

Promoting Equity for Undocumented Students in Postsecondary Education

By J Geiman

As Congress debates the structure of the current budget reconciliation package, policymakers must prioritize programs that support college access, affordability, and student success for the millions of immigrant youth who have strong ties to our communities and call America home. Immigrant students, including Dreamers, face significant barriers in accessing a postsecondary education and have faced increased hardship as a result of the pandemic with little access to additional supports.

Unfortunately, as part of the ongoing negotiations of the Build Back Better Act, the America's College Promise program, which would have guaranteed two years of free community college to all, will not be included in the final bill. Despite this loss, Congress is still considering several proposals that would increase funding for postsecondary education and provide support for immigrant students. Critical among these is expanded eligibility for federal student aid including Pell Grants to students eligible for the Deferred Action for Childhood Arrival (DACA) program, and Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) through 2030, while also increasing the Pell amount by \$500 and including undocumented immigrants in tuition assistance grants to minority-serving institutions.

We call on Congress to defend the funding for postsecondary education, as well as pass a pathway to citizenship for Dreamers and other undocumented immigrants who are critical to our country's future. In addition, we have detailed below a number of other factors that Congress should consider to support undocumented students.

In the United States, education has long been viewed as the great equalizer for millions of people with low incomes, particularly students of color and immigrants. In 1982, a Supreme Court ruling (*Plyer v. Doe*) held that all children, regardless of immigration status, have a constitutional right to a free public education from kindergarten to 12th grade. CLASP believes that every student should also have equitable access to an affordable, high-quality postsecondary education, regardless of immigration status.

Here's why postsecondary education is important for immigrants:

A postsecondary credential is imperative in today's global economy. In a rapidly changing, globally competitive economy, **acquiring some postsecondary education** is key to increasing economic and social mobility for students and workers with low incomes. A postsecondary credential can help undocumented students and their families move along pathways out of poverty and into jobs paying living wages.

Undocumented students want and need access to a postsecondary education. The Migration Policy Institute found that **nearly 100,000** undocumented immigrant youth graduate from high school every year. These "Dreamers" who arrived in the United States as children aspire to attend college and contribute to the nation's workforce and economy—in fact, a recent report found that **more than 427,000** undocumented students are currently enrolled in postsecondary education. About 181,000 of these students benefit from or are eligible for

DACA protections, which allows Dreamers to work and remain in the United States without fear of deportation. Programs like DACA, TPS, and DED have made it easier for undocumented youth to access postsecondary education, driver's licenses, and professional certificates and licenses so they can work and provide for their families. Experts estimate that the American Dream and Promise Act or **H.R. 6**, one of the recent proposals in Congress, could put 2.1 million Dreamers and 460,000 TPS holders and DED recipients on a pathway to citizenship.

Undocumented youth contribute to the nation's workforce and economy. A recent report from New American Economy (NAE) found that **94 percent** of the DACA-eligible population in the US labor force are employed. Increasing access to a postsecondary education and industry-recognized credentials yields higher earnings for individuals and families, while also boosting federal, state, and local revenues. Annually, households with **Dreamers generate \$15.5 billion** in state and local taxes, and they hold \$66.4 billion in spending power. Furthermore, undocumented immigrants have been on the frontlines of the battle with the COVID-19 pandemic. The same NAE report found that nearly half of the 1.2 million DACA-eligible immigrants in the US are essential workers, including 62,000 essential healthcare workers and 480,000 essential workers in sectors outside of healthcare.

Immigrant youth face barriers in postsecondary education and the workforce, including:

Economic insecurity. Undocumented immigrant youth, including DACA, TPS, and DED recipients, face great economic insecurity because their futures remain uncertain. **In July 2021**, a U.S. District Court in Texas issued a decision holding that the DACA program is unlawful and prohibiting the federal government from approving any new DACA applications after July 16, though current recipients can still renew their status. While the federal government plans to appeal this decision, the path forward is unclear. Furthermore, changes to the program that **reduce coverage from two years to one** have increased the burden on applicants, who now must pay to renew their status every year. Delays in processing applications during the pandemic could lead to thousands losing their protection. In a critical blow, the Senate parliamentarian recently struck down proposed pathways to citizenship outlined in the budget reconciliation package, **which would have benefited an estimated 6.8 million immigrants**. Without these temporary or permanent protections, undocumented immigrant youth and young adults will be unable to pursue a postsecondary education, work to provide for their families, or remain in the United States.

College access and affordability. Under the Higher Education Act (HEA), undocumented students are **ineligible to receive Federal Pell Grants** and other forms of federal financial aid, which is a significant barrier, particularly for undocumented students with family obligations and extraordinary hardships.

Congress can make college accessible and affordable for undocumented students by:

Expanding access to Pell grants and federal student aid. Federal **Pell Grants** have been the cornerstone of federal student aid for over 40 years by helping millions of students with low incomes afford a postsecondary education. With Pell Grants, undocumented students would have greater resources to afford a high-quality postsecondary education, including basic living expenses. Proposals in the current budget reconciliation package would **expand eligibility** for federal student aid including Pell Grants to DACA-eligible students, TPS, and DED recipients through 2030, while also increasing the Pell amount by \$500 and including undocumented immigrants in tuition assistance grants to minority-serving institutions. Congress must stand behind these proposals to promote postsecondary attendance, affordability, and success for immigrant youth who know America as home.

Repealing Section 505 and encouraging states to adopt tuition equity policies. **Section 505** of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) prohibits states from providing any higher education benefit based on residence to undocumented immigrants unless they provide the same benefit to U.S. citizens in the same circumstances, regardless of their residence. Repealing Section 505 would make it easier for states to adopt tuition equity laws that help undocumented students afford college. Additionally, Congress can establish **American Dream Grants** that encourage states to increase access to higher education for students with low incomes, regardless of immigration status. This program would provide need-based student financial aid to states that set equitable in-state tuition rates or offer state financial aid to undocumented students who graduate from U.S. high schools.

Increasing access to debt-free college, including two years of free community college. Allowing undocumented students to benefit from both federal-state partnerships that provide **debt-free college programs** as well as state and local “**college promise**” programs would make college more affordable for undocumented students, particularly students with low incomes. While now cut from the current budget reconciliation package, America’s College Promise Act (ACP) or similar proposals to provide free community college would be **transformative** should they include eligibility for undocumented students. Immigrant youth with a college degree are more likely to have higher lifetime earnings. Over the course of a career, the typical worker **with a bachelor’s degree earns \$1.19 million**, twice what the typical high school graduate earns. For those who pursue trade or professional programs outside of a four-year degree, postsecondary credentials can be a pathway to stable, well-paying jobs in **fast-growing vocational industries**.

Protecting the civil rights of undocumented students in the college admissions process. When reauthorized, the HEA must **prohibit discrimination** in college admissions and make clear that states and institutions receiving federal funds cannot discriminate against undocumented students based on their immigration status by barring them from admission and enrollment.

Supporting student success for undocumented students. Congress should encourage colleges and universities to provide undocumented students with culturally responsive academic counseling, emergency grants, mental health and legal services, and **other supports** that help them graduate, transfer to four-year institutions, and connect to jobs paying living wages. This includes allowing undocumented students such as DACA recipients to access critical basic needs programs. The Hope Center estimates **39 percent of all students at two-year and 29 percent at four-year colleges experience food insecurity, while 48 percent are affected by housing insecurity**. These rates are likely to be significantly higher for undocumented immigrant students due to the additional barriers these students face to receiving financial aid and employment. Campus-based programs like **food pantries** can provide immediate aid. Institutions should also use **Higher Education Emergency Relief Funds** (HEERF), authorized in response to the COVID-19 pandemic, to provide emergency grants to undocumented students to help with basic needs expenses while attending school.

Immigrants, including the **estimated millions** of undocumented immigrants in the U.S., have proved time and time again that they are a critical part of our nation’s economy, culture, and communities. Yet for too long, they have been left out of or faced barriers to accessing programs that would help them attain the postsecondary education and credentials that are often needed to secure stable, high-quality employment and a better quality of life for themselves and their families. We urge Congress to pass a reconciliation package that includes undocumented students in their proposed support for higher education and continue to advocate for additional legislation prohibiting discrimination against undocumented students, providing additional financial support including for food and other basic needs, and passing a pathway to citizenship.

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