

In-State Tuition for Undocumented Students: A Policy Analysis

Amy Núñez & Gretchen Holthaus

Approximately 65,000 undocumented students graduate from high school in the U.S. each year (Gonzales, 2008; Perez, 2015). These students often face a multitude of challenges in pursuing higher education, especially with regard to financing it (Abrego, 2006; Buenavista & Chen, 2013; Perez et al., 2010; Contreras, 2009). Scholars have determined that one policy which positively impacts undocumented students' access to higher education is offering in-state tuition, as opposed to charging higher fees (Bozick & Miller, 2014; Potochnik, 2014; Flores, 2010; Darolia & Potochnik, 2015; Kaushnik, 2008). This policy analysis explores the social and economic impacts of increasing access to higher education among undocumented populations through in-state tuition policies.

A growing number of undocumented students who qualify for college admission are unable to access higher education because of their legal status and financial situation. There are an estimated 11.2 million undocumented immigrants living in the U.S. (Gitis & Collins, 2015) constituting 3.5% of the U.S. population (Passel & Cohn, 2014). Of undocumented immigrants in the United States, more than 680,000 undocumented young people have received Deferred Action for Childhood Arrivals (DACA), which has made significant improvements in the lives of undocumented youth both educationally and economically (Resource Guide: Supporting Undocumented Youth, 2015). Given these demographics, this policy analysis will explore the impact of state tuition policies on undocumented students' abilities to access higher education in the United States and the potential economic impact for our country. The analysis ends with a strong recommendation for implementing in-state tuition policies for undocumented students in the United States.

Problem Identification: Undocumented Students' Limited Access to Higher Education

Because many undocumented students come from low socioeconomic backgrounds, acquiring the financial resources needed to attend college is one of the major challenges in accessing higher education (Abrego & Gonzalez, 2010; Crawford & Arnold, 2016; Williams, 2016). This is an especially difficult task as current government policy prohibits undocumented students from qualifying for federal and most state-based financial aid, including grants, work-study jobs, or loan programs (Educators for Fair Consideration, 2012). Many scholarships and grants also require U.S. citizenship in order to apply. Undocumented students living in the U.S. who choose to pursue higher education, therefore, often cover the costs without the help of any federal aid (Gildersleeve, Rumann, & Mondragon, 2010). While some states have implemented policies which slightly alleviate access to higher education for undocumented students (Gonzales, 2007; Seif, 2011; Abrego 2008), others have hindered access for these students by implementing policies which require them to pay out-of-state tuition. Many scholars oppose out-of-state tuition policies and instead stress the importance of supporting undocumented students for economic benefits, as well as the ability to

pursue a college education along with their peers (Contreras, 2009; Suárez-Orozco, Katsiaficas, Birchall, Alcantar, Hernandez, Garcia, Michikyan, Cerda, & Teranishi, 2015). The following section will describe federal and state-level policies which directly affect undocumented students' access to higher education in the United States.

Federal-Level Policies

In 1982, the Supreme Court ruled that undocumented immigrants have the right to access K-12 educational institutions throughout the U.S. in the *Plyler vs. Doe* case (Plyler v. Doe, 1982). This case was a historical landmark because it allowed undocumented students to have educational rights in the U.S. However, this ruling only allowed undocumented students access to education through high school. Consequently, the ruling does not guarantee undocumented students permission to enroll in higher education institutions (Glenn, 2011).

Another federal mandate, Section 505 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, prohibited states from providing a postsecondary education benefit to an undocumented immigrant unless any citizen or national was eligible for such benefits (Section 505, 1996). Without federal directives regarding in-state tuition and admission for undocumented students, multiple interpretations of Section 505 have been made by state and higher education administrators. For example, some states allow undocumented students to attend higher education institutions with in-state tuition, since citizens and nationals are eligible for this benefit as well, while other states do not allow undocumented students to enroll in higher education institutions at all. Inclusive and exclusive interpretations

are often shaped by the political and social climate within individual states (Russell, 2007).

In 2001, the Development, Relief, and Education for Alien Minors (DREAM) Act was introduced to Congress, and aimed to provide a pathway to citizenship for undocumented students (DREAM Act, 2001). In order to qualify for the DREAM Act, immigrants were to have lived in the U.S. before the age of 16 and have graduated from a U.S. high school, among several other requirements (National Immigration Law Center, 2007). Though the DREAM Act was debated in Congress several times, it consistently failed to pass both the House of Representatives and the Senate (American Immigration Council, 2011). Because of the difficulty in passing this bill, the DREAM Act has faded in the national political discourse and recently overshadowed by the implementation of DACA.

DACA is an executive action taken by President Barack Obama in 2012, which allows undocumented immigrants between the ages of 15 and 30, who meet several outlined requirements, to work legally in the U.S. with a temporary visa and to have temporary protection from deportation (DACA, 2012). The visa must be paid for and renewed every two years. Before the implementation of DACA, undocumented students who made it through higher education institutions faced challenges to apply their college degrees in their field of study. DACA has allowed approximately 665,000 undocumented immigrants to obtain employment and to legally work in their respected fields (Center for American Progress, 2015). Because DACA was recently enacted, studies that analyze the outcomes of this temporary visa for undocumented students have been limited.

Though DACA has allowed undocumented students to work across the

nation, it is also important to acknowledge the limitations of this policy. First, the policy is only beneficial for a restricted number of undocumented students due to the age limitations and other requirements that must be fulfilled in order to qualify. Second, DACA is only a temporary and fragile solution to the broader immigration issue. Because it was an executive order from President Obama, any successive president could choose to dismantle the policy. Though the future status of DACA is uncertain, it has not been repealed under the current administration, and therefore still stands as a federal mandate.

Undocumented students are often barred from accessing higher education because they do not have the financial means to pursue college (Abrego, 2006; Buenavista & Chen, 2013; Perez et al., 2010; Contreras, 2009; Suárez-Orozco et al., 2015; Diaz Strong, Gómez, Luna-Duarte, & Meiners, 2011). Given the national political context, these students do not qualify for the FAFSA (Free Application for Federal Student Aid) and often have difficulties securing scholarships which fully cover the costs of college (Gildersleeve, Rumann, & Mondragon, 2010; Perez et al., 2010; Suárez-Orozco et al., 2015). Because many U.S. voters and legislators are not in favor of and have not passed a comprehensive immigration reform law, many undocumented immigrants are unable to become U.S. citizens in order to access federal funding for a postsecondary education. Furthermore, Congress and U.S. presidents have yet to allow the use of federal funding for undocumented students' access to higher education. Currently there are 17 states in the U.S. that are working to mitigate this barrier by allowing undocumented students to qualify for in-state tuition (National Conference of State Legislators, 2015). In states where this policy is not in place, undocumented

students are required to pay out-of-state tuition rates. This is a significant barrier for undocumented students coming from low socioeconomic backgrounds because no financial aid is available to those wishing to pursue higher education.

State-Level Policies

Twenty states currently have policies that allow undocumented students to pay in-state tuition rates at public and private institutions in their state of residence. Three of these states only allow in-state tuition for DACA students (uLEAD Network, 2016). In addition, there are four other states, Hawaii, Michigan, Oklahoma, and Rhode Island, where the Higher Education Board of Regents has unanimously agreed to allow in-state tuition for undocumented students. States with in-state tuition policies allow undocumented students greater access to higher education by increasing the likelihood that they will be able to pay for tuition. This is an important policy consideration, as out-of-state students pay significantly more for tuition, which may be prohibitive to undocumented students wishing to further their education.

There are currently five states which have passed laws to prohibit in-state tuition rates for undocumented students, including: Arizona, Indiana, Georgia, Missouri, and North Carolina. To expand on one example of a state policy, in 2011 the Indiana legislature ruled that undocumented students were not eligible to receive in-state tuition. Two years later, Senate Bill 207 was passed which allowed undocumented students who had enrolled in a college or university within the state before 2011 to receive in-state tuition (SB 207, 2013). This policy excludes the majority of undocumented students from postsecondary institutions due to financial constraints, especially those students enrolling after 2011. Additionally, Alabama

and South Carolina prohibit undocumented students' enrollment at any public postsecondary institution. In states where specific tuition policies have not been proposed, undocumented students are required to pay out-of-state tuition rates.

Alternatively, there are currently six states, California, Minnesota, New Mexico, Oregon, Texas, and Washington, that have implemented policies to diminish financial barriers for undocumented students by allowing them to access state financial aid (uLEAD Network, 2016). In doing so, these states have increased access to higher education among undocumented students

living in the United States wishing to advance their education. Washington state grants in-state tuition for undocumented students who attended a Washington state high school for three years and graduated or earned a GED prior to attending college (HB 1079, 2003). These requirements are similar in states such as Utah, Texas, Nebraska, Kansas, Illinois, and California (Frum, 2007), and are put in place to avoid abuse of the policy. Table 1 provides more information regarding state tuition policies for undocumented students in the United States.

Table 1
State-Level Tuition Policies for Undocumented and DACA Students in Higher Education

State Policy	States
States offering in-state tuition through legislation	California, Colorado, Connecticut, Florida, Idaho, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, Washington
States offering state financial aid	California, Minnesota, New Mexico, Oregon, Texas, Washington
States offering in-state tuition through their Higher Education Board of Regents	Hawaii, Michigan, Oklahoma, Rhode Island
States offering in-state tuition solely to undocumented students who have DACA	Ohio, Virginia, Massachusetts
States barring in-state tuition	Arizona, Georgia, Indiana, Missouri, North Carolina
States barring enrollment to public universities	Alabama, South Carolina
States without explicit legislation on tuition or state financial aid	Alaska, Arkansas, Delaware, Iowa, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, North Dakota, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming

Table 1. An overview of state tuition policies for undocumented and DACA students in the United States. Data retrieved from: <http://uleadnet.org/issue/map>.

Impact of In-State Tuition on Undocumented Student Success

Studies have shown that in-state tuition policies significantly impact high school graduation rates among undocumented students. In a study conducted by Bozick & Miller (2014), researchers found that undocumented students are more likely to graduate from high school in states that allow for in-state tuition rates to be granted. On the contrary, states that do not have in-state tuition policies in place experience lower high school graduation rates (Bozick & Miller, 2014). Researchers posit that in-state tuition policies encourage students to graduate from high school because they perceive a better chance of attending college in the future (Bozick & Miller, 2014). In a similar study, Potochnik (2014) found that the implementation of in-state tuition policies had a positive relationship with undocumented Latino/a high school graduation rates (Potochnik, 2014). The authors in each of these articles conclude that the implementation of policies which deny and/or permit in-state tuition policies send clear messages to the immigrant communities who live in those states and consequently impact students' aspirations to obtain a college education.

Aside from high school graduation rates, college enrollment rates also vary depending on specific state tuition policies regarding undocumented students. Research demonstrates that states who deny in-state tuition to undocumented Mexican students have significantly lower college enrollment rates among this population (Bozick & Miller, 2015). While Bozick & Miller (2015) found a negative impact among states that barred undocumented students from accessing in-state tuition, they did not find

increased enrollment among states implementing in-state tuition policies. Other research has demonstrated, however, that states which have implemented in-state tuition policies have experienced a significant increase of college enrollment among undocumented Latino/a students (Flores, 2010; Darolia & Potochnik, 2015). Kaushal (2008) also found higher college enrollment rates among Mexican undocumented students in states implementing in-state tuition policies. Notably, after implementing in-state tuition for undocumented students in the state of Washington, the number of undocumented students enrolled in college increased from 25 students in 2003 to 645 students in 2012 (Sanchez, 2013). This policy accounts for a significant increase of college enrollment among undocumented students over a period of nine years. Researchers conclude that the public and state endorsement of restrictive or supportive in-state tuition policies matter a great deal when undocumented students reflect on their ability to attend college. One of the limitations of current research is the long-term impact of these policies regarding college graduation rates and job outcomes among undocumented students. This is an important consideration for further analyses assessing the impact of in-state tuition on college completion.

Undocumented Student Success

While financial factors have a large impact on access to higher education for undocumented students, it is important to note that they are not the only factors that impact this population's success. Upon entering college, Muñoz and Maldonado (2012) found through interviews with undocumented students that, "a multitude of

factors including class, gender, language, phenotype, geographical location, and immigration status results in ‘cultural layers’ with implications for college persistence” (Muñoz & Maldonado, 2012). Enriquez (2011) also finds that undocumented students often receive emotional support from their families which is critical to their success. Undocumented students also acquire social networks and informational resources from teachers and peers which can facilitate their academic success in college (Enriquez, 2011). While a variety of factors may impact undocumented students’ success, interviews reveal that these students do not view themselves as a marginalized population headed toward failure, but rather as resourceful and capable of success (Muñoz & Maldonado, 2012). Additional factors that impact student success are important to note as scholars continue to examine policies which can serve to enhance the academic attainment of these students.

The Need for a More Educated Workforce in the United States

It is estimated that at current rates, by 2025, 24.2 million Americans will have earned postsecondary degrees or certificates. To meet economic demands, the Lumina Foundation posits that an additional 16.4 million degrees will need to be awarded during this time (Lumina Foundation Strategic Plan for 2017-2020, 2016). With 44% of young adults going on to complete some form of postsecondary education in the United States, countries such as Korea are quickly outpacing the U.S., with 66% of citizens aged 25-34 now completing tertiary education (Schleicher, 2014). Higher education completion rates increased by an average of 11% between 2000 and 2012 among all other developed countries, while the United States’ has risen by just 7% during this time (Schleicher, 2014). To

increase global competitiveness, it is clear that the United States needs to produce more college graduates. Undocumented students who do not currently have the financial resources to go to college but do have the desire to complete higher education could help increase the United States’ rate of postsecondary attainment if out-of-state tuition costs were not prohibitive in doing so.

Although the U.S. has maintained, and even slightly increased, college graduation rates in recent years, the growing demand for technology has heightened the need for skilled laborers beyond previous levels. A recent study by Georgetown University reports that virtually all job growth following the 2007 recession was in fields requiring higher levels of education (Anderson Weathers, 2012). Since the early 1970s, it is reported that jobs requiring some form of postsecondary education have nearly quadrupled (Carnevale, Smith, & Strohl, 2010).

While half of individuals from high-income backgrounds will earn a bachelor’s degree by age 25, just 1 in 10 from low-income backgrounds will (Bailey & Dynarski, 2011). Out of all of the barriers to first generation or minority students in college, cost seems to have the greatest impact (Envisioning the Future of Student Affairs, 2010). Indeed, seventy percent of students who withdrew from college reported that they did so in order to “work to support themselves”, and 52% of students stated that they were not able to afford the tuition and fees (Johnson, Rochkind, Ott, & DuPont, 2009). Because many undocumented students come from low-income, minority, and/or first-generation backgrounds, these students are directly affected by financial constraints associated with earning a college degree.

Economic Benefits of Advanced Education

Students who graduate from college will make an estimated million dollars more over their lifetime than their counterparts (Carnevale, Cheah, & Hanson, 2015). This can have a profound impact on individuals' earnings, as well as on the U.S. economy. Students from low-income families that earn their degree are almost four times more likely to advance to the top income distribution level than their peers and are 50% more likely to move out of the lowest income level (Isaacs, Sawhill, & Haskins, 2008).

Increased earnings generally lead to higher tax contributions over one's life course as well. The net public return is estimated to be \$232,779 for each man, and \$84,313 for each woman achieving postsecondary education in the United States (Schleicher, 2012). With average costs to support a college student for one year in instruction, student services, academic support, operations, and institutional support at of \$17,300 for public research institutions and \$14,000 for public bachelor's institutions (Desrochers & Hurlburt, 2016), higher education proves to be a worthwhile investment for the country.

Preventing undocumented immigrants from accessing higher education can have a detrimental impact on future salaries, as well as tax revenues generated. For example, in Georgia, where undocumented students are prohibited from attending the state's top five research universities, it is estimated that state and local tax revenues could increase by \$10 million through a more skilled, higher earning workforce by lifting the bans on undocumented students (Downey, 2016).

While providing undocumented students opportunities to access higher education does have an associated cost, consideration should be given to the amount previously

invested in the K-12 education of undocumented students, as well as economic gains that may be made through increased college attainment. Since the *Plyler v. Doe* ruling, the United States has invested an estimated 30 billion dollars into the K-12 education of undocumented students (S&P Study: Costs and Benefits of Illegal Immigrants, 2009). One of the ways that the U.S. may seek a return on this investment is by offering opportunities for undocumented students to access higher education, thereby establishing employment opportunities for these individuals to contribute at a higher level to the economy. Alternatively, if states choose to hinder access to higher education for these students, the investment in their K-12 education will not be fully realized. Based on Schleicher's analysis on the economic contributions of college and high school graduates, undocumented students would be able to contribute significantly more money into the economy with a college degree than with a high school diploma (Gonzalez, 2007). An increase in the number of undocumented college graduates would also significantly benefit the economy (Schleicher, 2012; Reich & Mendoza, 2008).

While providing access to higher education among undocumented populations may require an additional investment from both the state and federal government, it is important to note that undocumented immigrants are already contributing taxes, and therefore likely subsidizing the cost of higher education in the U.S. Undocumented immigrants' effective tax rate is currently estimated to be eight percent, compared to just 5.4% for the top one percent of earners (Soergel, 2016). In total, undocumented immigrants contribute nearly \$12 billion to state and local tax coffers each year (Soergel, 2016). Although paying a greater proportion of their income in taxes, undocumented populations have been

limited in the amount of taxes they are able to contribute due to a history of traditionally lower earnings. In 2010, the average undocumented immigrant household received around \$24,721 in government benefits and services while paying about \$10,334 in taxes (Rector & Richwine, 2013). If undocumented immigrants were allowed to access higher education, they would likely be able to contribute a greater amount to state and federal tax revenues through higher earnings.

Access to DACA currently allows undocumented immigrants the ability to work legally in the United States, contributing to the economy and tax coffers at higher rates than previously able. While DACA helps address current levels of tax contributions, increased access to higher education may promote higher future salaries that enable undocumented immigrants to contribute more fully to our tax systems.

While some may argue that providing undocumented immigrants opportunities to access higher education is not a state's responsibility, the cost of not providing these opportunities seems to be far greater. Without the ability to earn higher degrees and contribute to tax systems at greater rates, undocumented populations may cost more to support than they are able to contribute. This financial burden cannot be easily resolved through other measures that may be proposed, such as deportation. The cost of deporting undocumented immigrants in the United States is estimated to be between 400 and 600 billion dollars (Gitis & Collins, 2015). Additionally, if deportation were to be enacted, an anticipated 1.6 trillion dollars would be lost in real GDP with the loss of an estimated 11 million workers (Gitis & Collins, 2015). While deportation does not appear to be a viable solution, deportation relief programs, on the contrary, are estimated to contribute 90 to

210 billion dollars to domestic economic growth over a ten-year period (Soergel, 2016). While mass deportation would lead to an economic decline for the country, investments in education for undocumented populations may result in increased economic gains for the United States.

Social Benefits to Offering In-State Tuition to Undocumented Students

In addition to economic benefits that undocumented populations may be able to contribute through increased educational opportunities, there are also social gains to consider for the U.S. as well. The Pew Hispanic Center estimates that 63% of unauthorized migrants have lived in the United States for at least 10 years, and approximately 35% have been in the U.S. for more than 15 years (Krogstad, Passel, & Cohn, 2016). Many undocumented students identify the U.S. as their home and aspire to give back to their communities. When given the opportunity to access higher education, many of these students are actively and politically engaged on their college campuses, and they often continue to be after graduating (Gonzales, 2008). Many of these students also excel academically and have the potential to matriculate into higher education, but are not given the opportunity to do so because of their economic background and legal status (Williams, 2016; Banks, 2013). This barrier in accessing higher education may lead to unrealized potential among undocumented students, detrimental to states in the production of doctors, teachers, engineers, as well as other careers requiring advanced degrees. Furthermore, when undocumented students are able to access higher education, they consequently pave the way for other undocumented students to apply and ultimately graduate from college. By working to increase access to higher

education among undocumented populations, the United States may achieve greater global market competition, while providing students the opportunity to achieve economic mobility alongside their peers. Overall, these social benefits are important to consider because thousands of undocumented students graduate from high schools each year with the potential to generate new insights in the college setting, but this knowledge cannot be shared without creating avenues to higher education for these students.

Policy Recommendations

In conclusion, we strongly recommend the implementation of a federal in-state tuition policy for undocumented students across the United States. In order to implement this policy, successful state models currently in place may be emulated. Most states that currently offer in-state tuition to undocumented students require them to complete an affidavit which affirms “that the individual has already submitted an application to legalize his or her immigration status or will file such an application upon being eligible to do so” (Nienhuser, 2015, p. 286). This affidavit allows the state to effectively waive out-of-state tuition for undocumented students.

All states which currently have in-state tuition policies for undocumented students have additional specifications that students must meet in order to qualify for in-state tuition. Again, this would be an important consideration in the adoption of a national in-state tuition policy. For example, undocumented students who have resided in their respective state for less than one year may not be able to benefit from an in-state tuition policy. Similar to in-state tuition policies for U.S. citizens, these specifications would work to prevent system abuse. These state guidelines would be

beneficial to examine when implementing in-state tuition policies.

In assisting undocumented students in the process of accessing higher education, researchers stress the importance of school officials remaining up-to-date with financial aid policies that affect undocumented students, as well as working to understand the experiences of these students, including barriers they face in achieving a college education (Contreras, 2009; Gildersleeve & Vigil, 2015; Suárez-Orozco et al., 2015; Perez et al., 2010; Crawford & Arnold, 2016). Researchers note that educational staff, faculty, and administrators who are knowledgeable about the issues, challenges, and needs of undocumented students can serve as institutional agents and greatly assist students navigating the college-going process (Suárez-Orozco et al., 2015).

For example, it would be important for K-12 teachers and administrators, as well as higher education institutional staff and faculty, to be aware of in-state tuition policies in order to assist undocumented students with the qualifying process. If staff members are not aware of the policies in place, students may be forced to navigate this process on their own, which can ultimately deter students from pursuing higher education. Given this information, it would be important to provide training for staff at both the high school and collegiate level in order to ensure that they are knowledgeable regarding tuition policies affecting undocumented students. These trainings would ideally provide institutional personnel with tools to assist undocumented students undergoing the process of qualifying for in-state tuition. Personnel trainings might also be combined with workshops for undocumented students to assist them in the college application process. Some excellent examples of universities who have already established undocumented student ally programs on

their campus include Loyola University and the University of California at Berkeley, Irvine, and Davis. According to these university websites, the ally trainings “aim to inform faculty and staff how to create a welcoming and supportive campus environment for immigrant students” and “provide their communities with skills to understand the value and importance of exploring the experiences and perspectives of undocumented students,” among several other objectives (Dreamers Ally Training, 2017; Share the DREAM Undocumented Student Ally Training, 2017). These ally programs provide university personnel with information, services, and resources pertinent to undocumented students.

Considering Policy Alternatives

A potential alternative to offering in-state tuition for undocumented students might be to reduce tuition rates for these students, though not at the same rate as in-state tuition. In this way, undocumented students would not be required to pay out-of-state tuition, but would also not pay the same tuition rates as legal residents. For example, some states have adopted out-of-state tuition agreements at 150% the cost of in-state tuition (Sheehy, 2013). Though this alternative would still hinder access to higher education for many undocumented students, it could potentially increase the number of students able to acquire the financial resources needed to pay tuition for a postsecondary education.

Another alternative may be to provide more scholarships and/or grants specifically aimed towards these students so that they may acquire the financial capital needed to attend college. This alternative would be the most difficult to implement because it would require the use of state funds rather than simply decreasing the cost that undocumented students need to pay for

college. There is currently limited funding for the number of students who apply for financial assistance within the general populace. Therefore, opening these opportunities up to undocumented students could restrict funding to legal residents. Instead of setting aside a separate pool of money for undocumented students, some states have included undocumented students within the pool of financial aid that is offered to legal residents. However, this has led some policymakers to address the issue that this poses for U.S. citizens who hope to pursue a higher education and who also come from low-income backgrounds. Given this analysis, it would be less of a burden on the states to offer in-state tuition for undocumented students, rather than commit to state funding.

Students may also be advised to attend community colleges before transferring to four year institutions as a less expensive alternative as well (Darolia & Potochnick, 2015). Though this route is currently a more viable option for undocumented students, many scholars point out the difficulties that these students face when transferring to a four-year university (Keller & Tillman, 2008). These challenges are due largely to the dramatic increase in tuition costs, as well as the unfamiliarity with transferring to four-year institutions, as some students come from first-generation backgrounds (Diaz-Strong et. al., 2011). Given these constraints, if schools were to utilize this alternative to increase access to higher education for undocumented students, there would also be a need for institutional agents in high schools and colleges who could assist these students with the transferring process. However, limited finances would still pose an issue for students considering attending a four-year university.

Though continuing the out-of-state tuition policy for undocumented students is also an option, scholars have dismissed this

alternative as economically draining and socially unjust (Contreras, 2009; Diaz-Strong et. al., 2011). Out-of-state tuition policies do not allow states to achieve equitable routes to higher education for all students. Though some may argue that the state should not invest in the education of undocumented students because the future of DACA is vulnerable, others argue that there are still economic benefits to the college graduation rates of undocumented students. For example, if DACA is extended and/or immigration reform is passed, the state would have students ready to enter the workforce, rather than a pool of students who have not been able to access higher education. In-state tuition would still require undocumented students to pay for their education, thereby increasing university revenue systems. If DACA was discontinued, and undocumented students were barred from legally working in the U.S., scholars argue that access to higher education should remain a priority because of the economic drain of students dropping out of high school and/or increasing unemployment rates (Reich & Mendoza, 2008; McLendon, Mokher, & Flores, 2011).

According to research conducted by Marable, students who are forced to drop out of school are more likely to enter the criminal justice system (2008). Marable also argues that it costs more to imprison an individual than to educate them in the United States. If states invest in the higher education of undocumented students, not only might the state avoid a future economic strain, but they may also gain a net benefit from students pursuing high-skilled careers. Additionally, Reich & Mendoza (2008) theorize that even if undocumented immigrants cannot legally work, the majority will remain living in the U.S. Therefore, creating pathways to access higher education for these students would

create a more powerful economic system with a well-educated populace.

Addressing State Concerns

Though some legislators have expressed concern for a potential increase of undocumented immigrants relocating to their states to take advantage of in-state tuition policies, this has not yet occurred in states with these policies currently in place (Gonzalez, 2007). States that have implemented in-state tuition for undocumented students have not experienced unintended consequences detrimental to their state largely due to the list of requirements that students need to meet in order to qualify for in-state tuition.

Additionally, some legislators who oppose in-state tuition policies have expressed their concern in allowing undocumented students to take the place of legal residents in university seats (Sanders, 2010). However, there is a strong argument for permitting undocumented students to access higher education because current economic outlooks project a need for increased college graduates in the United States, and these current residents may help meet labor needs with more skilled degrees. To date, the number of students who have taken advantage of these policies is often miniscule compared to the overall college-admitted population (Romero, 2002). At the University of Connecticut, for example, only 33 undocumented students benefitted from in-state tuition in 2014 compared to a total of 18,000 college enrolled students at that time (Nguyen & Serna, 2014). Similarly, at the University of California, Berkeley, only 250 undocumented students have benefitted from in-state tuition compared to the overall population of 25,000 undergraduate students (Nguyen & Serna, 2014). The National Immigration Law Center reports that in-state tuition policies tend to increase school

revenues since they allow students who would not normally attend college to start paying tuition (2014). Lastly, not all students who are accepted to a higher education institution attend that institution. Therefore, this divergence in university seats available creates a space for undocumented students to potentially fill.

Limitations

One major limitation in offering in-state tuition for undocumented students is that it still requires students to pay tuition rates which may be out of their financial realm (Chin & Juhn, 2010). In-state tuition policies do not currently require states to offer state financial aid for undocumented students. Therefore, it is projected that there would still be a large population of undocumented students unable to access higher education due to the prohibitive costs (Chin & Juhn, 2010). Providing opportunities to pay in-state tuition to attend institutions of higher education, however, is a positive step to take in ensuring the success of our country and current residents (Contreras, 2009).

Secondly, it is important to recognize that the implementation of a national in-state tuition policy for undocumented students will be a difficult endeavor. Though some states have already taken the lead in implementing this policy, others have yet to express support for financial access to higher education for undocumented students. Furthermore, the process of implementation would take a substantial amount of organizing and time. Despite these challenges, scholars continue to advocate for in-state tuition policies because research continually highlights positive outcomes associated with these policies (Gildersleeve & Vigil, 2015; Flores, 2010; Darolia & Potochnick, 2015; Kaushal, 2008).

A final limitation worth noting in this policy analysis is that undocumented immigrants are often difficult to access due to vulnerabilities associated with their legal status. Given this, securing reliable data for research can be challenging (Cornelius, 1982; De Genova, 2002). Regardless, it is important that scholars continue to study the experiences of these student populations to ensure that educational institutions know how to best serve their needs as they pursue their postsecondary educational endeavors.

Conclusion

While the United States has a need for a more college-educated workforce, and undocumented immigrants largely seem to be remaining in the states, access to higher education for undocumented students has become increasingly difficult in recent years. Laws preventing undocumented students from receiving in-state tuition rates have proved to be challenging for those wishing to advance their education. These laws have had, and will likely continue to have, a negative impact on the workforce and advancement of the country if steps are not taken to advance policy decisions in this area.

The overarching literature on undocumented students emphasizes recommendations for easing access to higher education by offering in-state tuition and/or providing state financial resources to these students. Policy analysts also emphasize the role of legislators and school administrators in helping to foster a financial pathway to higher education for these students (Contreras, 2009; Suárez-Orozco et al., 2015). In alignment with recommendations from previous research, we believe that one of the most efficient ways in which the U.S. can create a postsecondary avenue for undocumented students is by implementing a national in-state tuition policy for these

students. Our analysis overwhelmingly demonstrates that facilitating access to higher education via in-state tuition policies

Alternative proposals related to barring access to higher education or promoting deportation prove to be detrimental to the economic growth of the country. Conversely, providing educational opportunities for undocumented students is a policy that appears to be economically beneficial. From a policy analysis perspective, we believe that it is in the best

would ultimately create a positive economic impact and would work towards dismantling societal inequities.

interest of the country to expand access to educational opportunities to meet growing demands for a more skilled workforce. Undocumented students wishing to pursue higher education may help meet this need, as well as contribute more greatly to the economy with higher earnings and increased tax contributions beneficial to the country.

References

- Abrego, L. J. (2006). "I can't go to college because I don't have papers": Incorporation patterns of Latino undocumented youth. *Latino Studies*, 4, 212-231.
- Abrego, L. (2008). Legitimacy, social identity, and the mobilization of law: The effects of assembly bill 540 on undocumented students in California. *Law & Social Inquiry*, 33(3), 709-734.
- Abrego, L. J., & Gonzales, R. G. (2010). Blocked paths, uncertain futures: The postsecondary education and labor market prospects of undocumented Latino youth. *Journal Of Education For Students Placed At Risk*, 15(1/2), 144-157.
- Anderson Weathers, L. (2012). College graduates lead national job growth recovery, new Georgetown study finds. *Georgetown University Center on Education and the Workforce*. Retrieved from: <https://cew.georgetown.edu/wp-content/uploads/2014/11/CollegeAdvantage.PressRelease.081412.pdf>
- Bailey, M.J. & Dynarski, S.M. (2011). Inequality in postsecondary education. In G.J. Duncan & R.J. Murnane (Eds.), *Whither opportunity? Rising inequality, schools, and children's life chances* (pp. 117-132). New York, NY: Russell Sage Foundation & Spencer Foundation.
- Banks, A. M. (2013). Members only: Undocumented students & in-state tuition. *Brigham Young University Law Review*, 2013(6), 1425-1455.
- Buenavista, T. L., & Chen, A. C. (2013). Intersections and crossroads: A counter-story of an undocumented Asian American college student. In S. D. Museus, D. C. Maramba, & R. T. Teranishi (Eds.), *The misrepresented minority—new insights on Asian Americans and Pacific Islanders, and the implications for higher education*. Sterling, VA: Stylus Publishing.
- Bozick, R., & Miller, T. (2014). In-state college tuition policies for undocumented immigrants: Implications for high school enrollment among non-citizen Mexican youth. *Population Research and Policy Review*, 33(1), 13-30.
- Carnevale, A. P., Cheah, B., & Hanson, A. R. (2015). Executive Summary: The economic value of college majors. *Georgetown Center on Education & the Workforce*. Retrieved from: <https://cew.georgetown.edu/wp-content/uploads/Exec-Summary-web-B.pdf>.
- Carnevale, A., Smith, N., & Strohl, J. (2010). Help wanted: Projections of jobs and education requirements through 2018. *Georgetown University Center on Education and the Workforce*. Retrieved from: <https://cew.georgetown.edu/wp-content/uploads/2014/12/HelpWanted.ExecutiveSummary.pdf>.

- Chin, A. & Juhn, C. (2010). Does reducing college costs improve educational outcomes for undocumented immigrants? Evidence from state laws permitting undocumented immigrants to pay in-state tuition at state colleges and universities (Working Paper No. 15932). *National Bureau of Economic Research*. Retrieved from: <http://www.nber.org/papers/w15932>.
- Contreras, F. (2009). Sin Papeles y Rompiendo Barreras: Latino students and the challenges of persisting in college. *Harvard Educational Review*, 79(4), 610-631.
- Cornelius, W. A. (1982). Interviewing undocumented immigrants: Methodological reflections based on fieldwork in Mexico and the United States. *International Migration Review* 16(2): 378-411.
- Crawford, E. R., & Arnold, N. W. (2016). Exploring the meaning and paths of advocacy for undocumented students' access to education. *Journal of Latinos & Education*, 15(3), 197-213.
- Darolia, R., & Potochnick, S. (2015). Educational “when,” “where,” and “how” implications of in-state resident tuition policies for Latino undocumented immigrants. *Review of Higher Education*, 38(4), 507-535.
- De Genova, N. P. (2002). Migrant “illegality” and deportability in everyday life. *Annual Review of Anthropology* 31: 419-447.
- Desrochers, D. M. & Hurlburt, S. (2016). Trends in college spending: 2003-2013. *American Institutes for Research*. Retrieved from: <http://www.air.org/system/files/downloads/report/Delta-Cost-Trends-in-College%20Spending-January-2016.pdf>.
- Diaz-Strong, D., Gómez, C., Luna-Duarte, M. E., & Meiners, E. R. (2011). Purged: Undocumented Students, Financial Aid Policies, and Access to Higher Education. *Journal Of Hispanic Higher Education*, 10(2), 107-119.
- Downey, M. (2016). Georgia's ban on undocumented college students puts state on wrong side of history. *My AJC*. Retrieved from: <http://getschooled.blog.myajc.com/2016/02/04/georgias-ban-on-undocumented-college-students-puts-state-on-wrong-side-of-history/>
- DREAM Act, S. 1291, 107th Cong. (2001).
- Enriquez, L. (2011). “Because We Feel the Pressure and We Also Feel the Support”: Examining the Educational Success of Undocumented Immigrant Latina/o Students. *Harvard Educational Review*. 81(3):476-499.
- Envisioning the future of student affairs. (2010). *Future of Student Affairs Joint Task Force*, 1-17. Retrieved from: https://www.naspa.org/images/uploads/main/Task_Force_Student_Affairs_2010_Report.pdf
- Fact sheet: An overview of college-bound undocumented students (2012). *Educators for Fair Consideration*. Retrieved from: http://www.e4fc.org/images/Fact_Sheet.pdf
- Flores, S. M. (2010). State dream acts: The effect of in-state resident tuition policies and undocumented Latino students. *Review of Higher Education*, 33(2), 239-283.
- Frum, J. (2007). Postsecondary educational access for undocumented students: Opportunities and constraints. *American Academic* 3, 81-108.
- Gildersleeve, R. E., Rumann, C., & Mondragón, R. (2010). Serving undocumented students: Current law and policy. *New Directions For Student Services*, (131), 5-18.
- Gildersleeve, R. E., & Vigil, D. (2015). Institutionalizing support for undocumented Latino/a students in American higher education. *New Directions For Higher Education*, (172), 39-48.
- Gitis, B. & Collins, L. (2015). The budgetary and economic costs of addressing unauthorized immigration. Retrieved from: <https://www.americanactionforum.org/research/the-budgetary-and-economic-costs-of-addressing-unauthorized-immigration-alt/>.

- Glenn, E. N. (2011). Constructing citizenship: exclusion, subordination, and resistance. *American Sociological Review*, 76(1), 1-24.
- Gonzales, R. G. (2007). "Wasted talent and broken dreams: The lost potential of undocumented students," *In Focus: Immigration Policy*, 5(13), 1-11.
- Gonzales, R. G. (2008). Left out but not shut down: Political activism and the undocumented student movement. *Northwestern Journal of Law Social Policy*, 3(2), 219-239.
- H.B. 1079, 58th 1st Reg. Sess. (Wash. 2003), Wash. Rev. Code Ann. § 28B.15.012 (2003). Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. §§ 1101-1363a (1996).
- Immigration and the Economy. (2013). *The White House*. Retrieved from: <https://www.whitehouse.gov/issues/immigration/economy>.
- Isaacs, J. B., Sawhill, I., & Haskins, R. (2008). Getting ahead or losing ground: Economic mobility in America. *Brookings Institution*. Retrieved from: http://www.brookings.edu/~media/research/files/reports/2008/2/economic-mobility-sawhill/02_economic_mobility_sawhill.pdf
- Johnson, J., Rochkind, J., Ott, A. N., & DuPont, S. (2009). With their whole lives ahead of them. *Public Agenda*. 1-48. Retrieved from: <http://www.publicagenda.org/files/theirwholelivesaheadofthem.pdf>
- Kaushal, N. (2008). In-state tuition for the undocumented: Education effects on Mexican young adults. *Journal of Policy Analysis and Management*, 27(4), 771-792.
- Krogstad, J., Passel, J., & Cohn, D. (2016). Five facts about illegal immigration in the U.S. *Pew Research Center*. Retrieved from: <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>.
- Share the DREAM Undocumented Student Ally Training. 2017. *Loyola University*. Retrieved from: <http://www.luc.edu/diversity/resources/undocumentedstudentresources/sharethedreamundocumentedstudentallytraining/>
- Lumina Foundation strategic plan for 2017-2020. (2016). *Lumina Foundation*. Retrieved from: <https://www.luminafoundation.org/files/resources/lumina-strategic-plan-2017-to-2020.pdf>
- Muñoz, S. M. & Maldonado, M. M., (2012). Counterstories of college persistence by undocumented Mexican students: navigating race, class, gender, and legal status. *International Journal of Qualitative Studies in Education*, 25(3), 293-315. Retrieved from: <http://www.tandfonline-com.proxyiub.uits.iu.edu/doi/full/10.1080/09518398.2010.529850>
- National Immigration Law Center. (2014). Basic facts about in-state tuition. Retrieved from: <https://www.nilc.org/issues/education/basic-facts-instate/>
- Nienhuser, H. K. (2015). Undocumented immigrants and higher education policy: The policymaking environment of New York State. *The Review of Higher Education*, 38(2):271-303
- Passel, J. S. & Cohn, D. (2014). Unauthorized immigrant totals rise in 7 states, fall 2014. Decline in those from Mexico fuels most state decreases. *Pew Research Center*. http://www.pewhispanic.org/files/2014/11/2014-11-18_unauthorized-immigration.pdf
- Pérez, W., Cortés, R. D., Ramos, K., & Coronado, H. (2010). "Cursed and blessed": Examining the socioemotional and academic experiences of undocumented Latina and Latino college students. In J. Price (Ed.), *New Directions for Student Services: No. 131. Understanding and supporting undocumented students* (pp. 35-51). San Francisco: CA: Jossey-Bass.

- Pérez, Z. J. (2015). Infographic: Inside the labyrinth: Undocumented students in higher education. *Center for American Progress*.
- Plyler v. Doe*, 457 U.S. 202 (1982).
- Potochnick, S. (2014). How states can reduce the dropout rate for undocumented immigrant youth: The effects of in-state resident tuition policies. *Social Science Research*, 45, 18-32.
- Rector, R., & Richwine, J. (2013). The fiscal cost of unlawful immigrants and amnesty to the U.S. taxpayer. *The Heritage Foundation*. Retrieved from: http://thf_media.s3.amazonaws.com/2013/pdf/sr133.pdf
- Reich, G., & Mendoza, A. (2008). 'Educating kids' versus 'coddling criminals': Framing the debate over in-state tuition for undocumented students in Kansas. *State Politics & Policy Quarterly*, 8(2), 177-197.
- Resource guide: Supporting undocumented youth (2015). *U.S. Department of Education*. Retrieved from: <https://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>
- S. 207, 118th Gen. Assemb. (Ind. 2013), Ind. Code § 12-31-1-5.
- S&P study: Costs and benefits of illegal immigrants. (2009). *Hispanic News*, p. 2.
- Sanchez, R. (2013). Policy brief: Extending financial aid to DACA-certified undocumented students. *Latino Educational Achievement Project*.
- Schleicher, A. (2012). Education at a glance: OECD indicators 2012. *Organization for Economic Co-operation and Development*. Retrieved from: <http://www.oecd.org/unitedstates/CN%20-%20United%20States.pdf>
- Schleicher, A. (2014). Education at a glance 2014. *Organisation for economic co-operation and development*. Retrieved from: <http://www.oecd.org/unitedstates/United States-EAG2014-Country-Note.pdf>
- Seif, H. (2011). 'Unapologetic and unafraid': Immigrant youth come out from the shadows. *New Directions for Child & Adolescent Development*, (134), 59-75.
- Sheehy, K. (2013). Get In-State Tuition at Out-of-State Colleges. *U.S. News and World Report*. Retrieved from: <https://www.usnews.com/education/best-colleges/paying-for-college/articles/2013/06/10/get-in-state-tuition-at-out-of-state-colleges>.
- Soergel, A. (2016). Undocumented immigrants pay billions in taxes. *U.S. News*. Retrieved from: <http://www.usnews.com/news/articles/2016-03-01/study-undocumented-immigrants-pay-billions-in-taxes>.
- Suárez-Orozco, C., Katsiaficas, D., Birchall, O., Alcantar, C. M., Hernandez, E., Garcia, Y., Michikyan, M., Cerda, J., & Teranishi, R. T. (2015). Undocumented undergraduates on college campuses: Understanding their challenges and assets and what it takes to make an undocufriendly campus. *Harvard Educational Review*, 85(3), 427-463.
- The DREAM Act. (2011). *American Immigration Council*. Retrieved from: <https://www.americanimmigrationcouncil.org/research/dream-act>
- ULeadNetwork. (2016). [National Forum on Higher Education for the Public Good](#). Retrieved from: <http://uleadnet.org/issue/map>.
- Undocumented student tuition: Overview. (2015). *National Conference of State Legislators*. Retrieved from: <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>
- Dreamers Ally Training. (2017). *University of California, Irvine*. Retrieved from: <http://dreamers.uci.edu/ally-training/>

U.S. Dept. of Homeland Security, *Deferred Action for Childhood Arrivals* (Aug. 15, 2012)

https://www.dhs.gov/sites/default/files/publications/privacy/privacy_pia_uscis_daca.pdf.

Williams, J. C. (2016). "It's always with you, that you're different": Undocumented students and social exclusion. *Journal of Poverty*, 20(2), 168-193.