

Education Barriers for Immigrant Students

Jessica Piedra, Immigration Attorney
Maria Franco, UMKC Student, HDF Ambassador

Who are we talking about?

US CITIZENS

- Birth in US
- Birth abroad (citizen parents)
- Naturalization
- Automatic (parents naturalize)

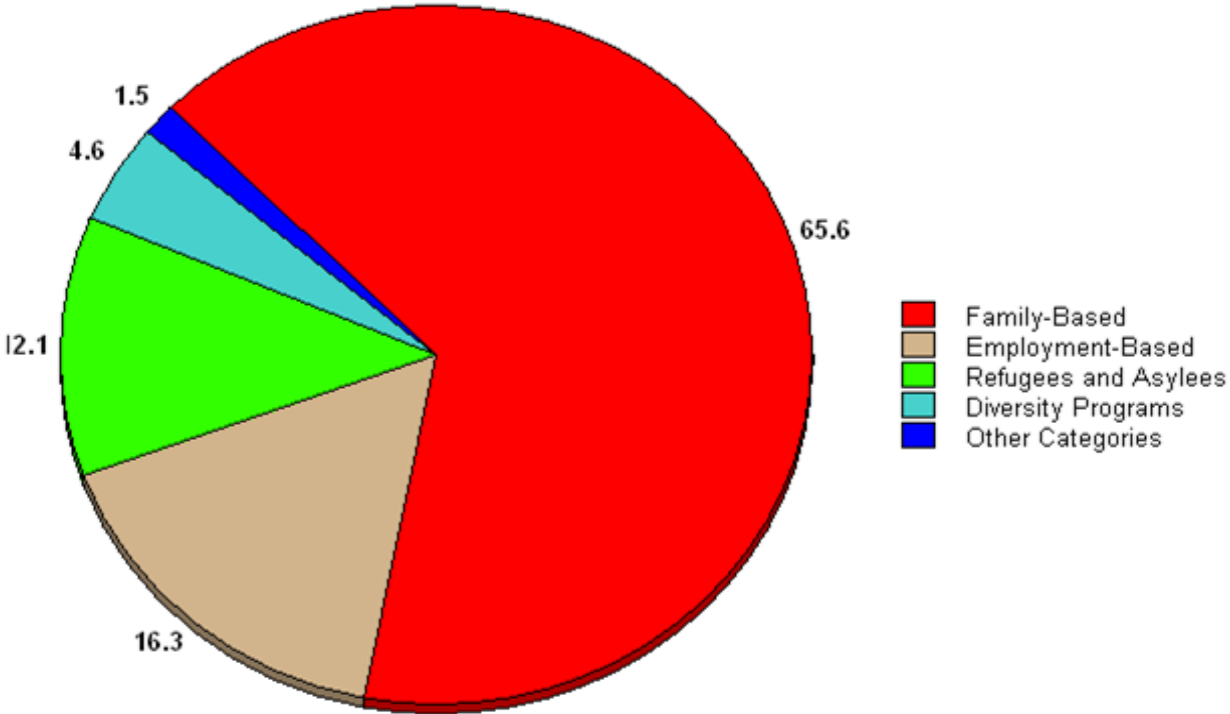


Spectrum on non-citizens



- 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

DACA 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

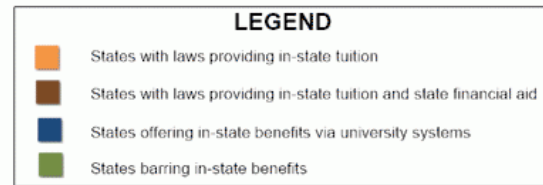
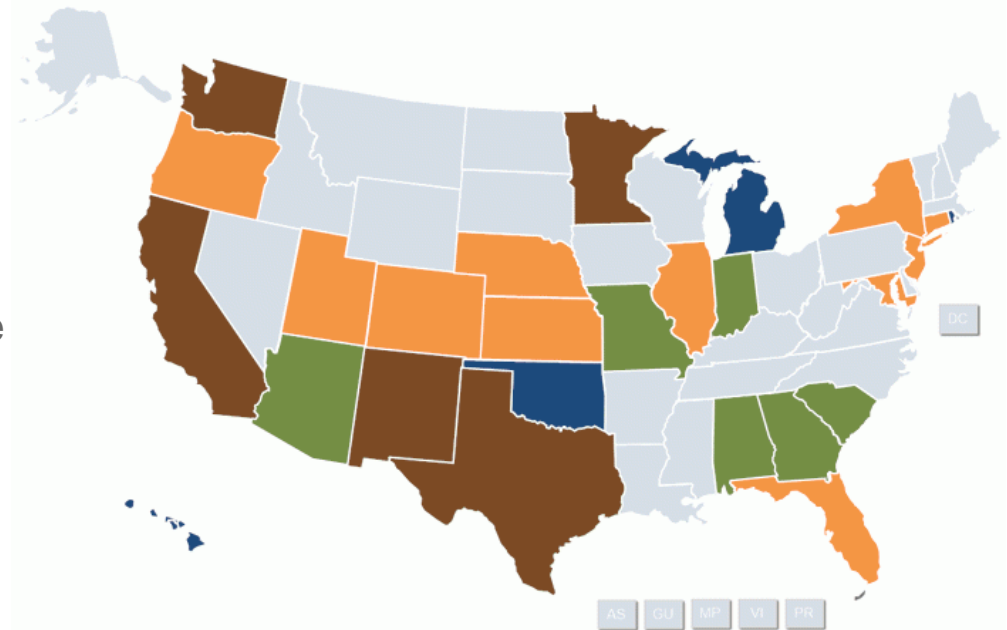
Federal Financial Aid is limited to
Certain categories

- US Citizens (including children of undocumented immigrants)
 - Legal Permanent Resident
 - Eligible Non-Citizens
 - Refugee/Asylee
 - T visa
 - VAWA grantee
-

In-State Tuition Policy - Federal vs. State

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



Jessica Piedra



Judy Ancel



- 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

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



ACLU

AMERICAN CIVIL LIBERTIES UNION
of MISSOURI

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



JESSICA PIEDRA

Attorney/Abogada

Tel: 816-895-6363

Fax: 877-395-0740

Text: 816-239-2261

   @jpiedralaw

Rivergate Building

600 Broadway Blvd., Ste. 250

Kansas City, MO 64105

jessica@jpiedralaw.com