Below you will find a definition of several basic terms that are regularly used when discussing immigration reform and issues surrounding undocumented students in the United States.

**Comprehensive Immigration Reform (CIR):**

Comprehensive Immigration Reform refers to the legislative effort to overhaul the U.S. immigration system. Proposed provisions address enforcement, work authorization, visa allocation, potential pathways to citizenship, and helping immigrants acclimate to the U.S. CIR may also include smaller pieces of immigration reform, such as the DREAM Act. (Source)

**Deferred Action for Childhood Arrivals (DACA):**

Deferred Action for Childhood Arrivals (DACA) is the federal directive administered by the Department of Homeland Security that offers temporary relief from deportation for two years to eligible undocumented youth and young adults. DACA allows recipients to obtain a Social Security number, work authorization and, in nearly all states, a driver’s license. (Source)

For more information on how DACA affects higher education professionals and undocumented students, download our [DACA brochure](#).

**Development, Relief, and Education for Alien Minors Act (DREAM Act):**

The Development, Relief, and Education for Alien Minors (DREAM) Act is the legislative proposal that would provide a pathway to citizenship for undocumented youth and young adults who have lived in the country for a continuous period prior to the bill taking effect. Individuals eligible under the DREAM Act would complete two years of higher education or four years of military service to earn a way to U.S. citizenship. These young people are often referred to as “DREAMers.” (Source)
Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996:
The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 is the federal law that increases the penalty for unlawful presence in the U.S., seeks to more closely unite federal immigration enforcement efforts with local law enforcement, and restricts the government benefits available to undocumented immigrants. In particular, Section 505 of the law intends to restrict the ability of states to extend in-state tuition to undocumented students at public colleges and universities. However, the ambiguous language of IIRIRA has provided for various legal interpretations and enabled over a dozen states, through explicit acts, to extend in-state tuition to undocumented students. The California Supreme Court has upheld a legal interpretation of IIRIRA that allows for extending in-state tuition to undocumented students on the basis of high school attendance (Martinez v. The Regents of the University of California, Cal. 2010). The federal government has elected not to set a universal interpretation. (Source)

For more information on IIRIRA, see sections 1621 and 1623 of United States Code, 2011 Edition, Title 8 – Aliens and Nationality, Chapter 14 – Restricting Welfare and Public Benefits for Aliens, Subchapter II – Eligibility for State and Local Public Benefits Programs. Additional background is also provided on Page 4.

Plyer v. Doe (1982) is the case in which the U.S. Supreme Court ruled that undocumented immigrants have the right to free public primary and secondary education. However, this ruling does not extend to postsecondary education. (Source)

Undocumented Immigrant:
An undocumented immigrant 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 (Badger & Yale-Loehr, 2006 as cited by Olivérez, et al., 2006) (Source)
**Appropriate alternatives to ‘undocumented’**

- Unauthorized
- Accurately label individual behavior, not the person (e.g., individual who entered the country illegally) *(Source)*

**Inappropriate alternatives to ‘undocumented’**

- Illegal
- Illegal alien
- Illegal immigrant

For information, please visit the Associated Press (AP) *Stylebook.*

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**Additional Background Information on Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996:**

Section 505 of IIRIRA amended 8 U.S.C. § 1621, 1623

- 8 U.S.C. § 1621: Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits
  - Exceptions: emergency medical care, disaster relief, immunization, and other benefits unrelated to postsecondary education
  - ‘State or local public benefit’ defined:
    - What it is:
      - “any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and”
      - “any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.”
Additional Background Information on Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996:

Section 505 of IIRIRA amended 8 U.S.C. § 1621, 1623

- 8 U.S.C. § 1621: Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits
  - Exceptions: emergency medical care, disaster relief, immunization, and other benefits unrelated to postsecondary education
  - ‘State or local public benefit’ defined:
    - Who it does not apply to:
      - nonimmigrants with employment visas
      - permanent residents
      - foreign nationals not physically present in the United States
  - State authority:
    - “A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.” (Source)

- 8 U.S.C. §1623. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits
  - “Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.” (Source)