

Advising Undocumented Students

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Higher education obstacles and possibilities

The Urban Institute estimates that 65,000 undocumented students—that is, children born abroad who are not U.S. citizens or legal residents—graduate from U.S. high schools each year. These children are guaranteed an education in U.S. public schools through grade 12, but may face legal and financial barriers to higher education. **What can you tell undocumented students about their options for college?**

There are three main areas on the path to higher education where undocumented students may have special concerns or face obstacles: admission, tuition, and financial aid.

College and university admission policies

Undocumented students may assume that they cannot legally attend college in the United States. This is not true. **There is no federal or state law that prohibits the admission of undocumented immigrants to U.S. colleges and universities**, public or private, nor does federal or state law require students to prove citizenship in order to enter U.S. institutions of higher education. However, institutional policies on admitting undocumented students vary.

For example, many 4-year state colleges in Virginia (following a 2003 recommendation by the state attorney general) require applicants to submit proof of citizenship or legal residency, and refuse admission to students without documentation. This policy is not, however, a state law. In many other states, public institutions accept undocumented students but treat them as foreign students so that they are ineligible for state aid and for the lower tuition charged to state residents.

College and university tuition policies

An issue generating controversy today is the question of whether undocumented students residing in a U.S. state should be eligible for the lower tuition rates that state residents pay for their state's public colleges and universities. **Many state institutions charge undocumented students out-of-state tuition fees** (even if the student is a longtime resident of the state), and this policy can put college out of their reach financially.

In recent years, 10 states—Texas, California, New York, Utah, Illinois, Washington, Nebraska, New Mexico, Oklahoma, and Kansas—have passed laws that permit undocumented students to pay in-state tuition rates under certain conditions. For example, California's law requires the undocumented student to have attended a state high school for three or more years, to have graduated from a state high school, and to sign an affidavit promising to file an application to legalize his immigration status. Counselors in any of these states should familiarize themselves with that state's specific prerequisites.

In 2007, the DREAM (Development, Relief and Education for Alien Minors) Act was reintroduced in the House and Senate. If passed, this legislation would permit undocumented students to begin a 6-year process leading to permanent legal status if, among other requirements, they graduate from a U.S. high school and were brought to the U.S. at least 5 years before the legislation is signed into law at the age of 15 or younger. To complete the process they would, within the 6-year period, be required to graduate

from a community college, complete at least 2 years towards a 4-year degree, or serve at least 2 years in the U.S. military. These individuals would qualify for in-state tuition rates in all states during the 6-year period.

Federal, state, and institutional financial aid policies

Undocumented students cannot legally receive any federally funded student financial aid, including loans, grants, scholarships, and work-study programs.

In most states, they are not eligible for state financial aid. Less than a handful of states grant eligibility for state financial aid to undocumented students who qualify for in-state tuition, and this has proven a contentious issue, so the situation is subject to change.

Most private scholarship funds and foundations require applicants to be U.S. citizens or legal residents, but there are some that do not have this requirement. See the "Resources" section to the right for a link to a list of scholarships that may be available to undocumented students.

Private colleges and universities set their own financial aid policies. Some are willing to give scholarships and other aid to undocumented students.

The counselor's role

Legally, K-12 school personnel cannot inquire about the immigration status of students or their parents. Therefore, you may learn that a student is undocumented only if he chooses to share this information. Undocumented students may not even be aware of their legal status.

What you can do:

- **Reach out as early as possible to all students** and encourage them to envision themselves as college material, explore career options, and prepare academically for college. If the opportunity arises, let students know that undocumented status is not a legal bar to attending a U.S. college.
- **Explain the requirements for federal financial aid** when discussing financial aid at parent meetings or other group sessions: recipients must be U.S. citizens or legal residents. You can explain financial aid policies and options to parents and students without asking about their immigration status.
- **Know your state's laws** regarding undocumented students and stay up-to-date on changes in the laws (see the "Resources" section to the right for links to information on state laws).
- **Let students know there are scholarships available** to undocumented students (see the "Resources" box to your right).

Currently, there is no official role a school can play in helping students become documented. However, if an application for citizenship is in the works, you can help determine where the paperwork is in the application process. And, if appropriate, you can refer students to qualified immigration lawyers.