Background

Although it is difficult to get an accurate picture of the immigrant population in the United States, researchers estimate that 1.8 million undocumented children and youth are now living in the country.

In 1982, the U.S. Supreme Court in Plyler vs. Doe found that because undocumented children are in the United States through no fault of their own, they are entitled to the same K–12 educational opportunities that states provide to children who are citizens or legal residents. For this reason, U.S. public schools may not deny enrollment to any school-age children, regardless of their immigration status. In addition, such students are eligible for free and reduced-price meals, special education services, and school sponsored events and activities. Federal law does not require school districts or their employees to report undocumented students to immigration authorities. Sharing information in a student’s education records without explicit consent would constitute a violation of the Family Educational Rights and Privacy Act (FERPA).

Access to Higher Education

Each year, approximately 65,000 undocumented students who have lived in the United States for five years or more graduate from high school. These youth frequently encounter challenges when applying for college or employment. The College Board estimates that only 5-10% of undocumented students attend college. Although federal law does not prohibit undocumented students from attending U.S. colleges or universities, most states do not allow them to pay in-state tuition and they are not eligible for most federal loans, financial aid, and scholarships.

Sixteen (16) states currently have laws permitting undocumented students who have attended and graduated from their primary and secondary schools to pay the same tuition as their classmates at public institutions of higher education. This topic is discussed in further detail on pages 46-47.