

# **Motion to Petition the USG Chancellor Expressing Opposition to Policies Excluding Undocumented Students from Georgia Universities and Colleges**

## **Motion re Lawful Presence**

### **Motion:**

That the attached letter be sent to USG Chancellor Hank Huckaby on behalf of the University Senate.

### **Background:**

USG Chancellor Hank Huckaby testified before the Georgia House Higher Education Committee on January 31, 2012, expressing the view that the Georgia General Assembly should not enact legislation that would prevent undocumented students from enrolling in or attending any of Georgia's public colleges and universities.

Chancellor Huckaby advanced two main claims: (1) New legislation is unneeded since current USG policy assures that undocumented students are neither receiving the benefit of in-state tuition nor claiming seats at selective colleges/universities that would otherwise go to lawful residents, and (2) Expanding existing restrictions would run contrary to the state's interest in promoting open educational access.

The purpose of this resolution is to commend the Chancellor for his testimony insofar as it advocates for full educational access to the State's system of public higher education, and, by sending a letter that details the concerns of the GSU University Senate, to encourage him to further advocate for full educational access.

A further goal of this correspondence is to express the hope that proposed legislation aimed at denying undocumented students access to Georgia public higher education will be averted, and that administrative actions now barring access to selective public universities (including Georgia State University) will also be reversed.

### **ATTACHMENTS**

- Pg. 2 Statement of Chancellor Hank Huckaby to the House Higher Education Committee 1/31/12
- Pg. 4 Letter approved by the Admissions and Standards, Academic Programs, and Faculty Affairs Committees of the University Senate

**Testimony of University System of Georgia Chancellor Hank Huckaby on HB59  
Before the House Higher Education Committee  
Tuesday, January 31, 2012**

Thank you, Mr. Chairman, for the opportunity to come before you to discuss HB59.

The issue before us I know is a complex one with strong feelings on all sides. What is great about our nation is that we have a forum like this to express our views about public policy. I appreciate the opportunity to do so, and will do so briefly and respectfully.

We all know of the vigorous debate about undocumented immigrants receiving public benefits. In the university system, the debate centers on whether undocumented students should be admitted and if so, how much should they pay. Today I am here to ask you to allow the Regents' current policy to continue to achieve what are our shared goals.

The regents' policy was approved in October 2010 and its four points went into force last fall semester. They are:

- The addition of language on all applications that outlines the legal penalties for “false swearing,” or knowingly providing incorrect information on the forms.
- The addition of language on all applications that, for the first time, requires applicants to state whether they are seeking in-state tuition. This helps institutions to make a decision on whether or not additional residency verification is necessary.
- A requirement that USG institutions verify the lawful presence in the United States of any applicant seeking in-state tuition and not applying for federal financial aid, which has its own stringent verification processes. Approximately 60 percent of our students do apply for federal aid. If verification cannot be made, these students are charged out-of-state tuition.
- A policy that any person not lawfully present in the United States shall not be eligible for admission to any USG institution which, for the two most recent academic years, did not admit all academically qualified applicants.

In short, we believe this policy assures undocumented students do not receive a public benefit since they must pay out of state tuition and that no undocumented student will be taking a seat in a class away from a documented student, since our selective institutions are not allowed to admit undocumented students.

I believe our current policy addresses the concerns some of you have that the System should ensure that all undocumented students pay out-of-state tuition, that no Georgians should be denied a seat in college if they were academically qualified because of an undocumented student, and that educating undocumented students would not cost Georgia taxpayers. I respectfully ask you to allow our policy to work to determine if it addresses your concerns. We will monitor it closely through an annual audit and will be happy to report to you on the results of that audit.

Of the 318,000 students enrolled in the System last fall, less than one-tenth of one percent are undocumented. All pay the out-of-state tuition rate, which at slightly more than three times the

in-state tuition more than covers the cost of education. No one gets a free benefit. The five institutions under the admission ban admitted no undocumented students.

I would like to raise a related issue, and I do so with utmost respect for this committee. Graduating more students is a key goal of the System as we work to help Georgia prosper. Even for those who are here through no fault of their own, it makes sense to me that we should educate them to the highest level possible. It helps our state economically, culturally, and educationally.

Georgia is in the mainstream with its current law. Only three states, Alabama, Arizona and South Carolina, ban undocumented students from attending any public college or university. Texas is actually more liberal than Georgia, as it allows undocumented students to attend and pay in-state tuition. Like most states, Georgia allows college attendance for undocumented students at the out-of-state tuition rate. Like most states, Georgia's current policy is a common sense approach to a complex issue.

Long-term, we want to protect Georgians, promote the state as a place to do business, and encourage all individuals to pursue education, but we do not wish to offer anyone an undue benefit. I believe that the current board policy achieves all of these goals and would ask you to consider giving us the opportunity to address this through board policy. We will continue to work closely with you to make sure that our policy achieves our common aims.

I appreciate your service to our state very much, and also appreciate the opportunity to appear before you today. Thank you.

## Letter to University System of Georgia Chancellor Hank Huckaby

Chancellor Hank M. Huckaby  
Office of the Chancellor  
Board of Regents of the University System of Georgia  
Suite 7025  
270 Washington Street, SW  
Atlanta, GA 30334

Dear Chancellor Huckaby,

On behalf of the University Senate at Georgia State University, we write to convey our appreciation for your recent testimony before the House Higher Education Committee on HB59 and to encourage your further advocacy on behalf of undocumented students seeking access to Georgia's system of public higher education. We are profoundly concerned by the restrictions on academic access already in place and caused by the Board of Regents policy restricting Georgia State University and four other selective universities from admitting academically qualified undocumented students. We oppose the Board of Regents policy on both moral and practical grounds.

Undocumented students were brought to this country, some at a very young age, by parents hoping for a better life for their families. Many came because of desperate economic situations in their home country or simply because they took seriously this country's historical commitments as a "nation of immigrants" and a place where hard work might result in better and freer lives for themselves and their children. In many cases families came illegally because U.S. immigration policies make legal immigration for poor people from some parts of the world almost impossible. **Regardless of the reasons their parents came, the children are not at fault.** They have attended Georgia schools and were told to work hard and do their best. Those who are academically qualified to attend the most select universities have dreams to become professionals, many in fields such as engineering, science, law, business, and the health professions that are taught only at the five banned universities. Some need to live at home and cannot afford to attend a far-away college or university. These students already pay out-of-state tuition. We believe it both imprudent and morally flawed to limit further their futures by curtailing their admission to GSU and other select universities, and either of these concerns alone seems to show the policy is unjustified.

Many pragmatic public policy reasons for opposing the current policy directly connect to the concerns you expressed in your recent testimony: "Graduating more students is a key goal of the System as we work to help Georgia prosper. Even for those who are here through no fault of their own, it makes sense to me that we should educate them to the highest level possible. It helps our state economically, culturally, and educationally." We agree with you, of course, that Georgia benefits from an educated population. One of the purposes of the HOPE scholarship was to encourage the most capable and hardworking students to attend universities in Georgia. The state does not benefit from losing talented, capable students to other states. Furthermore, the next generation of immigrant families will contribute more to the state if led by highly educated

parents.

Preventing the admission of a small number of undocumented students is an arduous process and is not worth the loss of time by state employees. To check for legal documentation of all incoming students, the admissions office must spend an inordinate amount of time examining all students' records. In this academic year, only five academically qualified students were denied admission at GSU after this time-consuming process. Ironically, all of these students were unaware that they were undocumented. However, even before the new policy, there were not large numbers of undocumented students applying. The effort then to subvert the presence of undocumented students at GSU and other select institutions of higher education is flawed in its purpose to root out and limit supposedly large numbers where few actually exist.

In your initial remarks to the Board of Regents (August, 2011), you stated that Georgia's investment in higher education "enables the University System of Georgia to create Georgia's future, student by student, achievement by achievement. After all, a world-class public higher education system retains and attracts the best and brightest students, faculty, and researchers." Some of the best and brightest students in Georgia are undocumented, and there is every reason to believe that Georgia's undocumented applicants are able to excel in the college and university classroom. This sense is not simply anecdotal. William Perez, an educational researcher at the Claremont Graduate University, recently reported data on college-eligible undocumented students showing "that they exhibit academic achievement, leadership participation and civic engagement patterns that are often above that of their US-citizen counterparts" (William Perez, "Higher Educational Access for Undocumented Students: Recommendations for Counseling Professionals," *Journal of College Admissions*, Winter 2010, pgs. 33-35).

There are many compelling moral arguments against current policy. We might appeal, for instance, to human rights, to fairness, to freedom of contract, or to humanitarian decency. Any of these considerations can show that it is unjustified to deny the opportunity to pursue a higher education because of immigration status. We know you and our colleagues elsewhere at work in the University System of Georgia share a commitment to higher education. A concern with access to higher education is acutely felt on the Georgia State University campus given an institutional mission to provide world-class educational experiences to an exceptionally diverse and often nontraditional student population. The current policy clashes with our shared commitment to build a 21<sup>st</sup>-century public research university that is both excellent and inclusive. Our location in downtown Atlanta brings our staff, students, and faculty into close contact with immigrant populations and heightens our responsibility to serve both documented and undocumented students. The Coalition of Urban and Metropolitan Universities, including 75 GSU-peer and aspirational peer institutions, called attention to this in recent testimony relating to the proposed DREAM Act, noting that urban university "strategic partnerships with K-12 school districts and community organizations around the country focus on helping all students succeed – documented or undocumented," and arguing that urban universities especially cannot in good conscience "deny the opportunity for undocumented students to gain access to affordable higher education... [when] these students have worked and studied equally as hard as their documented counterparts."

We agree with the case you have articulated against the passage of legislation that would further

restrict educational access on a System-wide basis, and hope that the University System of Georgia will also roll back administrative policies that restrict access to our State's most selective institutions of public higher education.

We appreciate your responsiveness to our concerns, and respectfully request that you share them with the Board of Regents.

Sincerely,

Paul Alberto, Chair  
Senate Executive Committee  
Georgia State University