

**Higher Education of Undocumented Immigrants: The Student Adjustment Act:  
Part 1 of 4**

**By Lillian Kim<sup>δ</sup>**

*Introduction*

About 1.5 million undocumented aliens in the United States are children under 18 years of age. 50,000 of this 1.5 million graduate from U.S. high schools each year.<sup>1</sup> For many of these high school graduates, however, attending college is an unreachable goal. As a result of the Illegal Immigration Reform and Immigrant Responsibility Act signed by Clinton in 1996, illegal aliens cannot pay the in-state tuition rate, even if they have met the in-state residency requirements. Also, their undocumented status prevents them from applying for college aid. With out-of-state rates often triple the costs of the in-state tuition rates<sup>2</sup>, and no other source of funding available, these students are left with few options: they can either attend community college if they can afford it, or they can work at a low-paying job with no hope of future advancement. These students spend their childhood here and move through the public education system, only to find the door of opportunity shut in their face by the time they graduate from high school. Plyler v. Doe of 1982 made it a federal mandate for the government to cover the public education (grades K-12) costs of all persons, legal and illegal (Badger). However, as of this date, no law has addressed the post-secondary school education of undocumented immigrants.

---

<sup>δ</sup> Bachelors of Science, expected graduate class of 2004, Wellesley College.

<sup>1</sup> Badger cites this statistic, obtained from “a recent Wall Street Journal article”, in her paper: *Myths and realities for undocumented students attending U.S. colleges and universities*.

<sup>2</sup> Virginia Tech charges residents \$480.24 to take a three-credit class but charges out-of-state residents \$1,682.49 for the same class. The Northern Virginia Community College system charges residents \$169.69 to take a three-credit class but charges out-of-state residents \$607.41 for the same class.

### *The Student Adjustment Act*

In 2001, legislation known as the Student Adjustment Act (SAA) was proposed. By granting illegal aliens legal status on the condition that they meet certain qualifications, the SAA helps immigrant students to attend college by allowing states to offer them in-state tuition rates if they qualify for state residency. Essentially, the Act allows undocumented immigrants the same opportunities for postsecondary education as the law currently provides lawful permanent residents. There are essentially three provisions of the SAA: states determine their own residency rules for the purposes of public tuition costs, thus repealing the provision made in the 1996 law; junior high and high school students who have lived in the U.S. for at least five years and are of “good moral character” can obtain immigration relief so they can go to college without the fear of being deported; and illegal aliens apply under the Act would be eligible for other higher education benefits such as student loans and Pell grants.<sup>3</sup>

Like many of the issues that are related to immigration, the debate surrounding the higher education of undocumented immigrants is quite controversial. Advocates of the SAA, argue that by preventing these students from reaching their full potential, the U.S. as a whole is losing out on their future economic and social contributions. The Human Rights Coalition claims that the legislation would actually benefit taxpayers: “If illegal aliens achieve legal residency status and higher education, they will make more money, pay more taxes and require fewer social services.”

On the other hand, those against the passing of the SAA argue that it would be a wasteful investment for our economy. They claim taxpayers already pay too much for the social benefits provided to illegal aliens. Instead, this money should be used to help

---

law-abiding citizens of this country. In addition, some view the SAA as blatantly rewarding illegal aliens for breaking the federal laws of this country, thus undermining the laws that exist to prohibit illegal immigration. As a result, the country will experience an influx of undocumented immigrants.

### *Choosing sides*

I stand firm in my decision to support the passing of the SAA. The bill simply allows states to grant talented, academically qualified youth an opportunity to pay in-state tuition if they also meet state residency requirements. Removing this financial burden will give many deserving students the chance to fulfill their dream of going to college. In addition, it will allow American society as a whole to gain from their economic and social contributions. The SAA would provide relief to these students who, through no fault of their own, were brought here illegally by their parents and have lived in this country long enough to consider the United States their real home. While both sides of the debate have persuasive arguments, it is the empirical evidence that sways me to the supporters' side. In the section that follows, I will present the points made by those in opposition to the SAA and then counteract these with the empirical evidence that I found to be most compelling on the side of advocates.

*Next week: Part 2 of 4: The Economic Objection*