



# ACCESS TO EDUCATION: CHALLENGES AND OPPORTUNITIES FOR IMMIGRANT STUDENTS

**Kevin Lindsey**

Director, Policy and Research

**Updated June 2014**

Originally Released December 2013





## UNDOCUMENTED STUDENTS IN THE UNITED STATES

It is critical that the specific needs of children and youth are considered in the ongoing immigration debate and that particular attention is paid to their educational opportunities. Of the approximately 5.5 million children of immigrants in the U.S., around 1 million are undocumented.<sup>1</sup> Many of these children entered the country at a young age, have been educated in American schools, and have grown up speaking English and embracing American culture.

While undocumented children in grades K-12 are legally allowed to attend school, they often face challenges that their peers do not. Additionally, undocumented status becomes a significant barrier after youth leave high school. Undocumented youth who graduate from high school face significant barriers to everything typically associated with youth of that age, including driving, working, and receiving financial aid for higher education.<sup>2</sup> With an estimated 65,000 undocumented students graduating from American high schools every year, this is an important issue not only for these youth, but for the entire country.<sup>3</sup> While the Obama administration's prosecutorial discretion order of Deferred Action for Childhood Arrivals (DACA) provides certain DREAM Act-eligible youth with a renewable two-year reprieve of deportation and the ability to obtain social security numbers and work authorization, it is a temporary and incomplete solution, leaving even those youth who have been granted DACA living in uncertainty.

## BARRIERS TO K-12 EDUCATION

In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* that undocumented students could not be denied access to a free public K-12 education. Originating in Texas in 1975, the case was in response to a Texas statute that called on local school districts to collect tuition from undocumented students enrolled in K-12 schools. A number of school districts excluded undocumented students entirely, while others charged around \$1,000 per year, effectively barring undocumented students from attending. Citing the equal protection clause of the 14th Amendment, the Supreme Court ruled that this practice was discriminatory and that denying public education would, according to the majority opinion written by Justice Brennan, “not comport with fundamental conceptions of justice.”<sup>4</sup> The ruling also warned that barring undocumented students from attending public school would “create and perpetuate” an underclass of uneducated individuals, to the detriment of the state and the country as a whole.<sup>5</sup>

Despite the warning from the Supreme Court, in recent years a number of states have passed immigration laws that effectively restrict access to free K-12 public education for undocumented students. For example, Arizona's SB 1070 does not explicitly bar undocumented students from attending public schools, but the impact has indeed affected the educational attainment of children of immigrants, both documented and undocumented. Passed in April 2010, SB 1070 allows law enforcement officials to request proof of immigration or citizenship from any person they suspect may be undocumented, among other provisions. The effect in schools was immediate; a number of elementary schools reported losing around 10 percent of their student body from the year before, and undocumented students began to mistrust schools, leading to increased absences and less participation in important extracurricular activities.<sup>6</sup> The U.S. Supreme Court struck down most of the law in 2012, but it is too soon to tell if the damage to children and families can be undone.

The Alabama state legislature took a more direct approach in attempting to limit access to K-12 public education for undocumented immigrants when the state passed HB 56 in June 2011. This law required schools to verify and report the immigration status of their students as well as their parents, in addition to other provisions similar to but more strict and punitive than Arizona S.B.1070, and was scheduled to be enacted in September 2011.



In response to passage of HB 56, a coalition of civil and immigrant rights groups, including the Southern Poverty Law Center, the American Civil Liberties Union, the National Immigration Law Center, and the Mexican American Legal Defense Fund, filed a lawsuit on July 8, 2011 that challenged the law as unconstitutional.<sup>7</sup> The lawsuit argued that HB 56 violated the Fourth Amendment, would subject citizens and noncitizens in Alabama to racial profiling, illegal interrogations, searches, and seizures, and that the provision requiring schools to report on the immigration status of their students was a clear violation of the equal protection clause of the 14th Amendment because it creates a chilling effect and discourages parents from enrolling their children in school. The U.S. Justice Department (DOJ) filed a parallel lawsuit on August 1, 2011 that claimed HB 56 was an unconstitutional use of state power to set and enforce immigration law.<sup>8</sup> The lawsuit specifically cited Section 28 of HB 56, the provision that required schools to verify and report the immigration status of their students, as obstructing the federal government's execution and enforcement of immigration law. The lawsuit also stated that the provision would likely lead to children staying home or even withdrawing from school.<sup>9</sup>

Both lawsuits included an injunction to temporarily delay the law because it would cause “irreparable harm.” On August 29, 2011 Judge Sharon Lovelace Blackburn of the District Court for the Northern District of Alabama temporarily blocked enforcement of the law pending a final decision. A month later, on September 28, 2011, Judge Blackburn allowed most of the law to be enforced, including Section 28.<sup>10</sup> The fallout was immediate: the Monday after the law went into effect over 2,200 Latino students were absent from school,<sup>11</sup> prompting DOJ to issue a letter to Alabama school districts reiterating the obligation under federal law that states may not deny children access to public education based on immigration status.<sup>12</sup> The cases were subsequently appealed and brought to the Eleventh U.S. Circuit Court of Appeals.<sup>13</sup> That court temporarily blocked certain provisions of HB 56 on October 14, 2011, including the provision requiring schools to report on the immigration status of their students.<sup>14</sup>

On August 21, 2012, the Eleventh U.S. Circuit Court of Appeals found that much of HB 56 violates the constitution. Of particular interest for this brief, the decision included a ruling that the provision requiring schools to report on the immigration status of their students violates the equal protection clause of the 14th Amendment.<sup>15</sup> The state of Alabama attempted to appeal the Eleventh Circuit Court's decision for consideration by the U.S. Supreme Court, which ultimately declined to hear the appeal by an 8-1 vote.<sup>16</sup> On October 29, 2013, the coalition of immigrant and civil rights groups, the DOJ, and the state of Alabama reached a final settlement on their cases. The settlement permanently blocked many of the controversial

### Timeline of HB 56

June 2011	HB 56 Passed
July 8, 2011	Coalition of immigrant and civil rights organizations file suit against HB 56, <i>Hispanic Interest Coalition of Alabama, et al. v. Robert Bentley, et al</i>
August 1, 2011	Department of Justice files suit against HB 56, <i>United States of America v. State of Alabama and Governor Robert Bentley</i>
August 28, 2011	Enforcement of law delayed pending final decision by Judge Blackburn
September 28, 2011	District Court for the Northern District of Alabama allows a majority of HB 56 to be enacted
October 14, 2011	Certain provisions of HB 56 temporarily blocked by Eleventh Circuit Court of Appeals
August 21, 2012	Eleventh Circuit Court strikes down a majority of HB 56
January 16, 2013	State of Alabama appeals Eleventh Circuit Court decision to the U.S. Supreme Court
April 29, 2013	Supreme Court declines to hear appeal
October 29, 2013	Final settlement reached



provisions of HB 56 provisions including the school documentation requirement. Provisions of the law that remain include barring undocumented immigrants from attending state colleges or universities, requiring employers to use the federal E-verify program, and requiring proof of citizenship to apply for a driver's license.<sup>17</sup>

With a majority of the law repealed, the long term impact of HB 56 on Alabama remains to be seen. Since June 2011, no states have passed anti-immigrant laws similar to HB 56.

## **BARRIERS TO POSTSECONDARY EDUCATION**

While the *Plyler* ruling acknowledged that restricting educational access for undocumented children is unconstitutional and would result in the creation of a permanent underclass, the ruling did not extend to higher education.<sup>18</sup> Though federal law does not prohibit undocumented students from attending colleges and universities, undocumented youth face significant barriers to higher education. Undocumented students are barred from receiving federal financial aid, including grants, student loans, and federal work study. This exclusion extends to most state financial aid eligibility, and undocumented students are also often ineligible for private scholarships. Undocumented students are also excluded from TRIO, important and effective federal initiatives aimed at assisting low-income students in matriculation, retention, and graduation.

Being excluded from most financial aid is especially damaging for undocumented students, whose families are often limited in their ability to help pay for postsecondary education. Undocumented families' income is an average of 40 percent lower than other families, meaning that not only can these families often not afford to help pay for college, but some undocumented youth may provide financial support to their families while attempting to pay for and attend college. Additional responsibilities such as these can limit the amount of time students can spend on school work and often results in undocumented students taking longer than four years to earn a college degree.<sup>19</sup> In a majority of states, these students are also ineligible for in-state tuition rates due to federal immigration policy that penalizes states that provide in-state tuition to undocumented students, creating an additional financial burden. DACA now makes it easier for some of these students to work legally in order to pay for tuition and other expenses on their own, but that is only a temporary solution.

Even when undocumented students are able to graduate from college they face an additional barrier in attaining professional licensing or certification, such as for nurses and lawyers. These licenses and certificates often do not explicitly exclude undocumented youth, but they also do not state that undocumented youth are eligible. As a result, undocumented students are often discouraged from applying, though they are not barred from such programs and some undocumented students are indeed pursuing professional licenses and credentials.<sup>20</sup>

Due to the limited opportunities awaiting these students beyond high school, many drop out before graduating. Though undocumented students make up only a fraction of the high school population, they comprise 30 percent of the high school dropout population. For undocumented students who do graduate from high school, generous estimates indicate that only 5 to 10 percent enroll in college,<sup>21</sup> due to the challenges outlined above.

## **IN-STATE TUITION & TUITION EQUITY LAWS FOR UNDOCUMENTED STUDENTS**

In addition to restricting access to federal financial aid, federal law discourages states from offering in-state tuition to undocumented students. According to Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), states cannot offer in-state tuition rates to undocumented students based on state residency unless they offer the same in-state tuition rates to citizen or naturalized students who are not residents of the state. However, several states and institutions have passed tuition equity laws and

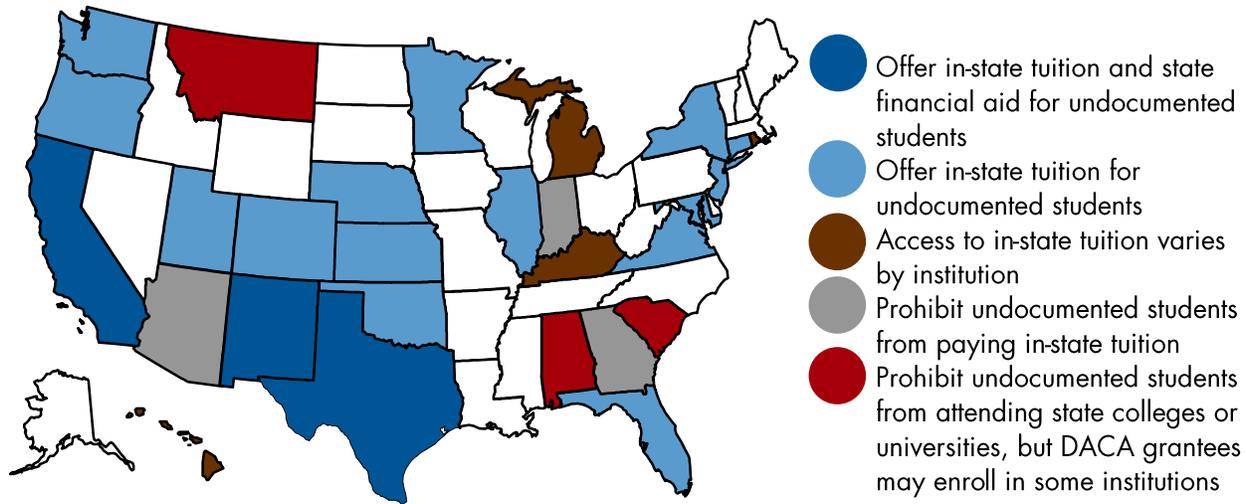


policies to provide in-state tuition rates to undocumented students on a basis other than residency, while also complying with federal law.<sup>22</sup> For example, a number of states allow undocumented students to access in-state tuition rates if they attended a high school in the state for a certain number of years and/or graduated from a high school in the state.

The Texas state legislature was the first state in 2001 to pass a tuition equity law that allows students to qualify for in-state tuition if they had attended a Texas high school for at least three years and graduated, regardless of immigration status. Several states adopted similar policies over the years, and in 2013 more than half of all states either offered tuition equity for undocumented students or their state legislatures considered legislation to do so. In some cases, a state's Board of Regents may have passed a policy regarding in-state tuition among their institutions. As the map below shows, seventeen states currently have legislature-passed policies that allow undocumented immigrants to pay in-state tuition rates: California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New Jersey, New York, Oklahoma, Oregon, Texas, Utah, and Washington (see the chart in appendix A for additional information about state policies).

Additionally, the Rhode Island Board of Governors for Higher Education and the Hawaii Board of Regents also enacted in-state tuition policies for undocumented students at the state's public colleges and universities. In Michigan each public college or university sets tuition policy on its own, and major institutions, including the University of Michigan, offer in-state tuition rates to undocumented immigrants. Similarly, the Kentucky Council on Postsecondary Education has allowed individual public institutions of higher education to set policy on undocumented students' access to in-state tuition rates since 2003, and a number of major state institutions now offer in-state tuition. Taking a different route, in 2014 Virginia Attorney General Mark Herring advised the State Council of Higher Education and the chancellor of the Virginia Community College System that Virginia students who are lawfully present in the U.S. under DACA qualify for in-state tuition if they attended a Virginia high school for at least three years. New Mexico, California and Texas also allow undocumented students to apply for state financial aid, while Minnesota allows DACA recipients to receive state financial aid.

On the other hand, a few states have passed measures to further limit higher education opportunities for undocumented students. Arizona, Georgia, and Indiana passed legislation to explicitly bar undocumented students from receiving in-state tuition, while Alabama, Montana, and South Carolina do not allow undocumented students to enroll in public universities. Recently, Indiana passed a law to reinstate in-state tuition to those undocumented students who were enrolled as of July 1, 2011. A court case challenged state policies that bar undocumented students from public institutions of higher education, but it was dismissed.<sup>23</sup> With the implementation of DACA, it is important to note that state institutions in Alabama, Montana, and South Carolina have the option to allow DACA grantees to enroll. States have seen mixed results from this new development, with some institutions allowing DACA grantees to enroll in classes and others continuing to bar these students. For example, Maricopa County community colleges in Arizona began allowing DACA-grantees to access in-state tuition rates but Arizona Attorney General Tom Horne is challenging that decision in court.<sup>24</sup>



## PROGRESS FROM THE OBAMA ADMINISTRATION

On June 15, 2012, President Obama announced DACA, a new deferred action policy from the Department of Homeland Security. The initiative provides certain DREAM Act-eligible youth with a renewable two-year reprieve of deportation and the ability to obtain social security cards and work authorization. The U.S. Customs and Immigration Service began accepting DACA applications on August 15, 2012, and there have already been a number of positive outcomes for children and youth. Preliminary research by the National UnDACAmented Research Project shows that a majority of DACA recipients got a new job, opened their first bank account, and got driver's licenses after being granted DACA.<sup>25</sup> As of September 2013, over 588,000 children and youth have applied for DACA and over 567,000 applications have been approved.<sup>26</sup>

The basic guidelines for eligibility are that an individual:

- came to the U.S. under the age of 16;
- was between 15 and 31-years-olds as of June 15, 2012 (youth under age 15 can apply for deferred action only if they are in removal proceedings or have a voluntary departure order or deportation order. Children under age 15 who meet the other requirements will be protected from deportation as long as they continue to qualify and can apply for deferred action after they turn 15);
- lived in the U.S. for five continuous years and was present in the U.S. on June 15, 2012;
- is in school, has obtained a high school diploma or general equivalency degree (GED), or was honorably discharged from the armed services or Coast Guard before applying;
- does not pose a threat to national security and has no felony, significant misdemeanor or, three or more non-significant misdemeanor charges; and
- did not have lawful immigration status on June 15, 2012.

The positive gains from the DACA program offer a glimpse of how reforming broken U.S. immigration policies can improve outcomes for undocumented youth. However, it is important to note that DACA remains only a temporary and incomplete solution that leaves out many of the undocumented youth population, such as young parents and out-of-school youth who may not qualify under the program's education requirements as well as those individuals who entered as children but missed the arbitrary 31-year-old cutoff as of June 15, 2012. Furthermore, DACA recipients still have families who are at risk of detention



or deportation, a major source of anxiety and stress for these youth.<sup>27</sup> Given the temporary nature of the program, more than half a million DACA grantees are living in limbo, unsure of what the future may bring.

On May 8, 2014, the Departments of Justice and Education issued guidance to state and local educational agencies on the legal obligation for school districts to provide equal educational opportunities for all children, including undocumented immigrants. The guidance also warned state and local school districts to end policies that may discourage students from enrolling because of their or their parents' immigration status. The guidance, which includes a letter, a fact sheet, and a list of frequently asked questions, outlines all the forms that constitute proof of residency, explicitly states that districts may ask for a student's Social Security number but must make clear that the student is not required to provide it, and encourages schools to enroll all children of school age and seek necessary paperwork after the student has started classes.<sup>28</sup>

## LOOKING AHEAD: FEDERAL AND STATE OPPORTUNITIES

In addition to facing an uncertain future in the U.S., undocumented students also live in constant fear of being separated from their families or moving with their families to a country they may no longer remember. Undocumented students who have not been granted DACA live in fear of deportation, while those with DACA strive for permanence. After already investing in the K-12 education of these students, it is in our best interest as a country to provide these young people with the opportunity to achieve their full potential and ultimately give back to the country they already call home. These students need and deserve policies that encourage academic success and allow them to freely pursue their goals.

There have been recent efforts in Congress to improve educational opportunities for undocumented students. The Senate passed a comprehensive immigration reform bill, the Border Security, Economic Opportunity and Immigration Modernization Act of 2013 (S 744), on June 27, 2013 with a bipartisan 68-32 vote. S 744 would create a pathway to citizenship for all 11 million undocumented immigrants in the U.S. through a 10 year registered provisional immigration status (RPI). A means for parents to obtain citizenship would improve educational outcomes for their children by allowing parents to find stable work and better finance their child's education as well as by eliminating the fear of family separation so that children can focus on their studies. Other provisions in S 744 that would increase educational opportunity for immigrant students include a DREAM title with a five year path to citizenship for youth who entered the U.S. before age 16; graduated from high school or earned a GED; and acquired a higher education degree, completed two years at an institution of higher education, or completed four years of military service. Additionally, an amendment proposed by Senator Hirono and approved by the Senate Judiciary Committee would make students in RPI status eligible for federal work study and student loans, improving the affordability of post-secondary education. The bill would also repeal Section 505 of IIRIRA to give states the freedom to more easily set their own in-state tuition policies for undocumented students, making ongoing state advocacy activities important.

In October 2013, HR 15 was introduced as the House version of the Border Security, Economic Opportunity, and Immigration Modernization Act and includes many of the positive provisions for immigrant youth and families in S 744 as well as bipartisan enforcement measures agreed to in the House Homeland Security Committee. The bipartisan bill and has nearly 200 co-sponsors. Yet, as of May 2014, the House has declined to consider any comprehensive immigration reform bill. There are a number of bills that have been passed by the House Judiciary Committee that would do little to improve educational outcomes for immigrant students, and may in fact create additional challenges for students. For example, the Strengthen and Fortify Enforcement (SAFE) Act (HR 2278) would extend extreme enforcement provisions of SB 1070 and HB 56 (many of which have since been struck down in court) to all states and eliminate DACA, taking away the gains made by DACA and subjecting all states to the negative effects of the damaging Arizona and Alabama state laws.



Comprehensive immigration reform bills such as S 744 and HR 15 would eliminate many of the challenges that immigrant students face, promote educational success for these students, and have a positive impact on the entire country. Because the House will not consider the Senate bill and likely will not pass any immigration bills before the end of the year, state- and local-level advocacy efforts remain important to fight back against anti-immigrant state laws that could harm students and to increase access to in-state tuition and financial aid for undocumented students.

## RESOURCES FOR UNDOCUMENTED STUDENTS

United We Dream, DREAM Educational Empowerment Program

<http://unitedwedream.org/about/projects/education-deep/>

Own the Dream (information on DACA)

<http://www.weownthedream.org/>

Pocket DACA: A How to Guide from AILA

<http://www.aila.org/content/default.aspx?docid=45405>

First Focus DACA Fact Sheet

<http://www.firstfocus.net/library/fact-sheets/deferred-action-for-immigrant-youth>

National Immigration Law Center Toolkit on Accessing Post-Secondary education

<http://nilc.org/eduaccessstoolkit.html>

## ACKNOWLEDGEMENTS

Wendy Cervantes, Vice President, Immigration and Child Rights Policy at First Focus and Director of the Center for the Children of Immigrants, contributed to reviewing this document.



## APPENDIX A: STATES WITH HIGHER EDUCATION POLICIES FOR UNDOCUMENTED STUDENTS

State	Year Enacted	Specifics
Alabama	2011	One of the provisions of HB 56 prevents undocumented students from enrolling in public postsecondary education institutions, including colleges in the Alabama Community College System, but DACA-grantees can now enroll in certain institutions.
Arizona	2006, 2014	State legislature passed proposition 300, which prohibits undocumented students from receiving in-state tuition rates and state financial aid. In 2014, Maricopa County community colleges began allowing DACA-grantees to access in-state tuition rates, a decision Arizona Attorney General Tom Horne is challenging in court.
California	2001, 2011	State legislature passed AB540 that allows undocumented students to pay in-state tuition rates at California state colleges, universities and community colleges. In 2011, A130 was passed to allow undocumented immigrants to receive state financial aid.
Colorado	2008, 2013	In 2008, the state legislature passed a law prohibiting undocumented students from receiving in-state tuition rates, but in 2013 Colorado reversed course and passed a law that allows undocumented students to access in-state tuition rates
Connecticut	2011	State legislature passed a law that allows undocumented students to pay in-state tuition rates.
Florida	2014	State legislature passed a law that allows undocumented students to pay in-state tuition rates if they attended a Florida high school for at least three years. Governor Scott is expected to sign the bill.
Georgia	2008	State legislature passed a law that prohibits undocumented students from receiving in-state tuition rates.
Illinois	2003, 2011	In 2003, the state legislature passed HB 60 to allow undocumented students to pay in-state tuition rates. In 2011, the state legislature passed the "Illinois DREAM Act," which established a fund for scholarships for undocumented students that is funded by private donations.
Indiana	2011, 2013	State legislature passed a bill in 2011 that requires students to be lawfully present to receive in-state tuition rates. This bars undocumented immigrants from accessing in-state tuition rates, but a 2013 bill allows students who were enrolled in a state institution of higher education on July 1, 2011 to continue paying in-state tuition rates.
Kansas	2004	State legislature passed HB2145, which allows undocumented students to pay in-state tuition rates.
Kentucky	2003	Since 2003, the Kentucky Council on Postsecondary Education has allowed individual public institutions of higher education to determine whether or not undocumented students can access in-state tuition rates. Major state institutions now offer in-state tuition, including the University of Kentucky, Bluegrass Community and Technical College, Eastern Kentucky University, and Northern Kentucky University.
Maryland	2011, 2012	In March 2011, the State legislature passed a law that allows undocumented students to pay in-state tuition rates at community colleges and at state colleges and universities after graduating or transferring from a community college with at least 60 credits. This law was brought to a referendum vote in November 2012 and was upheld 58-42 in the first popular vote on in-state tuition for undocumented students.



Michigan	2013	Each public institution in Michigan decides individual tuition policies. In July 2013, the University of Michigan Board of Regents voted 6-2 to allow students who attended a Michigan middle school for two years and a Michigan high school for at least three years, and who enroll in University of Michigan within 28 months of graduating from high school to access in-state tuition rates. Western Michigan University offers in-state tuition rates to individuals, including undocumented immigrants, who can prove they live in Michigan. Wayne State University does not check immigration status. Saginaw Valley State University allows its president to approve waivers for undocumented students and permits children of migrant workers to pay in-state tuition rates.
Minnesota	2013	State legislature passed SF723/ HF875 that allows undocumented students to pay in-state tuition rates. State law also allows students with DACA to apply for state financial aid.
Montana	2011	State legislature passed HB 638, which bars undocumented students from attending public institutions of higher education, but DACA-grantees can now enroll in certain institutions.
Nebraska	2006	State legislature passed LB239, which allows undocumented students to pay in-state tuition rates.
New Jersey	2013	State Senate passed S 2479, which allows undocumented immigrants who meet certain criteria to qualify for in-state tuition at public institutions of higher education and state financial aid. On November 18, 2013 this bill was referred to the Assembly Higher Education Committee, but New Jersey Governor Christie has announced that he would not sign the despite previously supporting similar policies.
New Mexico	2005	State legislature passed SB582, which allows undocumented students to pay in-state tuition rates and allows undocumented students to receive state financial aid
New York	2002	State legislature passed SB7784 that allows undocumented students to pay in-state tuition.
North Carolina	Multiple years	The North Carolina Community College System has changed its admissions policy for undocumented students five times. At various times, undocumented students were barred from community colleges, each campus was allowed to decide, undocumented students were allowed to enroll at all campuses, undocumented students were banned again, and currently (since 2009) undocumented students who graduated from a high school in North Carolina can enroll in the North Carolina Community College System but must pay out-of-state tuition rates.
Oklahoma	2003	State legislature passed SB 596, which directed the Oklahoma State Regents for Higher Education to allow undocumented students to pay in-state tuition
Oregon	2013	State legislature passed a law that allows undocumented students to pay in-state tuition rates.
Rhode Island	2011	The Board of Governors for Higher Education unanimously voted to allow undocumented students to pay in-state tuition rates at Rhode Island state colleges and universities if the student attended a Rhode Island high school for at least three years and signs an affidavit stating that they are pursuing legal status.
South Carolina	2008	State legislature passed H 4400, legislation prohibiting undocumented students from enrolling in state colleges and universities, but DACA-grantees can now enroll in certain institutions.
Texas	2001	State legislature passed HB1403, which allows undocumented students to pay in-state tuition rates and receive state financial aid.
Utah	2002	State legislature passed HB144, which allows undocumented students to pay in-state tuition rates.
Virginia	2014	Attorney General Mark Herring advised the State Council of Higher Education and the chancellor of the Virginia Community College System that Virginia students who are lawfully present in the U.S. under DACA qualify for in-state tuition.
Washington	2003	State legislature passed HB1079, which allows undocumented students to pay in-state tuition.
Wisconsin	2009, 2011	State legislature passed AS75 in 2009 that allowed undocumented students to pay in-state tuition rates, but that law was revoked in the 2011 omnibus budget.



## REFERENCES

- <sup>1</sup> Jeffrey S. Passel and D'Vera Cohn, 2011. "Unauthorized Immigrant Population: National and State Trends, 2010." Washington, DC: Pew Research Hispanic Trends Project. Available: <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-brnational-and-state-trends-2010/>.
- <sup>2</sup> Roberto G. Gonzales, Carola Suárez-Orozco, and María Cecilia Dedios. 2013. "Contextualizing Concepts of Mental Health among Undocumented Immigrant Youth in the United States." *American Behavioral Scientist*, Volume 57 Issue 8, 1173 – 1198. Available: <http://www.asanet.org/images/journals/docs/pdf/asr/Aug11ASRFeature.pdf>.
- <sup>3</sup> Jeffrey S. Passel, 2003. *Further Demographic Information Relating to the DREAM Act*. Washington, DC: The Urban Institute.
- <sup>4</sup> 457 U.S at 220 (citing *Trimble v. Gordon*, 430 U.S. 762 (1977))
- <sup>5</sup> Michael A. Olivas, 2005. "Plyler v. Doe, the Education of Undocumented Children, and the Polity." In David Martin and Peter Schuck, eds., *Immigration Stories*, Foundation Press.
- <sup>6</sup> Tomas Lopez, 2011. "Left Back: The Impact of SB 1070 on Arizona's Youth." The University of Arizona, Southwest Institute for Research on Women, College of Social and Behavioral Sciences and Bacon Immigration Law and Policy Program, James E. Rogers College of Law.
- <sup>7</sup> Southern Poverty Law Center, 2013. *HICA, et al. v Robert Bentley, Luther Strange, et al.* Available: <http://www.splcenter.org/get-informed/case-docket/hica-splc-aclu-et-al-v-robert-bentley-luther-strange-et-al>.
- <sup>8</sup> Office of Public Affairs, Department of Justice (2011). *Department of Justice Challenges Alabama Immigration Law*. Available: <http://www.justice.gov/opa/pr/2011/August/11-ag-993.html>.
- <sup>9</sup> United States of America v. State of Alabama & Governor Robert Bentley (N.D. Alabama 2011). Available: <http://www.justice.gov/opa/documents/complaint-us-v-alabama.pdf>.
- <sup>10</sup> Peggy Cargis, 2011. *Judge Lets Key Parts of Alabama Immigration Law Stand*. Reuters: Birmingham, Alabama. Available: <http://www.reuters.com/article/2011/09/28/us-immigration-alabama-idUSTRE78R4T620110928>.
- <sup>11</sup> Tom Baxter, 2012. *Alabama's Immigration Disaster: The harshest law in the land harms the state's economy and society*. Washington, D.C: Center for American Progress. Available: [http://www.americanprogress.org/wp-content/uploads/issues/2012/02/pdf/alabama\\_immigration\\_disaster.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2012/02/pdf/alabama_immigration_disaster.pdf).
- <sup>12</sup> U.S. Department of Justice, 2011. "AAG Perez Reminds Alabama School Districts Children Deserve Equal Access to Public Education," The Justice Blog. Available: <http://blogs.justice.gov/main/archives/1710>
- <sup>13</sup> United States of America v. State of Alabama and Governor Robert Bentley (N.D. of Alabama, 2011), "Plaintiff's Motion for an Injunction Pending Appeal." Case No. 2:11cv 02746-SLB; and Hispanic Interest Coalition of Alabama, et al. v. Robert Bentley, et al (N.D. of Alabama, 2011), "Notice of Interlocutory Appeal by all Plaintiffs." Case no. 5:11-cv-02484-SLB. Available: [http://www.splcenter.org/sites/default/files/downloads/case/Notice\\_of\\_Appeal.pdf](http://www.splcenter.org/sites/default/files/downloads/case/Notice_of_Appeal.pdf).
- <sup>14</sup> Southern Poverty Law Center (2011). "Federal Court Blocks Two Major Elements of Alabama's Anti-Immigrant Law." Available: <http://www.splcenter.org/get-informed/news/federal-court-blocks-two-major-elements-of-alabama-s-anti-immigrant-law>.
- <sup>15</sup> Southern Poverty Law Center (2012). "Federal court blocks most of Georgia & Alabama's anti-immigrant laws." Available: <http://www.splcenter.org/get-informed/news/-federal-court-blocks-most-of-georgia-alabamas-anti-immigrant-laws>.
- <sup>16</sup> Adam Liptak, 2013. "Justices Decline to Take Case on Alabama Immigration Law," *The New York Times*, New York, NY. Available: <http://www.nytimes.com/2013/04/30/us/supreme-court-declines-case-on-alabama-immigration-law.html>.
- <sup>17</sup> J.B. Wogan, 2013. "Alabama's Anti-Immigration Law Gutted," *Governing: The States and Localities*. Available: <http://www.governing.com/news/headlines/gov-alabamas-anti-immigration-law-dies-amid-hunger-for-reform.html>.
- <sup>18</sup> Olivas, 2005.
- <sup>19</sup> Ibid.
- <sup>20</sup> Roberto G. Gonzales, 2010. "More Than Just Access: Undocumented Students Navigating the Post-Secondary Terrain." *Journal of College Admissions*, Number 206. Available: [http://williamperezphd.com/yahoo\\_site\\_admin/assets/docs/gonzales-2010-jca.24234353.pdf](http://williamperezphd.com/yahoo_site_admin/assets/docs/gonzales-2010-jca.24234353.pdf).
- <sup>21</sup> Immigration Policy Center, 2011. "The DREAM Act: Creating opportunities for immigrant students and supporting the U.S. economy." Washington, DC. Available: <http://www.immigrationpolicy.org/just-facts/dream-act>.
- <sup>22</sup> Jody Feder, 2006. "Unauthorized Alien Students, Higher Education, and In-State Tuition Rates: A Legal Analysis." Washington, DC: Congressional Research Service. Available: <http://www.ilw.com/immigrationdaily/news/2007,0910-crs.pdf>.
- <sup>23</sup> Ibid.



<sup>24</sup> Mary Beth Faller, 2014. “In-state tuition lawsuit against Maricopa colleges to proceed,” AZcentral.com, Arizona. Available: <http://www.azcentral.com/story/news/politics/2014/05/01/state-tuition-lawsuit-proceed/8594261/>.

<sup>25</sup> Roberto Gonzales and Veronica Terrquez, 2013. “How DACA is Impacting the Lives of those who are now DACAmented: Preliminary findings from the National UnDACAmented Research Project.” Washington, DC: Immigration Policy Center and the Center for the Study of Immigrant Integration (CSII) at the University of Southern California.

<sup>26</sup> U.S. Citizenship and Immigration Services, September 10, 2013. “Deferred Action for Childhood Arrivals” Available: <http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca-13-9-13.pdf>.

<sup>27</sup> Roberto Gonzales and Veronica Terrquez, 2013.

<sup>28</sup> U.S. Department of Justice, 2014. “Dear Colleague Letter on Rights of All Children to Enroll in Public Schools,” Educational Opportunities Section. Available: <http://www.justice.gov/crt/about/edu/documents/plyler.php>.