Broken Pipeline for Non-Citizen Immigrant Students Who Want to Achieve a Postsecondary Education
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Executive Summary
Non-citizen immigrant students in the United States are at a disadvantage when they seek resources to attend postsecondary education. Undocumented, Deferred Action for Childhood Arrivals (DACA), and Temporary Protected Status (TPS) students, herein described as “non-citizen immigrant students”, do not qualify for Free Application for Federal Student Aid (FAFSA) are limited in scholarships. In 29 states they pay out of state tuition while in postsecondary education even though they graduated from a high school in the United States. Students who come from low-income households and are first-generation are already at a disadvantage if they want to pursue postsecondary education. The current federal laws in education have created a pipeline that excludes non-citizen immigrant students starting in the K-12 education system. Non-citizen immigrant students who are enrolled in the K-12 education system are not eligible to enroll in federal pre-college programs to prepare them with educational resources to support their journey to post-secondary education. There are only 21 states that offer some type of postsecondary financial aid to non-citizen immigrant students. This creates an inequity because these students have gone through the United States educational system and are unable to access schooling that would help them advance in their careers and life. Non-citizen immigrant students need to have access to federal college preparatory programs so that they are able to be fully prepared with resources for a path to postsecondary education and expand their knowledge of career options. Additionally, Congress must pass legislation mandating these students’ access to federal financial aid as well as provisions that allow non-citizen immigrant residents of a state to utilize that state’s in-state tuition. Members of Congress should introduce a bill
similar to H.R.1298, The Higher Education Dream Act, and include all non-citizen immigrant students residing in the United States not just DACA recipients.

Problem Statement

Increasingly, the completion of a postsecondary degree has become a critical tool for individuals to secure dignified and gainful employment—work that, as a society, we cherish for its ability to make good citizens out of people and productive contributors to neighborhoods, communities, and the economy. Unfortunately, non-citizen immigrant students have been systemically excluded from every step of the ladder that ultimately leads to the completion of a postsecondary credential.

The U.S. Supreme Court case Plyer v. Doe (1982) prohibited states from denying undocumented students a public K-12 education (CRS Unauthorized Alien Legal Analysis). Undocumented students need the same supports that every student needs—mentoring, tutoring, college prep— but even with the decision to allow undocumented students access to K-12 public schools, they are largely left out of essential services. These are pathways to postsecondary education. Beginning with the denial of access to federal college preparatory programs that begin as early as kindergarten, federal laws governing programs such as GEAR UP, Upward Bound, and other TRiO programs, include provisions that strictly cut off non-citizen immigrant student access to these critical resources that prepare today’s young people for successful academic trajectories. TRiO programs are federally funded programs established by Congress in 1965 through the Higher Education Act. The purpose of these programs is to conduct federal outreach and provide services specifically for students from disadvantaged backgrounds like first-generation college students, low-income youth and students with disabilities. TRiO programs provide students with opportunities for academic development, assists students with college requirements, and motivate students to pursue postsecondary education (U.S. Department of Education).

Furthermore, when the time comes for non-citizen immigrant students to seek out postsecondary education, they are faced with more federal laws that prevent their access to federal grants, such as Pell Grants for low-income households, and federal student loans for college. At a time when the majority of all college students utilize and
rely on federal student loans to obtain higher education, excluding already financially vulnerable student groups from the funding makes it nearly impossible to earn a college degree. About 43 million adult Americans—roughly one-sixth of the U.S. population older than age 18—currently carry a federal student loan (Center for American Progress).

Immigrant families who are low-income and earn minimum wage are placed at a disadvantage since they often live paycheck to paycheck and make saving for college out of reach. 29 states require non-citizen immigrant students to pay out-of-state tuition, notwithstanding the student’s actual state of residence. These states also shut out students from grants and scholarships that are available to other prospective and current college students. Students who come from low-income backgrounds are also offered less Advanced Placement, honor, and college preparatory classes (GAO K-12 Education Research). Thus, it is very challenging to for them to be competitive applicants when applying to colleges because they lack access to essential classes.

In the United States, non-citizen immigrant students are attending and achieving in postsecondary education. An estimated 454,000 undocumented immigrant students are enrolled in higher education. Non-citizen immigrant students who are able to complete their postsecondary education and go on to work contribute to their communities and society. DACA recipients also known as DREAMers are undocumented individuals who are working or studying in the United States. Deferred Action for Childhood Arrivals also known as DACA was established by president Barack Obama in June 2012. DACA does not provide an official legal status and only provides individuals with a work authorization card and protection from deportation (NILC).

96% of DACA recipients are currently in school or are employed (Center for American Progress). Furthermore, 92% of DACA recipients who are 25 and older, are currently employed. After receiving DACA, 54% reported moving to a job with better pay; 46% moved to a job with better working conditions; 45% moved to a job that better fit their education and training (Center for American Progress). This is a great example that by allowing non-citizen immigrant students to achieve postsecondary education the American economy benefits greatly. Additionally, non-citizen immigrant students
contribute to their society by becoming professionals or creating their own businesses and generating job opportunities.

The Equal Protection Clause in the Constitution refers to citizens and non-citizens alike—it stipulates that all persons should be protected from discrimination. Many non-citizen immigrant students have been in the United States for most of their lives, in this sense they are Americans in every way except on paper. These students too should be allowed to access to the critical supports provided to all other students seeking higher education. The entire educational support pipeline for today’s students, from K-12 to college, is out of reach for 26.1 million non-citizen immigrant students who call America home calls for federal policies to correct for these unjustifiable exclusions must be enacted in order to break these barriers.

**Policy Recommendations**

All non-citizen immigrant students deserve the right to an education and to have their needs met by the public education system. Congress can ensure that non-citizen immigrant students are fully able to participate in this right by considering these recommendations:

**Recommendation 1**

**Congress should pass legislation to ensure that the Department of Education serve non-citizen immigrant students in the K-12 education systems.**

Non-citizen immigrant students should have immediate access to all K-12 programs that their citizen peers do. The Department of Education should ensure that every student is able to participate in programs like TRiO, which is a set of federally funded college opportunity programs that motivate and support students from disadvantaged backgrounds in their pursuit of a college degree. Non-citizen immigrant students in middle school will be mentored and be supported in preparing for high school. Students will have the opportunity to learn about career exploration, financial literacy and different pathways to achieve a post-secondary education.
**Recommendation 2**

Congress should introduce and pass legislation requiring all states to provide in-state tuition for non-citizen immigrant students residing in the state they are attending college. Once this legislation becomes a law, every state should allow eligible students to benefit from in-state tuition every school year. In order for non-citizen immigrant students to be eligible for in-state tuition they must have graduated from high school or obtained their GED in the United States. Students must be enrolled in a community college or a four-year university.

**Recommendation 3**

Congress should reintroduce and pass H.R. 1298, The Higher Education Dream Act to grant federal financial aid for non-citizen immigrant students. This legislation was introduced in the 116th Congress. The bill currently only focuses on DACA recipients, when there is a greater needed to expand federal aid to all non-citizen immigrant students. In order to strengthen this legislation, it should include all non-citizen immigrant students who have graduated from a high school or received their GED in the United States. This bill will allow non-citizen immigrant students to not be discriminated or taken advantage of when pursuing post-secondary education. Non-citizen immigrant students will receive federal aid to assist with tuition.
Resources

https://www.nacacnet.org/globalassets/documents/knowledge-center/undocumented-students/jca-winter-2010-sup-only.pdf  
https://www.uiindy.edu/documents/The_Case_for_Undocumented_Students_in_Higher_Education.pdf  
https://www2.ed.gov/about/offices/list/ope/trio/index.html  
https://www.americanprogress.org/issues/education-postsecondary/reports/2019/06/12/470893/addressing-1-5-trillion-federal-student-loan-debt/  
https://www.nilc.org/issues/daca/  
