

HIGHER EDUCATION ACCESS AND SUCCESS for Undocumented Students Start With --- 9 KEY CRITERIA



HIGHER EDUCATION ACCESS AND SUCCESS **for Undocumented** **Students Start With 9 KEY CRITERIA**

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Executive Summary

MORE THAN 427,000 UNDOCUMENTED STUDENTS ARE ENROLLED IN U.S. HIGHER EDUCATION INSTITUTIONS. That's an impressive number, considering the many hurdles they must overcome on the road to college and a degree, including restrictions on their ability to enroll in higher education institutions; limits on access to in-state tuition, state financial aid, professional and commercial licenses, driver's licenses, state health care, and food and housing assistance; and difficulties obtaining work authorization and employment — not to mention the threat of deportation they are under.

Although in recent years some states have lifted barriers to higher education for undocumented students — thanks in large part to their relentless activism — many undocumented students still have limited access to college and few ways to cover college costs.¹

In addition, the ongoing COVID-19 pandemic — which brought about economic hardship, sickness, and the loss of loved ones — has only made things tougher for many of these students.

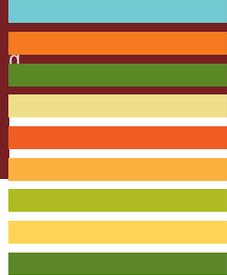
Some undocumented students in higher education are Deferred Action for Childhood Arrivals (DACA) recipients. Created by the Obama administration in 2012, DACA is a two-year renewable program that has protected eligible undocumented individuals from deportation and granted them work authorization.² But more than half of all undocumented students in higher education lack DACA protections: Only 182,000 undocumented higher education students are eligible for DACA or are current program recipients — and the latter are at risk of losing their status, given the legal challenges to the program.³ What's more, while DACA affords certain legal protections, as outlined above, DACA recipients still face many of the same hurdles to college access and success that undocumented students without DACA face.

Undocumented students, including DACA recipients, are ineligible for federal financial aid, and many states prohibit them from enrolling at local colleges and universities, receiving state financial aid, or qualifying for in-state tuition rates.

Providing equitable higher education access for undocumented students means making college accessible and affordable for them. But it also means acknowledging the unique challenges they face because of their immigration status and ensuring that they get the additional supports they need; it means acknowledging their diverse cultural backgrounds and strengths. Higher education is the key to achieving social and economic mobility in the U.S., so excluding undocumented students from higher education because of their immigration status is both inequitable and cruel.

With that in mind, researchers from The Education Trust analyzed 9 criteria in the 15 states with the largest shares of undocumented college students — Arizona, California, Colorado, Florida, Illinois, Georgia, Maryland, Massachusetts, Nevada, New Jersey, New York, North Carolina, Texas, Virginia, and Washington — to determine whether state policies are helping or hurting undocumented students' ability to attend college and how access and success for this underserved student population could be improved:⁴

- 1.** Can undocumented students enroll in the state's public two- and four-year higher education institutions?
- 2.** Do undocumented students have access to in-state resident tuition?
- 3.** Do undocumented students have access to state financial aid?
- 4.** Do undocumented students have access to professional or commercial licenses?
- 5.** Do undocumented students have access to a driver's license?
- 6.** Do undocumented students have access to state-level health care programs?
- 7.** Do undocumented students have access to state-level food programs?
- 8.** Do undocumented students have access to state-level housing assistance?
- 9.** Does the state have sanctuary policies limiting collaboration between local entities and federal immigration authorities?⁵



Here's what we found:

- Of the 15 states we examined, 13 allow all undocumented students — including DACA recipients — to enroll in two- and four-year state public higher education institutions. One state limits undocumented student enrollment to those with a diploma from a U.S. high school, and another prohibits undocumented students from enrolling in many of the state's public four-year universities and state colleges.
- Five states restrict or prohibit undocumented students from receiving state financial aid, and two states make undocumented students pay out-of-state-resident tuition rates.
- Eight states prohibit or do not affirmatively allow undocumented students to access professional/commercial licenses, and two states limit professional/commercial licenses to DACA recipients and allow them to obtain only certain types of licenses. Five states allow all undocumented individuals to access a wide range of licenses.
- Nine states grant all undocumented individuals in their states access to driver's licenses, while six states limit driver's-license eligibility to undocumented individuals who are DACA recipients.
- Twelve states prohibit undocumented students from accessing their state's Medicaid program; three provide state Medicaid access to students within a certain age range and with DACA status.
- Seven states deny access to state-funded housing assistance for all undocumented students, and seven states provide access to all undocumented students in their state. One state provides limited state-funded housing assistance to undocumented individuals, depending on the circumstances and level of hardship they are experiencing.
- Due to federal funding restrictions and guidelines for state-funded food-assistance programs, undocumented students are **not** eligible for state-funded food-assistance benefits in any of the 15 states we examined.
- Nine states have at least one state policy that limits local cooperation with federal immigration authorities to identify, detain, or deport undocumented individuals.

[Additionally, this online tool details our findings and highlights the barriers that should be lifted in each of the 15 states.](#)

Given these findings, we urge state and federal policymakers to make it easier for undocumented students to access, afford, and succeed in higher education.

Here are 11 steps state policymakers can take:

- 1.** Expand state public benefits (including higher education, professional/commercial licenses, state Medicaid, housing, food assistance) to all undocumented individuals.
- 2.** Submit Affordable Care Act (ACA) Section 1332 waivers to the U.S. Department of Health and Human Services (HHS) and the U.S. Department of the Treasury to allow undocumented individuals — including DACA recipients — to purchase health and dental insurance through the ACA marketplace.⁶
- 3.** Ensure that enrollment in state higher education institutions is open to undocumented individuals — those with and without DACA, and those who do and do not reside in state.
- 4.** Make in-state tuition available to all undocumented state residents — those with and without DACA.
- 5.** Make all forms of state financial aid — including free college programs — available to all undocumented residents, those with and without DACA.
- 6.** Make state driver's licenses and ID cards available to all undocumented students — those with and without DACA — and prohibit the use of undocumented individuals' personal data for anything other than the receipt of a license or ID card.
- 7.** End/prohibit local cooperation with federal immigration authorities.
- 8.** Annually appropriate funds to higher education institutions that enroll undocumented students and ensure that those funds are used to support undocumented students.
- 9.** Ensure that state higher education institutions provide alternatives to employment for undocumented students without work authorization through the creation or expansion of fellowships, entrepreneurship programming, and support for worker cooperative businesses led by undocumented students or graduates.⁷
- 10.** Require P-12 educators to receive training on how best to support undocumented students and their families in their local school districts.⁸
- 11.** Require faculty and staff at higher education institutions to receive instruction on the best way to support undocumented students, and require institutions to hire an undocumented student resource liaison.

Here are **9 steps** federal policymakers can take:

- 1.** Enact a pathway to citizenship for all undocumented individuals, including DACA recipients.
- 2.** Repeal [20 U.S.C. 1091\(a\)\(5\)](#) of the Higher Education Act to make all undocumented students eligible for federal financial aid.
- 3.** Repeal Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which states that undocumented students cannot receive higher education benefits based solely on in-state residency if U.S. citizen students who are not state residents are not offered these benefits.
- 4.** Repeal [8 U.S.C. § 1611](#) and [8 U.S.C. § 1621](#) of the Personal Responsibility and Work Opportunity Responsibility Act, which prohibits undocumented individuals from accessing federal and state public benefits, including higher education benefits, and professional or commercial licenses.
- 5.** HHS should make DACA recipients eligible for the ACA marketplace through broad regulation and approve ACA Section 1332 waivers from states that submit them.
- 6.** Enact federal legislation prohibiting the federal government and states from denying professional or commercial licenses to undocumented individuals and allow work authorization for undocumented individuals who receive a professional or commercial license.
- 7.** Enact federal legislation prohibiting discrimination for any state higher education benefit based on an individual's immigration status.
- 8.** The U.S. Department of Education should provide guidance for all U.S. higher education institutions on classifying all undocumented students as "domestic students" rather than "international students."⁹
- 9.** The U.S. Department of Homeland Security should reallocate funds to provide fee waivers to DACA recipients in need.¹⁰



EXECUTIVE SUMMARY ENDNOTES

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