

A DREAM DEFERRED

*The devastating consequences of restricting
undocumented student access to higher
education in Georgia*

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Introduction

Tens of thousands of young people in Georgia were brought to the United States without legal authorization by parents hoping for a better future for their children. These immigrant youth are growing up in U.S. communities, attending U.S. schools, forming identities based on their experiences, and dreaming of bright futures. But to many of them, their immigration status feels like a hidden bombshell waiting to explode. If they qualified for the Deferred Action for Childhood Arrivals (DACA) program and applied in time, they may have “DACA status” which allows them to get a work permit, a driver’s license, and temporary relief from deportation.² One bomb that detonates for all of these young people, however, is a Georgia law and Board of Regents policy that makes it extremely difficult to go to college. The outcome is devastating for many of these students, threatening their psychological and physical health, their prospects for higher education, and their economic futures. The law and policy is also damaging to the state of Georgia.

Georgia’s undocumented immigrant youth face challenges that their counterparts in other states do not. Georgia is one of three states that legally bars its public university system from offering in-state tuition rates to undocumented students.³ The out-of-state tuition rate, charged to students who are not Georgia residents, can be triple the in-state tuition rate. In applying this law, the Board of Regents of the University System of Georgia makes no exception for the 22,000 students with DACA in Georgia.⁴ In addition, the Georgia Board of Regents has a separate policy that bans undocumented students from attending any state college or university where admissions are selective.⁵ This blocks undocumented students who excelled in Georgia’s K-12 school system from moving on to higher education at the top public institutions in the state, including the University of Georgia, Georgia Institute of Technology, and Georgia College.⁶ Together, the state law and the Board of Regents policy (“the Georgia law and policy”) constrain the educational opportunities available to Georgia’s undocumented youth.

This report analyzes the consequences of the Georgia law and policy, which are now nine and seven years old respectively, on undocumented students and their families, and all Georgians. The first section provides background information detailing the methodology of this report, the context of the passage of the Georgia law and policy, and the human right to education. The second section explores the educational, economic, and health-related impacts linked to the Georgia law and policy as

2 Most Americans support the idea of a process for these youth to qualify for legal status, but while Congress has considered various proposals to create an appropriate pathway, these bills have yet to pass. Morning Consult & Politico, *National Tracking Poll #170817*, Morning Consult (Sep. 2017) 199 available at https://morningconsult.com/wp-content/uploads/2017/09/170817_crosstabs_Politico_v1_TB.pdf.

3 Suzanne Hultin, *Undocumented Student Tuition: Overview*, National Conference of State Legislatures (Oct. 29, 2015) available at <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx#>.

4 Migration Policy Inst., *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Data Hub available at <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (last visited Dec. 19, 2017).

5 Board of Regents Policy Manual § 4.1.6 (“A person who is not lawfully present in the United States shall not be eligible for admission to any University System institution which, for the two most recent academic years, did not admit all academically qualified applicants (except for cases in which applicants were rejected for non-academic reasons).”).

6 Rebekka Schramm, *Two Georgia Colleges Must Soon Consider Undocumented Students*, CBS46 News, (Dec. 19, 2016) available at <http://www.cbs46.com/story/33762457/two-georgia-colleges-must-soon-consider-undocumented-students>.

determined through social science research, and interviews with undocumented students, their parents, and service providers to Georgia’s undocumented residents. This report concludes by detailing how Georgia as a whole loses from its shortsighted law and policy and the threat they pose to the state’s economy.

The History of the Georgia Law and Policy

When the Georgia legislature passed Senate Bill 492 in May 2008 requiring undocumented Georgia residents to pay out-of-state tuition to attend its public universities, the population of undocumented immigrants in the state was the largest it had ever been: about 425,000.⁷ Just 13 years earlier, the undocumented population included only about 55,000 people.⁸ The six-fold increase in those years is attributed largely to the 1996 Centennial Olympic Games in Atlanta.⁹ Three months before the Olympics were set to begin, *The Washington Post* compared Atlanta to “a frazzled hostess scrambling to set the table before the Sunday company arrives.”¹⁰ Due to a labor shortage, the city was seriously behind schedule in completing numerous large-scale construction projects.¹¹ Georgia was desperate for construction workers, and it was then that Teodoro Maus, the top Mexican diplomat in Atlanta, received a phone call from the U.S. Immigration and Naturalization Service with an unusual request: spread the word that there would be no immigration enforcement in the area through the end of the Olympics.¹² Migrant laborers answered the call by the thousands, and in the ensuing years, many sent for their spouses and children to join them.¹³ This, along with Georgia’s booming agriculture and poultry-processing industries, brought large communities of immigrants to the state.¹⁴

Studies show that rapid influxes in immigration tend to generate spurts of anti-immigrant policymaking, particularly if the population has economic fears.¹⁵ Georgia exemplified this phenomenon following the immigration boom that began in the mid-1990s. In 2006, the state legislature enacted the Georgia Security and Immigration Compliance Act, which was called “the most comprehensive illegal-immigration legislation in America” by its sponsor, state senator Chip

7 Pew Research Ctr., *Unauthorized Immigrant Population Trends for States, Birth Countries and Regions*, Hispanic Trends available at <http://www.pewhispanic.org/interactives/unauthorized-trends/> (last visited Dec. 19, 2017).

8 Id.

9 David Wickert, *How the Olympics Helped Lure Latinos to Atlanta*, Politically Georgia, (Jul. 15, 2016), available at <http://www.myajc.com/news/local-govt--politics/how-the-olympics-helped-lure-latinos-atlanta/REVqYgdV8LjAypmA3zdSeO/>.

10 William Booth, *Atlanta’s Race Against Time*, *The Washington Post* (Apr. 20, 1996) available at https://www.washingtonpost.com/archive/politics/1996/04/20/atlantas-race-against-time/a2682f79-777d-4e30-99c3-a2d90c4d154d/?utm_term=.e897375f7cd6.

11 Id.

12 David Wickert, *How the Olympics Helped Lure Latinos to Atlanta*, Politically Georgia, (Jul. 15, 2016) available at <http://www.myajc.com/news/local-govt--politics/how-the-olympics-helped-lure-latinos-atlanta/REVqYgdV8LjAypmA3zdSeO/>.

13 Id.

14 Id.

15 Vickie D. Ybarra, Lisa M. Sanchez and Gabriel R. Sanchez, *Anti-immigrant Anxieties in State Policy: The Great Recession and Punitive Immigration Policy in the American States*, 2005-2012, 16(3) *State Politics & Policy Quar.* 313, 316 (2015).

Rogers.¹⁶ The law required employers to investigate their employees' immigration status, and required government agencies to check for lawful U.S. residence before making any public benefits available.¹⁷ After it passed, Burns Newsome, then the attorney for the Board of Regents of the University System of Georgia, advised the Board of Regents to revise its tuition policy to ensure compliance with the Act.¹⁸ The Board followed Newsome's advice and changed its policy to exclude undocumented students from receiving in-state tuition.

Then, in 2010, an incident at Kennesaw State University ignited a firestorm. An undocumented student, Jessica Colotl, was stopped for a minor traffic violation that led to her detention by immigration authorities.¹⁹ It emerged that the university had not checked Jessica's immigration status and had billed her tuition at the in-state rate based on her longtime residence in Georgia. The national media picked up the story because it occurred during the same month that Arizona passed the highly controversial SB 1070, known as the "show me your papers" law. Under intense public pressure, the Georgia Board of Regents convened a 13-person Residency Verification Committee and set a 60-day deadline for the 35 public colleges in its jurisdiction to review all their files and ensure that no undocumented student was paying in-state tuition.²⁰ Fifteen Georgia state senators wrote the Board of Regents an open letter accusing it of "verbal gymnastics" and asserting that state law required the Board to expel undocumented immigrants altogether.²¹ In October 2010, the Board of Regents voted 14-to-2 to ban undocumented students—or anyone without lawful residence in the United States—from any public college that did not admit all qualified applicants. At the time, this policy covered the state's top five colleges. Now, at the time of this report, the policy covers only the top three. At the same time, the Georgia legislature passed SB 492, which explicitly prohibits non-citizen students from being classified as in-state residents for tuition purposes "unless the student is legally in this state."²²

Opponents of in-state tuition eligibility for undocumented students make both legal and moral arguments to justify their position. They believe that federal law prohibits allowing such eligibility.²³ The federal law provision 8 U.S.C. § 1623 prohibits making undocumented immigrants eligible "on the basis of residence within a State" for "any postsecondary education benefit" unless

16 Lawrence Downes, *In Immigrant Georgia, New Echoes of an Old History*, The New York Times Op-Ed (Mar. 6, 2006), <http://www.nytimes.com/2006/03/06/opinion/in-immigrant-georgia-new-echoes-of-an-old-history.html>.

17 Mark J. Newman and Hon-Vinh Duong, *The Georgia Security and Immigration compliance Act: comprehensive Immigration Reform in Georgia – "Think Globally . . . Act Locally,"* Georgia Bar Journal (2007) 15.

18 Brian Feagans, *Illegals to Lose In-State Tuition* (Tighter policy: Regents Say New Georgia Law Means Colleges Must Draw the Line), Atlanta Journal Constitution, Dec. 16, 2006.

19 Stacy Teicher Khadaroo, *College Student and Illegal Immigrant: Should She Stay or Go*, The Christian Science Monitor, May 14, 2010.

20 [Regents Adopt New Policies on Undocumented Students, University System of Georgia Oct. 13, 2010 available at http://www.usg.edu/news/release/regents_adopt_new_policies_on undocumented_students.](http://www.usg.edu/news/release/regents_adopt_new_policies_on undocumented_students)

21 Senator Don Balfour, et al, *Letter to the Board of Regents*, available at http://www.thedustininmansociety.org/private/letter_board_of_regents_2010jun16.pdf.

22 O.C.G.A. §20-3-66(d), Determination of In-State Resident Status of Students for Tuition or Fees ("Noncitizen students shall not be classified as in-state for tuition purposes unless the student is legally in this state.").

23 8 U.S.C. § 16:85. Education benefits, 3 Immigration Law Service 2d § 16:85.

U.S. citizens are also eligible without regard to state residency.²⁴ These suits have never been successful in court.²⁵ In their letter, the Georgia state senators wrote “[b]eyond the clear inappropriateness of denying a legal Georgia resident an educational opportunity in favor of an unlawful alien, is the inescapable lack of wisdom in forcing Georgia taxpayers to subsidize the education of a person who upon graduation is not legally eligible to be employed.”²⁶ With the arrival of the DACA program, opponents have changed the argument to highlight the unfairness of requiring taxpayers to help pay for people who arrived in the U.S. without authorization.²⁷

In contrast, as of October 2015, sixteen states had adopted laws that extend in-state tuition to undocumented youth not on the basis of residence, but instead contingent upon attendance and graduation from an in-state high school.²⁸ At least another two state Boards of Regents adopted policies to allow for in-state tuition, and another state allows for DACA students to pay in-state tuition.²⁹ These states justified laws and policies seeking to equalize access to higher education on the grounds that (1) “these children did nothing wrong and should not be penalized for their parents’ actions”; (2) the state needs more educated students who will be able to fill jobs and pay higher tax revenue; and (3) effectively, the increased public revenue from higher earners allows the state to capitalize on its investment in their K-12 education, which is constitutionally mandated.³⁰

A group of students have challenged the Georgia Board of Regents policy of treating DACA students as non-lawful residents under SB492.³¹ DACA was created by the Obama administration in June 2012 to grant work permits and a temporary reprieve from deportation for undocumented immigrants brought to the United States. Those eligible to apply for DACA included undocumented immigrants who: (1) arrived in the U.S. before the age of 16; (2) were under the age of 31 at the time the program was created; (3) were in school or had graduated high school in the United States; and, (4) had no felony or serious misdemeanor convictions. A lawsuit in Georgia alleged that DACA constitutes lawful presence within the meaning of the law, which means that DACA recipients are entitled to in-state tuition rates. Although a lower state court agreed with the plaintiffs, the Court of Appeals of Georgia held that the DACA program did not obligate states to offer in-state tuition to its public universities and that the Board of Regents had the discretion to determine tuition policies.³²

24 8 U.S.C. § 1623 (2012).

25 8 U.S.C. § 16:85. Education benefits, 3 Immigration Law Service 2d § 16:85.

26 Senator Don Balfour, et al, *Letter to the Board of Regents*, available at http://www.thedustininmansociety.org/private/letter_board_of_regents_2010jun16.pdf.

27 Laura Diamond, *Regents Ban Illegal Immigrants from Some Georgia Colleges*, *AJC* (Oct. 13, 2010).

28 8 U.S.C. § 16:85. Education benefits, 3 Immigration Law Service 2d § 16:85.

29 National Conference of State Legislators, *Undocumented Student Tuition: Overview* (Oct. 29, 2015).

30 Alene Russell, *State Policies Regarding Undocumented College Students: A Narrative of Unresolved Issues, Ongoing Debates and Missed Opportunities*, American Association of State Colleges and Universities (2011) 3-4.

31 Jeremy Redmon, *Georgia Appeals Court Denies In-State Tuition for DACA Recipients*, *Politically Georgia*, (Oct. 25, 2017) available at <http://www.myajc.com/news/state--regional-govt-politics/georgia-appeals-court-denies-state-tuition-for-daca-recipients/g4gcw7EqdUJxyO7PvQcNt/>.

32 *Id.*

Methodology

Project South and Freedom University seek to shed light on the effects of Georgia's restrictions on undocumented students' access to higher education on the students, their families, and society at large. Five Emory law students compiled relevant social science research and conducted interviews with undocumented students, their parents or siblings, and service providers to Georgia's immigrant community to identify these effects. The interview serve the dual purpose of supplementing existing social science research and providing vital first-hand accounts of the real, albeit sometimes intangible, effects of the law and policy."

Project South and Freedom University staff identified people to interview with the assistance of organizations and individuals who work closely with undocumented students and their families, including the Clinic for Education, Treatment and Prevention of Addiction (CETPA), the Latin American Association (LAA), the University of Georgia's Latin America and Caribbean Studies Institute, and Freedom University. They asked the organizations for assistance both as interview subjects and in spreading the word and encouraging students and their families to participate in the interviews. Emory law students conducted interviews in English or Spanish, depending on the interviewee's preference. Interviews were almost always in person, with a few exceptions for participants who had left Georgia after high school. In some cases, service providers were interviewed as a group to facilitate interaction between providers. Every interview began with a review of the informed consent waiver, which was available in both Spanish and English and was signed by a parent if the student was under the age of 18. All interviews were conducted using the same interview questions.

In total, 18 people were interviewed, four of whom were interviewed as a group. Ten of those interviewed are or were undocumented students, including two high school students, three college students, four students who graduated college, and one high school graduate. It is important to note here that, statistically, most undocumented young people do not go to college and many do not graduate high school as detailed in the Educational Impacts section below, yet our research skews heavily toward high school and college graduates. This is likely because we reached the students through organizations that are designed, at least in part, to help these students go to college or to support their high school education. The pool of people that was encouraged to participate, then, was almost entirely made up of students who were in or had completed school. This means that the information from the interviews skews towards students who persisted in fighting to go to college despite the Georgia law and policy and does not capture the views of undocumented students who simply gave up before finishing high school. Thus, the outcome of the interviewees is likely to slant towards a more positive view of the ability to overcome the hurdles to higher education created by the law and policy. The effect may be that it understates the real impact of the Georgia law and policy on undocumented people's lives. Despite this, the interviews completed for this report provide important insight to the insidiousness of the Georgia law and policy.

The law students were able to interview only one parent for this project. This became unsurprising as student after student remarked in their interviews that their parents live in fear of being identified as undocumented and recommend to the students that they keep a low profile. Additionally, a sibling of undocumented students who has legal status was interviewed.

Finally, Emory law students interviewed nine service providers. One of these service providers is also a DACA student and counts in both categories. The interview with CETPA staff was a group interview of four psychologists. All others were interviewed individually and come from organizations providing immigration law services, counseling services, and after-school and educational support services to immigrant students.

Differentiating between DACA and Undocumented Students

Before turning to the research findings, it is important to highlight that there is a significant distinction between undocumented immigrants generally and those who have attained DACA. DACA provides temporarily relief from deportation through the provision of “prosecutorial discretion,” as well as eligibility for a work permit and a driver’s license. In contrast, undocumented individuals who do not have DACA lack any protection from deportation and cannot work legally in the United States. This distinction is significant because the primary benefits of higher education are increased job prospects and earning potential. For undocumented immigrants without DACA status, and therefore without eligibility to work legally in the United States, the benefits of a college education are different from nearly all other college graduates. The relevant research in this area often does not adjust for the reduced prospects and earning potential of undocumented immigrants without DACA. Realistically, access to education would be one of several legislative reforms that would need to be addressed for all undocumented students to realize the benefits of higher education.

Importantly, while DACA students are likely to realize many of the ordinary benefits of a higher education, they still suffer from many of the problems that other undocumented immigrants face. Additionally, the uncertain future of the DACA program, and its potential repeal, would eliminate this difference. Because the DACA program remains intact at the time of this writing, this report differentiates between DACA students and undocumented students without DACA where appropriate. Where the report references undocumented students generally, it is referring to the shared experience of being undocumented, with or without DACA.

The Right to Education

This section examines the right to education to provide a framework for understanding Georgia’s law and policy and how they violate the fundamental right to education under international human rights law (IHRL). The Universal Declaration of Human Rights (UDHR), proclaimed in 1948, clearly outlines in Article 26: “Everyone has a right to education...and higher education shall be equally accessible to all on the basis of merit.”³³ While the UDHR is a non-binding declaration, the United States committed itself to protecting the right to education when it signed and ratified the Convention on the Elimination of Racial Discrimination (CERD) Article 5:

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (v) The right to education and training.

The United States has also signed, but not ratified, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention against Discrimination in Education and the Convention on the Elimination of Discrimination against Women (CEDAW), each of which similarly protects a right to education.³⁴ While this means these provisions are not binding, the United States cannot undermine this right – including through the legal measures undertaken by U.S. states.³⁵ Importantly, there are also scholars who argue that a survey of human rights treaties “compels the conclusion that the right to education... qualifies as a customary norm of international law,” which, if true, means that a right to education is

33 The UDHR is internationally recognized as a common standard of fundamental human rights that need universal protection. United Nations, *Universal Declaration of Human Rights*, available at <http://www.un.org/en/universal-declaration-human-rights/>. The United States theoretically supports the UDHR, in part because of its important role in creating it. Eleanor Roosevelt, for example, chaired the United Nations Human Rights Commission that drafted the UDHR. Richard N. Gardner, *Eleanor Roosevelt’s Legacy: Human Rights*, New York Times (December 10, 1988) available at <http://www.nytimes.com/1988/12/10/opinion/eleanor-roosevelt-s-legacy-human-rights.html>.

34 Article 13 (1) of the ICESCR recognizes “the right of everyone to education,” and Article 13 (2c) states that “Higher education shall be made equally accessible to all, on the basis of capacity.” UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> (last visited Dec. 12, 2017). Article 28(1c) of the Convention on the Rights of the Child (CRC) indicates that State Parties must “Make higher education accessible to all on the basis of capacity by every appropriate means.” UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited December 12, 2017). The Convention on the Elimination of Discrimination against Women expressly prohibits discrimination between men and women in education in Article 10. . UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> (last visited Dec. 18, 2017).

35 See Vienna Convention on the Law of Treaties Article 18, May 23, 1969, 1155 U.N.T.S. 331. While the United States has not ratified the Vienna Convention, this provision is considered customary international law. Laurence R. Helfer, *Terminating Treaties*, in *THE OXFORD GUIDE TO TREATIES* 634, fnt 1 (2012).

binding on the United States regardless of whether it ratifies the treaties containing the right.³⁶ The fact that CRC has 196 State Parties lends credence to the argument.³⁷

The right to education “is both a human right in itself and an indispensable means of realizing other human rights.”³⁸ The UDHR, ICESCR and the CRC make it clear that the primary objective of education, in the words of the UDHR, is “the full development of the human personality.”³⁹ The UDHR, CERD and CRC also expect states to apply the right to education to strengthen respect for human rights and fundamental freedoms and to combat racism and discrimination.⁴⁰ Finally, the UDHR, ICESCR, and CERD specify that the right to education must also, in the words of the UDHR, “promote understanding, tolerance and friendship.”⁴¹ Each of these goals contributes to the ultimate goal of “enabl[ing] all persons to participate effectively in a free society.”⁴²

36 Stephen Knight, *Proposition 187 and International Human Rights Law: Illegal Discrimination in the Right to Education*, 19(1) *Hastings Int'l & Comp. L. Rev.* 88, 1995.

37 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3 available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited Dec. 12, 2017). The right to equal access to education is also protected by the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which the United States has neither signed nor ratified. The Convention also applies to undocumented migrant workers and their families. UNESCO, *International Migration Convention* available at <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/international-migration-convention/>. Article 30 states that “Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned.” UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158, available at <http://www.refworld.org/docid/3ae6b3980.html> (last visited Dec. 12, 2017). Article 45(1a and b) also states that “Members of the families of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to access to educational institutions and services... [and] access to vocational guidance and training institutions and services.” UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158, available at: <http://www.refworld.org/docid/3ae6b3980.html> (last visited Dec. 12, 2017).

38 UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10 available at: <http://www.refworld.org/docid/4538838c22.html> (last visited Dec. 12, 2017).

39 UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> (last visited Dec. 12, 2017), Article 26(2).

40 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <http://www.refworld.org/docid/3ae6b3940.html> (last visited Dec. 12, 2017); UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited Dec. 12, 2017); UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> (last visited Dec. 12, 2017)

41 UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> (last visited Dec. 12, 2017), Article 26(2). CERD Article 7 indicates that States Parties must also promote understanding, tolerance and friendship...” UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <http://www.refworld.org/docid/3ae6b3940.html> (last visited Dec. 12, 2017). Article 13 (1) of the ICESCR adds that “education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic, or religious groups...” UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> (last visited Dec. 12, 2017).

42 The ICESCR, Article 13 (1) recognizes that “education shall be directed to the full development of the human personality and the sense of dignity.” UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> (last visited Dec. 12, 2017). The Convention on the Rights of the Child Article 29(1a and b) indicate that children’s education shall be directed to “The development of the child’s personality, talents and mental and physical abilities to their fullest potential” and “The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.” UN

Importantly, CERD Article 7, which again is binding on the United States, explicitly demands state parties take proactive steps to achieve these goals:

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.⁴³

Fundamental to the right to education is the right to equal access to education and, with it, a right to be free of discrimination, including on the basis of immigration status. Both rights are protected by CERD, and the general right to be free from discrimination is also guaranteed by the International Covenant on Civil and Political Rights (ICCPR), which the United States has signed and ratified. The protection against discrimination on grounds of immigration status derives from the right to equality under the law and prohibitions on discrimination on the basis of national origin. Article 26 of the ICCPR states, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law...The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... national ... origin.”⁴⁴ In addition to offering a general guarantee of equality before the law, CERD Article 5(v), which is quoted above, specifically requires state parties to prevent discrimination in educational institutions on the basis of national origin.⁴⁵

Both the Committee on the Elimination of Racial Discrimination (CERD Committee), the United Nations treaty body responsible for enforcing CERD, and the ICCPR’s treaty body, the Human Rights Committee (HRC), explicitly prohibit discrimination against non-citizens, including undocumented residents. In General Comment 30, the CERD Committee requires all state parties

General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited Dec. 12, 2017)

43 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <http://www.refworld.org/docid/3ae6b3940.html> (last visited Dec. 12, 2017). The Convention on the Rights of the Child Article 29(1b) indicates children’s education shall be directed to “The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.” UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited Dec. 12, 2017).

44 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> (last visited Dec. 12, 2017).

45 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <http://www.refworld.org/docid/3ae6b3940.html> (last visited Dec. 12, 2017). Article 1(1) of the Convention Against Discrimination in Education 1960 specifically defines discrimination in relation to education as “any distinction, exclusion, limitation, or preference which, being based on race, colour, sex, language, religion, political, or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education”. UN Educational, Scientific and Cultural Organization (UNESCO), *Convention Against Discrimination in Education*, 14 December 1960, available at: <http://www.refworld.org/docid/3ae6b3880.html> (last visited 8 January 2018). The United States has not ratified this Convention, so it is merely persuasive authority.

to “[r]emove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health.”⁴⁶ Similarly, the HRC states in General Comment 15: “There shall be no discrimination between aliens and citizens in the application of these rights. These rights of aliens may be qualified only by such limitations as may be lawfully imposed under the Covenant.”⁴⁷ The CERD Committee expressly defines non-citizens to include undocumented residents, demanding state parties “[e]nsure that public educational institutions are open to non-citizens and children of undocumented immigrants residing in the territory of a State party.”⁴⁸ HRC General Comment 31 adds that, “[t]he enjoyment of Covenant rights is not limited to citizens of States Parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party.”⁴⁹ In short, these rights apply to undocumented students who reside in the United States.

Central to this guarantee, the CERD Committee requires state parties to “[a]void segregated schooling and different standards of treatment being applied to non-citizens on grounds of race, colour, descent, and national or ethnic origin ... with respect to access to higher education.”⁵⁰ In addition, under the CRC, one of the states’ educational responsibilities is to “make measures to encourage regular attendance,” which means both removing any barriers to access to education and taking proactive measures to make it easier for students to attend school. The right to information to make educational decisions is also protected by IHRL. The Convention on the Rights of the Child Article 28(1)(d) indicates that States Parties must “[m]ake educational and vocational information and guidance available and accessible to all children.”⁵¹

Importantly, any violation of a human right demands an immediate remedy by the state party. ICCPR Article 2(3) explicitly states:

3. Each State Party to the present Covenant undertakes:

46 UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non Citizens*, 1 October 2002, available at: <http://www.refworld.org/docid/45139e084.html> (last visited Dec. 12, 2017).

47 UN Human Rights Committee (HRC), *General Comment no. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para. 10 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at <http://www.refworld.org/docid/45139acfc.html> (last visited Jan. 8, 2018).

48 UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non Citizens*, 1 October 2002, available at: <http://www.refworld.org/docid/45139e084.html> (last visited Dec. 12, 2017).

49 UN Human Rights Committee (HRC), *General Comment no. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para. 10 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at: <http://www.refworld.org/docid/478b26ae2.html> (last visited Dec. 12, 2017).

50 UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non Citizens*, 1 October 2002, available at: <http://www.refworld.org/docid/45139e084.html> (last visited Dec. 12, 2017). Other examples of discrimination in education, as identified in treaty provisions, include providing some groups with “an inferior standard” of education or in “conditions which are incompatible with the dignity of man,” and segregation. UN Educational, Scientific and Cultural Organization (UNESCO), *Convention Against Discrimination in Education*, Article 1, 4 December 1960, available at: <http://www.refworld.org/docid/3ae6b3880.html> (last visited Dec. 12, 2017); UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non Citizens*, 1 October 2002, available at: <http://www.refworld.org/docid/45139e084.html> (last visited Dec. 12, 2017).

51 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> (last visited Dec. 12, 2017).

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.⁵²

The Georgia law and policy currently prohibit undocumented students from attending its three most prestigious public institutions of higher education (namely Georgia Tech, Georgia State, and the University of Georgia) and charge them triple the cost of the public schools they can attend in violation of IHRL’s binding guarantee of a right to education and a right to equality. They eliminate equal access to higher education based on merit, and instead, promote discrimination on the basis of national origin and immigration status. As this report shows, they target already vulnerable communities of color, many of whom are also socioeconomically disadvantaged, and they may have a disproportionate impact on girls, in violation of the prohibition on discrimination against women.⁵³ They cause some undocumented students to drop out of high school; they encourage others to stop their education with a high school diploma; and they force others to pursue educational alternatives, such as different majors or two-year college programs. In addition, students struggle to receive information about their education because so few guidance counselors understand the law and policy. Overall, the Georgia law and policy effectively inhibit undocumented students’ ability to reach their fullest potential, undermining the very purpose of the right to education. They also actively promote intolerance and xenophobia. The law and policy further limit diversity and discourage tolerance and friendship. Each of these outcomes is explored more fully below and demands a remedy under international law.

52 UN General Assembly, *International Covenant on Civil and Political Rights*, Article 2, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> (last visited Dec. 12, 2017).

53 Id.; UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, Article 10, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> (last visited Dec. 12, 2017). In particular, CEDAW Article 10(a) emphasizes “The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas...[to be ensured in] higher education ...” Article 10(b) notes that girls and women should have “Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.” Article 10(d) states that girls and women should have “The same opportunities to benefit from scholarships and other study grants.” Article 10(e) indicates that girls and women should have “The same opportunities for access to programmes of continuing education...particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.” And Article 10(f) highlights “The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.” ; UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> (last visited Dec. 12, 2017). See also, UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, Article 2, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> (last visited Dec. 12, 2017).

“It’s put a cap on my ability to have a better job, for higher education. It’s limiting my abilities to be better significantly. I feel like I only have so many options, and they are, in a sense, holding me down, from what I aspire to be and what I want to reach in life. So that’s how it’s impacted me. It’s put a cap on my potential.”

– Ivan

“I’ve lived here more than half my life...I call this place my home. I don’t know anything else but this place ... the fact that you have someone who’s a resident and who has, let’s say a 3.5 GPA, lower test scores, and then you have someone who’s DACA like me, we have a higher GPA, higher test scores. The fact that when we both apply, I have to pay twice as much as they do. It’s not fair because, well, I’ve worked so hard. It’s not fair that I have to. It’s very discouraging.”

“The more you interact with people, the more you get to know them, it becomes different. So, if students are all in college together, regardless of their status or their grades, they interact ... and are able to see Latinos as not just workers but also people who can be educated as well.”

– Angelica Riva, LCSW, Program Manager of Clinic Services at CETPA



Photo credit: Laura Emiko Soltis

Educational Impacts on Undocumented Students' Lives

“Even though I’ve lived here in the state of Georgia for 23 years of my life, if I wanted to attend a state school, I’d have to pay 3 to 4 times more money per year than someone who moved here last year from the state of Alabama. That doesn’t make any kind of sense to me. So sacrifice wise, I would say that undocumented people have to work a hell of a lot harder just to level the playing field and just to be on the same page as everyone else. I think that for me, in particular, I’ve kind of sacrificed a normal childhood and a normal adolescence and a normal college experience because throughout this entire time I’ve been undocumented I’ve really strived to make the most of everything and to live my life as normally as I could live it. And I think to myself sometimes, how would my life be different if I wasn’t undocumented? Like, would I be in law school right now? ... I don’t know.” – Raymond

The Georgia law and policy place seemingly insurmountable barriers in front of undocumented students at every step of the process of accessing higher education. These barriers go up well before undocumented students complete high school; and they persist as students start choosing colleges all the way until they complete college, if they make it that far. This section identifies the effects of the barriers to education caused by the Georgia law and policy at each of these stages.

Notably, even without a restrictive law and policy like Georgia’s, undocumented students are underrepresented in higher education. 2009 statistics show that only 40% of undocumented young adults complete high school, and fewer than half of those attended college.⁵⁴ Other statistics show that only 5-10% of undocumented high school graduates continue to higher education.⁵⁵ These statistics highlight that numerous factors are at play in the low enrollment of undocumented students in higher education beyond the laws and policies in Georgia. These include fears that one’s undocumented status will be discovered, leading to deportation; financial barriers – not just because of high tuition costs, but because families often depend on the student’s financial contributions; and, uncertainty about whether a college degree will pay off with a good job in the United States.⁵⁶ Social science research and the interviews with service providers and students suggest, however, that laws and policies like Georgia’s only amplify—both directly and indirectly—the negative impacts of being undocumented and being a low-income student have on college enrollment.⁵⁷

54 Roberto G. Gonzales, *On the Wrong Side of the Tracks: Understanding the Effects of School Structure and Social Capital in the Educational Pursuits of Undocumented Immigrant Students*, 85 *Peabody J. of Ed.* 469 (2010).

55 Roberto G. Gonzales, *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students*, 5 *Immigration Policy in Focus* 1 (2007).

56 Stella M. Flores, *State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Studies*, 33 *The Review of Higher Education* 239, 247 (2010).

57 Neeraj Kaushal, *In-state Tuition for the Undocumented: Education Effects on Mexican Young Adults*, 27 *J. of Pol’y Analysis & Mgmt* 771, 771 (2008). “I think [the law in Georgia] is very demotivating for students. What medical professionals and service providers have seen is that starting around middle school, students begin to show a feeling of hopeless about going to college ... just a lot of demotivation and feeling like they don’t really belong in higher education. They don’t know what’s going to happen.” *Edward*

Loss of Educational Motivation

The most substantial consequence of the Georgia law and policy is that they demotivate students, some as early as middle school, causing them to underperform in or simply drop out of school.⁵⁸ Research shows that high school students undertake a cost-benefit analysis in which they assess the likely payoff of doing well in school or continuing with it and whether it will lead to college and to better paying jobs.⁵⁹ Where the long-term benefits do not seem to offset the costs of going to high school, students are more likely to drop out.⁶⁰ Barriers to education like the Georgia law and policy cause students to discount their higher education and career prospects, which is particularly problematic for undocumented students without DACA as well as those with DACA who are uncertain about the future of the program.⁶¹

Based on several studies of non-citizen Mexican youth in the United States, we can see the impact of this cost-benefit calculation, as well as the severity of the harm it creates. Non-citizen Mexican youth living in states with laws and policies like Georgia's are "49% less likely to be enrolled in school than their peers living in states with no explicit policy."⁶² The high school dropout rates for this group decreased significantly when states allowed undocumented students to pay in-state tuition for public universities, lowering the cost side of the cost-benefit analysis.⁶³ One such study showed a "14% increase in the proportion of non-citizen Mexican youth with a high school diploma" and expected that the positive impact will grow as students are "exposed to the policy for a longer period of time."⁶⁴ Another study found that 27% fewer students dropped out of high school after an in-state tuition law or policy was adopted.⁶⁵ Notably, increased access to higher education does not completely correct the

Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist. "Based on my conversations with undocumented students and working with them, I've heard that a lot of them didn't feel the impact of being undocumented until they started applying to college. They felt more or less normal with their friends in middle school and high school, but it was in the college application process and trying to get a driver's license that they started feeling its impacts on the direction of their lives. It's usually when they are 16 or 17, which is hard for anybody at that age, to think that the doors are closing in your face. It's just very, very devastating for them." *Laura Emiko Soltis, PhD, Executive Director of Freedom University.*

58 "I think [the law in Georgia] is very demotivating for students. What medical professionals and service providers have seen is that starting around middle school, students begin to show a feeling of hopelessness about going to college ... just a lot of demotivation and feeling like they don't really belong in higher education. They don't know what's going to happen." *Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist.*

59 Benjamin W. Cowan, *Forward-Thinking Teens: The Effects of College Cost on Risky Behavior*, 30 *Economics of Education Rev.* 813, 814 (2011); Shiva Koohi, *College Prospects and Risky Behavior Among Mexican Immigrant Youth: The Effects of In-State Tuition Policies on Schooling and Childbearing*, 58 *Economics of Education Review*, 162, 166 (2017).

60 Koohi, *supra* note 59 at 172.

61 Leisy Janet Abrego, "I Can't Go to College Because I Don't Have Papers": *Incorporation Patterns of Latino Undocumented Youth*, 4 *Latino Studies* 212, 217 (2006); Neeta Kantamneni, Kavitha Dharmalingam, Jessica M. Tate, Beth L. Perlman, Chaitasi R. Majmudar, and Nichole Shada, *DREAMing Big*, 43 *J. of Career Devel.* 483 (2016).

62 Robert Bozick and Trey Miller, *In-State College Tuition Policies for Undocumented Immigrants: Implications for High School Enrollment among Non-citizen Mexican Youth*, 33 *Popul. Res. Policy Rev.* 13, 26 (2014).

63 Koohi, *supra* note 59 at 172. *See also* Stella M. Flores, *State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Studies*, 33 *The Review of Higher Education* 239, 260 (2010). Flores notes that gender and residence in a metropolitan area also increased college attendance among Latinx foreign-born non-citizens.

64 Neeraj Kaushal, *In-state Tuition for the Undocumented: Education Effects on Mexican Young Adults*, 27, *Journal of Policy Analysis and Management*, 771, 783(2008).

65 Koohi, *supra* note 59 at 162-163. There are studies showing that in-state tuition policies have no effect on dropout rates; others show a 7% reduction; while still others show that non-citizen Mexican students are "65% more likely to be enrolled in school than



Photo credit: Laura Emiko Soltis

high school dropout rate for non-citizen Mexican youth. This is likely because numerous barriers to education remain – particularly the enormous cost of education, even with in-state tuition policies, and the fact that undocumented students without DACA status cannot legally work in the United States, which means that they weigh the cost of education heavily and add only a small weight to the benefit side of the calculation.

Interviews with students and service providers support these empirical findings. They noted that the Georgia law and policy send the message to all undocumented students that there is no point in doing well in school or even completing high school because they cannot go to college anyway.⁶⁶ They describe how the law demotivates many students until they see no reason to study hard or remain in school.⁶⁷ There is also some

those living in states without the policy.”; *Id.* at 166. The Koohi study identifies that the younger the students are when they arrive the more likely they are to be influenced by the in-state tuition policy. Her research focused on students who were 15 years old or younger at the time the in-state tuition policy was adopted.

66 “The main issue that we are facing is that we have a lot of students who are not motivated to do well and stay in school because the Latino community has been bombarded through the media with messages claiming that Latinos cannot go to college, which is a misconception...But in the minds of a lot of Latinos, they don’t think that they have to do well in school because they don’t see how they will be able to afford to go to college... The sad part about this is that it doesn’t affect only undocumented students. There are many US citizen students who don’t see why [undocumented and DACA students] need to go to college because they perceive that Latinos are not welcome in higher education. So, students lose motivation. They lose inspiration.” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

67 “Another impact that many college administrators forget is how detrimental it is for undocumented students to know they are banned from college. This knowledge undoubtedly impacts their SAT scores and their grades in high school...Students in California who know that they have equal access to college and in-state tuition are likely going to have different grades. And they are more likely to take the SAT because they can imagine themselves in college. Not to say this is a point of privilege, but it is important to recognize that the perspective of undocumented students in Georgia is different than other regions of the country. When a student thinks they’re banned from college when they are in high school, this might explain a dip in their grades. It might explain why they may think, ‘What’s the point in taking the SAT?’ And so often times, you see undocumented students giving up in high school, which then negatively impacts their ability to apply to college later.” – *Laura Emiko Soltis, PhD, Executive Director of Freedom University*; “If you know you can’t go to college then what’s the point. You know? I had one client who just started acting up at school and told me, ‘Who cares? I might as well go.’ And that was a battle, and the parents

suggestion that the impact of the Georgia law and policy may be particularly severe for girls who, with no apparent avenue to college, may face pressure to marry or to pursue low wage, domestic work rather than fight to overcome the obstacles created by the law and policy.⁶⁸ As the data in this report show, those who drop out of high school or stop their education after a high school diploma face the most severe economic and health consequences compared to those who attend college, even if they do not complete it, with a potentially disproportionate impact on undocumented women.

“There are a lot of people who I’ve met who have gone to Freedom University who gave up while in high school because they knew they weren’t going to be able to get into college, so they stop going to school, skipped a lot of classes, gave up on their grades - ‘It’s not possible, so why am I working? I could be focusing on other things, I could be focusing on getting a job to help my parents;’ And so people give up during high school.” – Elise

“If you know you can’t go to college then what’s the point, you know? I had one client who just started acting up at school and told me, ‘Who cares? I might as well go.’ And that was a battle, and the parents trying to keep this person in school. I’m trying my best to keep this person in school. But it’s hard to say, ‘Okay, what am I working towards here?’”

– Eli Vélez, Managing Director of Education of the Latin American Association

Limited Access to Resources and Information about Educational Opportunities

For the students who continue to perform well in school, getting the right information about which schools will accept them and how they might be able to pay for them can be particularly difficult. High school teachers and guidance counselors, even with the best of intentions, are often inadequately prepared to assist undocumented students with their college searches, which leads them to misinform or misguide students.⁶⁹ Community service providers who are well aware of the Georgia law and

trying to keep this person in school. I’m trying my best to keep this person in school. But it’s hard to say, ‘Okay, what am I working towards here?’ – *Eli Vélez, Managing Director of Education of the Latin American Association*; “There are a lot of people who I’ve met who have gone to Freedom University who gave up while in high school because they knew they weren’t going to be able to get into college, so they stop going to school, skipped a lot of classes, gave up on their grades - ‘It’s not possible, so why am I working? I could be focusing on other things, I could be focusing on getting a job to help my parents; I could be focusing on other things.’ And so people give up during high school.” – *Elise*.

68 “There was an undocumented student, and she really wanted to go to college, and Mom said, ‘You’re not going to college because you’re undocumented. You can get married and have kids.’ That’s the trouble with being Latina. ‘We get married, and we have families. Don’t worry about college.’ And that’s the perspective of the family—of Mom—because that’s what she knows. She has been hearing that undocumented students cannot receive higher education, and they don’t encourage the students to achieve higher educations.” – *Eli Vélez, Managing Director of Education of the Latin American Association*; “Well, my mom wasn’t happy about [my interest in pursuing a career in the FBI or as a detective]. Because, she doesn’t even want me to be a lawyer. She wanted me to get a small career in cosmetology or something, and, you know, get a small apartment, get married, and have kids. Yeah. But that, I don’t want that kind of life. I mean I’m not saying it’s bad. It’s just I want to, you know, I want to make a difference, I want to see more of Latinos in Congress and in, like, holding office. And, I just, I really don’t like doing hair either.” – *Sofia*.

69 “There are not many high school counselors who can adequately advise undocumented students. Most don’t have a clear understanding of DACA or the DREAM Act, much less what Policy 4.1.6 or 4.3.4 is.” *Laura Emiko Soltis, PhD, Executive Director of Freedom University*; “[Undocumented students] try to go to the school system first because the school system is supposed to provide

policy often lack the resources they need to adequately assist or reach undocumented students.⁷⁰ Several students interviewed for this research only discovered that they were ineligible to attend certain public colleges in Georgia when they visited college campuses,⁷¹ which is consistent with the experiences of undocumented students captured in research studies.⁷² Instead of devoting time and energy to investigate colleges that were accessible to them, these undocumented students unknowingly directed energy and emotional resources toward options they could not actually pursue.⁷³ Staff and administrators at the colleges also may be of little help, having been found to sometimes provide incorrect or outdated information.⁷⁴ Students and service providers report that the misinformation and the shock caused by learning their college dreams are severely limited greatly discourage students.⁷⁵

guidance about how to apply for college. What they encounter in the school system is that the school counselors are not prepared to handle the situation of undocumented students because they may not have all of the resources available. And then what they do is that [undocumented students] try to learn by themselves. They try to search on the websites, ‘What can I do to go to college?’” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

70 “But the need [to assist undocumented students] is big. It’s huge. Apparently, a lot of funding is not aligned to provide these kinds of services. The non-profits depend on funding to serve the community--I have funding to do after school programming, but I don’t have funding to put two or three staff that I wish I could have to do college preparation in a one-on-one basis because of a lack of resources that we have for the organization. We would do it, but there’s no funding to do it. We tried to help them in doing big events and conferences, but that one-on-one approach that they need, there’s a lack of providers. There were a couple who were trying to help, but the need is too much.” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

71 “I went to so many colleges in person just to find out information. And most, like Georgia State, weren’t going to accept me because of my [DACA] status. We didn’t really know that until we were there. We would talk to admissions counselors, and they would tell us [that I was ineligible to apply]. We would get to a point in the conversation, the admissions counselor would tell us that I had to be a citizen, and we would have to move on.” – *Jen*; “And, we were taking a campus tour, and I remember asking, ‘Do you accept undocumented students?’ And, the guy looked at me, he’s like, ‘I’m so sorry, but we don’t accept undocumented students.’ So, that’s when I found out. And, I asked the people who were there, ‘Why don’t they accept us?’ And they didn’t really have a response for me. So, when I got home, I started Googling that schools that do and don’t accept it. And, I found out a lot of them don’t and a lot of them do. And those that do, they try to apply financial aid because you have to pay twice as much.” – *Ximena*; “Well, I didn’t actually know about that until I went to a scholarship foundation, like, information meeting, because I was invited. It was at, I think, Georgia State University. I went with a friend, and they were talking about things, and then they brought up not being documented and how, because the scholarship helps, for students who are documented. And they brought up how if you’re not documented, they can’t help you, so I was like thank you for inviting me. Glad to know what I couldn’t apply to.” – *Sofia.*

72 Lisa D. Garcia and William G. Tierney, *Undocumented Immigrants in Higher Education: A Preliminary Analysis, Teachers College Record*, v113, n12 (2011), 2739, 2743.

73 “It’s shattering for a lot of young people when they find out about these bans. A lot of my students actually go to UGA on a college tour because they are doing well in high school, and they are recruited just like their friends to go on a tour of UGA or Georgia Tech, and then somewhere along the line, they find out that they, but not any of their documented friends, are banned.” *Laura Emiko Sollis, PhD, Executive Director of Freedom University*

74 Neeta Kantamneni, Kavitha Dharmalingam, Jessica M. Tate, Beth L. Perlman, Chaitasi R. Majmudar, and Nichole Shada, DREAMing Big: Understanding the Current Context of Academic and Career Decision-Making for Undocumented Students, *Journal of Career Development* 43, no. 6 (2016), 483-497. doi:10.1177/0894845316633527.

75 See footnote 72.

“[Undocumented students] try to go to the school system first because the school system is supposed to provide guidance about how to apply for college. What they encounter in the school system is that the school counselors are not prepared to handle the situation of undocumented students because they may not have all of the resources available. And then what they do is that [undocumented students] try to learn by themselves. They try to search on the websites, ‘What can I do to go to college?’”

– Eli Vélez, Managing Director of Education of the Latin American Association

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Financial Hurdles

Making the decision to pursue higher education requires not just overcoming motivational hurdles caused by the Georgia law and policy, but also enormous financial hurdles.⁷⁶ As students, parents, and service providers state, these hurdles often appear insurmountable, especially when you combine the cost of out of state tuition with (1) restrictions on federal financial aid, (2) the reality that

76 Shari: “What stands in your way from being able to get your 10 year plan or your 5 year plan?”

Elise: “Obviously financial aid...I want to be able to get into a really good college with full financial aid. So does [my sister.] I don’t want to burden my parents or myself with having to pay such high tuition, in order to succeed”; “I have a student who has a 4.3 GPA. When I met with him again last week and spoke with Mom, he said, ‘My only option is to find a scholarship that would pay most of my tuition, and I am looking to see if I can go to an Ivy League university because I will get free tuition.’ But if that doesn’t happen to him, he will be completely demoralized because he is a high-achiever. He knows what he wants, but the few options to pay college available to him can destroy him financially. Normally, what happens is that if [these high-achieving undocumented students] don’t get what they want for Plan A, they don’t do anything else. They become depressed. They maybe start working in construction or in the fast food industry because the jobs don’t documentation. The jobs are flexible. And these students end up not going to college or aiming toward their goals ... We have a student who is in high school right now, who applied for DACA twice. Since she couldn’t afford to pay the fees, she tried to apply by herself, and was denied twice. And now, she’s completely undocumented. She’s a senior. Her mom told me that she’s been crying for the last four days non-stop because she said she doesn’t see a way to be able to go to college. She’s a 4.0 GPA student, and she really wants to go college, but she doesn’t see how she will be able to.” – Eli Vélez, Managing Director of Education of the Latin American Association “I’d say I was about my sophomore year when I actually wanted to think or try to plan for the future. At that time, I thought it was going to be easy. I don’t know why I thought I was just going to graduate, I was going go to college, I didn’t really think too deeply into the whole political aspect of it. It wasn’t until later years where I actually started realizing, as I started trying to apply for the SAT or trying to look into colleges, where I realized that. Around that time, my friends who were in the same boat at me, they were like, ‘Have you looked at the price of college?’ I was like, ‘No, not really,’ and then I started doing my own research, and I was like, ‘Whoa,’ because I realized there was a big difference for people in our situation.” – Ivan.

scholarships often exclude undocumented students, and (3) the fact that most undocumented families are likely to be low income.⁷⁷ While scholarships are not subject to blanket restrictions, many require legal documentation for immigrants seeking scholarships. Together, undocumented students and services providers find these restrictions demotivating, leading excellent students to give up on their dreams.⁷⁸

When asked what stands in your way of your future plans, “Obviously financial aid ... I want to be able to get into a really good college with full financial aid. So does [my sister]. I don’t want to burden my parents or myself with having to pay such high tuition, in order to succeed.” – Elise

*“When you’re DACA, most scholarships are not open to you. And, so I’ve had teachers and counselors who recommended scholarships, and I looked at the requirements, and one of them is a permanent residence or something like that. So, it’s very discouraging, so that’s something that, for a period of time, I was considering: Is college worth it? Should I keep going on if . . . ? What’s the whole point of me working so hard for them to just slam that door on my face? But, thankfully I’ve had teachers who’ve encouraged me along the way and told me, ‘Stop thinking like that! What’s wrong with you?’ It’s very discouraging.”
– Ximena*

When asked about if he knows about universities here in GA that his daughter could attend, and if Sofia has talked about this, Carlos responds, “Yes, but what we have been told is that it is very expensive. A university I do not think I can afford to pay. I would be thinking that if we came to that case it would be an obstacle for us. That Sofia could not study.” – Carlos, father of Sofia

Social science research supports the conclusions of the students, parents, and service providers that high college costs demotivate students from pursuing higher education. Among studies of non-citizen Mexican youth, these in-state tuition policies led to a 33% increase in high school graduates taking college courses as well as a 33% increase “in the proportion with an associate or higher

77 Koochi, *supra* note 59 at 162-163 “I informed [my mom about the law and policy]...[and that] I have to pay out-of-state tuition even though I live here. She’s like, what do you mean? And...I gave them the example, you know, if I apply to the school and how much I have to pay. And she’s all like, well what are you gonna do? And, I said, ‘I guess scholarships are my only help.’ Because I can’t ask for the government’s help because the government doesn’t allow me to do the FAFSA or apply for financial aid from them, so it’s everything, it’s scholarships. So, literally since I’ve been a freshman, I’ve had to work really, really hard for scholarships because that’s the only way I’ll be able to go to college.” – Ximena.

78 “I definitely think that it’s been harder on [my brother] because if we had access to any college where we can pay the same tuition as anyone else, and maybe get financial help like anyone else can, in terms of not only scholarship money but also (other) financial help in going back to college, I think he would be in a regular 4-year college. Unfortunately, he doesn’t have the money to pay the double tuition that’s charged in a lot of schools—even not exactly the university, but a lot of the regular 4 or even 2-year colleges. It’s a lot of money to pay, and he’s having a hard time trying to do that. And that’s why he also has not gone back to school.” – Luciana; “When you’re DACA, most scholarships are not open to you. And, so I’ve had teachers and counselors who recommended scholarships, and I looked at the requirements, and one of them is a permanent residence or something like that. So, it’s very discouraging, so that’s something that, for a period of time, I was considering, Is college worth it? Should I keep going on if ...? What’s the whole point of me working so hard for them to just slam that door on my face? But, thankfully I’ve had teachers who’ve encouraged me along the way and told me, ‘Stop thinking like that! What’s wrong with you?’ It’s very discouraging.” – Ximena

degree.”⁷⁹ As later sections show, each additional year of post-high school education can have long-term educational, financial, and health benefits for students and their families.⁸⁰

“I’d say about my sophomore year, give or take. That’s when I actually wanted to think or try to plan for the future. At that time, I thought it was going to be easy. I don’t know why I thought I was just going to graduate, I was going to college, I didn’t really think too deeply into the whole political aspect of it. It wasn’t until later years where I actually started realizing, as I started trying to apply for the SAT or trying to look into colleges, where I realized that. Around that time, my friends who were in the same boat as me, they were like, ‘Have you looked at the price of college?’ I was like, ‘No, not really,’ and then I started doing my own research, and I was like, ‘Whoa,’ because I realized there was a big difference for people in our situation.” – Ivan

“I went on a trip with Latin American Association in sixth grade to Kennesaw State. I fell in love with it. I was like, ‘This is where I want to go. This is where I see myself in a couple of years.’ And then I found out I had to pay out-of-state tuition, so that was very discouraging. And, I think I was 12 when I found that out. So, I was like, ‘Well, why do I have to pay twice as much?’ So, that’s like, right away, now when I think about Kennesaw, I don’t want to just because I remember what I went through when I found out.” – Ximena

Again, the Georgia law and policy alone do not explain why undocumented students, even those who pay in-state tuition rates, do not attend college in high numbers. Two-thirds of Georgia’s DACA students belong to low-income families, a statistic that provides at least a starting point for assessing the reason why.⁸¹ Considering that the average tuition at Georgia’s public colleges is three times higher for out-of-state residents, \$24,254 versus \$8,094,⁸² the financial burden is realistically insurmountable for many. Four years at the out-of-state tuition rate is projected to be just under \$100,000 for a four-year degree, and this does not include even basic living expenses. This translates to nearly \$65,000 in extra tuition fees being levied upon an already primarily low-income group, compounded by the strictly reduced financial resources at their disposal and their inability to access any form of federal financial aid.

To put this in perspective, the most recent figures from the National Center for Education Statistics show that only 50.9% of recent “low-income high school completers” were enrolled in a

79 Neeraj Kaushal, *In-state Tuition for the Undocumented: Education Effects on Mexican Young Adults*, 27 *Journal of Policy Analysis and Management* 771, 783 (2008). See also Stella M. Flores, *State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Studies*, 33 *The Review of Higher Education* 239, 247 (2010). Another study showed a significant, but more modest 12% increase in college attendance among Latinx non-citizen students who were at least 15 when the state in which they lived adopted in-state tuition policies for undocumented students. Koochi, *supra* note 59 at 163.

80 Neeraj Kaushal, *In-state Tuition for the Undocumented: Education Effects on Mexican Young Adults*, 27 *Journal of Policy Analysis and Management* 771, 783 (2008).

81 Melissa Johnson, *Georgia Workforce Development, Economy Damaged by Barriers to Higher Education for Undocumented Students*, Georgia Budget and Policy Institute (2015).

82 *Id.*

2 or 4 year college while the college enrollment rate was 64.7% for middle-income and 80.7% for high-income students.⁸³ These figures demonstrate the significant hurdle that being low-income already presents to students. It only makes sense that if being low-income alone is significant enough to substantially limit the ability to pursue higher education, then tripling tuition of low-income individuals and families will increase the burden exponentially.

“Money has always been an issue with these families who struggle to make ends meet every day. Asking someone to pay 100k plus expenses is not realistic for the kids, despite their (DACA) documentation.”
– Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA

The impact of the financial hurdles to higher education resulting from Georgia law and policy on undocumented students without DACA status is likely even greater. The cost-benefit analysis for DACA students and undocumented students is substantially different. DACA students can see a future with a high paying job in front of them, at least as long as hope remains for the continuation of the program, which undocumented students cannot see. With no hope of a good job at the end of the struggle to pay for college, many undocumented students make the pragmatic decision to work to support their families.⁸⁴ Even those with DACA status sometimes choose to work rather than study, fearing the financial stress that going to college would entail.⁸⁵

“Why would you invest in something that you can’t get anything out of later on? Why would I pay for a degree, that I have to pay somehow because my family can’t afford it, get in debt and get your family in debt, and then to get what? To get out of there and have to work under the table? It makes no sense.”
– Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA

“I want to be able to focus completely on my studies. And having to work a full-time job while being a student— it’s not something that I know specifically that I can do . . . I cannot do that, and my grades are going to suffer while I am paying thousands of dollars. That’s not going to work out for me.” – Elise

83 Drew Desilver, *College Enrollment Among Low-Income Students Still Trails Richer Groups*, PEW Research Center (2014).

84 “What would you invest in something that you can’t get anything out of later on? Why would I pay for a degree, that I have to pay somehow because my family can’t afford it, get in debt and get your family in debt, and then to get what? to get out of there and have to work under the table? It makes no sense.” – Gloria Juliao, CETPA; “You have to fill this obligation to your family. You need to send money back. But it could derail getting done in the right amount of time in a four-year plan or anything like that.” – Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist.

85 “I want to be able to focus completely on my studies. And having to work a full time job while being a student—it’s not something that I know specifically that I can do, especially with my mental health. I cannot do that and my grades are going to suffer while I am paying thousands of dollars. That’s not going to work out for me.” – Elise.

And Nevertheless, They Persist: Staying Motivated

From the interviews with students, parents, and service providers, the students who manage to retain their motivation and continue to fight for a college education share several characteristics: a belief in the intrinsic value of education and the presence of family or community members who encourage them to continue their pursuit of higher education. Some undocumented students stated that the simple joy of learning keeps them motivated to overcome the barriers to higher education,⁸⁶ while others had families that stressed the importance of a college degree.⁸⁷ Several of the students stated that their primary motivation is rooted in the sacrifices their families made to bring them to a place where they could have a better future.⁸⁸

Notably, most of these students and parents identified role models or mentors as playing a substantial role in helping them continue their fight to go to college. Sometimes it is a family member, particularly a parent, who is instrumental.⁸⁹ In other cases, it is a teacher or guidance counselor who notices the student's struggles and plays the role of cheerleader or helps them with college

86 "Well, I always knew that I wanted to go to college from the beginning because I like school a lot. I have really good grades, and I've never considered not going to - that's actually never crossed my mind not going to college." - *Ximena*; "What motivates me is going to a school like Harvard, getting my PhD, and joining politics. That's basically my drive. Help out, maybe a campaign manager, or be like a lawyer. That's something I'm wanting to do." - *Agnes*.

87 "She is very dedicated to what she sets out to do. She sets a goal. When we entered the school we told her that her first goal was school. For everything there is time, first the school, then there is to have fun, go out and meet more people, but the goal is the school. She has been very clear about her goals since she was in school, to the degree that she is now." - *Carlos, father of Sofia*; "Education is a value. It's not just parents, but extended family, where education is seen as a value. So, people who come here who are undocumented, not all of them were poor back in their countries, so maybe the expectation is for the child to also go to college. The other thing is, even if you're undocumented right now, there's always hope that something will happen, somehow somehow you change your status and you'll be able to work, because you have 4 years of college." - *Angelica Riva, LCSW, Program Manager of Clinic Services at CETPA*; "or go elsewhere" (with your degree). *Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA*. "The parents push them throughout their school years, because for them it's important and they constantly repeat (to their kids): 'I want you to have what I don't have the opportunities I didn't have I want you to have them.' And they talk to them like that since elementary school. So not of all of them, but many of them try to follow what they have been taught since elementary school." - *Gloria Julia, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA*.

88 "Well, it means finally achieving what my parents wanted from me because I'll be the first in my family to go to college and hopefully graduate college because my parents didn't even get to high school. And, so I feel that they'll realize that everything that they did, like leave all our family behind, and their home, and everything that they've ever known, to come to a country that they've never been to, and to, you know, receive all the hate that they did. They'll see that it was worth it." - *Sofia*; "I believe that going to university will be for us (parents) the same achievement as it is for her. The same feeling." - *Carlos, father of Sofia*; "College for me, what does it mean to me? It means everything. Because my mom and my dad have worked so so hard for me to get to where I am, so college is, it's just another step in the right direction, but for them, it's like, I did it. I did what I told myself I was gonna do. That's why they gave up everything because, you know, they left their country for me to have a better life, and I know my mom, her big thing is seeing me walk that stage in May, and, so, in college, seeing me graduate college, even though that's something that will mean everything for her and for me too...I guess when you look at my parents, they're the ones who, I mean we fight a lot, what kid in high school doesn't fight with their parents? But, it's when I look at them, and I see the late hours they work. My dad has two jobs, and he works, he sleeps like four hours a day. So, it's like when I look at them, I'm just, like, I'm not gonna give up. I can't give up. They've worked hard enough or too hard at this point to just give up. And, it's very hard not to give up, but if I do give up then the other side wins." - *Ximena*; "I think very often it's the 'my parents had nothing, and my parents really want me to get more than they had' or 'I'm the first to go to college.'" - *Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA*.

89 "My mom, my mom always pushed me, always. She would fight, she doesn't even speak English as well as I do, but she would be looking for things, like 'Let's go [to this college]. Let's go [to that college].' So, I went to all the colleges. I went to Oglethorpe, Georgia Gwinnett, Georgia State. I went to so many colleges in person just to find out information...My mom [always tells my younger brother], 'Well, if your sister did it, you can do it!' He's a very good student. My mom is also always pushing him, making sure he is getting good grades and everything" - *Jen*; "Yes, when the news of the DACA was given. She is very disappointed. She wanted to give in to a kind of depression. But I told her, as the teachers have also told her, you finish high school. Continue with your program. Keep on working hard. Later on, as with the DACA, something else can happen. Keep studying. There are universities, which give scholarships for undocumented people. Then she regained her confidence and continued with her goal. Continue giving her all in school." - *Carlos, father of Sofia*.

applications.⁹⁰ And still others get the necessary support from churches and community organizations like Freedom University and the Latin American Association.⁹¹ Either way, a support network seems to be pivotal in undocumented students' decision to try to overcome the barriers to higher education that were created, at least in part, by the Georgia law and policy.

90 "A lot of the counselors helped me apply for a lot of scholarships; a lot of scholarships I didn't qualify for, so there were a lot of scholarships I couldn't apply for. But my counselors helped me investigate and after doing research I found out that if it's a private school they do take out of state students and provide (for) tuition if you are doing well in school." – *Luciana*; "I ended up going to high school where they had an International Baccalaureate program. I was always teacher's pet in high school. My teachers helped me a lot. In the IB program, I was able to get 25 college credits going into college. I was able to go to college, which is something that I thought was impossible, thanks to my teachers and my counselor that found a way for me to go." – *Cristina*; "It's very very hard because, when you're DACA, most scholarships are not open to you. And, so I've had teachers and counselors who recommended scholarships, and I looked at the requirements, and one of them is a permanent residence or something like that. So, it's very discouraging, so that's something that, for a period of time, I was considering, Is college worth it? Should I keep going on if ...? What's the whole point of me working so hard for them to just slam that door on my face? But, thankfully I've had teachers who've encouraged me along the way and told me, Stop thinking like that! What's wrong with you? It's very discouraging." – *Ximena*; "I have a teacher that I had my freshman year, and she taught me human geography and government, American government I believe. It was freshman year, I don't really remember. And, she was a mentor to me. Anytime I have a problem I go to her. And, I told her how it was very discouraging with everything that is going on with DACA, if it's worth it. She told me, 'No, you're still going to go to college. You worked so hard. You can't just give up.' And, so she served as someone who constantly reminds me of what I've done. And, my mentor, I had her a couple years ago. She lives in D.C. now. She goes to Johns Hopkins. She's one of my biggest inspirations because she's worked so hard, and she definitely motivates me every day. And she's always messaging me, like, Hey, do you need help with your scholarships or applications or recommendation letters? So, that's definitely something. And, then my grandparents, they always, like whenever we talk on the phone, they're like, OK, so college, what are you thinking of? So, it's something that they know I work for, and it's something that they push me to do ... So the teachers are really encouraging. You can tell them I'm DACA, and they'll like, OK, well so? You're still going to go to college!" – *Ximena*. "There are a lot of teachers, especially in Athens public schools, who are trying so hard and will go the extra mile [to assist students]. We have some schools that are predominantly Latino, like 62%. And the teachers are just doing everything they can to keep [students'] hopes up. And, you know, Freedom University started here. So, I mean, there is a resistance, and there is a community trying to hold itself together." – *Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist*; "I actually have two teachers - one of them is Mr. Eismeier, and the other one - she's my middle school, seventh, sixth- and seventh-grade teacher because she moved up grades with me. And, I have a close connection with her because I babysat her son when he was, like, a baby. I've known him all his life, basically, and she's always checking up on me. She definitely wants me to go to college, and so does Mr. Eismeier. He's already out, like, I think, like, the first day of school I saw him because, I don't, he doesn't teach me anymore, he's only 9th and 11th grade, and I'm in 12th grade, so I don't have him anymore. But, he's always, like, the first day he was like, you know, you can come by anytime, and I'll help you with your college applications and everything, and I know that he wants a lot from me and so does my teacher, Ms. Peyton." – *Sofia*.

91 "For some reason I got a little bit of motivation to try to get higher education. I found out about the ban [law and policy] and was like 'Whoa, this is a lot harder than I thought. There are a lot more obstacles.' Freedom University was there to help you tear down that wall, that obstacle that is in your way. And so I have been attending Freedom U. for four years now. It's been a crazy four years - it's been very, very life changing. It's funny how little decisions completely change your life. Like my decision to go to school for undocumented kids again changed my life completely. And in a good way - a very, very good way." – *Elise*; "There are other groups, such as the ones like [Latin American Association] that are providing support to students. That's what we do at the youth conference. That's when we see clients on a one-on-one basis to help them to apply for college, show them the different pathways that they can take. There are other groups that they are doing work at the college level, like Georgia Undocumented Youth Alliance. They're college students, they're undocumented, and they're in different universities, and they have a small group of students, and they are trying to provide resources. Freedom University ... They provide a lot of resources about how to apply to college. They prepare them to take some college classes." – *Eli Vélaz, Managing Director of Education of the Latin American Association*.

“What motivates me is going to a school like Harvard, getting my PhD, and joining politics. That’s basically my drive. Help out, maybe a campaign manager, or be like a lawyer. That’s something I’m wanting to do.”

– Agnes

“College for me, what does it mean to me? It means everything. Because my mom and my dad have worked so hard for me to get to where I am, so college is, it’s just another step in the right direction, but for them, it’s like, I did it. I did what I told myself I was going to do. That’s why they gave up everything because, you know, they left their country for me to have a better life, and I know my mom, her big thing is seeing me walk that stage in May, and, so, in college, seeing me graduate college, even though that’s something that will mean everything for her and for me too. . . I guess when you look at my parents, they’re the ones who, I mean we fight a lot, what kid in high school doesn’t fight with their parents? But, it’s when I look at them, and I see the late hours they work. My dad has two jobs, and he works, he sleeps like four hours a day. So, it’s like when I look at them, I’m just, like, I’m not going to give up. I can’t give up. They’ve worked hard enough or too hard at this point to just give up. And, it’s very hard not to give up, but if I do give up then the other side wins.” – Ximena

“She is very dedicated to what she sets out to do. She sets a goal. When we entered the school, we told her that her first goal was school. For everything there is time, first the school, then there is to have fun, go out and meet more people, but the goal is the school. She has been very clear about her goals since she was in school.”

– Carlos, father of Sofia

“Well, it means finally achieving what my parents wanted from me because I’ll be the first in my family to go to college and hopefully graduate college because my parents didn’t even get to high school. And, so I feel that they’ll realize that everything that they did, like leave all our family behind, and their home, and everything that they’ve ever known, to come to a country that they’ve never been to, and to, you know, receive all the hate that they did. They’ll see that it was worth it.” – Sofia

“My mom, my mom always pushed me, always. She would fight, she doesn’t even speak English as well as I do, but she would be looking for things, like ‘Let’s go [to this college]. Let’s go [to that college].’ So, I went to all the colleges. I went to Oglethorpe, Georgia Gwinnett, Georgia State. I went to so many colleges in person just to find out information . . . My mom [always tells my younger brother], ‘Well, if your sister did it, you can do it!’ He’s a very good student. My mom is also always pushing him, making sure he is getting good grades and everything” – Jen

“I have a teacher that I had my freshman year, and she taught me human geography and government, American government I believe. It was freshman year, I don’t really remember. And, she was a mentor to me. Anytime I have a problem I go to her. And, I told her how it was very discouraging with everything that is going on with DACA, if it’s worth it. She told me, ‘No, you’re still going to go to college. You worked so hard. You can’t just give up.’ And, so she served as someone who constantly reminds me of what I’ve done. And, my mentor . . . she’s one of my biggest inspirations because she’s worked so hard, and she definitely motivates me every day. And she’s always messaging me, like, ‘Hey, do you need help with your scholarships or applications or recommendation letters?’ So, that’s definitely something. And, then my grandparents, they always, like whenever we talk on the phone, they’re like, ‘OK, so college, what are you thinking of?’ So, it’s something that they know I work for, and it’s something that they push me to do . . . So the teachers are really encouraging. You can tell them I’m DACA, and they’ll like, ‘OK, well so? You’re still going to go to college!’” – Ximena

“Sofia wants to study law. She knows what she wants to do. She has always been outstanding at school. Teachers have always told us how much they appreciate her. There was a convention here, and we went to talk with a director and had an interview with him. He told us that there would be opportunities for Sofia, even without status, to study in college because of her grades, because she is an excellent student. We came to this country for the education, and my children have taken advantage of it.” – Carlos, father of Sofia

“There are other groups, such as the ones like [Latin American Association] that are providing support to students. That’s what we do at the youth conference. That’s when we see clients on a one-on-one basis to help them to apply for college, show them the different pathways that they can take. There are other groups that they are doing work at the college level, like Georgia Undocumented Youth Alliance. They’re college students, they’re undocumented, and they’re in different universities, and they have a small group of students, and they are trying to provide resources. Freedom University . . . they provide a lot of resources about how to apply to college. They prepare them to take some college classes.” – Eli Vélez, Managing Director of Education of the Latin American Association

And the Challenges Persist: How to Stay in College

“Despite experiencing many difficulties, mostly in my sophomore and junior years of high school, I graduated with honors with a 3.6 GPA and then from college with an even a higher GPA. I just focused on studying and working. I had a merit scholarship and various other scholarships to attend a private school.” – Jen

“Georgia Perimeter College is meant as a cheaper alternative. Because of my status I wasn’t eligible for any kind of in-state tuition. Even currently things like filing a FAFSA I just can’t do because of my status. So, it was still sort of expensive and I could only take about three classes at a time. It was mostly also figuring out what I wanted to do. I couldn’t do the traditional – a lot of people go to college and kind of feel things out – I pretty much had to go in knowing what I wanted to do and didn’t have that leeway. The whole, ‘Oh I’ll try this out, I’ll try that out.’” – Aureliano

Unfortunately, the Georgia law and policy continue to place obstacles in front of even the most motivated students after they make the decision to attend college. The financial obstacles force undocumented students to make pragmatic and, at times, heartbreaking decisions about their futures as part of maintaining the balance between the costs of pursuing the degree and its expected benefits. The hope for many of these students is a scholarship, as identified above.⁹² Only the top undocumented students are likely to receive one of the few scholarships available to them, and even then, they do not necessarily cover the full costs of going to college.⁹³

“There are so many ancillary costs to higher education that even a scholarship is no guarantee that a student can afford to go to college. If a foundation provides a scholarship for a student to go to Georgetown University, they provide an \$80,000 scholarship, but the cost of moving ... the student to Washington. The food for that family. The home for the kid. The families do not have the financial means to support them.”

– Eli Vélez, Managing Director of Education of the Latin American Association

“And so, I started school, and even though the college did provide me with tuition, it wasn’t full ride exactly, and because it was a private school, every year tuition went up but the scholarship money would be the same so I had to find a way to pay off the rest of it.” – Luciana

92 “Despite experiencing many difficulties, mostly in my sophomore and junior years of high school, I graduated with honors with a 3.6 GPA and then from college with an even a higher GPA. I just focused on studying and working. I had a merit scholarship and various other scholarships to attend a private school.” – Jen.

93 “And so, I started school, and even though the college did provide me with tuition, it wasn’t full ride exactly, and because it was a private school, every year tuition went up but the scholarship money would be the same so I had to find a way to pay off the rest of it.” – Luciana; “There are so many ancillary costs to higher education that even a scholarship is no guarantee that a student can afford to go to college. If a foundation provides a scholarship for a student to go to Georgetown University, they provide \$80,000 scholarship, but the cost of moving the student to Washington? The food for that family. The home for the kid. The families do not have the financial means to support them.” – Eli Vélez, Managing Director of Education of the Latin American Association.

Students and their families cope with the Georgia law and policy's financial hurdles by carefully considering the options they have to make college realistic. Some students choose to delay college until they earn enough money to pay for it.⁹⁴ Others slow down their education, taking a few classes at a time so that they can work to pay for school.⁹⁵ Some students work full or part-time and take a full course load,⁹⁶ which may lead to lower grades.⁹⁷ For undocumented students without DACA, and therefore without a work permit, it may be particularly difficult to find decent jobs to pay for school. In many cases, the Georgia law and policy force some of these students to drop out of college because they cannot keep up with the tuition payments.⁹⁸

94 "I took about a year off before I decided I wanted to pursue a higher education, so throughout that year I was basically working nonstop trying to raise some money. I actually wanted to go to a technical college and maybe transfer out, but then I realized at that point that going for the technical college and pursuing something was actually—they were charging me exactly the same as if I were to go to a university for one semester, so I was like, 'Oh.'" — *Ivan*; "The next step for the 5 year plan is to get into college. This is sort of figuring out what I can do to get in. Bringing up the SAT, and I graduated 5 years ago, so even though my transcript was good for high school, it has been a while. How am I able to prove how I did in high school after a 5-year hiatus? ... That's sort of the obstacle." — *Elise*. "I just talked to a DACA student tonight who shared her story. Before she had DACA, she just refused to give her social security number and was charged in-state s. Once she acquired DACA status, she was charged 'international' rates, which were four times as much. Ironic, huh? So, she quit school and went to work to try to earn the money... She talked about deferring her dream and putting off starting a family." — *Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist*.

95 "I would say that the most pertinent example of this is when it became very clear that college wasn't going to be as accessible for me as other people. My parents and I had a conversation and we just talked about how I wasn't not going to go to college. No matter what. So if I didn't get a scholarship to go to school I would have gone to a community college and taken one class at a time because that's all we could afford. So my education may have taken twice as long." — *Raymond*; "Georgia Perimeter College is meant as a cheaper alternative. Because of my status I wasn't eligible for any kind of in-state tuition. Even currently things like filing a FAFSA I just can't do because of my status. So it was still sort of expensive and I could only take about three classes at a time. It was mostly also figuring out what I wanted to do. I couldn't do the traditional—a lot of people go to college and kind of feel things out—I pretty much had to go in knowing what I wanted to do and didn't have that leeway. The whole, "oh I'll try this out, I'll try that out." — *Aureliano*; "It's been really hard for her [Elise's sister] because she has had to work a lot to pay for those classes. She's had to endure a lot for those classes. I remember she had a really bad working environment for a long time as a waitress and her coworkers were just not nice, the manager was horrible, and she was really in a very toxic environment, and she persevered and decided to stay there because, as a waitress, you earn [a lot] if you treat the clients well. You get a good tip, you get good money. So, she had to go through a lot to be able to pay for her education. Even now, she is taking 1-2 classes every semester, which makes the process a lot longer. So, it is definitely affecting her 10-year plan. To me it is going to take longer and become a 15 or 20-year plan to get to the same place. But she is not willing to wait, that's fine. She is very proactive, and so that's her. She is willing to put in the work, so in the end, she paid for this entirely herself. And she put a lot of work into it and she is going to deserve it." — *Elise*; "To pay out-of-state tuition at some of our schools is cost-prohibitive. They just literally can't do it, so you just take one class at a time. You've got kids that are taking six, eight, ten, twelve years. The case that really angered me more than any else was this young woman from Korea. She was brought here as a child, and her parents overstayed their visas. She was going to Tech. She was a junior at Tech in 2010, and her dad had a heart attack and she had to quit school to go help the family dry cleaners. (Talk about a stereotype.) When she went to go back to school in 2014, they wouldn't let her back in. She had finished her junior year. She had one year of school left. They were saying, "You can't graduate from Georgia Tech, because you only have DACA." That's outrageous. My heart broke for that young woman. That was just terrible." — *Charles Kuck, Immigration Lawyer*.

96 "I would go to all the houses in the neighborhood and offer to babysit. So, like door-to-door, in person. So, that's how I got a job as a babysitter, and I was able to pay monthly. Everything that I would get from babysitting, I would use to pay my tuition." — *Jen*.

97 "I want to be able to focus completely on my studies. And having to work a full-time job while being a student—it's not something that I know specifically that I can do, especially with my mental health. I cannot do that and my grades are going to suffer while I am paying thousands of dollars. That's not going to work out for me." — *Elise*.

98 "I went to technical school, Lanier Technical, for one semester, and then I just stopped going. And then I heard about Freedom U... It was free and I found out that most of the students were undocumented, so I thought maybe some people would fit in better than other schools." — *Agnes*. See also Veronica Terriquez, *Dreams Delayed: Barriers to Degree Completion among Undocumented Community College Students*, *Journal of Ethnic and Migration Studies*, 41, no. 8 (2014), 1302, 1303.

“I would say that the most pertinent example of this is when it became very clear that college wasn’t going to be as accessible for me as other people. My parents and I had a conversation and we just talked about how I wasn’t not going to go to college. No matter what. So, if I didn’t get a scholarship to go to school I would have gone to a community college and taken one class at a time because that’s all we could afford. So, my education may have taken twice as long.” – Raymond

“I took about a year off before I decided I wanted to pursue a higher education, so throughout that year I was basically working nonstop trying to raise some money.” – Ivan

“And I think that that’s an issue for a lot of Latino families, a lot of Latino students, is the tendency to work during college, which is good in some ways, but it can also make college longer, and you know, it’s problematic in some ways, but I understand it in other ways. You have to fill this obligation to your family. You need to send money back. But it could derail getting done in the right amount of time in a four-year plan or anything like that.” – Eli Vélez, Managing Director of Education of the Latin American Association

“It’s been really hard for [my sister] because she has had to work a lot to pay for those classes. She’s had to endure a lot for those classes. I remember she had a really bad working environment for a long time as a waitress and her coworkers were just not nice, the manager was horrible, and she was really in a very toxic environment, and she persevered and decided to stay there because, as a waitress, you earn [a lot] if you treat the clients well. You get a good tip, you get good money. So, she had to go through a lot to be able to pay for her education. Even now, she is taking 1-2 classes every semester, which makes the process a lot longer. So, it is definitely affecting her 10-year plan. To me it is going to take longer and become a 15 or 20-year plan to get to the same place. But she is not willing to wait, that’s fine. She is very proactive, and so that’s her. She is willing to put in the work, so in the end, she paid for this entirely herself. And she put a lot of work into it and she is going to deserve it.” – Elise

“I went to technical school, Lanier Technical, for one semester, and then I just stopped going. And then I heard about Freedom U...It was free and I found out that most of the students were undocumented, so I thought maybe some people would fit in better than other schools.” – Agnes

Students and service providers state that the Georgia law and policy also effectively curtail the students’ ambitions. Some feel compelled to choose two-year or technical colleges where programs last for a shorter period of time and where they can gain skills to immediately enter the workforce.⁹⁹ They often see this as a less expensive option, which is not always the case.¹⁰⁰ Undocumented Latinas

99 “Our community college does a really good job of offering very useful courses. They’re very active with recruiting Latino students, and undocumented students can go there. So, I think there is definitely an awareness [of the need for educational alternatives].” – Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist.

100 “I took about a year off before I decided I wanted to pursue a higher education, so throughout that year I was basically working nonstop trying to raise some money. I actually wanted to go to a technical college and maybe transfer out, but then I realized at that point that going for the technical college and pursuing something was actually—they were charging me exactly the

in particular are more likely to attend two-year rather than four-year colleges, even without restrictions on their access to higher education,¹⁰¹ which suggests the law and policy further drive Latina students to limit their higher education. Desperate to go to college, some even choose for-profit or poor quality colleges because reputable state institutions are inaccessible.¹⁰² Others take online courses that are often cheaper and deny them the full college experience.¹⁰³

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– Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist

“I went to [a private college in Georgia]. About mid-way through the year, the administration basically said, ‘Oops! Sorry! We went bankrupt!’ They tried to help us transfer with some credits...I later found out that they weren’t accredited by SACS, and I had no idea. I didn’t know what that meant until the school went bankrupt.” – Jen

Students also tailor their career choices and, in some cases, curb their ambitions because of the barriers created by the Georgia law and policy. Students sometimes discover after being accepted to an affordable school that the academic area they had hoped to focus on is not available, forcing them to change majors.¹⁰⁴ Some undocumented students also prefer to pursue a degree that does not require graduate school so that they can begin to work immediately after graduation, which further drives students away from their ambitions.¹⁰⁵

same as if I were to go to a university for one semester, so I was like, ‘Oh.’ – Ivan.

101 Eleen Hawley McWhirter, Karina Ramos, & Cynthia Medina, *Y ahora qué? Anticipated Immigration Status Barriers and Latina/o High School Students’ Future Expectations*, 19 *Cultural Diversity and Ethnic Minority Psychology* 288 (2013).

102 “I went to [a private college in Georgia]. About mid-way through the year, the administration basically said, ‘Oops! Sorry! We went bankrupt!’ They tried to help us transfer with some credits...I later found out that they weren’t accredited by SACS, and I had no idea. I didn’t know what that meant until the school went bankrupt.” – Jen.

103 “[In comparison to me], my sister is not willing to wait, so she has been attending classes at Georgia Perimeter College and she recently transferred to Georgia State University, which used to be a college we couldn’t go to. But since they merged with Perimeter, they made it available to undocumented students. So she is taking online classes because the tuition is still very high.” – Elise.

104 “I wanted to study psychology, so I went to [a private college in Georgia]. The [school I later transferred to] didn’t have psychology, so I ended up studying communications there.” – Jen; “My school was a liberal arts school, so a lot of programs weren’t offered. A lot of my friends were studying engineering and unfortunately for them they weren’t offering engineering courses, they had to take courses that would help you with engineering but not actually engineering courses. So, a lot of my friends had to work their way around, try to get something related to their careers but not exactly what they wanted to do. It was the same for me, it was hard to want to do something else. It was the only college we could go to, it was the only university, and for me that was already a big thing. I wanted to do nursing, but our school only offered pre-nursing, and a lot of other ‘pre’ classes, because it wasn’t such a big school like the public schools in Georgia, so it was very limited.” – Luciana.

105 “When I started to take my classes and focus on the degree I wanted to pursue, I did have to think a lot about what would happen if I couldn’t finish paying. I would have to consider what would happen if I couldn’t work anymore (and pay for tuition). I would have to consider if my degree requires going back to graduate school to get a job. So, I had to consider a lot of things. That’s why it was hard to pursue anything else that involved going back to grad school right away because I knew it would be

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One of the most heartbreaking choices that undocumented students have had to make as a result of the Georgia law and policy is the decision to leave home and move far away when they would have preferred to stay in Georgia.¹⁰⁶ The best option for some of these students is to go to school out of state, forcing them to separate from their families.¹⁰⁷ Several of the students described that they would rather live near their families, and living at home would certainly bring down the cost of going

something I couldn’t do because it would require more money to go back to grad school. I had to get something that would allow me to get a job just with a bachelor’s degree, and maybe later on go back to school. So, I opted for something a little more broad, and I had to think of the options of what I can graduate with.” – Luciana ; “I thought about [pursuing my master’s], and I reached out to a Californian school and then another school of social work...Not being able to get government financial aid [made me decide]...that I don’t think that it’s worth it.” – Jen; “At the time I wanted to study veterinary medicine. UGA is one of the best schools in the US to study veterinary medicine. So, that was my path, and that was what I was going to do. But there were a lot of obstacles. Where was I going to get the money? I had the grades.” – Elise; “She is doing that to get a nursing degree. She wants to be an obstetrician, but she is going for nursing first and then going for the next level.” – Elise.

106 “So, it’s very heartbreaking and discouraging because, I know some of my friends, they would have loved to stay here, but they, too, are DACA, so they have to leave the state. And, it is something that is not fair because you encourage someone to continue with their education but as soon as they get to the next level, you’re just like, well you don’t have this. You can’t come here. So, it’s very heartbreaking.” – Ximena; “It prevented me from coming to school in Georgia and I think in the long run staying in Georgia. Like I said, I did end up going to LSU and just regional differences. I’m going to end up moving to Houston when I graduate. It’s kind of upsetting because I did grow up here and most of my family is here. It’s just kind of how things worked out. I have to go more with the flow of things. I can’t be too picky and be like, I want to stay here. I have to go where things could work and that’s kind of the process I’ve been with for a while now.” – Aureliano.

107 “So I talked to some lawyers, and they said ‘oh you know if everything just goes bad there you should just consider just moving to another state that doesn’t prohibit you from going to a regular college.’” – Luciana.

to college. Social science researchers believe that undocumented students' reluctance to leave home contributes generally to lower college enrollment, an effect likely amplified by the Georgia law and policy.¹⁰⁸ The physical distance also harms the family as a whole, since parents often depend on their children to help them translate.¹⁰⁹ In effect, the Georgia law and policy remove undocumented students from the financial, physical, and emotional support that may ultimately be critical for their academic success, while making the lives of family members more difficult.¹¹⁰

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“My wife is the one who is most worried because I already had the idea that, more than anything, I do not want to be an obstacle for her. I do not want to cut off her wings. If there is an opportunity outside here, go ahead.” – Carlos, father of Sofia

Harm to the Next Generation

The Georgia law and policy also pass on education barriers to the children of undocumented students. Long-standing research shows that “parental educational level is an important predictor of children’s educational and behavioral outcomes.”¹¹¹ The lower the parents’ education level, the less

108 Stella M. Flores, *State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Studies*, 33 *The Review of Higher Education* 239, 247 (2010).

109 “Yes, there are a lot of indications [that the law and policy affect] the social dynamic of the family. Just keep in mind that most of these kids are the ones helping the families to do any type of process that they need to do with the government or with application process that they have to do. They’re the voice of the family. They’re the ones running, sometimes paying the bills for the families.” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

110 “I think that, yes, I can think of some really smart, motivated middle-schoolers, who were in this kind of technology club, and I think the way their mentors and even people at UGA had tried to help them is that maybe seeing themselves definitely in college and definitely somewhere else and most likely out of the state. So, I think, as an adaptive way to deal with it. Yes, you do belong in college, but, but you’re going to have to go somewhere else.” – *Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist.*

111 Eric F. Dubow, Paul Boxer, and L. Rowell Huesmann, *Long-term Effects of Parents’ Education on Children’s Educational and Occupational Success: Mediation by Family Interactions, Child Aggression, and Teenage Aspirations*, 55 *Merrill Palmer Quarterly* 224 (2010).

likely their children will do well in school, continue their education, and have a more prestigious job as an adult, as compared to children of parents with higher levels of education.¹¹² Importantly, other factors that are typical in undocumented families' lives, including socio-economic status, family stress, and periods of parental unemployment, also contribute to poorer education and behavior problems in children.¹¹³ When studies control for these factors, however, the correlation between the parents' lower education level and their children's poorer educational outcomes remain, and the harm is long-term, carrying into adulthood.¹¹⁴ By placing barriers to education for undocumented students, the Georgia law and policy contribute to long-term difficulties and harm for children, many of whom will be US citizens in the future.

Conclusion

The Georgia law and policy prevent undocumented students from achieving their full human potential. They demotivate students with a message that they have no place in college, leading some students to give up -either by dropping out of high school or underperforming. Those who manage to stay motivated, often with the help of families, teachers, and community organizations, are forced to make pragmatic and, at times, agonizing decisions about whether to leave home against their wishes, curtail their ambitions, or slow down their educational attainment because of the financial barriers and restrictive admissions policies. Undocumented students often work full or part-time jobs to help pay for school, which leads to lower grades and delays in finishing school. Despite all of this effort, some of these students feel compelled to drop out because the financial pressure is too great. The disadvantages, caused at least in part by the Georgia law and policy, are passed on to these students' children, many of whom will be U.S. citizens. Despite some undocumented students' success in acquiring a college degree, the next section reveals that all undocumented students endure psychological pain as a result of the Georgia law and policy.

112 Id.

113 Id.

114 Id.

Psychological Impacts on Undocumented Students

“College wasn’t even a question for me. It was something that I knew I had to do. That’s why my emotional health in high school wasn’t very great, because I knew that no matter how hard I worked there was always the chance that I wasn’t going to be able to go to college. I was in the IB program at Central High School, which is the International Baccalaureate program, which is like a really rigorous college prep program for really motivated high school students. I took all AP classes I could as my electives. I graduated high school with a 4.0. I was salutatorian of my class. Despite all of these things there was a very likely chance I wasn’t going to be able to go to college because of something that was completely beyond my control. It got to the point in high school that at one point I tried to take my own life because I was just absolutely miserable and I didn’t want to reconcile with the fact that all of my efforts in high school wouldn’t be rewarded in any way.” – Raymond

The Georgia law and policy, in addition to the general hardship that accompanies the undocumented experience,¹¹⁵ increase the risk of anxiety and depression in students. Undocumented students often learn of the law and policy when they are in a vulnerable adolescent stage. They discover that the American Dream may not be accessible to them at a time when they do not necessarily have the maturity to cope with what that means. As the interviews highlight, undocumented students experience high levels of stress and anxiety as a result of the Georgia law and policy. This stress in turn enhances their fear that their immigration status will be exposed and heightens the existing stigma and discrimination they feel as undocumented immigrants. They find themselves struggling with their sense of identity, especially those who have spent most of their childhoods in the United States. They also have a more difficult time dealing with anxiety and depression because the Georgia law and policy dismantle their support networks. It is impossible to overstate the psychological harm undocumented students face as a result of the Georgia law and policy.

115 Some of this anxiety may stem from childhood, particularly if students struggled to adapt to their new environment after migrating—sometimes at various times. See L. M. Ellis & E. C. Chen, *Negotiating Identity Development Among Undocumented Immigrant College Students: A Grounded Theory Study*, 60 *Journal of Counseling Psychology* 251 (2013); “I never realized how much anxiety and fear I had. It’s just normal – it’s become such a norm in our life.” – Elise.

Increasing Anxiety and Depression

“But I don’t know that I’ve heard anyone directly say ‘Well there’s no point in school anyway because I’m not going to be able to go to college, so I’m going to do drugs.’ I’ve never heard anything like that direct. Obviously it will have influence on hopelessness, and then turning to things to forget and what not. But not verbalized like that.” – Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA

Research indicates that undocumented students’ concerns about the attainability of their career goals lead to depression and anxiety.¹¹⁶ The experiences of students interviewed for this report support these findings.¹¹⁷ The Georgia law and policy contribute to a cycle that begins with undocumented student learning that they are unlikely to attend college, which leads them to lose the motivation to pursue their life goals and dreams, which negatively impacts their psychological well-being and makes it harder to overcome the obstacles to higher education caused by Georgia’s law and policy.¹¹⁸ In the most severe cases, the law and policy have directly played a role in suicide attempts.¹¹⁹

116 Patty Cavazos-Rehg, Luis H. Zayas, & Edward L. Spitznagel, *Legal Status, Emotional Well-Being and Subjective Health Status of Latino Immigrants*, 99 *Journal of the National-Medical Association* 1126 (2007).

117 “But I don’t know that I’ve heard anyone directly say ‘well there’s no point in school anyway because I’m not going to be able to go to college, so I’m going to do drugs.’ I’ve never heard anything like that direct. Obviously it will have influence on hopelessness, and then turning to things to forget and what not. But not verbalized like that.” – Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA.

118 Although the next story is not about the Georgia law and policy specifically, it highlights the cycle described here: “I have a student who was a high-achiever in the 7th grade at the time. Her middle-school teacher was discussing college with the students, and he said, ‘Who is going to college?’ And all the kids--all high achievers--raised their hands. Then he said, ‘How many of you can apply for scholarships?’ 100% of the students raised their hands saying that they were going to apply for scholarships. Then he said, ‘How many of you have papers?’ This is a public school teacher. All the kids raised their hands, but the situation was that about 30% of the students were undocumented. They raised their hands because they didn’t want to be singled out in the classroom. But after that encounter, that high-achieving 7th grade student started suffering from depression. She told her mom, ‘Mom, I will never be able to go to Harvard.’ That’s where she wanted to go. She started getting depressed to the point that she attempted to take her life. She was in the hospital for a week. After that, she was in a clinic for a month because she had tried to take her life again. And after that, this high-achieving student who is now supposed to be in 11th grade, missed a full year of school. Imagine the implications that had on the life of that child. Lost life goals and dreams that she had because she realized that she wasn’t documented. The financial hazard of tuition, the struggles they now have because they have many bills. They have to now pay for medical bills that they were not anticipating. It became a situation that nearly destroyed the family... And all her dreams were completely destroyed because she couldn’t see that she could apply for college. That wasn’t the reality, but for that child, that was her reality. She disconnected from her education. She’s barely trying to go back to school this year. We’re working really hard to help her with her situation, with her depression.” – Eli Vélez, *Managing Director of Education of the Latin American Association*.

119 “College wasn’t even a question for me. It was something that I knew I had to do. That’s why my emotional health in high school wasn’t very great, because I knew that no matter how hard I worked there was always the chance that I wasn’t going to be able to go to college. I was in the IB program at Central High School, which is the International Baccalaureate program, which is like a really rigorous college prep program for really motivated high school students. I took all AP classes I could as my electives. I graduated high school with a 4.0. I was salutatorian of my class. Despite all of these things there was a very likely chance I wasn’t going to be able to go to college because of something that was completely beyond my control. It got to the point in high school that at one point I tried to take my own life because I was just absolutely miserable and I didn’t want to reconcile with the fact that all of my efforts in high school wouldn’t be rewarded in any way.” – Raymond. “As early as elementary [we see negative impacts]. We’ve had cases where, after the election especially and before 2008 (DACA), where you see kids hearing “go back to your country” even on the playground as young as kindergarten (reference to people saying this to kids’ parents). I know we’ve had suicide attempts, and successful suicide rates increase back in 2009-2010. We even had to do a focus group here with the clinicians because you think of the clients but then you forget that there is even staff. What I’m trying to say is that it touches everybody, to a certain level, and everyone works and deals with it in a different way. You have the younger kids, who are becoming aggressive

It is important to note, however, that other factors also contribute to anxiety and depression in undocumented students, including their traumatic experiences with discrimination, racial profiling, random document checks by authorities, separation or removal from their families, relocation of families due to the possibility of immigration raids, and deportation.¹²⁰ With that said, interviews with students, parents, and service providers clearly support a direct link between the Georgia law and policy and undocumented students' anxiety and depression.

Increased Stigma, Discrimination, and Isolation

The Georgia law and policy enhance the fear and stigmatization already associated with students' immigration status, which harms their mental health and well-being.¹²¹ The debates surrounding the Georgia law and policy emphasize the supposed burdens undocumented students place on the economic and social development of the United States and Georgia, portraying these students in an extremely negative light.¹²² The Georgia law and policy explicitly set undocumented students apart from their peers, which undocumented students correctly identify as a form of discrimination.¹²³ The debates send a public message that undocumented students deserve poor treatment in American society.¹²⁴ The Latin American community is a particular target of this message, without distinction between those who are documented and those who are not. This can also harm US citizen siblings and children of undocumented immigrants.¹²⁵ Perceived discrimination, particularly

or depressed. Then you go up to the (older) siblings who have more access to alcohol and drugs, then you go to the parents and so forth.” – Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA.

120 American Psychological Association, *Crossroads: The Psychology of Immigration in the New Century, Report of the APA Presidential Task Force on Immigration* (2012).

121 Douglas S. Massey, *Categorically Unequal: The American Stratification System*, Russell Sage Foundation (2008).

122 Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (2008).

123 “It’s important for me and people like me because it’s in a sense like a modern form of slavery. We feel shackled to their system, and we can’t break out of it. We’re viewed as criminals when we haven’t even done anything. There’s some sense of that, where you’re being ridiculed, you’re being labeled, and you’re being dehumanized in a way. I really want them to change these things, because at the end of the day we’re all human beings, and we shouldn’t be treated any less.” – Ivan; In a way, it makes you feel like you’re, I don’t know, not shameful but you feel kind of like you have to give yourself an extra label. You have to look for something more because, you like, you meet every requirement, they’re encouraging you, they’re like, *but are you a legal citizen?* And, that’s one of the questions. Or, like, when you ask them, ‘Do you accept DACA?’ It’s like that one question completely changes everything because you can ask the school, like, ‘I’m really interested, I’m really interested, but do you guys accept undocumented students?’ And, so that’s the question. They’re like, ‘I’m so sorry, we don’t.’ Or, ‘yeah we do, but you have to pay out-of-state tuition.’” – Ximena.

124 Douglas S. Massey, *Categorically Unequal: The American Stratification System*, Russell Sage Foundation (2008).

125 “I teach a Latino mental health course, and a lot of the students in the class are Latino/Latina, and they all talk about feeling incredibly guilty for even studying [at UGA]. They say things like, ‘I know that there are people who couldn’t come here’ and they don’t really feel like ‘I’m better because my parents had me here or they got a visa.’ They just feel like, ‘Wow, what did I do to deserve this privilege to be here at the same time, that others don’t have the opportunity.’... I think it makes people feel suspect that their classmates are looking and saying, ‘Why are you here? Okay, you’re not undocumented, but you’re definitely not qualified.’ And so, I think it definitely plays on the psyche of those students who identify strongly with being Latino and studying a UGA because I think it makes them feel guilty and the stigma that somehow, they’re here, but they kept someone else out.” – Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist; The main issue that we are facing is that we have a lot of students who are not motivated to do well and stay in school because the Latino community has been bombarded through the media with messages claiming that Latinos cannot go to college, which is a misconception...But in the minds of a lot of Latinos, they don’t think that they have to do well in school because they don’t see how they will be able to afford to go to college ... The sad part about this is that it doesn’t affect only undocumented students. There are many US citizen students who don’t see why [undocumented and DACA students] need to go to college because they perceive that Latinos are not welcome in higher education.

from peers, significantly predicts depression, delinquency, and lack of educational motivation, while discrimination from adults is correlated with physical aggression, drug use, and poorer grades.¹²⁶

“It’s important for me and people like me because it’s in a sense like a modern form of slavery. We feel shackled to their system, and we can’t break out of it. We’re viewed as criminals when we haven’t even done anything. There’s some sense of that, where you’re being ridiculed, you’re being labeled, and you’re being dehumanized in a way. I really want them to change these things, because at the end of the day we’re all human beings, and we shouldn’t be treated any less.” – Ivan

“I teach a Latino mental health course, and a lot of the students in the class are Latino/Latina, and they all talk about feeling incredibly guilty for even studying [at UGA]. They say things like, ‘I know that there are people who couldn’t come here’ and they don’t really feel like ‘I’m better because my parents had me here or they got a visa.’ They just feel like, ‘Wow, what did I do to deserve this privilege to be here at the same time, that others don’t have the opportunity’ ... I think it makes people feel suspect that their classmates are looking and saying, ‘Why are you here? Okay, you’re not undocumented, but you’re definitely not qualified.’ And so, I think it definitely plays on the psyche of those students who identify strongly with being Latino and studying at UGA because I think it makes them feel guilty and the stigma that somehow, they’re here, but they kept someone else out.”

– Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist

“A big issue is that we have many mixed families. We have kids who are US citizens, but their families are undocumented, and that’s why they don’t see why the school systems don’t welcome them the same way. ‘If my mom is not welcome, if my dad is not welcome, I’m not welcome either.’ And this has a snowball effect. . . . If you’re starting with that undocumented kid, who the Board of Regents is trying to push away from the university system, but it has an effect on US citizens, because they think that they are being attacked. They think that Latinos as a group are being restrained from achieving higher education because the policies of the Board of Regents.” – Eli Vélez, Managing Director of Education of the Latin American Association

Many undocumented students find the stigma surrounding their undocumented status, which is now enhanced by the Georgia law and policy, to be disempowering and socially isolating.¹²⁷ They already feel the psychological effects of not being able to partake in “normal” school activities because

So, students lose motivation. They lose inspiration.” – *Eli Vélez, Managing Director of Education of the Latin American Association*; “A big issue is that we have many mixed families. We have kids who are US citizens, but their families are undocumented, and that’s why they don’t see why the school systems don’t welcome them the same way. “If my mom is not welcome, if my dad is not welcome, I’m not welcome either.” And this has a snowball effect ... If you’re starting with that undocumented kid, who the Board of Regents is trying to push away from the university system, but it has an effect on US citizens, because they think that they are being attacked. They think that Latinos as a group are being restrained from achieving higher education because the policies of the Board of Regents.” – *Eli Vélez, Managing Director of Education of the Latin American Association*.

126 Pallavi Amitava Banerjee, *A Systematic Review of Factors Linked to Poor Academic Performance of Disadvantaged Students in Science and Maths in Schools*, 3 Cogent Education (2016).

127 “Messages in the media about not welcoming immigrants to this nation is pushing [undocumented youth] down, and they feel that they are unwelcome and that they do not belong here.” – *Eli Vélez, Managing Director of Education of the Latin American Association*.

of their status.¹²⁸ The law and policy intensify the effects by reinforcing that they are “outsiders” and “considered suspect.”¹²⁹ Studies of undocumented college students suggest that restrictive laws and policies like Georgia’s also play on their fear of being exposed as undocumented to their peers, the college administration, and faculty.¹³⁰ This fear of exposure consequently leads them to avoid those individuals who may be best equipped to assist them—a point students interviewed for this project also make.¹³¹ This avoidance adds to their anxiety. Overall, the Georgia law and policy contribute to feelings of isolation and undermine undocumented students’ friendships and social interactions.¹³²

“[After my boyfriend passed away in high school], I fell into a really deep depression for two years. I started going to a therapist last year [through Freedom University’s mental health program]. I couldn’t understand why I couldn’t let him go. And then the therapist said something that really made it click. He was the only person who knew I was undocumented and who I told my undocumented problems to. So losing that one person, that one support system that I had completely just broke me down. And so at the time, even though I got the work permit - I was bedridden and house ridden for two years. I couldn’t get out of the house.”

– Elise

“Messages in the media about not welcoming immigrants to this nation is pushing [undocumented youth] down, and they feel that they are unwelcome and that they do not belong here.”

– Eli Vélez, Managing Director of Education of the Latin American Association

The Georgia law and policy also contribute to identity conflicts, which cause immigrant populations to experience mental health issues and psychosomatic symptoms.¹³³ For undocumented students, much of this identity conflict results from internalizing the message the Georgia law and

128 Lisa D. Garcia and William G. Tierney, *Undocumented Immigrants in Higher Education: A Preliminary Analysis*, 113 *Teachers College Record* 2739 (2011).

129 Id.; “Messages in the media about not welcoming immigrants to this nation is pushing [undocumented youth] down, and they feel that they are unwelcome and that they do not belong here.” – Eli Vélez, *Managing Director of Education of the Latin American Association*.

130 Lisa D. Garcia and William G. Tierney, *Undocumented Immigrants in Higher Education: A Preliminary Analysis*, 113 *Teachers College Record* 2739 (2011).

131 Jesus Cisneros and Anna Lopez, *DREAMzone: Educating Counselors and Human Service Professionals Working with Undocumented Students*, 8 *J. for Social Action in Counseling & Psych.* 32 (2016); “[After losing my boyfriend in high school], I fell into a really deep depression for two years. I started going to a therapist last year [through Freedom University]. I couldn’t understand why I couldn’t let him go. And then the therapist said something that really made it click. He was the only person who knew I was undocumented and who I told my undocumented problems to. So having that one single person sort of – it just—losing that one person, that one support system that I had completely just broke me down. And so at the time, even though I got the work permit—I was bedridden and house ridden for two years. I couldn’t get out of the house.” – Elise.

132 Roberto G. Gonzales, *Learning to Be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood*, 74 (4) *Am Sociol Rev.* 602 (2011).

133 Lauren M. Ellis & Eric C. Chen, *Negotiating Identity Development Among Undocumented Immigrant College Students: A Grounded Theory Study*, 60 *J. of Counseling Psych.* 251 (2013). “I haven’t really incorporated [my additional Chinese heritage] into myself or really explored it because of the dynamic of not being Mexican enough or not being American enough, and so adding another layer to my racial identity seemed really complicated at the time. But I think right now it is something I want to really explore.” – Elise.

policy and other immigration policies are sending them—that they are not “American.”¹³⁴ For people who spent most of their childhood in the United States, the message is crushing.

“I think [the law and policy] put into practice what [undocumented students] always feared, which is that they don’t really belong.. These laws were not only meant to ban [these students] from college, but to make a point psychologically: ‘You’re not welcome. You don’t belong. You’re a criminal. You steal things from people, like spots in college, for example.’ This of course is untrue because you can’t steal spots from people. You earn it based on your academic merit. So, that’s an interesting impact of the policies too: it is not only psychological, but it impacts students’ future ability to apply to college. When you think you don’t belong here, of course you believe you don’t deserve rights. Of course you don’t believe you deserve to go to school. I think there’s a major psychological impact on students...It honestly produces a lot of anger, a deep sense of injustice.” – Laura Emiko Soltis, PhD, Executive Director of Freedom University

“I haven’t really incorporated [my additional Chinese heritage] into myself or really explored it because of the dynamic of not being Mexican enough or not being American enough, and so adding another layer to my racial identity seemed really complicated at the time. But I think right now it is something I want to really explore.” – Elise

Separating Students from their Support Networks

Undocumented students who are forced to make the pragmatic choice to attend an affordable and better college far from home struggle with being separated from their support networks, which creates anxiety and may lead to lower academic performance, particularly among Latinx students.¹³⁵ These students often strongly identify with their ethnic group, which generally allows them to experience positive feelings of self and with it better psychological adjustment and academic

134 “Students in high school, I’d tell them that I know that they are American in every way possible except on paper.” – Sofia. “I think the problem with that is, you go through the whole school system in the US and then you tell them they are foreigners, because you don’t have documents.” – Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA; “I think the law and policy put into practice what undocumented students always feared: the idea that they don’t really belong here...These laws were not only meant to ban these students from college, but to make a point to them psychologically: ‘You’re not welcome. You don’t belong. You’re a burden on society. You’re a criminal, and you take things away from others, like seats in college.’ This of course is untrue because undocumented students and their families pay taxes and actually subsidize the education of their documented peers. Their taxes fund the universities they themselves cannot attend. Moreover, undocumented students are not criminals and do not take spots away from people. Students earn admission to college based on their academic merit, and these colleges regularly admit international students without accusing them of taking away seats from citizens. I think there’s a significant psychological impact of these policies on students...It creates in them a deep sense of injustice and impacts their sense of basic human dignity.” – Laura Emiko Soltis, PhD, Executive Director of Freedom University.

135 Seth J. Schwartz, Byron L. Zamboanga, & Lorna Hernandez, Jarvis, *Ethnic Identity and Acculturation in Hispanic Early Adolescents: Mediated Relationships to Academic Grades, Prosocial Behaviors, and Externalizing Symptoms*, 13(4) Cultural Diversity and Ethnic Minority Psych. 364 (2007); “Another sacrifice is leaving home—I am not going to know the area, I am not going to know the people. Some of these institutions have really privileged students, so right now I live in an area where it is very diverse. So having to deal with primarily white institutions, possibly. And there is going to be leaving home. I am literally going to be leaving everything behind.” – Elise.

performance.¹³⁶ For undocumented students facing stigma and isolation, these support networks are likely even more important. When students, regardless of status, move away from home to attend college, they often encounter psychological challenges as they navigate a new academic, social, and cultural environment. They often struggle with stress, coping, and resilience.¹³⁷ Additionally, immigrant youth are likely to experience pressure to assimilate, creating distance from their ethnic communities.¹³⁸ By effectively forcing many undocumented students to move far from their support networks to attend college, the Georgia law and policy contribute to anxiety, depression, and poorer educational performance.

“Another sacrifice is leaving home - I am not going to know the area, I am not going to know the people. Some of these institutions have really privileged students, so right now I live in an area where it is very diverse. And there is going to be leaving home. I am literally going to be leaving everything behind.” – Elise

The Georgia law and policy also break down support networks for undocumented students by contributing to existing family tensions. Lives for undocumented family members can be stressful due to financial burdens, fear that their immigration status will be discovered, high healthcare costs, and work instability.¹³⁹ Service providers stated that many undocumented students harbor feelings of anger and frustration over their limited educational opportunities under the Georgia law and policy and direct these emotions at their family members and others who are close to them. They blame their parents for unlawfully entering or remaining in the United States, effectively buying into the stigma of undocumented immigrants as individuals who committed crimes.¹⁴⁰ Notably, DACA treats these students as “innocent” of their parents’ alleged wrongdoings. Parents faced with their child’s anger and frustration start to doubt if they made the right decision to bring their children to the United States.¹⁴¹

136 Id. Karmela Liebkind, *Acculturation and Stress: Vietnamese Refugees in Finland*, 27 J. of Cross-Cultural Psych. 161 (1996).

137 Carolyn Smith and Bonnie E. Carlson, B.E., *Stress, Coping, and Resilience in Children and Youth*, 71(2) Social Service Rev. 231 (1997).

138 Arlene Michaels Miller, et. al., *Neighborhood Immigrant Concentration, Acculturation, and Cultural Alienation in Former Soviet Immigrant Women*, 37(1) J. of Community Psych. 88 (2009).

139 R. E. Gildersleeve and J. J. Ranero, *Precollege contexts of undocumented students: Implications for student affairs professionals*, J. Price’s (Ed.), *New directions for student services: Understanding and supporting undocumented students* (2010) 19-33.

140 “One of the negative impacts of the dominant DREAMer narrative is that there is a ‘good’ immigrant: the one with the 4.0s who came here a certain way at a certain age, and only immigrants who are worthy of citizenship are young people, not their parents. Not their uncles. Not their grandparents. The narrative says “don’t punish young people because it was their parents’ fault.” But this narrative throws DREAMers’ parents under the bus.” *Laura Emiko Soltis, PhD, Executive Director of Freedom University.*

141 “During a Mother’s Day class we had at Freedom U in 2015, I brought thank-you cards with me, and asked students to write letters to their moms. I thought they were going to be these nice little notes. But they took sooo much time, maybe 20-30 minutes. And they put these letters up around the classroom, pinning them up on a clothesline alongside flowers and photographs of their mothers and grandmothers. The mothers started reading the letters, and the letters basically said, not only thank you, but ‘I’m so sorry I blamed this on you.’ They started crying, and then we all started crying. In the end, it was incredibly healing for so many of us. I think this highlights a lot about the impact of these policies on entire families: parents start to doubt if it was the right decision to bring their children here and children can sometimes begin to blame their parents unknowingly... One of the negative impacts of the dominant DREAMer narrative pushed by national media outlets is that there is a ‘good’ undocumented immigrant: the one with the 4.0s who came here a certain way at a certain age, and the only immigrants who are worthy of citizenship are

“During this Mother’s Day class we had at Freedom U, I brought thank-you cards with me, and asked students to write letters to their moms. I thought they were going to be these cute little notes. They took sooo much time. 20-30 minutes. And they put the letters up around the classroom with clothespins all along this clothesline with flowers and photographs. . . the moms started reading the letters, and the letters basically said, not only thank you, but ‘I’m so sorry I blamed this on you.’ They started crying, and we all started crying. So, I think that says a lot about the impact on the families: the parents start to doubt if it was the right decision to bring their children here ... One of the negative impacts of the dominant DREAMer narrative is that there is a ‘good’ immigrant: the one with the 4.0s who came here a certain way at a certain age, and only immigrants who are worthy of citizenship are young people, not their parents. Not their uncles. Not their grandparents. The narrative says ‘don’t punish young people because it was their parents’ fault.’ But this narrative throws DREAMers’ parents under the bus.”

– Laura Emiko Soltis, PhD, Executive Director of Freedom University

The Georgia law and policy also create family tensions when they impact some family members differently from others. These tensions often result from distinctions in immigration status. Undocumented students may be jealous of their US citizen siblings and angry at the unfairness that their siblings have much easier access to college than they do, among other benefits.¹⁴² While many parents work to ensure equitable treatment of all children,¹⁴³ some parents may unintentionally favor the US citizen children because they have the ability, eventually, to help normalize the parents’ status and have access to better education and, with it, a better future.¹⁴⁴

young people. Not their parents. Not their uncles. Not their grandparents. The narrative says ‘don’t punish young people because it was their parents’ fault.’ But this narrative effectively throws DREAMers’ parents under the bus, and if you listen closely to undocumented student activists, it is clear that they want immigration reform that also respects fundamental family values of keeping parents with their children. This is certainly something we can all agree on.” – *Laura Emiko Soltis, PhD, Executive Director of Freedom University.*

142 “What happens is that some of the older kids who arrived when they were 1, 2, 3 years old, or maybe older, they’re undocumented, and then you have a child who was born here, and I see a lot of friction with mixed families, when you have a US citizen child and an undocumented child, and the fight a lot. They blame each other, ‘Why am I undocumented, but my brother is a U.S. citizen!’” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

143 “I think what parents worry is that it creates inequitable situation where of course you don’t want your kids, one of whom has all of this access, and one who doesn’t, and then I think they try to remind the children that they’re not better because they have this status.” – *Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist.*

144 “I think it inverts the family structure in terms of who’s worth what and that there are sisters who are and aren’t documented and you know, one kid has insurance, the other one doesn’t, one can go to UGA the other one can’t.” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

“What happens is that some of the older kids who arrived when they were 1, 2, 3 years old, or maybe older, they’re undocumented, and then you have a child who was born here, and I see a lot of friction with mixed families, when you have a US citizen child and an undocumented child, and they fight a lot. They blame each other, ‘Why am I undocumented, but my brother is a US citizen!’

– Eli Vélez, Managing Director of Education of the Latin American Association

“I think what parents worry is that it creates inequitable situation where of course you don’t want your kids, one of whom has all of this access, and one who doesn’t, and then I think they try to remind the children that they’re not better because they have this status.”

– Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist

“I think it inverts the family structure in terms of who’s worth what ... one kid has insurance, the other one doesn’t, one can go to UGA the other one can’t.”

– Eli Vélez, Managing Director of Education of the Latin American Association

Conclusion

Ultimately, the Georgia law and policy add additional layers to undocumented students’ psychological struggles with anxiety, depression, stigmatization, discrimination, and identity formation linked to their status, all of which can have devastating consequences for undocumented students.



Photo credit: Laura Emiko Soltis

Economic Impact of Georgia's Law and Policy

“You put an educated person in any situation versus someone who has not had as much education and that makes a difference. What kinds of decisions a person will make are based off of the things they’ve learned.”
– Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA

Access to higher education has a significant impact on the lives of undocumented students that goes well beyond academic achievement: it influences the overall quality of their lives and those of their families. At the most fundamental level, access to higher education allows individuals to earn a four-year degree, which opens the door to an entirely new range of higher paying job prospects. Barriers to higher education, like the Georgia law and policy, slam that door shut for undocumented youth, slashing job prospects and diminishing future earnings.¹⁴⁵

As the Educational Impacts section shows, capturing the economic impact of poor access to higher education caused at least in part by the Georgia law and policy requires a comparison of the economic outcomes of individuals who dropped out of high school, who have a high school diploma, who have some college education, those who have graduated from a two-year college program, and those who complete a four-year degree. It is necessary to consider each level of education because research shows a significant increase in potential earnings and other economic benefits for individuals with each additional level of education, which makes dropping out of high school the baseline for the comparison.¹⁴⁶ The four-year degree can be used to access post-secondary institutions and is therefore not the ceiling of potential economic value of access to education; however, this section will limit its assessment to a final outcome of a four-year college degree.

The remainder of this section examines how each level of education influences annual income, lifetime earnings, poverty and unemployment rates, and financial resistance to downturns in the economy. The data for this section derive primarily from a Lumina Foundation study published in 2015. These statistics show a wide range of benefits lost to those who do not manage to overcome the barriers to higher education created by the Georgia law and policy. An analysis of incarceration rates is also included to demonstrate the immediate and severe tertiary outcomes associated with these economic effects.

It is important to remember that the statistics presented here measure the economic outcomes of the general United States population that face fewer barriers to employment than undocumented immigrants. Thus, the outcomes are likely worse for undocumented students. This section makes clear that the Georgia law and policy restrict the economic advancement of undocumented families. As the Economic Harm to Georgia section shows, the Georgia law and policy also harm the state as a whole by depriving it of potential revenue and driving up public costs, particularly for emergency health care for its poor and uninsured population.

¹⁴⁵ Philip Trostel, *It's Not Just the Money: The Benefits of College Education to Individuals and to Society*, The Lumina Foundation (2015).

¹⁴⁶ Id.

Annual Income

Access to higher education is associated with as much as a 391% increase in annual earnings. By building barriers to access to higher education, the Georgia law and policy effectively deprive undocumented immigrants of substantial amounts of income, particularly DACA students who are currently entitled to work in the United States. According to the Lumina Foundation, the national average annual income of a high school dropout is \$14,342, while the average annual income of an individual with a bachelor’s degree is \$56,122 (a 391% increase).¹⁴⁷ The average earnings for a high school graduate who does not attend college is \$24,010, which is still less than half that of a college graduate (\$32,112 less).¹⁴⁸

Nationally, individuals who attend some college but fail to earn even an associate’s degree see their average annual earnings jump 30% compared to high school graduates, but still only earn about 56% (\$31,565) of their four-year degree counterparts.¹⁴⁹ Individuals who obtain an associate’s degree experience yet another significant financial bump with average annual earnings of \$36,178, more than 1.5x the high school graduate without college experience, yet still only earn about 64% of what the average four-year degree holder earns.¹⁵⁰ The average annual income disparity in Georgia is in line with these national averages. According to the Georgia Budget and Policy Institute, the average annual earnings for Georgians with a high school degree is \$25,126 while Georgians with a bachelor’s degree earn \$53,400 a year on average.¹⁵¹ Thus, the Georgia law and policy actively suppress the annual economic earnings of undocumented students, which as later sections show, harms Georgia as a whole.

Education Level and Average Annual Earnings Nationally

Education Level	Average Annual Earnings
<High School	\$14,342
High School Degree	\$24,010
Some college (<Associates Degree)	\$31,565
Associate’s Degree	\$36,178
Bachelor’s Degree	\$56,122

Lumina Foundation

Lifetime Earnings

Access to higher education is associated with as much as an additional \$830,492 in lifetime earnings. The income disparity between college graduates and people of other educational levels

¹⁴⁷ Philip Trostel, *It’s Not Just the Money: The Benefits of College Education to Individuals and to Society*, The Lumina Foundation (2015) 10.

¹⁴⁸ Id.

¹⁴⁹ Philip Trostel, *It’s Not Just the Money: The Benefits of College Education to Individuals and to Society*, The Lumina Foundation (2015) 10.

¹⁵⁰ Id.

¹⁵¹ Melissa Johnson, Georgia Workforce Development, *Economy Damaged by Barriers to Higher Education for Undocumented Students*, Georgia Budget and Policy Institute (2015).

grows more apparent when projected over a lifetime, highlighting the long-term economic harm that obstacles like the Georgia law and policy can have on undocumented students. On average, individuals who drop out of high school earn \$830,492 less over their lifetime compared with four-year degree holders.¹⁵² The discrepancy drops to \$625,483 for high school degree holders who do not attend college, which is more than substantial.¹⁵³ Individuals who attend some college but fail to complete a two-year degree see a bump of more than \$150,000 in career earnings but still fall \$472,557 short of their four-year degree counterparts.¹⁵⁴ A two-year degree provides nearly \$250,000 in projected lifetime earnings over a high school degree, but also falls well short of the average lifetime earnings of a four-year degree holder (\$379,087 discrepancy).¹⁵⁵ This indicator shows that the harm from the Georgia law and policy is compounded over time, all but ensuring that an already low-income group stays that way—to their disadvantage and to the detriment of Georgia as a whole.

Education Level and Average Lifetime Earnings Nationally

Education Level	Average Lifetime Earnings
<High School	\$344,001
High School Degree	\$549,010
Some college (<Associates Degree)	\$701,936
Associate’s Degree	\$795,406
Bachelor’s Degree	\$1,174,493

Lumina Foundation

Poverty Rate

Access to higher education is associated with a significant decrease in the poverty rate. A study of the poverty rate for each level of education indicates that the Georgia law and policy likely contribute to the perpetuation of poverty. The poverty rate for individuals who drop out of high school is a staggering 31.1%, which is 723% higher than that of college graduates (4.3%).¹⁵⁶ The poverty rate is reduced more than half for individuals who obtain a high school degree (15.3%), and is further cut in half for individuals who obtain a two-year degree (7.7%).¹⁵⁷ While none of this is surprising, it spotlights how dire the outcomes are for students who come to see a high school degree as pointless or a college education as unattainable, both of which are common outcomes of the Georgia law and policy.

152 Id. at 12.

153 Id.

154 Id.

155 Id.

156 Id. at 14.

157 Id.

Education Level and Poverty Rate Nationally

Education Level	Poverty Rate
<High School	31.1%
High School Degree	15.3%
Some college (<Associates Degree)	11.2%
Associate's Degree	7.7%
Bachelor's Degree	4.3%

Lumina Foundation

Resistance To Economic Downturn

During the economic downturn that took place from 2007-2012, individuals without a college degree lost nearly double the annual income when compared to those with a degree. The Georgia law and policy also undermine the financial resilience of students. The level at which annual earnings are able to withstand economic recessions is the resilience of that income. Analysis of the 5-year period, from 2007 to 2012, reveals that the average decrease in annual earnings for high school dropouts was 16.6%.¹⁵⁸ By comparison, the average annual earnings decrease for college graduates was only half of that: 8.8%.¹⁵⁹ Each level of educational achievement in pursuit of a college degree was associated with its own positive boost in resistance to the economic downturn. In other words, higher education is associated with not only significantly higher average earnings, but also greater stability with regards to those earnings. Therefore, the value of increased earnings associated with a four-year degree is actually intensified during economic downturns, as are the economic losses that are likely a result of the Georgia law and policy.

Education Level and Percentage Loss of Earnings during Economic Downturn Nationally

Education Level	Percentage Loss of Earnings during Economic Downturn
<High School	16.6%
High School Degree	14.8%
Some college (<Associates Degree)	14.6%
Associate's Degree	11.9%
Bachelor's Degree	8.8%

Lumina Foundation

¹⁵⁸ Id. at 12.

¹⁵⁹ Id.

Employment/Unemployment Rates

Access to higher education is associated with as much as 156% increase in the employment rate, and a corresponding 56% decrease in unemployment rate. Unsurprisingly, the rates of employment and unemployment correlate with levels of education, which underscores how the Georgia law and policy also indirectly contribute to economic instability. Consistent with the other economic indicators, the group with a four-year college degree has the highest rate of employment and the lowest rate of unemployment. People with a four-year degree are employed at 1.5x the rate of high school dropouts, while simply attending any amount of college after high school is correlated with a 6.1% increase in employment rate.¹⁶⁰ Obtaining an associate’s degree increases the employment rate by another 5.3%.¹⁶¹ On the other hand, individuals who choose not to complete high school see their employment rate drop by 13.4% when compared to high school graduates.¹⁶² The disparity in unemployment rates between the groups is even larger. Four-year degree graduates are more than 2x less likely to be unemployed than high school degree holders, and more than 3x less likely to be unemployed in comparison with high school dropouts.¹⁶³ Even a two-year college degree cuts the likelihood of unemployment by more than half.¹⁶⁴ Employment and unemployment rates serve as yet another indicator of the severe economic impact caused, at least in part, by the barriers to higher education found in the Georgia law and policy.

Education Level, Employment Rate and Unemployment Rate

Education Level	Employment Rate	Unemployment Rate
<High School	51.1%	13.6%
High School Degree	64.5%	9.6%
Some college (<Associates Degree)	70.6%	7.8%
Associate’s Degree	75.9%	6.0%
Bachelor’s Degree	79.9%	4.4%

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¹⁶⁰ Id. at 22.

¹⁶¹ Id.

¹⁶² Id.

¹⁶³ Id. at 23.

¹⁶⁴ Id.

Incarceration Rates

Access to higher education is associated with as much as a 26x reduction in incarceration rates. Service providers raised red flags that the hopelessness, created at least in part by the Georgia law and policy, leads some undocumented students into risky behaviors that can lead to incarceration, ranging from drug-related offenses to gang activity.¹⁶⁵ The service providers’ red flags receive substantial support from social science research, which shows that individuals with less than a high school diploma are more the 5x more likely to be incarcerated than individuals who have a high school degree (3.98% incarceration rate vs 0.75% incarceration rate).¹⁶⁶ Individuals who have completed some college have a 0.44% incarceration rate, which is more than 1.5x lower than high school graduates with no college experience.¹⁶⁷ Individuals who obtain a bachelor’s degree have a mere 0.15% incarceration rate, a full 5x lower than high school graduates who don’t attempt college, and more than 26x lower than high school dropouts.¹⁶⁸ Thus the Georgia law and policy likely are contributing to increased entanglement with law enforcement.

Education and Incarceration Rate

Education Level	Incarceration Rate
<High School	3.98%
High School Degree	0.75%
Some college (<Associates Degree)	0.44%
Associate’s Degree	0.44%
Bachelor’s Degree	0.15%

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165 “So, DACA students usually go to college ... before they used to have more flexibility because they have the work permit (reference to potential upcoming termination of DACA). Undocumented on the other hand, in my experience, especially working with the adolescents in 10th,11th, what is the motivation to go to school? They have an increased rate in gang involvement, substance abuse, because there is no future for them, from what they see ... It seems so basic, if you want to prevent people from getting into gangs and stuff you have to give them hope. If you give them more access to education, not necessarily free, but even if its access to more scholarships, then you are able to at least provide 4 or 5 more years.” – *Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA*; “But I don’t know that I’ve heard anyone directly say ‘well there’s no point in school anyway because I’m not going to be able to go to college, so I’m going to do drugs.’ I’ve never heard anything like that direct. Obviously it will have influence on hopelessness, and then turning to things to forget and what not. But not verbalized like that.” – *Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA*.

166 Philip Trostel, *It’s Not Just the Money: The Benefits of College Education to Individuals and to Society*, The Lumina Foundation (2015) 35.

167 Id.

168 Id.

“The first thing is that the kids are not engaged in school because they do not see themselves in the long-term being able to achieve higher education. They start making wrong decisions in their lives. They start choosing the wrong pathway. They start misbehaving school. They are not performing at a level at which they are capable of performing.” – Eli Véléz, Managing Director of Education of the Latin American Association

Conclusion

The Georgia law and policy have the negative effect of not only discouraging undocumented students from pursuing higher education, but also of persuading them to give up on high school, which has severe economic consequences on their futures. A study of economic indicators shows that dropping out of school or attaining only a high school degree drastically reduces undocumented students’ earning potential, severely increases their risk of poverty and financial instability, and increases the risk they will engage in activities that lead to incarceration. As described earlier in the Educational Impacts section, given that high school completion and college enrollment among non-citizen Mexican immigrant students in specific studies is significantly higher in states without a law or policy like Georgia’s, getting rid of the law would vastly increase these students’ future prospects.¹⁶⁹ And, as the Economic Harm to Georgia section shows, the additional earnings would not only benefit Georgia through increased revenue and decreased public spending, but it could possibly help prevent a jobs crisis.

All of these benefits are contingent on the continuation of DACA, the future of which is uncertain at the time of this writing. Even for undocumented students without DACA status, removing barriers to access to higher education would serve several important functions.¹⁷⁰ Primarily, it would allow students to benefit from the intrinsic value of education and give adolescents time to learn and mature so that they can better handle the difficult realities of being undocumented.¹⁷¹ However, all the financial and intrinsic value incentives of higher education are purely hypothetical for most undocumented students who cannot apply to most Georgia schools and would struggle to pay in-state tuition.

169 Dylan Conger and Colin C. Chellman. *Undocumented College Students in the US: In-State Tuition Not Enough to Ensure 4 Year Degree Completion*, 8(3) Education Finance and Policy 364 (2013).

170 Interview with Specialists at CETPA. All four psychologists agreed that “education has its own independent value.”

171 “You put an educated person in any situation vs someone who has not had as much education and that makes a difference. What kinds of decisions a person will make are based off of the things they’ve learned ... for the majority of my clients, for all the parents, school is really important, and working towards more school is better, no matter who, across the board (regardless of status).” – *Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA*.; “It seems so basic, if you want to prevent people from getting into gangs and stuff you have to give them hope. If you give them more access to education, not necessarily free, but even if its access to more scholarships, then you are able to at least provide 4 or 5 more years.” – *Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA*.

Summary of National Statistics

	Average Annual Earnings	Average Lifetime Earnings	Annual Earnings Lost 2007-2012 (economic downturn effect)	Family Poverty	Employment Rate	Un-employment Rate	Incarceration Rate
< High School	\$14,342	\$344,001	16.6%	31.1%	51.1%	13.6%	3.98%
High School	\$24,010	\$549,010	14.8%	15.3%	64.5%	9.6%	0.75%
<Associate's (some college)	\$31,565	\$701,936	14.6%	11.2%	70.6%	7.8%	0.44%
Associate's Degree (2-year)	\$36,178	\$795,406	11.9%	7.7%	75.9%	6.0%	0.44%
Bachelor's Degree (4-year)	\$56,122	\$1,174,493	8.8%	4.3%	79.9%	4.4%	0.15%

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Health Impacts

By suppressing the education of undocumented students, the Georgia law and policy negatively impact the health not only of these students, but also of their children, many of whom will be US citizens. Research shows that less educated people tend to live shorter and less healthy lives.¹⁷² Moreover, studies show that those with less education also face a more dramatic health disadvantage than ever before¹⁷³ and they tend to pass these disadvantages on to their children.¹⁷⁴ Researchers believe that reducing barriers to education has the potential to make entire populations healthier.¹⁷⁵ Thus, by building up barriers, Georgia is effectively paying the increased cost of health care for poorer and less healthy communities.

Health Outcomes for Undocumented Students

It is impossible to overstate the strength of the correlation between education and health, and with it, the harm the Georgia law and policy cause to the health of undocumented students. The link exists because more education typically leads to both general¹⁷⁶ and specific health-related knowledge,¹⁷⁷ greater cognitive capabilities,¹⁷⁸ a cultural orientation to pursuing information,¹⁷⁹ and a sense of control for accomplishing goals.¹⁸⁰ One analyst for the Centers for Disease Control and Prevention explained, “If medical researchers were to discover an elixir that could increase life expectancy, reduce the burden of illness, delay the consequences of aging, decrease risky health behavior, and shrink disparities in health, we would celebrate such a remarkable discovery. Robust epidemiological evidence suggests that education is such an elixir.”¹⁸¹

Unfortunately, limited data is available on health trends within the undocumented immigrant population specifically, which is likely the result of hesitation by this population to disclose their immigration status. Due to the lack of specific data, the health indicators presented in this section that show a correlation between lack of education and poorer health are based on the general U.S. population. They do not account for characteristics that are particular to undocumented immigrants and that are also likely to affect their overall health outcomes. This includes factors such as the decreased likelihood that undocumented immigrants will seek out health care for fear that their

172 Dana Goldman & James P. Smith, *The Increasing Value of Education to Health*, 72 Soc. Sci. & Med. 1728, 1730 (2011).

173 *Id.*

174 *Id.*

175 Ctr. on Soc’y & Health, Va. Commonwealth Univ., *Education: It Matters More to Health than Ever Before 2* (2014).

176 Gary S. Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (1993).

177 Bruce G. Link et al., *Social Epidemiology and the Fundamental Cause Concept: on the Structuring of Effective Cancer Screens by Socioeconomic Status*, 76 *The Milbank Q.* 375, 395 (1998).

178 David P. Baker et al., *The Education Effect on Population Health: a Reassessment*, 37 *Population & Dev. Rev.* 307, 323 (2011).

179 Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life* (2003).

180 John Mirowsky & Catherine E. Ross, *Education, Social Status, and Health* 61-66 (2003).

181 Nicholas Freudenberg & Jessica Ruglis, *Reframing School Dropout as a Public Health Issue*, *Preventing Chronic Disease*, Oct. 2007, at 1.

immigration status will be disclosed and that most are low-income, lack health insurance, and speak a language other than English at home.¹⁸² Despite this, the data from the general population set a baseline of health outcomes that are more directly attributable to the Georgia law and policy, bearing in mind that the actual health outcomes are likely worse than reported here because of these additional factors.

Consistent with the economic indicators, each year of education correlates with better health outcomes. Failing to finish high school thus correlates with the greatest risk of serious health problems and the shortest life span.¹⁸³ Undocumented students deprived of access to higher education in part because of the Georgia law and policy can expect to live shorter lives than people with a high school diploma, some college or a college degree. The life expectancy gap between the most and least educated Americans has steadily widened to the point where today’s young adults without a high school diploma can expect to live nine fewer years than their peers who graduate with a college degree.¹⁸⁴ Across all ethnic groups, life expectancy grows with each additional year of education.¹⁸⁵

**Life expectancy at age 25, by sex and education level: United States,
1996 and 2006¹⁸⁶ (measures how many remaining years of life)**

1996	Men Additional years from age 25	Women Additional years from age 25
No High School Diploma	47	53
High School Graduate	50	57
Some College	51	58
Bachelor’s Degree or Higher	54	59
2006		
No High School Diploma	47	52
High School Graduate	51	57
Some College	52	58
Bachelor’s Degree or Higher	56	60

Nat’l Ctr. for Health Statistics, Health, United States, 2011: With Special Feature on Socioeconomic Status and Health

182 Migration Policy Inst., *Profile of the Unauthorized Population: Georgia*, Migration Data Hub, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/GA> (last visited Dec. 19, 2017).

183 Nicholas Freudenberg & Jessica Ruglis, *Reframing School Dropout as a Public Health Issue, Preventing Chronic Disease*, Oct. 2007, at 1; Nat’l Ctr. for Health Statistics, *Health, United States, 2011: With Special Feature on Socioeconomic Status and Health* 37 (2012).

184 Nat’l Ctr. for Health Statistics, *Health, United States, 2011: With Special Feature on Socioeconomic Status and Health*, 37 (2012).

185 Richard G. Rogers et al., *Educational Degrees and Adult Mortality Risk in the United States*, 56 *Biodemography and Soc. Biology* 1, 7 (2010).

186 Nat’l Ctr. for Health Statistics, *Health, United States, 2011: With Special Feature on Socioeconomic Status and Health*, 37 (2012).

The lower life expectancy is unsurprising considering that people with less education have more health risk factors and suffer more commonly from disease, including chronic diseases.¹⁸⁷ Particularly hard hit are people without a high school diploma, which is particularly relevant for undocumented students who are deterred from finishing high school because of the Georgia law and policy. A wealth of research demonstrates that dropping out of high school is a major precursor to chronic poor health.¹⁸⁸ People who do not graduate from high school characterize their lives with more pain and disease¹⁸⁹ and describe their overall health as “poor” at twice the rate of individuals who completed a high school diploma or GED but never attended college.¹⁹⁰ They are the group most likely to face limitations in their usual activities due to chronic health conditions,¹⁹¹ most likely to be completely unable to work due to health problems,¹⁹² delay medical care due to cost,¹⁹³ and have coronary heart disease,¹⁹⁴ hypertension,¹⁹⁵ strokes,¹⁹⁶ emphysema,¹⁹⁷ chronic bronchitis,¹⁹⁸ diabetes,¹⁹⁹ ulcers,²⁰⁰ kidney disease,²⁰¹ liver disease,²⁰² headaches,²⁰³ back pain,²⁰⁴ and vision problems.²⁰⁵ They are also most likely to smoke

187 Dana Goldman & James P. Smith, *The Increasing Value of Education to Health*, 72 Soc. Sci. & Med. 1728, 1730 (2011).

188 Nicholas Freudenberg & Jessica Ruglis, *Reframing School Dropout as a Public Health Issue*, Preventing Chronic Disease, Oct. 2007, at 1.

189 Ctr. on Soc’y & Health, Va. Commonwealth Univ., *Education: It Matters More to Health than Ever Before* 3 (2014).

190 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_P-1.pdf (Dec. 19, 2017).

191 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_P-2.pdf (last visited Dec. 19, 2017).

192 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_P-4.pdf (last visited Dec. 19, 2017).

193 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_P-9.pdf (last visited Dec. 19, 2017).

194 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-1.pdf (last visited Dec. 19, 2017).

195 Id.

196 Id.

197 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-2.pdf (last visited Dec. 19, 2017).

198 Id.

199 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-4.pdf (last visited Dec. 19, 2017).

200 Id.

201 Id.

202 Id.

203 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-5.pdf (last visited Dec. 19, 2017).

204 Id.

205 Nat’l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-6.pdf (last visited Dec. 19, 2017).

cigarettes,²⁰⁶ never see a dentist,²⁰⁷ lose all their teeth,²⁰⁸ get inadequate exercise,²⁰⁹ and be overweight.²¹⁰ People who do not graduate from high school are also the most prone to finding it very difficult or impossible to walk a quarter of a mile, to climb ten steps without resting, to stand for two hours, to sit for two hours, to stoop, to bend, to kneel, to grasp small objects, or to lift ten pounds.²¹¹ Laws and policies like Georgia's that discourage high school completion lead to more dropouts, meaning more of these disastrous health outcomes.

However, each additional year of education corresponds to a boost in life expectancy and in health outcomes. College graduates, including those with postgraduate degrees, have the healthiest diets,²¹² exercise routines,²¹³ and sleep habits.²¹⁴ Adults with some college education but no degree are significantly less likely to smoke cigarettes compared to high school dropouts, and smoking is even more rare among college graduates.²¹⁵ Obesity,²¹⁶ diabetes,²¹⁷ hypertension,²¹⁸ stroke,²¹⁹ kidney disease,²²⁰ liver

206 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-12.pdf (last visited Dec. 19, 2017).

207 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-19.pdf (last visited Dec. 19, 2017).

208 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-6.pdf (last visited Dec. 19, 2017).

209 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_PA-3.pdf (last visited Dec. 19, 2017).

210 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-15.pdf (last visited Dec. 19, 2017).

211 Nat'l Ctr. for Health Statistics, *Table P-1a, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-10.pdf (last visited Dec. 19, 2017).

212 Hazel A.B. Hiza, et al., Diet Quality of Americans Differs by Age, Sex, Race/Ethnicity, Income, and Education Level, 113 *J. Acad. Nutrition & Dietetics* 297, 300 (2013).

213 Nat'l Ctr. for Health Statistics, *Table PA-3, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2011-2014_AHB_Table_PA-3.pdf (last visited Dec. 19, 2017).

214 Nat'l Ctr. for Health Statistics, *Table SLP-1, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2011-2014_AHB_Table_SLP-1.pdf (last visited Dec. 19, 2017).

215 Nat'l Ctr. for Health Statistics, *Table A-12, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-12.pdf (last visited Dec. 19, 2017).

216 Nat'l Ctr. for Health Statistics, *Table A-15, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-15.pdf (last visited Dec. 19, 2017).

217 Nat'l Ctr. for Health Statistics, *Table A-4, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-4.pdf (last visited Dec. 19, 2017).

218 Nat'l Ctr. for Health Statistics, *Table A-1, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-1.pdf (last visited Dec. 19, 2017).

219 Id.

220 Nat'l Ctr. for Health Statistics, *Table A-4, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-4.pdf (last visited Dec. 19, 2017).

disease,²²¹ emphysema,²²² and back pain²²³ are all conditions that afflict college graduates at the lowest rates. As evidence builds that education indeed acts as an “elixir” for good health, the role of Georgia’s law and policy in blocking access to college may be implicated in poorer health for thousands of adults and increased state costs in public spending on emergency health care.

Percentage of individuals interviewed who report limitations on their activities because of chronic conditions

	Not Limited	Limited due to One or More Chronic Conditions
Less than a High School Diploma	75.2	24.3
High School Diploma	81.3	18.3
Some College	83.7	15.9
Bachelor’s Degree or Higher	91.1	8.6

Nat’l Ctr. for Health Statistics, Table P-2, Summary Health Statistics: National Health Interview Survey 2015²²⁴

²²¹ Id.

²²² Nat’l Ctr. for Health Statistics, *Table A-2, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-2.pdf (last visited Dec. 19, 2017).

²²³ Nat’l Ctr. for Health Statistics, *Table A-5, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-5.pdf (last visited Dec. 19, 2017).

²²⁴ Nat’l Ctr. for Health Statistics, *Table P-2, Summary Health Statistics: National Health Interview Survey 2015*, ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_P-2.pdf (last visited Dec. 19, 2017).

**Percentage of individuals interviewed who suffer
from select circulatory diseases**

	All types of heart disease	Coronary heart disease	Hypertension	Stroke
Less than a High School Diploma	14.4	9.0	33.3	4.7
High School Diploma	12.1	6.7	30.9	3.3
Some College	12.9	6.8	30.2	2.9
Bachelor's Degree or Higher	10.9	5.1	23.0	1.7

Nat'l Ctr. for Health Statistics, Table A-1, Summary Health Statistics: National Health Interview Survey 2015²²⁵



Photo credit: Laura Emiko Soltis

²²⁵ Nat'l Ctr. for Health Statistics, *Table A-1, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-1.pdf (last visited Dec. 19, 2017).

**Percentage of individuals interviewed who suffer
from select diseases and conditions**

	Diabetes	Ulcers	Kidney Disease	Liver Disease	Arthritis Diagnosis	Chronic Joint Symptoms
Less than a High School Diploma	14.9	9.3	3.6	2.7	24.8	31.7
High School Diploma	11.5	6.9	2.3	1.9	26.1	32.8
Some College	10.2	7.3	2.2	1.7	26.3	35.3
Bachelor's Degree or Higher	7.1	4.5	1.3	1.2	2.2	26.8

*Nat'l Ctr. for Health Statistics, Table A-4, Summary Health Statistics: National Health Interview Survey 2015*²²⁶

Another important correlation between education and health that can be tied to the Georgia law and policy is that youth who see little future opportunities are more likely to engage in risky behavior.²²⁷ Studies show that students employ the same cost-benefit analysis to determine whether the risk of smoking, drug use, and sexual activity outweighs their short-term benefit.²²⁸ As one study concludes, there is “evidence that teenage risky behavior becomes less attractive as college becomes more viable (through lower costs). Teenagers living in states with lower community college tuition rates have fewer sexual partners and engage in less smoking, heavy drinking and marijuana use than their peers in higher tuition states.”²²⁹

Service providers working with Georgia’s undocumented community support this finding, concluding that the Georgia law and policy lead some undocumented students to gangs, substance

²²⁶ Nat'l Ctr. for Health Statistics, *Table A-4, Summary Health Statistics: National Health Interview Survey 2015*, https://ftp.cdc.gov/pub/Health_Statistics/NCHS/NHIS/SHS/2015_SHS_Table_A-4.pdf (last visited Dec. 19, 2017).

²²⁷ Koohi, *supra* note 59 at 165.

²²⁸ Benjamin W. Cowan, *Forward-Thinking Teens: The Effects of College Cost on Risky Behavior*, 30 *Economics of Education Review* 813, 814 (2011).

²²⁹ *Id.*

abuse, teenage pregnancy, and similarly risky behavior.²³⁰ The CETPA practitioners identified drugs in particular as tools for students to forget about their bleak futures.²³¹ Undocumented students and DACA grantees under the law and policy face lower future prospects, but the result may be particularly harsh for undocumented students, whose future prospects, even if they are able to attend college, are much lower.²³²

The link between education and risky behavior can be particularly profound for girls. Overall, less educated women have children at a younger age,²³³ including as teenagers.²³⁴ According to one study of non-citizen Mexican immigrant youth, in-state tuition policies correlate with a 9% decrease in teenage pregnancies.²³⁵ Again, this correlation is attributed to some degree to a “culture of despair” over the girls’ futures.²³⁶

When asked what happens when students give up on education, “Well, it’s hard to say. Some of these are involved with juvenile justice. There definitely things like teen pregnancy rates are high” – Edward Romero-Delgado, PhD, Professor of Counseling Psychology at UGA and Psychologist

“It seems so basic, if you want to prevent people from getting into gangs and stuff you have to give them hope. If you give them more access to education, not necessarily free, but even if its access to more scholarships, then you are able to at least provide 4 or 5 more years [for them to mature].” – Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA

The Next Generation

Unfortunately, the damage from limiting access to higher education, which is tied at least in part to the Georgia law and policy, strikes not just undocumented students but also their children, many of whom will be US citizens. Statistically, babies start life less healthy when their parents have less

230 “Parents facing decisions, especially when kids start acting up in school, getting involved with the juvenile justice system, even though they’re constitutionally guaranteed an education until 12th grade, but, you know, it’s an easy slide into accusations of gangs, especially in some of the local counties, more rural counties. And so, I think that parents just worry that like, yes, this is their country, but putting the entire family in danger.” – *Eli Vélez, Managing Director of Education of the Latin American Association.*

231 “But I don’t know that I have heard anyone directly say ‘well there’s no point in school anyway because I’m not going to be able to go to college, so I’m going to do drugs.’ I have never heard anything like that direct. Obviously it will have influence on hopelessness, and then turning to things to forget and what not. But not verbalized like that.” – *Marieke van Nuenen, LCP, NCC, Psychologist at CEPTA.*

232 “So, DACA students usually go to college ... before they used to have more flexibility because they have the work permit (reference to potential upcoming termination of DACA). Undocumented on the other hand, in my experience, especially working with the adolescents in 10th, 11th, what is the motivation to go to school? They have an increased rate in gang involvement, substance abuse, because there is no future for them, from what they see.” (note difference between DACA and undocumented). – *Gloria Juliao, Ed. S, LPC, NCC, RPT-S, CPCS, ACS, Clinical Director of CETPA.*

233 Lindsay M. Monte & Renee R. Ellis, U.S. Census Bureau, *Fertility of Women in the United States: 2012* 6 (2014).

234 Koohi, *supra* note 59 at 165.

235 *Id.* at 162-163.

236 *Id.* at 165.

education, and the health issues persist throughout childhood and beyond.²³⁷ Babies born to mothers who did not finish high school are nearly twice as likely to die before their first birthdays as babies born to college graduates.²³⁸ Smoking while pregnant, which blunts fetal growth and development, is 16x more common among high school dropouts than among college graduates.²³⁹ Breastfeeding, which promotes babies' healthy development, is 50% more common among college-educated mothers than among those with less education.²⁴⁰ More educated parents also feed their children healthier, more nutritious diets²⁴¹ and fewer sugary beverages.²⁴² With these considerable lifestyle differences, it comes as no surprise that, compared with children whose parents completed at least some college, the children of parents who did not graduate high school are markedly less healthy.²⁴³ They are 20% less likely to be in excellent health and almost 3x as likely to be in poor or fair health.²⁴⁴ They are almost 5x more likely to go five years without seeing a health care professional.²⁴⁵ They are more likely to lack health insurance and more likely to have unmet medical and dental needs.²⁴⁶ Accordingly, they are more likely to visit the emergency room.²⁴⁷

Childhood health is important for lifelong health and productivity. By promoting education among the young adults who will soon become parents, Georgia can raise a healthier generation of children. By standing in its way through the Georgia law and policy, the state deprives children—including US citizens—of a healthy future and drives up public expenditures on emergency health care.

237 Anne Case & Christina Paxson, *Parental Behavior and Child Health*, 21 Health Aff. 164, 166-67 (2002).

238 Robert Wood Johnson Found., *Overcoming Obstacles to Health* 14 (2008).

239 Sally C. Curtin & T.J. Mathews, Nat'l Ctr. for Health Statistics, *Smoking Prevalence and Cessation Before and During Pregnancy: Data From the Birth Certificate, 2014* 65 Nat'l Vital Stat. Rep. 1, 5 (2016).

240 Nat'l Ctr. for Health Statistics, *Health, United States, 2016: With Chartbook on Long-term Trends in Health* 106 (2016).

241 Pauline M. Emmett & Louise R. Jones, Diet, Growth, and Obesity Development Throughout Childhood in the Avon Longitudinal Study of Parents and Children, 73 Nutrition Rev. 175, 185-86 (2015).

242 Natasha Tasevska et al., *Determinants of Sugar-Sweetened Beverage Consumption among Low-Income Children: Are There Differences by Race/Ethnicity, Age, and Sex?*, 117 J. Acad. Nutrition & Dietetics 1900, 1919 (2017).

243 Nat'l Ctr. for Health Statistics, *Summary Health Statistics for U.S. Children: National Health Interview Survey, 2011* 15-45 (2012).

244 Id. at 19.

245 Id. at 37.

246 Id. at 39-45.

247 Id. at 41.

**Percentage of distributions of parent/guardian
responses on health status for children under 18 years old**

	Excellent	Very Good	Good	Fair or Poor
Less than a High School Diploma	41.0	26.8	28.6	3.6
High School Diploma	48.0	28.3	20.8	3.0
More Than High School	62.0	25.9	10.8	1.3

Nat'l Ctr. for Health Statistics, Summary Health Statistics for U.S. Children: National Health Interview Survey, 2011²⁴⁸

Percentage of emergency room visits in the past 12 months for children under age 18

	None	One Visit	Two or More Visits
Less than a High School Diploma	79.5	13.9	6.7
High School Diploma	79.7	11.9	8.3
More Than High School	82.6	12.6	4.7

Nat'l Ctr. for Health Statistics, Summary Health Statistics for U.S. Children: National Health Interview Survey, 2011²⁴⁹

248 Id. at 19.

249 Id. at 41.

Percent distributions of length of time since last contact with a health care professional for children under age 18

	6 months or less	More than 6 months but not more than 1 year	More than 1 year but not more than 2 years	More than 2 years but not more than 5 years	More than 5 years
Less than a High School Diploma	70.5	15.8	6.8	2.1	4.7
High School Diploma	75.4	15.2	6.3	1.6	1.5
More Than High School	77.7	16.5	3.9	0.8	1.0

Nat'l Ctr. for Health Statistics, Summary Health Statistics for U.S. Children: National Health Interview Survey, 2011²⁵⁰

Conclusion

The Georgia law and policy are effectively making undocumented students and their children, likely including US citizens, less healthy. Overall, a less educated populace is sicker, weaker, and dies younger. The overall health of Georgia residents is among the worst in the U.S., according to the United Health Foundation’s annual assessment.²⁵¹ For the health of women and children in particular, Georgia ranks at number 45 among the 50 states.²⁵² Health researchers point to factors like Georgia’s extremely high percentage of children living in poverty (the second worst in the nation), its high prevalence of low birth weight (fourth worst), its meager percentage of residents with health insurance (fourth worst), its severe shortage of doctors (tenth worst), and its poor high school graduation rate (eleventh worst) as among the most serious public health issues in the state.²⁵³ It is likely that improving access to higher education for Georgia’s undocumented immigrant population would help to ameliorate these issues and lead to better overall health statewide, particularly for the new generation of Georgians who will be born in the coming decade. In doing so, it would also help reduce the state’s costs in covering emergency care for its poorer residents.

²⁵⁰ Nat'l Ctr. for Health Statistics, *Summary Health Statistics for U.S. Children: National Health Interview Survey*, 2011 37 (2012).

²⁵¹ United Health Found., *America’s Health Rankings 2016* 6-8 (2016).

²⁵² United Health Found., *America’s Health Rankings 2016* 100 (2016).

²⁵³ Id. (2016).

Economic Harm to Georgia

“If I’m looking at it very objectively it’s that false notion that immigrants just cost taxpayers money because they don’t pay taxes, they don’t contribute to the system. After a lot of personal research, you come to find out that it’s not true. It’s just a lot of—what’s the right word—misconceptions. People just feed into what they hear and don’t really go out and do their own research. I think that extends to a higher level of government as well. People just don’t really understand how the system works. Take someone like me. I’ve lived in Georgia since I was six years old. My parents pay taxes. I paid taxes when I was working. I’ve definitely contributed to the system. The only difference is actually quite the opposite, I can’t reap the benefits of the system. If anything it’s creating a surplus on their end. It’s always a delicate subject. I’ll be the first to say not everyone is like me. There is definitely other cases where it’s quite the opposite.” – Aureliano

“And you saw this reaction: ‘Oh my gosh, they’re costing us money!’ The economics of arguing for in-state tuition just weren’t there. The studies weren’t done. The impact of denying these—it just wasn’t done, so they were just reacting viscerally, this idea ‘Why are undocumented kids going to college and they’re not paying into the system?’ which we all know is wildly not true. It was a very visceral reaction that brought us the state legislation.” – Charles Kuck, immigration lawyer

Barriers to higher education like Georgia’s law and policy not only harm excluded undocumented students, but also result in a lost economic opportunity for the state through lower state revenues; greater state costs; and failure to capitalize on public spending on K-12 education for undocumented students. More importantly, they undermine the state’s economy. In contrast to the myths surrounding undocumented immigrants, removing barriers to higher education for undocumented students and capitalizing on the state’s K-12 educational investment will result in a net economic benefit to Georgia and all of its residents through job growth, increases in the tax base, “savings made in public welfare, health, and law enforcement programs,” and increases in productivity.²⁵⁴ These benefits are neither fleeting nor far-fetched, and they persist in both the short and the long-term. They are, however, contingent on the continuation of DACA, the passage of federal legislation such as the proposed DREAM Act that grants a pathway to citizenship, and on public universities granting equal access and in-state tuition to undocumented students.

Threats to Georgia’s Economic Viability

The continuation of the Georgia law and policy is exacerbating what the Governor’s Office has identified as a “substantial skills gap between its future jobs needs and its available qualified workforce” that is putting “[t]he viability of Georgia’s economy ... at stake.”²⁵⁵ According to the Complete College Georgia policy, that gap between the need for a college educated labor force

254 Jennifer L. Frum, *Postsecondary Educational Access for Undocumented Students: Opportunities and Constraints*, 3 *American Academic* 80, 92.

255 *Complete College Georgia: An Overview*, The Governor’s Office of Student Achievement Dec. 9, 2011.

and the supply in Georgia is expected to reach 17% by 2020.²⁵⁶ The Governor’s Office has found that only 42% of young adults in Georgia have a college education and that many of the students educated in Georgia’s colleges are leaving the state, dropping out of college, or graduating later.²⁵⁷ Without proactive measures, the rate of college educated young adults in Georgia is expected to rise only to 43% and not the 60% needed by 2020. The harm from not filling that gap quickly cannot be overstated. According to the University System of Georgia and the Technical College System of Georgia, “without a workforce that can fulfill the needs of the economy, the state may risk not only the loss of new employers and new business creation, but also existing jobs to more educated states and countries.”

First, the Georgia Governor’s policy undermines the argument that undocumented immigrants are stealing U.S. citizens’ spots in college and their jobs. More importantly, it implicitly points out that the Georgia law and policy are at best a barrier to filling the anticipated educated labor gap, and at worst, an active threat to the state’s economy. As described in the Educational Impacts section, many of the undocumented students interviewed for this report would like to earn a college education in Georgia so they can remain near their families and in the state. Ironically, undocumented students with access to higher education are not only not an economic threat to Georgia’s U.S. citizens, but if allowed real access to a college education, they may be able to protect the jobs of their fellow residents and grow the state’s economy.

To increase the number of educated Georgians, Georgia needs to repeal its law and policy and also expand its state universities. Like any expansion of an industry in a region, the expansion of the public higher education system has a beneficial direct, indirect, induced, and multiplier effect on regional economies.²⁵⁸ The “direct effect” of institutions of higher learning on local economies is the amount of money the university spends on its location. Expanding the number of universities would require Georgia to pay additional salaries to new faculty and staff and to pay any costs associated with new buildings or other infrastructure expansions. The local businesses and vendors serving the university’s expansion would also increase spending to do their jobs – by buying materials and hiring employees, for example—which has an “indirect effect” on the economy. The “induced effect” refers to the portion of new salaries paid by the university, local businesses and vendors that are then spent locally.²⁵⁹ Together, these create a ripple or multiplier effect as “one dollar ‘ripples’ throughout the regional economy, creating additional expenditures and jobs.”²⁶⁰

The state of Georgia not only benefits from the economic impact of its universities, it greatly relies on them. According to the Selig Center for Economic Growth at the University of Georgia’s Terry School of Business, the University System of Georgia had a \$15.5 billion economic impact in 2015 (the most recent data available).²⁶¹ Citing overall higher student enrollment as having played a

256 Id.

257 Id.

258 Tom Johansen and Kathleen Arano, *The Long-Run Economic Impact of an Institution of Higher Education: Estimating the Human Capital Contribution*, 30(3) *Economic Development Quarterly* 203 (2016).

259 Id.

260 Id.

261 Jeffrey M. Humphreys, *The Economic Impact of University System of Georgia Institutions on their Regional Economies in FY 2015*, Selig

significant role, the report shows an increase of \$1.3 billion, or 9% growth, from just the previous fiscal year alone.²⁶² A breakdown of the \$15.5 billion economic impact highlights the economic benefits of higher education on Georgia’s economy—and suggests the likelihood of growth from any expansion is very real. Of the 15.5 billion, 10.6 billion was in the form of direct University System spending, including on employee salaries.²⁶³ The study, which was conducted on behalf of the Board of Regents, found that the University System of Georgia was responsible for generating over 150,000 jobs. These include both full and part-time work on and off campus, and account for 3.5% of all jobs in the state of Georgia. In fact, just over two thirds of the jobs were not university employee jobs, but jobs outside the schools, in both private and public sectors. The indirect and induced effects, together creating the multiplier effect, account for 4.9 billion of the 15.5 billion total economic impact, coming from money being re-spent in the region.²⁶⁴ The report puts the value of this effect in perspective, noting, “For every dollar a University System institution spent... an additional 46 cents was generated for the local economy.”²⁶⁵ Thus, by expanding the public university system to accommodate undocumented students, rather than continuing to place barriers to their access to higher education through the law and policy, Georgia could help grow its local economy, with increased tax revenue helping to offset the cost of the expansion.

Decreased Revenues and Increased Costs

The Georgia law and policy also deprive the state of tax revenue while driving up public spending. The Georgia Budget and Policy Institute (GBPI) reports that the law and policy is costing the state over \$10 million per year in the loss of new tax revenues from DACA students.²⁶⁶ The spikes in earnings from more education translate into increased state and local tax revenues. According to the GBPI, individuals with associate’s and bachelor’s degrees pay an extra \$954 and \$2,268 in state and local taxes each year, respectively.²⁶⁷ Year after year, this accumulates to a significant long-term boon to the economy.

Although this additional tax revenue could be described as “new” money, it would actually be a return on an investment Georgia and its local municipalities have already made. Local, state and federal government currently spend a total of \$8,406 per year per student on each Georgia student’s education in these years,²⁶⁸ since K-12 education is a constitutionally protected right for all students regardless of immigration status. With regards to DACA and DACA-eligible students, the GBPI notes that this expenditure “amounts to more than \$1 billion the public spends educating DACA-eligible

Center for Economic Growth (2016).

262 Id.

263 Id.

264 Id.

265 Id.

266 Melissa Johnson, *Georgia Workforce Development, Economy Damaged by Barriers to Higher Education for Undocumented Students*, Georgia Budget and Policy Institute (2015). This benefit only derives from DACA students because they have work permits and will pay taxes on wages earned.

267 Id.

268 Id.

Georgians over the course of five years.”²⁶⁹ In fact, the GBPI report also points out that the return on this investment can be realized quickly since 40% of those eligible for DACA in Georgia have already graduated high school and are unable to attend college in-state due to the excessively high cost of out-of-state tuition (another 29% are in high school and will very soon be in the same position). Since this investment in primary education is constitutionally mandated, increased access to higher education would not only add new revenue to the state, but it would also help the state reap the benefits of the billions of dollars it has already invested. Currently, many of these students are leaving Georgia to study and find permanent employment, which allows other states to benefit from the return on Georgia’s initial educational investment.

“[The Georgia Law and Policy] prevented me from coming to school in Georgia and I think in the long run staying in Georgia. Like I said, I did end up going to LSU and ... I’m going to end up moving to Houston when I graduate. It’s kind of upsetting because I did grow up here and most of my family is here. It’s just kind of how things worked out. I have to go more with the flow of things. I can’t be too picky and be like, ‘I want to stay here.’ I have to go where things could work and that’s kind of the process I’ve been with for a while now.” – Aureliano

“When the kids are forced to go out of state, most of the time, we are forcing the smartest and the brightest to go out of state because other states will welcome them. And we are losing—we have invested a lot of years raising these kids, and now they are moving out of state, and they’re going to devote their professional years to another state that never invested in them ... We’re losing bright kids, well-behaved students, kids who have a future to achieve higher education, and we are losing them and their families because they are moving out of state because the kids are not welcome in the university system. Then the financial aspect has implications because these kids aren’t spending anything here in the state because they are moving out of the state ... They’re not planting roots in the state because they feel that Georgia is not welcoming to them.”
– Eli Vélez, Managing Director of Education of the Latin American Association

“The case that really angered me more than any else was this young woman from Korea. She was brought here as a child, and her parents overstayed their visas. She was going to Tech. She was a junior at Tech in 2010, and her dad had a heart attack and she had to quit school to go help the family dry cleaners. When she went to go back to school in 2014, they wouldn’t let her back in. She had finished her junior year. She had one year of school left. They were saying, ‘You can’t graduate from Georgia Tech, because you only have DACA.’ That’s outrageous. My heart broke for that young woman. That was just terrible. You’re good enough to get into one of the most prestigious universities in this country, and we’re going to tell you no? She ended up transferring to MIT and getting her bachelors, and now she’s working on her PhD. Georgia lost that.”
– Charles Kuck, immigration lawyer

269 Id.

In addition to increased revenues, Georgia also stands to benefit from substantial reductions in costs by encouraging higher education among undocumented students, rather than impeding it. Higher education is associated with greater earnings, lower unemployment rates, and lower poverty rates, which combine to produce lower incarceration rates and greater health outcomes, among other benefits.²⁷⁰ Each of these outcomes translates to significantly reduced costs for state and local governments.²⁷¹ Since the undocumented immigrant population lacks eligibility for many public benefits, which comprise a significant portion of the state's costs, there is no readily available data on the exact measure of state savings. However, the state's Medicaid spending gives us a glimpse of the costs incurred when undocumented immigrants are poor and without health insurance. Georgia spent \$44 million on Medicaid for undocumented individuals in 2005 when the estimated undocumented population in the state was nearly half the size it is today (200,000-250,000 versus the estimated 400,000).²⁷² Since undocumented immigrants cannot get health coverage under Medicaid, and Medicaid is required to pay for emergency services for people who cannot afford it, the \$44 million was simply a byproduct of emergency services that year. Considering the greater earnings and better health outcomes associated with higher education, it is reasonably foreseeable that the state's costs for emergency medical care would be significantly reduced with greater access to higher education. This dynamic can easily be applied to the criminal justice system and the costs associated with incarceration.

Studies show that initially undocumented immigrants use more federal and local services than they pay into the system through taxes. This outcome is corrected by the next generation of immigrants—which would include undocumented students in Georgia's schools.²⁷³ According to the GPBI, their research found that “first-generation immigrant[s] correct that pattern and contribute more in taxes at both the federal and state level than they consume in services at both levels. Each generation successively contributes a greater share due to increased wages, language skills, and education.”²⁷⁴ Georgia stands to experience immense gains from ending its law and policy, by capitalizing on its investment in K-12 education for undocumented students, increasing its tax revenue, and decreasing its public expenditures.

Lost Human Capital Contribution

By restricting access to higher education, the Georgia law and policy also diminish the human capital contribution of its undocumented residents. Studies show that increased access to higher education spills over to the regional economies in which the graduates reside, benefitting the larger Georgia community as a whole. This economic impact is called the “human capital contribution” and it is difficult to measure. The theory behind human capital contribution is that “more education appears to create more aggregate income than the sum of higher incomes paid to those with more

270 Jennifer L. Frum, *Postsecondary Educational Access for Undocumented Students: Opportunities and Constraints*, 3 *American Academic* 80, 92; Georges Verne and Lee Mizell, *Goal: To Double the Rate of Hispanics Earning a Bachelor's Degree*, RAND Education (2001) 15.

271 Id.

272 Sarah Beth Coffey, *Undocumented Immigrants in Georgia: Tax Contribution and Fiscal Concerns*, Georgia Budget and Policy Institute (2006).

273 Sarah Beth Coffey, *Undocumented Immigrants in Georgia: Tax Contribution and Fiscal Concerns*, Georgia Budget and Policy Institute (2006) 3.

274 Id.

education.”²⁷⁵ In other words, greater rates of higher education in a community benefit the entire community as a whole, not just the individuals with the degrees, and at greater levels than just adding together each person’s income. Research on this topic has been conducted for decades, but the differences in analytical approaches and the number of diverse variables that any given model has been able to control have led to varying results, making it difficult to establish a direct causal relationship.

However, multiple studies have proven that “concentrations of highly educated individuals are vital to the promotion of regional economic growth”—a point clearly supported by the Governor’s Office’s initiative to increase its educated labor base.²⁷⁶ One study, for example, concluded that there is a positive correlation between the number of highly educated people in an area, and the economic growth trends of that area.²⁷⁷ Another found that “cities with higher concentrations of human capital become engines of economic growth.”²⁷⁸ A long-term study on the State University of New York system, analyzing over 40 years of data (1960-2001) found a “long run and stable relationship between investments in public higher education and state economic growth.”²⁷⁹ Although more research is needed to accurately quantify the human capital contribution, Georgia could reap these benefits simply by revoking its law and policy and allowing equal access to higher education for undocumented immigrants.

Conclusion

When judged by its impact on the state’s economy, Georgia’s law and policy are highly irrational and counterproductive. Georgia’s undocumented youth are not a barrier to US citizen jobs and opportunities, but are essential to the stability of Georgia’s economy and its ability to grow. The Governor’s Office anticipates an increasing gap in the demand for educated labor and Georgia’s supply – a gap that threatens the state’s economic viability. The Office has identified that it needs to take immediate measures to encourage Georgia’s youth to go to college, graduate on time, and stay in the state to avoid the devastating harm of companies failing to invest in Georgia or pulling out of Georgia to relocate to places with larger educated populations. Yet, Georgia persists in placing roadblocks to enrollment in state universities to a targeted segment of the population that is driven to get an education and to stay in Georgia.

Considering the overwhelmingly positive correlation between increased college enrollment and economic benefits to local economies, Georgia stands to increase its economic power by revoking its law and policy. The state is failing to capitalize on its multi-billion dollar investment in K-12 education every year that it enforces its law and policy, and is squandering opportunities to turn higher education into revenue. Institutions of higher learning in Georgia are already a crucial and productive source of economic activity for its local economies; the ceiling of their potential is only as high as the

275 Philip Trostel, *It’s Not Just the Money: The Benefits of College Education to Individuals and to Society*, The Lumina Foundation (2015).

276 Stephanie Pink-Harper, *Educational Attainment: An Examination of Its Impact on Regional Economic Growth*, 29(2) *Economic Development Quarterly* 167 (2015).

277 *Id.*

278 *Id.*

279 *Id.*

potential student enrollment. Growing the public university system would increase the number of public and private jobs, and the infusion of funds would benefit local economies. College educated undocumented immigrants would then be able to contribute over \$10 million more in state taxes per year, while potentially saving the state other costs, such as emergency healthcare. Furthermore, the higher concentration of college-educated individuals across Georgia’s communities would be greater than the sum of its parts. Economic productivity would likely increase, and the spillover effect of the human capital contribution would even help others who have not enjoyed the opportunity of higher education. Georgia could positively impact the lives of undocumented individuals and families, as well as all citizens in the state, by revoking the law and policy.



Photo credit: Laura Emiko Soltis

Conclusion

Selina was a senior in high school when she found out that she couldn't even apply to all the colleges she had worked so hard to prepare for. While all her friends debated which school was their "dream school," Selina worried how she would pay for the few Georgia schools that still accepted undocumented students. Most scholarships were not available to her, and standard tuition was almost cost prohibitive; she had to pay three times as much. In addition to all of that, DACA had not even come into existence. Selina would not be eligible to work legally in the U.S. even if she had a college degree. Despite the circumstances, Selina was determined to attend college. Getting an education was its own achievement and its own goal, irrespective of the financial gains associated with it. Selina's parents were not college graduates but they instilled this value in her from a very young age. The looming potential barriers to employment notwithstanding, Selina, like many undocumented students, still desired and strived for higher education. Her persistence was met with good fortune when she received one of the few scholarships available to undocumented students. Despite having to work multiple jobs to supplement the partial scholarship, the value of the scholarship is not lost on Selina. Without that financial aid she would not have been able to pursue, and ultimately attain her college degree. She is the first member of her family to earn a college degree, and thanks to the financial barriers imposed by the Georgia law, she remains the only member to do so. Selina's younger brother also had dreams of attending college, and with his DACA status he had more than just hope, but a promise, of turning his degree into a rewarding career. Unfortunately, he was not lucky enough to receive one of the few scholarships available, and so despite his DACA status, his formal education would end with high school. Selina and her parents still encourage him to aim for college, but the reality is not lost on any of them. Selina and her brother are a testament to the fact that it is often not the lack of future job prospects that crush the college aspirations of undocumented students, but rather, the insurmountable financial barriers to education."

The Georgia law and policy undermine undocumented students' right to equal access to higher education based on academic merit, in direct violation of the United States' international obligations. They triple the cost of attending Georgia's public universities and prohibit undocumented students from attending the most prestigious of those universities, which stunts these students' educational, psychological, and economic futures; harms their health; and increases the stigma and discrimination undocumented immigrants already face. Georgia's law and policy send the message to undocumented immigrants that they do not belong. They target people of color, many of whom are low-income, and have a disproportionate and negative impact on girls.

Undocumented students already encounter various challenges because of their immigration status, which makes it difficult to disentangle the direct harms caused by the Georgia law and policy from these other challenges. Nonetheless, the existing social science research combined with numerous interviews reveal that the law and policy's negative economic, educational, psychological, and health consequences are serious and that many of these harms will be passed on to undocumented students'

future children, who are likely to be US citizens.

In particular, the law and policy have resulted in broad and long-lasting educational harms that appear as early as middle school. The failure to see a path to college leads some students to drop out of high school or to perform poorly in school. Those who do pursue college may have little choice but to attend poorer quality institutions, leave Georgia, or locate alternative educational options, such as online courses. They may need to delay their studies or slow them down so they can work to pay higher tuition rates. Many also curb their ambitions by attending two-year colleges or technical schools; or, they tailor their academic path based on the majors available at the schools they can attend and afford or whether they will need graduate school to be marketable. Some may simply be unable to finish their studies due to the additional financial burdens caused by the Georgia law and policy.

The undocumented students who persist, and particularly those who have succeeded in achieving their college goals despite Georgia's law and policy, tend to be the exception to the rule. These students are motivated by their recognition of the importance of education and the sacrifices their parents made to give them a better life. They often mention that support from family, community members, teachers and guidance counselors are instrumental in inspiring them to persist. Yet, many teachers, guidance counselors, and college staff lack knowledge about the law and policy and are unfamiliar with opportunities and resources for undocumented students to be able to effectively help them.

The law and policy increase the anxiety and depression many undocumented students suffer from because of their immigration status. They intensify their struggles with stigma and discrimination and undermine their family and community support networks. They have even led some undocumented students to attempt suicide.

The educational consequences of the Georgia law and policy continue into the students' economic future. By increasing rates of high school dropout and making it exceedingly difficult to start and finish college, the Georgia law and policy limit undocumented students' employment opportunities, their earning potential, and increase the risks they will suffer during economic downturns. In doing so, they directly perpetuate poverty among undocumented communities. The law and policy also enhance the likelihood that undocumented students will be incarcerated, which further contributes to barriers to education and results in economic instability.

The harm the Georgia law and policy cause also includes devastating health effects. They also contribute to long-term health problems, particularly within the Latinx community. Less educated people tend to be less healthy and die younger. By discouraging and even blocking access to higher education, the Georgia law and policy play a role in these unhealthy outcomes for its undocumented residents. They also contribute to increased risky behavior, including excessive drinking, drug-use, and teenage pregnancy. Again, the health risks pass from one generation to the next, which make the law and policy particularly shortsighted in light of the fact that many of these undocumented students will have US citizen children.

The shortsightedness of the Georgia law and policy threatens Georgia's economic viability. By passing up the opportunity to educate undocumented students, Georgia misses the opportunity to grow the economies of the communities and regions that surround institutions of higher education. In fact, it may contribute to the educational labor gap that the Governor's Office has identified as a threat to existing jobs and future investments in Georgia. The Georgia law and policy also cause the state to miss

out on the opportunity to grow its revenues—in the form of increased taxes and lower public costs—and fail to capitalize on the substantial investment Georgia has made in the K-12 education of these students. In doing so, the Georgia law and policy reduce human capital contributions to the state and allow other states to capitalize on Georgia’s investments instead.

Many of these undocumented students who face Georgia’s educational barriers are smart, hardworking, and dedicated. They will positively contribute to Georgia and the United States. By rescinding the law and policy, the state will uphold its obligation under international law²⁸⁰ to remedy the harms the law and policy impose on Georgia’s undocumented students, their families, and communities. Rescinding the policy ultimately benefits everyone.

Despite the numerous barriers the students interviewed for this project face, many had sage advice for undocumented students who are learning about the Georgia law and policy for the first time. They recommend never giving up on themselves and remembering that the benefit will always be greater than the risk of not pursuing one’s dream of higher education.

“[My advice is] not to give up. That life will put a lot of obstacles in your way, and sometimes the moment will come when you feel like, ‘Is it even worth going to this, is it even worth it?’ But the point is you have to have faith in yourself. And, what you’ve done up to this point. And, the fact to know is you can’t let all these bad obstacles define you because it is the moment when you find your strength that will define you. And, so, I guess the biggest advice I would say is, ‘Never to lose hope.’ Because the second you lose hope, the battle is over. So, you’re the one who controls it.” – Ximena

“It’s possible. It’s not impossible. That just because you don’t have papers doesn’t mean you cannot study. That maybe you need a mom like mine. But I know so many people who have done it. And in high school, focus on your grades. That’s money. You’re grades are money. That’s what I tell my brother. Your grades right now are money. At the end of the day, thanks to your GPA, you’re going to get a scholarship. And if you get a great scholarship, you can go to a private school.” – Jen

“Don’t give up. It’s possible ... it’s definitely possible. College is an option for you, and I don’t want you to give up. Show Georgia what it is missing out on.” – Elise

280 Azadeh Shahshahani and Chaka Washington, *Shattered Dreams: An Analysis of the Georgia Board of Regents’ Admissions Ban from a Constitutional and International Human Rights Perspective*, Hastings Race & Poverty L.J. 1 (2013).

