Education Barriers for Immigrant Students

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Who are we talking about?

US CITIZENS

• Birth in US
• Birth abroad (citizen parents)
• Naturalization
• Automatic (parents naturalize)
Spectrum on non-citizens

- Legal Permanent Residents
- Asylees + refugees
- Non-immigrants
- Temporary status
- Undocumented
Paths to Permanent Residence
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

DACA 2012

• Arrived in U.S. before 16 years old
• Born after June 15, 1981
• In U.S. by June 15, 2007
• High school diploma, currently in school, GED or military
• 2 year deferred action/work permit
Dream Act - long history

New path to LPR status for youth

- First introduced in 2001 - South Korean pianist
- Failed in 2010 - Change in tactics
- Youth recruited law professors
- Direct Action against Obama and other lawmakers
- DACA as a short-term fix
- Reform blocked in 2013
DAC A Under Attack

Threats to DACA

- Sept. 5, 2017 – Trump announces end of program
- Created chaos with short time frame for renewals
- Jan 9, 2018 – Fed judge in San Francisco orders renewals to resume (several other courts also)
- Jan 2019 – Supreme Court declines to hear special appeal
- Nov 12, 2019 - Supreme Court will hear arguments – decision Jan-June 2020
- RENEW NOW!
Federal Financial Aid

Federal Financial Aid is limited to certain categories:

- US Citizens (including children of undocumented immigrants)
- Legal Permanent Resident
- Eligible Non-Citizens
  - Refugee/Asylee
  - T visa
  - VAWA grantee
In 1996, Congress passed a restrictive immigration law that limited states' ability to offer in-state tuition to unlawfully present (undocumented) students.

Several states responded by passing state laws offering in-state tuition based on requirements other than residency in the state.
Kansas - In-State Tuition

- In-State tuition regardless of immigration status since 2004
- Requirements:
  - Attended an accredited Kansas high school for at least three years
  - Graduated from either a Kansas high school or has Kansas (GED) certificate
  - Has filed an affidavit stating he/she will apply for legal residency when eligible
- Attempts to Repeal Every Year
Kansas - Welcomes Missourians

- Many Kansas schools recruit out-of-state students, including immigrant students
- Rural universities and colleges can be good options
- Offer in-state tuition and state scholarships to even undocumented students.
Missouri - Steps forward and back

- Pre-2008 - no state rules, each university made own decisions on enrollment
- 2008 - Bill introduced barring unlawfully present (undocumented) students introduced - enforced as filed
- 2012 - DACA launched - Students now are lawfully present and able to enroll. Universities extend special tuition programs to DACA students (metro-rate)
- 2014 - Missouri Department of Education agrees DACAs eligible for A+ Scholarship
- 2015 - Backlash from Legislature

Great news!

DACA students now admitted in most Missouri universities!

Thanks community advocates
Legislative Backlash - Courts Review

- 2015 - Missouri Legislature passes a law restricting the A+ scholarship to USC/LPR
- 2015 - Mo Leg fails to pass bill about DACA tuition, so they put it in the Title of the Budget Bill (HB3) - unlawful status = international tuition rates
- ACLU sues as HB3 unconstitutionally makes policy through the budget
- 2016 ACLU loses in District Court
- Summer 2017 - ACLU wins at Appellate Court - HB3 is illegal, but state regulations limit in-state tuition to lawful status
- Language of HB3 moved to body of budget bill - Impact is unclear
- 2019 session – HB3 almost eliminated
Roller coaster for students

- 2013 Students enrolled at UMKC – offered in-state tuition (Metrorate)
- 2015 – Notified just days prior to start of semester of international/out-of-state cost
- Community rallied to raise funds
- UMKC down from 33 to 11 DACA students
Future options in Missouri

- HB3 struck down?? Unclear
- Universities can be creative
  - UMKC/UMSL - metrorate
  - UCM - working on creating a special tuition rate for immigrant students
  - MCC - Tax credits - (property/income)
  - Midwest Student Exchange Program
- Institutional Scholarships again available
  - HB3 = universities found special money that quickly ran out. Those students could be supported by regular money w/o HB3
- Undocumented students should be able to enroll - this has not yet been tested.
- Lawful status = in-state tuition & fin aid
DREAM and Promise Act 2019

- DREAM Act would provide a path to Legal Permanent Residency (green card) for youth and TPS holders
- LPR’s are eligible for all federal and state financial aid
  - Pell Grants
  - Federal Loans
  - Other Scholarships
- Unlikely to pass until after next general election in 2020
- Depend on the courts for now
Resources for immigrant youth

- Latinos of Tomorrow
- Movimiento Cosecha
- KS/MO DREAM Alliance
- GKC Hispanic Development Fund
- Professional Networking Organizations
  - HNBA
  - ProHispanica
  - Society of Hispanic Engineers