

Policy Options for Undocumented Students

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Undocumented students do not qualify for in-state tuition or financial aid in the state of Indiana. There are also few privately-run scholarship opportunities for undocumented students. Research done for this paper finds that there are currently no private scholarships at Indiana University South Bend specifically geared at the undocumented community. The lack of financial aid availability to this population of students is a deterrent for attending college.

A number of options are available to make college access easier for undocumented students. Three alternatives to the status quo are proposed: the creation of a privately-run scholarship fund; a minority recruitment center whose mission would at least partially be on locating scholarships for minority populations and explaining available options; and lastly a concerted lobbying effort to pressure the state legislature to change the existing in-state tuition prohibition on undocumented students.

Overview

Indiana University South Bend (IUSB) is a campus dedicated to diversity. The IUSB website touts the fact that fourteen percent of the 8,300+ students on campus are self-identified minorities (Indiana University South Bend, n.d.). Several student organizations are dedicated to promoting diversity. These include the Black Student Union, Latino Student Union, Queer Straight Alliance, and various clubs for international students.

The IUSB mission statement perhaps captures the spirit of the university best: "The campus values excellence in teaching, student-faculty interaction, research and creative activity, diversity and inclusivity, a global perspective, and collaboration in life-long learning. IU South Bend develops engaged citizens prepared to build strong communities" (Indiana University South Bend, n.d.). Yet as will be displayed throughout this paper, IUSB falls short on its commitment to a diverse and inclusive culture.

Despite the burgeoning Latino community in South Bend -- which according to the 2010 Census now accounts for thirteen percent of the city's population (both

documented and undocumented) -- this growing class of immigrants remains an

underrepresented group on campus. The nearby city of Elkhart has an even higher Latino population at nearly a quarter of its residents. While official statistics on the number of undocumented students at IUSB are not publicly available, data requested from the registrar's office indicates that there are several dozen, perhaps as many as one-hundred, undocumented students on campus (J. Johnston, personal communication, December 6, 2013). This is an inexact extrapolation from the number of non-resident Latino and non-resident "alien" populations at the university.

However, there is no denying that there is a sizable undocumented immigrant population at IUSB, even if the numbers are likely small relative to other groups. Many of these students are brought to the United States at a young age and know no other home. They attend our region's local elementary, middle and high schools. Once reaching college age, they seek the same calling to higher education as legal residents. IUSB is seen as an attractive campus, allowing them to stay close to home, receive a quality education and pay low tuition rates.

Yet there is a major policy hurdle that undocumented students must overcome: they are ineligible for any form of federal or state financial aid assistance including grants, loans and work-study opportunities (Eusebio and Mendoza, n.d.). In addition, undocumented students in Indiana are denied basic in-state tuition, the result of a 2011 law passed by the state legislature. House Bill 1402 states simply: "An individual who is not lawfully present in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution."

To that extent, the policy of in-state tuition is set in place by statute. It cannot be reversed through the actions of IUSB administrators. The law, however, does not preclude undocumented students from attending Indiana's public higher education institutions, nor does it prevent public universities from openly encouraging their enrollment.

Herein lies an opportunity for IUSB to become a more hospitable place for undocumented students. Not only would this be congruent with the university's goals of diversity and fairness, it would also buttress a declining student body. The alternative is to continue a status quo that punishes undocumented students with out-of-state tuition that is nearly triple the in-state rate for undergraduate programs and more than double at the graduate level (Indiana University South Bend, 2013).

The question becomes: should IUSB's administration ensure an increased and visible representation of this growing segment of our community? If so, how can it achieve such a goal? What policy options are at the disposal of the administration to encourage increased diversity and opportunities on the campus for

undocumented students? All of these questions form the basis of this policy analysis.

Discussion

IUSB has a number of options at its disposal to increase the number of Latino students on campus, as well as make college access more viable for undocumented students. The first is to continue the status quo whereby undocumented students continue to receive out-of-state tuition and virtually no financial support. An alternative to this policy is to establish a privately-run scholarship fund for undocumented students, similar to ones established in other states. A minority recruitment center dedicated to minority student outreach and aiding in the search for private scholarships is a second alternative. Lastly, the university could use its institutional weight to lobby the state legislature to make adjustments to the law that will ease the financial burden on undocumented students under certain conditions.

The status quo is the least desirable option based on the goals that have been outlined. As previously noted, the financial obstacles for attendance are tremendous. Continuing the status quo ensures a disparity between in-state and out-of-state tuition that will discourage attendance at IUSB. Undocumented students may seek out more affordable options, such as Ivy Tech.

Chart 1 shows the tuition rates at IUSB for the fall 2013 academic term. Out-of-state tuition is significantly more expensive than in-state tuition. The largest disparity comes from the graduate nursing program where the non-resident (out-of-state) tuition versus resident (in-state) tuition is nearly three to one.

Table 1: IUSB Tuition for Academic**Term 2013-2014**

	Resident	Non Resident
Undergraduate	\$207.55	\$572.97
Graduate	\$255.96	\$603.02
Graduate Business	\$304.76	\$683.71
Graduate Nursing	\$335.07	\$976.72
Graduate Social Work	\$303.86	\$761.94

Source: Indiana University South Bend, 2013.

In 2001, Texas became the first state to formally allow in-state tuition for undocumented students. It passed through the state legislature with bipartisan support and was signed by Governor Rick Perry. Estimates from 2010 put the number of undocumented students benefitting from the policy at over 16,000 students (Garrett, 2013).

The cost of tuition is a major factor that students consider when deciding which school to attend. A study of five public universities showed that enrollment was boosted significantly at two University of Texas (UT) regional campuses after the in-state tuition law was enacted. UT San Antonio saw its undocumented enrollment increase 11.1 percentage points and UT Pan American saw an increase of 18 percentage points (Dickson & Pender, 2013, p. 132). However, both schools already had large Latino populations. UT Pan American's student body already consisted of a Latino majority prior to the change in law.

Dickson found statistically insignificant changes in the three other schools studied: Texas A&M, Texas Tech, and UT Austin. These schools did not benefit from higher enrollment of undocumented students. She posits that this may be due to the fact that only a small percentage of undocumented

students were even accepted at these highly selective universities (Dickson & Pender, 2013, p. 132).

IUSB's admission requirements align closer with UT San Antonio and UT Pan American, both of which saw large increases in enrollment. However, it is unlikely that enrollment at IUSB would be boosted dramatically even if the alternatives to the status quo suggested in this paper were enacted. This is due to the modest Latino population in the South Bend region when compared to Texas.

Politically, the status quo may be convenient for IUSB's administration. It means that the university would not "rock the boat" in times when budgets are tight and when a strongly conservative legislature controls the levers of state government. It is very likely that a majority of politicians in Indianapolis oppose completely removing the in-state tuition restriction. The pressure from these elected officials should not be discounted.

Similarly, public opinion in the state may not be particularly sympathetic to the plight of the undocumented. Citizens would likely prefer to see any form of financial assistance go to citizens rather than non-citizens. Yet polling on the issue indicates that voters are generally more sympathetic to undocumented youth. While local data is unavailable, support for the DREAM Act stood at fifty-four percent nationwide versus only forty-two percent opposed in a 2010

Gallup poll (Jones, 2010). This was well outside of the margin of error, despite question wording that used the more negatively connoted "illegal immigrant" term rather than the more neutral-worded "undocumented immigrant".

Opposition may also be linked more to political cues than specific policy preferences. Gallup found broad support for immigration reform when specific elements are mentioned to respondents (Newport and Wilke, 2013). An Associated Press poll taken in April 2013 found that sixty-three percent of Americans support "providing a legal way for illegal immigrants already in the United States to become U.S. citizens" (Agiesta, 2013). Once again, majority support came despite using the derogatory "illegal immigrant" wording. These polls show that it is possible to politically navigate on issues relating to undocumented immigrants when policy nuances are explained to voters.

Alternative Options

Politics aside, the university cannot claim to cherish diversity while ignoring the problems that undocumented students face attending college in Northern Indiana. Continuing the status quo will make it more financially difficult for undocumented students to attend IUSB. Reducing financial stress through a private scholarship or changes to the in-state tuition law would greatly help these students.

According to Cynthia Murphy-Wardlow, a bilingual IUSB recruiter who works with Latino families and was interviewed for this paper, undocumented students currently qualify for roughly ten scholarships through private sources (personal communications, November 4, 2013). None of these scholarships are dedicated specifically to

undocumented students. They simply do not have a citizenship requirement, thus undocumented students may apply. However, Ms. Wardlow stated that she was not aware of an undocumented student ever being awarded a scholarship since the in-state tuition ban passed in 2011.

The first alternative to the status quo proposed in this paper is the creation of a privately-run scholarship fund to further promote diversity on campus and ensure financial assistance for undocumented students. IUSB could facilitate the creation of a privately-run scholarship fund and promote it to potential undocumented students who may need financial assistance. The fund would help bridge the gap between out-of-state and in-state tuition.

One option would be for a professor or a group of professors, acting as unpaid volunteers outside of their official university roles, to establish the fund. Another option would be for students to take on this proactive role themselves. Importantly, a privately-run scholarship fund would comply with state and federal laws that restrict direct financial assistance to undocumented students.

Several states have passed laws providing financial aid to undocumented students. California's DREAM Act (not to be confused with the federal DREAM Act, which seeks to give undocumented children a path to citizenship) grants access to Cal Grants and other forms of state financial aid to undocumented students who are eligible for a tuition exemption (McGreevy and York, 2011). The tuition exemption provides in-state tuition to both citizen and non-citizen students who attended California high schools for three or more years and graduated or received a GED. Undocumented students must certify that

they will take steps to "legalize [their] immigration status or will do so as soon as [they] are eligible" (University of California, n.d.).

Undocumented students in Indiana are expressly barred from receiving either in-state tuition or direct state-based financial aid, so it would not be possible for IUSB to mimic this approach. However, the California model does provide a model for eligibility to the privately-run scholarship fund that this paper proposes. For instance, the fund could require that students attend and graduate from an Indiana high school.

The scholarship fund dedicated to IUSB could go even further, requiring a minimum GPA for incoming freshmen and currently enrolled college students. Performance measures could be put in place to track academic progress throughout a scholarship recipient's college career at IUSB if the scholarship is awarded on a continuous basis. These measures should, at a minimum, reflect the same standards that are expected of US citizens receiving financial aid.

Ultimately, the university is within its right to promote diversity on campus. A minority recruitment center would be a second viable alternative to the status quo. It would not need to be specifically geared toward undocumented immigrants but could include them as a component of a broader mission to increase minority enrollment at IUSB. A minority recruitment center might be a more politically acceptable approach in Indiana but it would also require university funding.

The University of Illinois - Chicago (UIC) established the Latin American Recruitment and Educational Services Program (LARES) to increase Latino enrollment. The organization outlines its mission on its website: "LARES offers assistance in the

admissions process and in identifying and acquiring the financial aid necessary to attend UIC. LARES provides individualized counseling, career guidance, and academic support once a student is enrolled at UIC" (University of Illinois - Chicago, n.d.).

A minority recruitment center at IUSB could be modeled off of LARES. Administratively, it would be housed in the Office of Student Affairs. The center would aid students in the admissions process, locate financial resources, and provide individual support throughout a student's academic career. A separate university webpage would detail the services offered through the center.

IUSB currently has three full-time recruiters on its staff. Only one bilingual recruiter is available to the growing Latino community. Boosting the number of bilingual recruiters, guidance counselors and other academic support staff would be a priority of the newly-created center.

Each new student recruited helps to make up for the cost of the program. While an exact cost-benefit analysis is beyond the scope of this paper, it is not difficult to imagine a few dozen new full-time students paying for the entire cost of the handful of staff required to operate the center. These students, particularly undocumented students who the state has marginalized through regressive tuition measures, likely would not have attended the university otherwise.

A successful recruitment program would be a boon for both the university's short and long-term finances. Fixed costs involving existing buildings would already be built into the IUSB budget. The only "new" costs associated with the program would be personnel and supplies. Increasing the number of minority and undocumented students is in the university's best interests

monetarily and as a matter of following its own mission statement.

A final option to consider would be lobbying the state legislature to change the in-state tuition law. Prior to the enactment of House Bill 1402, undocumented students qualified for in-state tuition and university scholarships. Following passage and implementation, political leaders quickly realized that current students would be affected as well. In 2013, the state's leaders changed the law again. Current law now exempts students who had enrolled and qualified for in-state tuition in Indiana prior to July 1, 2011 (Welsh, 2013). The changes passed the Indiana Senate 35-15 and 70-30 in the House with significant bipartisan support.

IUSB could lobby Indianapolis to pass a bill to extend in-state tuition to Deferred Action for Childhood Arrivals (DACA) recipients. It is unlikely to expect a full repeal of the original law anytime soon given the ideological composition of the legislature. However, given that accommodations have already been made for students who had enrolled prior 2011, it is at least reasonable to conclude that the legislature has an appetite for tweaks to the law.

Limiting in-state tuition to undocumented students with DACA approval could be a politically acceptable option for conservative legislators for a number of reasons. Undocumented immigrants approved through DACA have already been authorized to stay and work in the United States. DACA provides a two year renewable work permit along with deferred action on any deportation proceedings based on the concept of prosecutorial discretion. Approved applicants must have come to the United States before turning 16; be under the age of 31 as of June 2012; have a clean

criminal record; and hold a high school diploma or its equivalent (United States Citizenship and Immigration Services, 2013). As active and ongoing members of the community, this policy would be quite different than giving in-state tuition to a newly arrived undocumented immigrant.

IUSB and other state universities have considerable resources and connections that can influence the policymaking process in Indianapolis to advance the interests of its students, faculty and mission. This power should be leveraged. Further changes to the law cannot be expected without prodding from state universities.

Finally, the administration could choose to combine the ideas from this paper into a more comprehensive approach. This would allow the university to market itself to the region's quickly growing Latino population while providing them with the necessary resources to attend college through private scholarships. It could also help to build relationships between IUSB, the Latino community, and members of the state legislature.

Limitations

If IUSB is to be true to its values, the status quo is completely unsatisfactory. All of the options outlined have their merits and disadvantages. The question becomes which policy alternative would be the best fit given current political and budgetary circumstances.

A minority recruitment center is a worthy long-term goal that is probably unrealistically ambitious in the current budget environment. It is unlikely that the administration would be able to find the necessary funds to hire new staff for the recruitment center at this time, unless it is

made a top priority. Even if the money could be scrounged, it is questionable if it could be politically justified given the fiscal situation on campus.

Lobbying the state legislature to change the in-state tuition ban on undocumented students as a single campus in the IU system would not likely have the necessary effect. Instead, it would require a broad coalition of universities within the state. A lobbying partnership with the IU Bloomington campus would be possible but would be contingent on cooperation from their administrators. The more partners in the coalition, the more difficult it would be to achieve. Active involvement from Purdue University is unlikely given that their university president, Mitch Daniels, was the governor who signed the in-state tuition ban into law in the first place.

Recommendation and Implementation

The best solution for IUSB would be to establish a privately-run scholarship fund that would benefit undocumented students. Unlike the other two alternatives to the status quo, a private scholarship fund would require no administrative costs on the part of the university. It would comply with state law, promote diversity, ease financial stress on undocumented students and modestly increase enrollment on campus.

Scholarship funds at IUSB are created through the Office of Development. According to the Director of Development, anyone can establish a scholarship at the university, although specific procedures must be followed (D. Harris, personal communication, December 2, 2013). First, a type of scholarship must be selected. There are three scholarship fund options available: a gift agreement that requires an initial \$1,000 donation without separate accounts

for the principal and income on investments (additional years require a \$500 minimum donation for the scholarship to continue); a gift agreement that requires an initial \$1,000 donation, which has a long-term principal investment; and an endowment which requires a \$10,000 contribution over a five year period through an initial outright contribution or multi-year pledge. After a type of scholarship is selected, specific requirements for the scholarship must be outlined. The scholarship must also be approved through the IU Foundation in Bloomington.

The most realistic option, and the one that would have an immediate impact, would be the gift agreement that only requires a \$1,000 initial contribution without a separation between principal and investment income. This option would allow immediate use of funds in the following semester rather than waiting for investment income to accumulate. It is unlikely that enough money would be raised to make long-term investments worthwhile.

The scholarship's requirements would state that only undocumented immigrants, who have been approved through DACA, would be eligible to receive the scholarship. However, it should be noted that the Director of Development mentioned that the wording might need to be less specific to undocumented students in order to win approval. If changes to wording are requested, the scholarship could simply indicate that it is only open to non-US citizens and permanent residents. The scholarship would be open to undergraduate students only (freshman through senior) and would require a minimum high school, or current college, GPA of 2.5.

As previously noted, undocumented students approved for DACA must meet certain age

and educational requirements. Basing the scholarship on DACA eligibility makes sense since those approved for DACA are the most likely to benefit from a college education. Even though DACA-approved students are still undocumented, it gives these students authorization to work legally in the United States. As for limiting the scholarship to undergraduates, students seeking a graduate degree already possess a degree; due to the limited amount of expected funds, it would be prudent to help those seeking their first degree.

Of course none of this would be possible without donors willing to contribute to a private scholarship benefiting undocumented students. To that extent, a coalition of university professors and students, perhaps led by the Latino Student Union, would need to form. The coalition could pool their individual resources and even hold a private fundraising drive to raise additional funds through local churches, community groups and businesses.

Finally, the coalition would need to work with the admissions, recruitment and financial aid offices to inform students of the available funds. Thankfully, undocumented students already have an ally in the recruitment office who is more than capable of showing students the options available to them. While the scholarship would be highly competitive, it would ease the financial burden for those students with the greatest possibility of success.

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