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News from NASFAA

State Legislation on Illegal Immigration Can Have Far-Reaching Affects

Washington, D.C. (February 2008) – The question on how to secure our borders and what to do with the hundreds of thousands of illegal immigrants who cross them every year is both daunting and divisive. After months of wrangling, arguing, and politicking, the U.S. Congress could not even put together a comprehensive immigration bill to be considered by the president.

The Development, Relief and Education for Alien Minors (DREAM) Act, which would provide a legal path of residency for children of illegal immigrants who complete three years of college or serve in the military, also hasn't escaped the controversy. When NASFAA came out in support of the DREAM Act last October, members sent both dissenting and supportive comments. Late last year, in a show of bipartisan support, Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN), re-introduced the DREAM Act as a new stand-alone bill.

Because the federal government has failed to effectively address illegal immigration, many states have developed their own laws, which vary in how to deal with both illegal immigrants and their children's access to higher education. But Marcia Weston, NASFAA's director for college access marketing, asks higher education advocates to closely examine those state laws to see who will be affected by them before forming an opinion.

"We don't want to throw the baby out with the bathwater," says Weston. "No matter what your opinion on higher education access for children of illegal immigrants may be, there are state legislative initiatives underway that would benefit far greater numbers of students than just children of illegal immigrants."

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"Opening Doors of Educational Opportunity"

Weston points to Colorado State Senator Paula Sandoval's recently introduced education bill as an example. Currently, Colorado students prove their residency based on their parents' residency. Proving parental residency requires students to fill out a mountain of forms, said Sandoval in an interview with NASFAA, such as their parent's income tax forms, driver's licenses, and more—all of which have to be examined by school administrators.

Sandoval's bill would allow U.S. citizens who have attended high school in Colorado for at least three years automatic in-state tuition rates without having to prove their parent's legal residency. "This bill makes it easier for students and easier for college administrators," explained Sandoval.

Even though Sandoval's bill only applies to U.S. citizens, some oppose the bill because it doesn't require students to reveal their parents' legal status. But Sandoval contends it shouldn't matter because the target of her bill focuses only on U.S. citizens, irrespective of their parents' legal status.

Weston says it's important to move this debate beyond illegal immigration. "This bill would do an immeasurable amount of good for other underserved populations," says Weston. Besides children of illegal immigrants, youth from foster care, who are homeless, or who are estranged from their parents would benefit from this bill.

Sandoval also feels that the bill is much bigger than just the illegal immigration debate. Her point has been well received; both of the major Colorado newspapers have come out in favor of her bill. The bill is also supported by several colleges and universities, who see it as a benefit to students and the schools because it reduces the amount of administrative effort needed to confirm residency. Even some usual opponents of bills that benefit children of illegal immigrants have remained silent on the bill, not coming out in support, but not opposing either.

Weston believes Colorado may be just one example of how legislation that can positively affect a wide variety of needy students can get lost in other debates.

"We have to be careful that we're not inadvertently denying access to thousands of underserved students by getting caught up in complicated debates that are really just side notes to much larger issues," said Weston.

By Justin Draeger, Assistant Director for Communications, National Association of Student Financial Aid Administrators (NASFAA). Comments may be addressed to the author at DraegerJ@NASFAA.org.

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The National Association of Student Financial Aid Administrators (NASFAA) is a nonprofit membership organization that represents more than 13,000 financial aid professionals at nearly 3,000 colleges, universities, and career schools across the country. Based in Washington, DC, NASFAA is the only national association with a primary focus on student aid legislation, regulatory analysis, and training for financial aid administrators. Each year, members help more than 8 million students receive funding for postsecondary education. In addition to its member Web site at www.NASFAA.org, the Association offers a Web site with financial aid information for parents and students at www.StudentAid.org.

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[Editor: A photograph of the author is available for download at www.NASFAA.org/Subhomes/MediaCenter/JustinDraegerPhotoMediaCenter.jpg.]