENTED STUDENTS:**

Community colleges are often the most likely choice for students pursuing higher education because of their affordability and proximity to immigrant communities. Proximity is important because most undocumented students cannot get driver’s licenses. Affordability and flexibility are necessary because most undocumented students must work to pay their tuition.

While only 5–10 percent of all undocumented youths enroll in college, enrollment in community
colleges is significant. For example, in California, where 2.6 million students enroll annually in community colleges and which has the largest population of the undocumented students, 2 percent of community college students are classified as non-residents, which includes undocumented students.\(^2\) In Texas, about 16,500 undocumented students pay in-state tuition rates and sign required affidavits pledging to apply for permanent residency whenever they are eligible to do so. In New York, according to the City University of New York, an estimated 30 percent of all undocumented students—or about 1,640 students—were enrolled in community college.\(^3\) Enrollment estimates vary, though, and institutions usually do not disclose information about undocumented students.

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. While community colleges do not often offer financial aid, the low cost of attendance permits undocumented students to pursue higher education.

### INSTITUTIONAL ACTION

In general, political, economic, and demographic factors drive consideration of state and institutional policies. Though public opinion of immigration remains evenly divided across the country, recent polling shows strong support for the DREAM Act and for undocumented students having access to higher education. Detractors will argue that admitting undocumented students would be a burden on taxpayers and higher education institutions. However, research indicates that inclusive policies, including access to in-state tuition, are beneficial.

---


for the state and for higher education institutions. Nevertheless, several states, including Alabama, South Carolina, and Georgia, recently adopted restrictive policies, including barring undocumented students from admission to their public institutions.

While states continue to debate inclusive policies, higher education governing boards have considered and implemented them. These governing bodies, which include coordinating boards and community college boards, have the autonomy to design their own admission and registration policies. Both Rhode Island’s and Delaware’s coordinating boards have designed inclusive policies that allow undocumented students in the state to pay in-state tuition at their public institutions. In 2010, North Carolina’s Community College Board voted to allow undocumented students to enroll in all of its 58 institutions. California’s community college boards of trustees play a powerful role in implementing inclusive policies at their schools.

RECOMMENDATIONS:

With greater numbers of undocumented students enrolling at community colleges, boards of trustees must decide whether to enact inclusive policies. Despite contentious debate on the issue in some political environments, there is support for providing access to undocumented students—and there are resources as well. The Association of Community College Trustees (ACCT) lists the federal DREAM Act as a legislative priority and provides updates about the legislation through its newsletter and website. Also, state-based community college trustee organizations provide information about state policy and institutional practice.

At the institutional level, governing boards can implement the following three recommendations that promote inclusive practices for admitting and registering undocumented students.

**Implement inclusive admission, financial aid, and residency policies:** Such policies will enable greater access to higher education for undocumented students. Higher education institutions have the autonomy to design admission and registration policies absent state and federal legislation.

**Develop clear transfer policies and/or agreements with high schools:** Ensure that community colleges that have agreements with local high schools where undocumented students attend are aware of institutional policies about undocumented students. Ensure the same for transfer students who attend community colleges.

**Train staff and administrators and communicate policies to them:** Staff and administrators should be trained and provided with materials about the policies. Regularly evaluate and measure the effectiveness and use of inclusive policies.

**Communicate policies to students and parents:** Be sure information about the policies is on the institution’s website and accessible to students and their parents. Several colleges provide materials in multiple languages or through various multimedia platforms, including social media and video.

CONCLUSION:

Community college boards can implement inclusive policies that encourage access to higher education for all students, regardless of immigration status. Though politics may generate debate on the issue, clear policies that are designed in accordance with state and federal law are permissible and necessary to facilitate the admission and registration processes for undocumented students. Higher education is a gateway to social and economic integration into U.S. society, and undocumented students should not face barriers to educational opportunity.

---