

Table Two: States Restricting Access to Postsecondary Education, 2011

By statute:

Alabama, H.B. 56, 2011 Leg., Reg. Sess. (Ala. 2011); ALA. CODE § 31-13-8 [added section barring undocumented students from enrolling in or attending any institutions of postsecondary education; Enjoined by federal district court, October, 2011]

Arizona, S.C.R. 1031, § 3, Proposition 300, approved election Nov. 7, 2006, eff. Dec. 7, 2006 (Ariz. 2006); ARIZ. REV. STAT. ANN. § 15-1803 [amended to ban in-state tuition for undocumented students]

Colorado, H.B. 06S-1023, 63rd Gen. Assemb., 1st Spec. Sess. (Colo. 2006); COLO. REV. STAT. ANN. § 24-76.5-103 [added section to ban in-state tuition for undocumented students]

Georgia, S.B. 492, 149th Gen. Assemb., Reg. Sess. (Ga. 2008); GA. CODE ANN. § 20-3-66(d) [amended to ban in-state tuition for undocumented students]

Indiana, H.B. 1402, 2011 Gen. Assemb., Reg. Sess. (Ind. 2011); IND. CODE ANN. § 21-14-11 [added Ch. 11 to title 21, banning in-state tuition for undocumented students]

Ohio, 129th General Assembly File No. 28, HB 153, § 101.01; O.R.C. 3333.31 (D), (E) (2011),

South Carolina, H.B. 4400, 117th Gen. Assem. Reg. Sess. (S.C. 2008); S.C. CODE ANN. § 59-101-430 [added section 430 to bar undocumented students from attending public institutions of higher learning, and also bar them from being able to receive in-state tuition]

By policy or regulation:

Georgia Board of Regents, October, 2010

Section 4: Student Affairs

4.1.6 Admission of Persons Not Lawfully Present in the United States

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).

(http://www.usg.edu/policymanual/section4/policy/4.1_general_policy/#p4.1.6_admission_of_persons_not_lawfully_present_in_the_united_states) (affecting Georgia College & State University, Medical College of Georgia, Georgia State University, Georgia Institute of Technology, and University of Georgia)

4.3.4 Verification of Lawful Presence

Each University System institution shall verify the lawful presence in the United States of every successfully admitted person applying for resident tuition status, as defined in Section 7.3 of this Policy Manual, and of every person admitted to an institution referenced in Section 4.1.6 of this Policy

Manual. (http://www.usg.edu/policymanual/section4/policy/4.3_student_residency/#p4.3.4_verification_of_lawful_presence)

University of North Carolina Board of Governors:

Chapter 700

700.1.4[G]

Guidelines on the Admission of Undocumented Aliens

Undocumented aliens are eligible to be considered for admission as undergraduates at UNC constituent institutions [1] based on their individual qualifications with limitations as set out below:

1. An undocumented alien may be considered for admission only if he or she graduated from high school in the United States.
2. Undocumented aliens may not receive state or federal financial aid in the form of a grant or a loan.
3. An undocumented alien may not be considered a North Carolina resident for tuition purposes; all undocumented aliens must be charged out-of-state tuition.
4. All undocumented aliens, whether or not they abide in North Carolina or graduated from a North Carolina high school, will be considered out of State for purposes of calculating the 18 percent cap on out of State freshmen pursuant to Policy 700.1.3.
5. When considering whether or not to admit an undocumented alien into a specific program of study, constituent institutions should take into account that federal law prohibits the states from granting professional licenses to undocumented aliens.

[1] The North Carolina School of Science and Mathematics admits and enrolls only legal residents of the state of North Carolina. G.S. 116-235.

(http://www.northcarolina.edu/policy/index.php?pg=vb&node_id=451)

(all provisions current as of December 10, 2011)