A Research Bibliography on 
Higher Education and Immigration 

IHELG Monograph 
90-11 

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n. No Change in Reform and Open Policy, China Reconstructs, Vol. xxxviii, No. 9, Sept. 1989. (2.2.1. 13)

o. "INS Clarifies PRC Deferred Departure Program", Interpreter Releases, Vol. 66, No. 34, Sept. 1, 1989 and Appendix 1. (2.2.1. 14)


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   From: Dick Thornburgh, Attorney General
   Re: Status of Chinese nationals present in the U.S. as of June 5, 1989. (2.2.1. 26)


ac. Dec. 8, 1989 Letter
   To: Michael Olivas
   From: Keenan Peck, Counsel to S. Kohl
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az. "Chinese Students in the U.S.: Reviews of Recent Reports", *China Exchange News*, p. 27, Spring 1991. (2.2.1. 46 (d)).


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b. S. 6996 - Chinese Foreign Student and Exchange Visitor Relief Act, June 20, 1989. (2.2.2. 02)

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d. E. 2285 - Chinese Foreign Students Relief Act of 1989, June 22, 1989. (2.2.2. 04)

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   From: Nichole Gantshar
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s. Obligation or Opportunity, Alice Chandler, August 1989. (2.4.1. 19).


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   b. Pamphlet, THE COMMONWEALTH AT A GLANCE (July 1990). (2.4.2. 2).
   c. Israel Indicates it Will Permit One West Bank University to Reopen; Middle East Watch Urges Israel to Let All Campuses Reopen, Calling the 2 1/2-Year Closures "Collective Punishment," MIDDLE EAST WATCH, May 17, 1990. (2.4.2. 3).
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   e. Embassy of Switzerland Bulletin, March 1991. (2.4.2. 5).
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III. RESIDENCY REQUIREMENTS

A. K-12 PUBLIC SCHOOLS

1. RESIDENCY/TUITION
   a. ARTICLES


(3) Incomplete article on public school residency requirements, p. 49, Illinois School Law Quarterly, January 1988. (3.1.1.1. 1 (a)).

(4) "Student's Residency Not Necessarily that of Their Parents, Court Says", Education Daily, Maggie Hume, Dec. 16, 1988.(3.1.1.1. 2)

(5) "Public School Residency Requirement for Student Living with Non-Parent, Non-Guardian Caretakers", Glen Renner, July 1989. (3.1.1.1. 3)


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(2) Horton v. Marshall Public Schools, 769 F.2d 1323 (8th Cir., 1985). (Suit challenging the constitutionality of a domicile requirement of an Arkansas statute that parents be residents.) (3.1.1.3. 1)


(4) State v. Lund, 424 N.W.2d 645 (N.D., 1988). (Defendants were convicted of violating the States compulsory school statute.) (3.1.1.3. 2)
(5) **Catlin by Catlin v. Sobol**, 532 N.Y.S.2d 1006 (Sup., 1988). (Parents of mentally retarded child residing in a different county sued to get an interpretation of the state's education code re: residence of child for tuition purposes.) (3.1.1.3. 3)

(6) **Steven M. v. Gilhool**, 700 F.Supp 261 (E.D. Pa., 1988). (Institutionalized children in Pa. were required to pay tuition to attend public schools because their parents lived out-of-state.) (3.1.1.3. 4)

(7) **Sleezeeman v. State Bd. of Educ.**, 753 P.2d 186 (Ariz. App., 1988). (Minor sued to get into school where he was denied admission because his grandparents did not reside in the district.) (3.1.1.3. 5)

(8) **New Case Highlights**, (no publication indicated), **Sleezeeman v. State Bd. of Educ.**, (Ariz. App. 1988). (3.1.1.3. 6)

(9) Letter from Kim Brown of Portland State University to Michael Olivas, Re: article for IHELG monograph, February 19, 1990. (3.1.1.3. 6 (a)).

(10) "School Enrollment Cases, Case Law", A Bibliography. (Contains case citations that concern residency requirements for school age children.) (3.1.1.3. 7)

(11) Memorandum, From: Manuel Gomez, To: Michael Olivas, Re: Update on Bradford Appeal, January 8, 1990. (3.1.1.3. 7(a))

(12) **Three Village Cent. Sch. Dist. v. Brentwood Union Free Sch. Dist.**, 561 N.Y.S.2d 800 (N.Y. App. Div. 1990) (holding that notification and certification providing name and address of foster parents and name of location of the school district in which children resided at time they became public charges was sufficient to establish that children resided in school district). (3.1.1.3. 8)

(13) Regents of the Univ. of Cal. v. Superior Court, 276 Cal.Rptr. 197 (Cal. Ct. App. 1990) (holding that undocumented alien students are statutorily precluded from being classified as residents for tuition purposes but fact that they are so precluded does not deprive of equal protection of the laws). - Two copies, one published, one unpublished. (3.1.1.3. 9)
2. HOMELESS STUDENT INFORMATION

a. ARTICLES


(3) "Educators Seek Answers to Dilemma Created by Homeless Students", Education Daily, Dec.28, 1988. (3.1.2.1. 3)

(5) "Legal Analysis of the Education of the Homeless", A Summary of the Remarks, by Jay Worona and Cynthia Plumb Fletcher, Paper Presented at the Annual Meeting of AERA, San Francisco, March 27, 1989. (3.1.2.1. 5)


(7) "Access to Education By Homeless Children", Education Law Reporter, Patricia First and Rob Cooper, (date ?). (3.1.2.1. 7)

(8) "Regulations Keeping Homeless Kids out of School, Law Center Says", Education Daily, p. 3, May 23, 1990. (3.1.2.1. 8)

(9) Testimony on Homelessness:Status of the Surplus Property Program, the Interagency Council on the Homeless, and FEMA's EFS Program, GAO Report before the Committee on Governmental Affairs United States Senate, July 19, 1990. (3.1.2.1. 9)


(11) "Congresswoman Pushes Bill to Get Homeless Kids in School", Education Daily, pp. 3-4, September 5, 1990. (3.1.2.1. 11)

(12) "Shut Out: Denial of Education to Homeless Children", A Report by the National Law Center on Homelessness and Poverty. (3.1.2.1. 12)

(13) "The McKinney Homeless Assistance Act: Evaluating the Response of the States", Publication unknown, p. 1047, Patricia F. First and G. Robb Cooper, date unkown. (3.1.2.1. 13)


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(2) Harrison v. Sobol, 705 F.Supp. 870 (S.D.N.Y. 1988). (New York school authorities denied due process of law in excluding homeless children on grounds of nonresidence without prior written notice.) (3.1.2.3. 2)

(3) Orozco v. Sobol, 703 F.Supp. 1113 (S.D.N.Y. 1989). (11th Amendment insulated the Commissioner of Education from pecuniary liability in federal court from homeless child’s constitutional claim.) (3.1.2.3. 3)

(4) Catlin v. Sobol, 553 N.Y.S.2d 501 (A.D.3 Dept. 1990). (Child cared for in family home at board was entitled to free public education in district in which family home was located, even though parent had moved out of state and had not relinquished parental rights.) (3.1.2.3. 4)

(5) GAO, HOMELESSNESS: MCKINNEY ACT PROGRAMS AND FUNDING THROUGH FISCAL YEAR 1990, May 1991 (Report to Congressional Committees). (3.1.2.3. 5)

B. HIGHER EDUCATION

1. RESIDENCY/TUITION/MIGRATION

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(2) "The Admission of Nonresident Students to State Universities", The National ACAC Journal, Vol. 14, No. 1, June 1969. (3.2.1.1. 2)

(3) "The Nonresident Student", Coordinating Council for Higher Education, April 6, 1970. (3.2.1.1. 3)

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From: U.S. GAO, Phillip A. Bernstein, Director
Re: Non-Citizen Default on Student Loans (3.2.1.1. 25)

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(44) Phillip J. Hellmuth's remarks prepared for the Residency Seminar at the University of Houston, October 2-3, 1983. (3.2.1.1. 27)

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(107) "The Costs of Higher Education: An Essay on the Comparative Financing of Universities", Special Studies in Comparative Education No. 23, Comparative Education Center, D. Bruce Johnstone, (date ?). (3.2.1.1. 66)

(108) "Postsecondary Residency Requirements: Authorization and Regulation", Michael Olivas, Institute for Higher Education Law and Governance, University of Houston Law Center, (date ?). (3.2.1.1. 66)

(109) Memo (date ?)
To: All Interested Parties
From: the Commonwealth of Virginia Council of Higher Education, Peter Blake
Re: The State's Policies for Nonresident Students (3.2.1.1. 67)

(110) "A Geographic Examination of Tuition and College Student Migration", James Fryman, paper, no date. (3.2.1.1. 68)

(111) "Student Petitioned Review of State Board of Education's Denial of Request for Resident Status", Journal of Law and Education, Vol. 16, No. 1, no date. (3.2.1.1. 69)

(111) "Statute Providing that Non-resident Status of Student, Established at Time of Admission, Should be his Status for Duration of Attendance is Invalid in Denying Non-resident Equal Protection of Laws", Memphis State Law Review, p. 370, vol. no. ?, author ?, date ? (3.2.1.1. 69 (a)).

(112) Untitled Residency article, author and date unknown. (3.2.1.1. 69 (b)).
(113) Research Paper Proposal, "State Residency Requirements: Postsecondary Authorization and Regulation", author and date unknown. (3.2.1.1. 69 (c)).

(114) Annotation, "Validity and Application of Provisions Governing Determination of Residency for Purposes of Fixing Fee Differential for Out-of-State Students in Public College", 56 ALR3d 641, Kenneth J. Rampino, date unknown. (3.2.1.1. 69 (d)).

b. REGULATIONS/STATUTES

(1) Rules Determining Resident and Nonresident Student Status for Indiana University Fee Purposes, February 1, 1974. (3.2.1.2. 0)

(2) "Nonresident Tuition Determination Procedures and Appeals", University of Wisconsin System, UWS §20.01-03, March 1980. (3.2.1.2. 0 (a)).

(3) Assembly Bill, An act to amend §§ 68062 and 69535 and revoke §§ 68076-77 of the California Education Code relating to postsecondary education, March 4, 1983. (3.2.1.2. 0 (b)).

(4) Residence Regulations, Louisiana State University System, August 15, 1983. (3.2.1.2. 0 (c)).

(5) Copy of Assembly Bill No. 2015 signed by Governor on 9/9/83, An act to amend §§ 68062 and 69535 and revoke §§ 68076-77 of the California Education Code relating to postsecondary education, 1983. (3.2.1.2. 0 (d)).

(6) Extract from §36.27(2), Wisconsin Statutes of 1983-84 Relating to Exemption from Nonresident Tuition at the University of Wisconsin-Madison, 1983-84. (3.2.1.2. 0 (e)).

(7) California Education Code §68062, "Determination of Student Residence", 1984. (3.2.1.2. 0 (f)).

(8) Higher Education Amendments of 1985, Committee on Education and Labor Report, 99th Congress, November 20, 1985. (3.2.1.2. 0 (g)).

(9) Pamphlet, "Rules and Regulations for Determining Resident Status at the University of Utah", August 1985. (3.2.1.2. 0 (h)).
(10) Residence Classification Manual, Oregon State System of Higher Education, Revised August 1987. (3.2.1.2. 0 (i)).

(11) "Education Regulations, Reasons for Delays in Issuance", U.S. General Accounting Office, Briefing Report to Congressional Requesters, November 1990. (3.2.1.2. 0 (j)).

(12) Ohio Revised Code Section 3333.31 and attached documents. (3.2.1.2. 1)

(13) "Legislative Update - Re: An Omnibus Education Bill and Several Others Failed to make it to the White House, Meaning that Legislation Would have to be Reintroduced when the 102nd Congress Convenes, Jan. 3, 1991", Education Daily, p. 5, November 5, 1990. (3.2.1.2. 2).

(14) Matrix of Alternative Tuition Models, no date or author. (3.2.1.2. 2 (a)).

(15) §484 - Student Eligibility, date and state unknown. (3.2.1.2. 2 (b)).

(16) Letter From: Richard G. Polanco, Assemblymember, 55th District, To: Robert J. Campbell, Chair, Ways and Means Subcommittee on School Finance, Re: Requests that student financial aid forms be available in Spanish, Date: May 7, 1991. (3.2.1.2. 3).

(17) Proposed Legislation relating to exemptions from nonresident tuition at the University of Wisconsin system, 1991-92 Legislature. (3.2.1.2. 4).

c. CASES/MEMOS

(1) Clarke v. Redeker, 259 F. Supp. 117 (S.D. Iowa 1966) (suit to enjoin state officials from charging plaintiff nonresident tuition at state university). (3.2.1.3. 0)

(2) Kirk v. Board of Regents, 78 Cal. Rptr. 260 (Cal. App. 1969) (a resident of Ohio who was married to a resident of California was not entitled to classification as a resident of California for tuition purposes). (3.2.1.3. 0 (a)).

(3) Starnes v. Malkerson, 326 F. Supp 234 (D. Minn. 1970) (suit challenging classification of students as nonresidents for tuition purposes). (3.2.1.3. 0 (b)).
(4) Arizona Board of Regents v. Harper, 495 P.2d 453 (Ariz. 1972) (action by university students to obtain reclassification as residents for tuition purposes). (3.2.1.3. 0 (c)).

(5) Weaver v. Kelton, 357 F. Supp. 1106 (E.D. Texas 1973) (challenge to Texas nonresident tuition statute). (3.2.1.3. 0 (d)).

(6) Hasse v. Board of Regents, 363 F. Supp. 677 (D. Hawaii 1973) (challenge to state 12-month durational residency requirement at state university as a prerequisite to qualifying as a resident for tuition and admission quota purposes). (3.2.1.3. 0 (e)).

(7) Sturges v. Washington, 368 F. Supp. 38 (W.D. Washington 1973) (challenge to one year durational residency requirement to qualify as residents for tuition purposes at the University of Washington). (3.2.1.3. 0 (f)).

(8) Hayes v. Board of Regents, 495 F.2d 1326 (6th Cir. 1974) (challenge to Kentucky State University’s regulations classifying students for tuition purposes). (3.2.1.3. 0 (g)).

(9) Jagnandan v. Giles, 379 F. Supp. 1178 (N.D. Miss. 1974) (challenge to statute which classified all aliens as nonresidents for purpose of charging them higher tuition and fees). (3.2.1.3. 0 (h)).

(10) Samuel v. University of Pittsburgh, 538 F.2d 991 (3rd. Cir. 1976) (challenge of statewide residency rule which provided that, for tuition purposes, the domicile of the wife was that of her husband). (3.2.1.3. 0 (i)).

(11) Lister v. Hoover, 655 F.2d 123 (7th Cir., 1981). (Former Univ. of Wi. Students who were denied resident status sued claiming that their due process and equal protection were denied.) (3.2.1.3. 1)

(12) Frame v. Residency Appeals Comm., 675 P.2d 1157 (Utah, 1983). (Univ. Students sued after school denied them residency because they had not resided in the U.S. for at least one year. Court upheld the decision of the school.) (3.2.1.3. 2)

(13) Black v. Sullivan, 561 F. Supp. 1050 (D. Maine 1983) (challenge to Univeristy of Maine tuition rules governing reclassification of nonresident students as residents). (3.2.1.3. 2 (a)).
(14) Andress v. Baxter, No. A82-307 CIV, Findings of Fact, Conclusions of Law, and Order (Dist. Ct. of Alaska, September 8, 1983). (3.2.1.3. 2 (b)).

(15) State v. Board of County Commissioners, 676 P.2d 134 (Kansas 1984) (AG sought declaratory judgment that county resolutions exempting the county from state statutes relating to the payment of out-district tuition to community colleges were illegal). (3.2.1.3. 2 (c)).

(16) Case Summary, Matter of Bybee, No. 56479, Kansas, December 4, 1984 (residence for tuition purposes). (3.2.1.3. 2 (d)).

(17) Auerbach v. Rettaliata, 765 F.2d 350 (2d C i r . 1985) (Students who sought to vote in communities where they attended school brought action challenging New York voting residency statute). (3.2.1.3. 2 (e)).

(18) Molesworth v. University of Vermont, 508 A.2d 722 (Vermont 1986) (student sought review of a determination by an appellate residency officer of the University of Vermont that she was not entitled to resident tuition status). (3.2.1.3. 2 (f)).

(19) Memo from Phillip Hellmuth to Susan Finman Re: UW-Madison Committee on Appeals from Nonresident Tuition, April 22, 1986. (3.2.1.3. 2 (g)).

(20) "Exemption from Out-of-State Tuition for Student Assistance: A Proposed Solution", author unknown, Revised May 1986. (3.2.1.3. 2 (h)).

(21) Baillie v. State Board of Higher Education, 719 P.2d 1330 (Oregon App. 1986) (appeal from Board’s decision denying college student’s request to be treated as resident student for tuition purposes). (3.2.1.3. 2 (i)).

(22) Case Summary, Baillie v. State Board of Higher Education, 719 P.2d 1330 (Oregon App. 1986) (appeal from Board’s decision denying college student’s request to be treated as resident student for tuition purposes). (3.2.1.3. 2 (j)).

(23) Case Summary, Walters v. Weed, 231 Cal. Rptr. 615 (1987) (Voters, who were not residing on campus and who had no intention of returning there, were not domiciled on campus). (3.2.1.3. 2 (k)).
(24) Wilson v. State Residence Comm., 374 S.E.2d 415 (N.C. App., 1988). (Law student sued to get determination that he was a resident for tuition purposes. Court upheld the decision saying that it was based on substantial evidence.) (3.2.1.3. 3)

(25) Walters v. Reed, 246 Cal.Rptr. 5 (cal. 1988). (Voters sued to get votes cast at campus site declared invalid.) (3.2.1.3. 4)

(26) Case Summary, Bisson v. University of New Hampshire, 578 A.2d 320 (N.H. 1990) (challenge to New Hampshire's residency law for tuition purposes). (3.2.1.3. 4 (a)).

(27) Memorandum, From: Steven P. Arena, Manager, School Services Branch, California Student Aid Commission, To: Financial Aid Administrators and High School Counselors, Re: Update on Cal Grant Eligibility, Date: January 29, 1991 (attached is another memorandum which analyzes the "Bradford" decision). (3.2.1.3. 4 (b)).

(28) Memorandum, From: Dennis Lopez, State Policy Analyst, MALDEF, To: All Interested Parties, Re: Hispanic Coalition for Higher Education 1991 California Legislative Agenda, Date: February 26, 1991. (3.2.1.3. 4 (c)).

(29) Leticia "A' v. Board of Regents, Case No. 588982-4, August 22, 1991 (Plaintiff's response to Defendant's motion for determination of obligations under permanent injunction in light of changed circumstances). (3.2.1.3. 4 (d)).

(30) Memorandum, From: Bruce M. Richardson, Acting General Counsel, Office of General Counsel, California State University System, To: California Student Aid Commission, Re: Undocumented Aliens and California Residence Status, Date: Dec. 13, 1991. (3.2.1.3. 4 (e)).

(31) California Student Aid Commission Program Committee, Minutes of Meeting of Nov. 21, 1991. (3.2.1.3. 4 (f)).


(33) Vlandis v. Kline and Catapano, 41 L.W. 4796. (3.2.1.3. 5)
(34) Annotation, No Title Available, 56 ALR3d 651, no date. (3.2.1.3. 5 (a)).

(35) Postsecondary Residency Requirements (by State Governance Pattern), no date. (3.2.1.3. 5 (b)).

(36) Regents' Requirements for Resident Status, Georgia State University, p. 15, no date. (3.2.1.3. 6).

(37) Leticia "A" v. Board of Regents, Reporter's Transcript on Appeal, no date. (3.2.1.3. 7).

2. MISCELLANEOUS ISSUES

a. ARTICLES

(1) "Desegregation", School Law Reporter, p. 10, Aug. 1986. (3.2.2.1. 1)

(2) "In This Issue - College and University Employees, Faculties", West's Education Law Reporter, Vol. 39, No. 2, Aug. 6, 1987. (Case shorts on suits brought against Universities.) (3.2.2.1. 2)

(3) "Obstacles to Sensible Choice of Law For Determining Marital Property Rights on Divorce or in Probate: Hanau and the Situs Rule", Houston Law Review, Russell J. Weintraub, Vol. 25, No. 5, 1988. (3.2.2.1. 3)

(4) "Girls' Schools Show How to Improve Young Women's Education, Researcher Says", Education Daily, pp. 3-4, April 25, 1988. (3.2.2.1. 4)

(5) "Adult Education", Education Daily, Second Quarter Index, Vol. 22, no. 69-126, 1989. (3.2.2.1. 5)


b. CASES/MEMOS

(1) Soni v. Bd. of Trustees of the Univ. of Tennessee, 513 F.2d 347, (6th Cir., 1975). (3.2.2.3. 1)
(2) Vonnegut v. Meese, (?), Oct. 28, 1985. (Suit to challenge a denial of a College Prof. application for adjustment of status that was based on ideological reasons.) (3.2.2.3. 2)

(3) Baillie v. State Bd. of Higher Educ., 719 P.2d 1330 (Or. Appls., 1986). (Suit to review the State Board's permanent review committee decision to deny college student's request for residency for tuition purposes.) (3.2.2.3. 3)

(4) Table of Cases, (no publication indicated), re: College and University Tenure. (3.2.2.3. 4)

(5) Memorandum, From: Janet Hansen, The College Board, To: Washington Office Advisory Panel, Re: Plans for 1991-92, Date: March 26, 1991. (3.2.2.3. 5)

(6) Texas Education Code § 51.909, Expulsion of Certain Foreign Students (no date). (3.2.2.3. 6)

C. NON-EDUCATIONAL ISSUES

1. ARTICLES


c. "Memorial Hospital v. Maricopa County: The Present Status of Right to Travel", Columbia Human Rights Law Review, vol. 6, p.551, Ralph Pellecchio, 1974. (3.3.1 00 (b)).


e. "Discrimination Against Nonresidents and the Privileges and Immunities Clause of Article IV", Univ. of Pennsylvania Law Review, vol. 128, p. 379, Gary J. Simson, 1979. (3.3.1 00 (d)).


h. "Reform of Domicile Law for Application to Transients, Temporary Residents and Multi-Based Persons", *Columbia Journal of Law and Social Problems*, vol. 16, p. 327, Christopher T. Corson, 1981. (3.3.1. 2 (a)).

i. "Balancing Test in Durational Residence Equal protection Analysis", *Washington Law Review*, vol. 56, p. 763, E. Thaddeus Lewis, 1981. (3.3.1. 2 (b)).

j. "County Patients Here Illegally to be Counted", *Houston Post*, p. 14A, Mary Jane Schier, July 1, 1983. (3.3.1. 2 (c)).


o. "Court to Review Major Barrier to Bar Admission", *The National Law Journal*, p. 5, March 28, 1988. (3.3.1. 6 (a)).


q. *Children and Youths - About 68,000 Homeless and 186,000 in Shared Housing at any Given Time*, GAO Report to Congressional Committees, June 1989. (3.1.1. 8)

s. "Litigation Potpourri: Residency Requirements", The Bar Examiner, Stuart Duhl, August 1989. (3.3.1. 10)


w. Homelessness - McKinney Act Programs and Funding for Fiscal Year 1989, GAO Report to Congressional Requesters, 1989. (3.3.1. 14)

x. ALAN P. WAGNER, ELINOR G. BARBER, JOANNE KING, and DOUGLAS M. WINDHAM, SPONSORSHIP AND LEVERAGE: SOURCES OF SUPPORT AND FIELD OF STUDY DECISIONS OF STUDENTS FROM DEVELOPING COUNTRIES (1989). (3.3.1. 14(a))

y. MAUREEN WOODHALL (Editor), FINANCIAL SUPPORT FOR STUDENTS: GRANTS, LOANS or GRADUATE TAX (1989). (3.3.1. 14(b))

z. Homelessness - McKinney Act Reports Could Improve Federal Assistance Efforts, Gao Report to Congressional Requesters, June 1990. (3.3.1. 15)


ab. P. St.J. Smart, Domicile of Choice and Multiple Residence, 10 OXFORD J. OF LEGAL STUDIES 572 (1990). (3.3.1. 16(a))

ac. Maureen Woodhall, Sharing the Costs of Higher Education: An International Analysis, EDUCATIONAL RECORD, Fall 1991, at 27. (3.3.1. 16(b))

ad. Decision Raises Questions About Residency, PERSPECTIVE, Oct. 1991, at 7. (3.3.1. 16(c))


ah. "Survey of Income and Program Participation - Residential Mobility of One Person Households" James Witte and Herbert Lahmann, German Institute for Economic Research, (date ?). (3.3.1. 19)

ai. "Reform of Domicile Law for Application to Transients, Temporary Residents and Multi-Based Persons", Colombia Journal of Law, Vol.16, No.327, pp. 328-363, Christopher T. Corson, (date ?). (3.3.1. 20)

aj. Article, New York state bar residency requirements, no date. (3.3.1. 20 (a)).

ak. "The Lingo of the Pintos", Inez Cardozo-Freeman, no date. (3.3.1. 20 (b)).

2. REGULATIONS/STATUTES

a. §11.13 and §21.02 & §21.07 of the Property Tax Code. (3.3.2. 1)

3. CASES/MEMOS

a. Sosna v. Iowa, 419 U.S. 393 (1975) (challenge to state law requiring residency of one year before filing a divorce petition). (3.3.3. 00).

b. Moore v. East Cleveland, 431 U.S. 494 (1977). (3.3.3. 1)

c. Cabral v. State Board of Control, 169 Cal. Rptr. 604 (Cal. App. 1980) (challenge to Victims of Violent Crimes Act's definition of the term "resident of California" to mean a lawful resident). (3.3.3. 1 (a)).

e. Supreme Court of New Hampshire V. Piper, 470 U.S. 274 (1985). (3.3.3. 2)

f. Friedman v. Supreme Court of Virginia, 822 F.2d 423 (4th Cir., 1987). (3.3.3. 3)

g. Supreme Court of Virginia v. Friedman, 108 S.Ct. 2260 (1988). (3.3.3. 4)

h. Hakkila v. Cons. Edison Co., 745 F. Supp. 988 (S.D. New York 1990) (for purposes of a diversity action, the court held that the plaintiff's enrollment in a New York college and her registration to vote in New York were insufficient to show intent to change domicile). (3.3.3. 4 (a)).

i. Lawrence N. Gold, Tuition Formulas at Work: An Examination of States that Use a Numerical Formula to Help Set Public College Tuition, November 1990. (3.3.3. 4 (b)).

j. GAO, Refugee Resettlement: Federal Support to the States Has Declined, Report to the Honorable Pete Wilson, U.S. Senate, December 1990. (3.3.3. 4 (c)).

k. Non-Native English Speaking Teaching Assistants and Student Performance, BUDGET BY-LINES AND ANALYSIS, December 1990. (3.3.3. 4 (d)).

l. Table of Taxation Cases. (3.3.3. 5)

m. Table of Employment Cases. (3.3.3. 6)

n. Memo, "Can an Undocumented Adult Acquire or Maintain Legal Domicile in Texas?", no author, no date. (3.3.3. 6 (a)).

o. Memo, "Domicile and Residence in California", no author, no date. (3.3.3. 6 (b)).

p. Handwritten outline regarding domicile and residency, no author, no date. (3.3.3. 6 (c)).

q. Table, "Documentation Allowed or Required by States as Evidence of Residency or Domicile", no author, no date. (3.3.3. 6 (d)).

r. Article on domicile for voting, tuition, welfare, occupational qualifications, and divorce, no author, no date. (3.3.3. 6 (e)).
IV. TEXAS RESIDENCY REQUIREMENTS (CITIZENS AND NON-CITIZENS)

A. K-12 PUBLIC SCHOOLS (REVIEW ACTUAL FILE FOR CORRECT DATES)

1. ARTICLES

a. Letter
To: Parent or Guardian,
From: G.P. Bullard, Superint. of Schools for the Pearland I.S.D.
Re: Food Programs and Social Security Numbers. (4.1.1. 1)

b. Letter July 12, 1973
To: Dr. J.W. Edgar, Commissioner of Education, Texas Education Agency
From: John L. Hill, Texas Atty. Gen.
Re: Opinion No. H-63 and what is the proper district for a minor child to attend school. (4.1.1. 2)

c. Sept. 11, 1987 Memo
To: Parents and Guardians of H.I.S.D. Students
From: Miguel De Los Santos, H.I.S.D. Deputy Supt.
Re: Social Security Forms and Enrollment. (4.1.1. 3)

d. Sept. 11, Letter
To: Parents and Legal Guardians of H.I.S.D. Students
From: Miguel De Los Santos
Re: Do Not Need To Fill Out Social Security Forms to Enroll. (4.1.1. 4)

e. Nov. 9, Letter
To: Paul Parsons, Atty. at Law
From: John Ellis, Supt. of A.I.S.D.
Re: Social Security Forms (4.1.1. 5)

f. June 13, 1988 Letter
To: Tina Reyes
From: Joan Raymond, General Supt. of H.I.S.D.
Re: Tina Reyes’ memo of June 9, to Miguel De Los Santos re: School Principals requiring Social Security numbers for students to enroll. (4.1.1. 6)

g. "To Enroll or not to Enroll: The Ongoing Dilemma of Student Residency Requirements", Legal Digest, p.1, Judy Underwood, April 1988. (4.1.1. 6 (a)).
h. July 12, 1989 Letter  
To: John Ellis, Supt. of Schools A.I.S.D.  
From: Paul Parsons, Atty. at Law  
Re: Erroneous belief of Hispanic parents that children need social security number to enroll.  
(4.1.1. 7)


2. CASES/MEMOS

a. *Brownsville Independent School Dist. v. Gamboa*, 498 S.W.2d 448 (Civ. App., 1973). (Suit to enjoin school dist. from excluding children from its schools because children do not have legal guardians in the U.S.). (4.1.3. 1)

b. *De Leon v. Harlingen Consol. Independent Schools*, 552 S.W.2d 922 (Civ. App. - Corpus Christi, 1977). (Suit challenging the denial of tuition free enrollment of students.) (4.1.3. 2)

c. *Jackson v. Waco Independent School District*, 629 S.W.2d 201 (Civ. App. - Waco, 1982) (Suit challenging policy of only allowing free education to children residing with parent or guardian.) (4.1.3. 3)


e. *Martinez v. Bynum*, 461 U.S. 321 (1983). (Challenge to Texas Code 21.031(d) which permits a school district to deny tuition free admission to a minor who lives apart from his parents or guardian.) (4.1.3. 5)

f. Memo from Michael Olivas to Ron Vera, RE: "Leticia A" Trial Proof, October 25, 1984. (4.1.3. 5 (a)).


i. Letter from Paul Parsons to Michael Olivas RE: letter from Austin ISD to all parents stating that a social security number is required of all students, October 27, 1987. (4.1.3. 7 (a)).

j. Letter from Paul Parsons to Dr. John Ellis, Superintendent of Austin ISD schools RE: letter from he sent to all parents stating that a social security number is required of all students, November 5, 1987. (4.1.3. 7 (b)).

k. Muhammad Islam v. Arlington Independent School Dist., No. 068-R8-1287. (4.1.3. 8)

l. Opunsunju v. Texas Southern University, U.S. Dist. Court, Southern District of Texas, Houston Division, No. H-86-85. (4.1.3. 9)

B. HIGHER EDUCATION RESIDENCY

1. ARTICLES

To: Residence Determination Officials
From: Mack C. Adams
Re: Residency for ROTC members who would otherwise be non-residents. (4.2.1. 1)

b. Oct. 15, 1985 Letter
To: Mack C. Adams
From: Maurice C. Inman, Jr., INS Counsel
Re: A-1, A-2, G-1, G-2, G-3, G-4, aliens do acquire residency or domicile while in the U.S. (4.2.1. 2)

c. March 5, 1987 Memo
To: Residence Determination Officials
From: Mack C. Adams
Re: Conditional Permanent Residence as classification for tuition purposes. (4.2.1. 3)

d. April 28, 1987 Letter
To: Mack C. Adams
From: Ronald G. Parra, INS District Director
Re: IMFA Conditional Status students do not qualify for residency status for tuition purposes. (4.2.1. 4)

e. Aug. 13, 1987 Letter
To: Ronald Parra, INS District Director
From: Bruce A Coane, Atty. at Law
Re: Whether INS will terminate a schools approval for issuing I-20’s if they allow undocumented aliens to enroll in classes. (4.2.1. 5)
f. Sept. 8, 1987 Letter
To: Rick Giplin, Chair AG Opinion Committee
From: Professor Olivas
Re: A Response to RQ-1194, or a response to question asked by Commissioner Ashworth; Professor Olivas Saks that Commissioner Ashworth's request be answered in the affirmative. (4.2.1. 6)

g. Sept. 8, 1987 Letter
To: Eugene J. Flynn, Chair AILA
From: Warren R. Leiden, Executive Director of AILA
Re: INS Counsel Ronald Parra has Stated that Conditional Resident Aliens under IMFA are not Residents for Tuition Purposes. (4.2.1. 7)

h. Global Student Pamphlet by Office of International Student Services, University of Houston, Oct. 1987. (4.2.1. 8)

i. Annual Enrollment Report Non-Immigrant and Immigrant International Students at the University of Houston, The Office of International Student Services Division of Student Affairs, Nov. 1, 1987. (4.2.1. 9)

j. Jan. 6, 1988 Letter
To: Annette Cavazos-Hengley, Administrative Assistant in the Office of Hearings and Appeals, Texas Education agency
From: Laurence L. Priddy, Atty. at Law
Re: Islam v. Arlington I.S.D. (4.2.1. 10)

k. Jan. 18, 1988 Memo
To: Residence Determination Officials
From: Mack C. Adams
Re: AG Opinion No. JM-845, which allows aliens under IMFA to Acquire residency. (4.2.1. 11)

l. Feb. 9, 1988 Memo
To: Admissions Officers
From: Nancy Footer, UH Counsel
Re: AG Opinion No. JM-848, eligibility of aliens holding E-1 visas and those under NATO status of Forces Agreement to pay resident tuition at state schools. (4.2.1. 12)

m. Feb 22, 1988 Memo
To: Distribution
From: Mario Lucchesi, UH Director of Registration and Academic Records
Re: Residency update. (4.2.1. 13)
n. March 18, 1988 Letter  
To: Betty McCrohan, Dean of Financial Affairs and Planning Houston Community College  
From: Sid Cruz, Bursar  
Re: Foreign Student Process (4.2.1. 14)

o. May 18, 1988 Letter  
To: Mohammed Islam  
From: Laurence Priddy, Atty. at Law  
Re: Apprising of Victory at Texas Education Agency. (4.2.1. 15)

p. June 22, Letter  
To: J.B. Whitely, President Houston Community College  
From: James Harding, Vice President For Instruction  
Re: Eligible Legalized Alien Program Summation (4.2.1. 16)

q. July 16, 1988 Letter  
To: Rhia V. Coane  
From: UH Downtown Office of Admission  
Re: Inability to process application without birth certificate, valid green card or certification of naturalization. (4.2.1. 17)

r. UH International Student Application for Admission, for Amirr Hasso, Oct. 5, 1988. (4.2.1. 18)

s. July 17, 1989 Inter-Office Letter  
To: Residency Committee UH  
From: Mario Luchesi, Director of Registration and Academic Records, UH  
Re: H.B. 1147 and the impact on residency status determination. (4.2.1. 19)


w. "HCC Review Clears Immigrant Program: Mishandling of English Classes Denied", Houston Chronicle, Todd Ackerman, p. 18-A, October 5, 1990. (4.2.1. 23)

x. "Immigrant and Visa Information for Determining Residency Status", (Table of Eligibility for Texas Residency), November 8, 1990. (4.2.1. 24)

2. Regulations/Statutes


b. Legislative Budget Board Recommended General Appropriations Bill for 1986-87 Biennium, January 11, 1985. (4.2.2. 0 (a)).

c. June 10, 1985 Letter
   To: Chief of Student Affairs
   From: Scott Chafin, Interim UH University Counsel
   Re: H.B. 1147 and its implication on residency. (4.2.2. 1)

d. Rules and Regulations, Residence Status, by the Coordinating Board Texas College and University System, Spring 1986. (4.2.2. 2)

e. Letter to Michael Olivas regarding, and copy of Texas College and University System Coordinating Board rules regarding the determination of residence status, from Mark C. Adams, February 7, 1986. (4.2.2. 2 (a)).

f. June 27, 1989 Memo
   To: Residence Determination Officials
   From: Mack C. Adams
   Re: Bills S.B. 196 and H.B. 558 (4.2.2. 3)

g. "Agenda Items IV-D" #318, July 10, 1989 (Proposed amendments to the rules for determining residence in Texas.) and copy. (4.2.2. 4)

h. July 30 Letter
   To: Mattox
   From: Coordinating Board (4.2.2. 5)
   Re:

i. Texas Attorney General Opinion No. JM-845, to Mr. Kenneth Ashworth, Jan. 15, 1988. (4.2.2. 6)

j. June 27, 1989 Letter
   To: Residency Determination Official
   From: Mack Adams
   Re: Residency Rules and Regulations (4.2.2. 7)

k. Texas Legislative Service, S.B. 24 as passed and sent to the Governor. (4.2.2. 8)
l. "Rules and Regulations – Residency Status", Texas Higher Education Coordinating Board, Fall 1989. (4.2.2. 9)

m. Texas Education Code, § 51.902, p. 272 (Relates to Expulsion of Certain Foreign Students.) (4.2.2. 10)

3. CASES/MEMOS

a. Farzad v. Chandler, U.S. District Court for the Northern District of Texas, Dallas Division, No. 3-87-0256-G. (Suit to stay deportation of student petitioner) (4.2.3. 1).

b. University of Houston, Residency Questionnaire, April 1983. (4.2.3. 1 (a)).

c. Texas Attorney General Opinion Re: Whether certain foreign nationals are residents of Texas for purposes of tuition at a state university, December 12, 1984. (4.2.3. 1 (b)).

d. Texas Attorney General Opinion Re: Whether foreign nationals may be constitutionally charged a higher rate of tuition at a state university than other non-residents, December 12, 1984. (4.2.3. 1 (c)).

e. Memo from Scott Chafin to Michael Olivas Re: Aliens, Residency, and Tuition Differentials and discussing Toll v. Moreno, February 12, 1985. (4.2.3. 1 (d)).

f. Letter from Charles E. Bishop, UH President to Wilhelmina Delco regarding tuition for foreign students, February 27, 1985. (4.2.3. 1 (e)).

g. Texas Attorney General Opinion Re: Whether the legislature may impose a longer residency requirement on out-of-state residents who wish to qualify for resident tuition at a state university, March 19, 1985. (4.2.3. 1 (f)).

h. Texas Attorney General Opinion Re: Whether foreign nationals admitted to the U.S. under an F-1 student visa may be charged a higher tuition rate at a state university than that charged to Texas residents or to residents of another state, April 15, 1985. (4.2.3. 1 (g)).

i. Letter from Michael Olivas to Mack Adams, Assistant Commission for Student Services, Texas Coordinating Board, Re: Residency Rules and Regulations, March 21, 1986. (4.2.3. 1 (h)).
j. Memo from Mack Adams, Assistant Commissioner for Student Services to Residency Determination Official, Re: Proposed Revision of the Residency Brochure, December 16, 1985. (4.2.3. 1(i)).

k. Memorandum, From: Mario C. Lucchesi, Director, Registration and Academic Records, University of Houston, To: Various People, Re: Rules and Regulations for Determining Residence Status, Date: May 7, 1991. (4.2.3. 1(j)).

l. Rules and Regulations, Residence Status, Texas Higher Education Coordinating Board, Summer 1991 (Two Copies). (4.2.3. 1(k)).

m. Statute, Regulation, or Rule, Texas-Mexico Reciprocal Educational Exchange Program, no date. (4.2.3. 1(l)).

C. HIGHER EDUCATION TUITION

1. ARTICLES

a. "Student Aid May be Budget Cut Target", The Houston Post, 3B, Peter Grier, February 7, 1985. (4.3.1. 0).

b. "Proceed With Caution on Cutting Student Aid", Houston Chronicle, p. 26, Clay Robison, February 17, 1985. (4.3.1. 0 (a)).

c. "Texas Students Facing Double Financial Blow", Houston Chronicle, p. 1, Clay Robison, February 17, 1985. (4.3.1. 0 (b)).

d. "Education Divestiture", The Texas Observer, no page number, February 22, 1985. (4.3.1. 0 (c)).

e. "Tuition Charges in Texas", Fiscal Notes, p. 12, February 1985. (4.3.1. 0 (d)).

f. March 5, 1986 Memo
   To: Residence Determination Officials
   From: Mack C. Adams
   Re: Documentation Required to Prove Residency for Tuition Purposes. (4.3.1. 1)

g. April 18, 1986 Memo
   To: Residence Determination Officials
   From: Mack C. Adams
   Re: Asylees and Refugees are eligible to pay resident tuition. (4.3.1. 2)
h. July 31, 1986 Memo
   To: Residence Determination Officials
   From: Mack C. Adams
   Re: Question of residency for asylees and refugees. (4.3.1.3)

i. March 18, 1987 Letter
   To: Residency Determination Official
   From: Attorney General Mattox
   Re: Residence for Purpose of Paying Tuition (4.3.1.4)

j. "Board Begins Pleasing in Select Committee Recommendations", CB Report, Vol. 22, p. 3. (4.3.1.5)


l. "INS Central Offices Answers AILA Questions", Interpreter Releases, pp. 28-29, Jan. 11, 1988. (4.3.1.7)

m. "Hearing on Tuition for Aliens", India Abroad, Jan. 22, 1988. (Concerns the Islam A.I.S.D. Case.) (4.3.1.8)

n. "Families Ready to Fight 'Discrimination' Tuition", Houston Chronicle, Feb 1, 1988. (4.3.1.9)


p. "Thousands of Aliens Enroll in HCC Educational Programs", Houston Chronicle, p. 3C, June 11, 1989. (4.3.1.11)

q. "Texas Extends Requirements for Foreign Instructors", The Chronicle of Higher Education, Katherine S. Mangun, (date ?). (4.3.1.12)

r. Sept. 7, 1989 Memo
   To: Residence Determination Officials
   From: Mack C. Adams
   Re: Economic Development and Diversification Employees (4.3.1.13)

t. January 10, 1990 Interoffice Correspondence
   University of Houston
   To: Michael Olivas, Institute for Higher Education
      Law and Governance (and other offices)
   From: Mario Lucchesi, Director of Registration and
      Academic Records
   Re: Resident Aliens (Form I-551) (4.3.1. 15)

u. "UH Researcher Takes Another Step Toward Obtaining
   Green Card", The Houston Chronicle, Stephanie A.
   McGrath, (date ?). (4.3.1. 16)

v. Untitled, undated article. (4.3.1. 16 (a)).

2. REGULATIONS/STATUTES

   § 54.008 - Tuition set by Governing Board
   § 54.060 - Tuition Rates for Non-Residents in Texas
      Schools.
   § 54.065 - Biomedical Research Program. (4.3.2. 1)

b. Texas Legislative Service,
   H.B. 2181 - In state tuition shall be charged to a
      foreign student who is a resident of a nation that is
      adjacent to Texas and who attends a school that is
      located immediately adjacent to the nation where the
      student resides.
   H.B. 64 - A Foreign Student is not eligible for
      Biomedical research program scholarship or for in-
      state tuition.
   S.B. 24 - Act relating to hazing offenses V.A.T.C. -
      Educ. Code § 51.909 - Expulsion of students for
      certain offenses. (4.3.2. 2)

c. Letter from Jesse R. Bernal, Legislative Aide, to
   Michael Olivas Re: college tuition bills by Delco,
   Thompson, and Hobby, March 6, 1985. (4.3.2. 2 (a)).

d. 10 copies of Enrolled House Bill No. 1147 regarding
   college tuition. (4.3.2. 2 (b)).

e. Copy of House Bill 1525. (4.3.2. 2 (c)).

f. Copy of House Bill 958. (4.3.2. 2 (d)).

g. Handwritten amendments to House Bill 1147. (4.3.2. 2
   (e)).

h. Copy of Texas Education Code, Chapter 54: Tuition
   and Fees. (4.3.2. 2 (f)).

i. Copy of Texas Education Code §§ 61.072-074 and
   61.091-093. (4.3.2. 2 (g)).
j. Texas Education Code § 54.051, Higher Education Tuition Rates (no date). (4.3.2. 2 (h)).

3. CASES/MEMOS

a. Attorney General Opinion No. JM-845, Re: Whether aliens granted permanent residence on a conditional basis can qualify for resident status for tuition purposes. (4.3.3. 1)

b. Attorney General Opinion No. JM-962, Re: Whether the Texas Commission for the blind is required to provide services to blind children who are illegal aliens. (4.3.3. 2)

c. Memo from Mack C. Adams of Coordinating Board to CFO of Houston Community College requesting information regarding tuition and fee exemptions, October 19, 1984. (4.3.3. 2 (a)).

d. Transcript of testimony of Michael Olivas before the Texas Legislature House Committee on Higher Education, March 11, 1985. (4.3.3. 2 (b)).

e. Memo from Terry Ondreyka to Deans Re: changes to be implemented by House Bill 1147, June 20, 1985. (4.3.3. 2 (c)).

f. Memo from Peter Fitzgerald to Deans Re: Waivers of Tuition for Students Enrolling for Thesis/Dissertation Credit, April 2, 1987. (4.3.3. 2 (d)).

g. Attorney General Opinion No. JM-367, Re: Residency status of a student whose parent is assigned out of state by the U.S. Public Health Service, October 22, 1985. (4.3.3. 2 (e)).

h. Scholarship Tuition Waivers Report, Prepared by Laura F. Rothstein, Associate Dean for Student Affairs, University of Houston Law Center, Oct. 31, 1991. (4.3.3. 2 (f)).

D. NON-EDUCATIONAL ISSUES

1. ARTICLES

a. July 16, 1985 Letter
   To: Commissioner Nelson
   From: Coordinating Board, Texas College
   Re: § 54.057 Tex. Ed. Code (4.4.1. 1)
b. Sept. 3, 1986 Letter  
To: Mack C. Adams  
From: Paul W. Schmidt, Acting General Counsel INS  
Re: Aliens under L, I, visas do not acquire domicile in the U.S., K visa holders do. (4.4.1. 2)

c. "Domiciliary in Texas" Paper by Sam Stricklin, turned in to Professor Olivas Fall 1987. (4.4.1. 3)

d. Appendix to c. (4.4.1. 4)

e. January 8, 1988 Letter  
To: Interested Persons  
From: Paul Parsons, Attorney at Law  
Re: Legalization (Amnesty) Denials (4.4.1. 5)

f. "Advisory Committee on Immigration to be Established", Texas Supplement, Greensheet, Vol. 1, Issue 1, Harry Pachon, June 30, 1989. (4.4.1. 6)

g. Fall Memo  
To: Professor Olivas  
From: Gwen Murphree  
Re: Materials Relative to Definition of Domicile in Texas. (4.4.1. 7)

2. REGULATIONS/STATUTES

   a. Bibliography, Cases, Statutes and Law Review Articles on Political Rights, Candidacy-Residency Requirements. V.A.T.C. Election Code, Title 9, Candidates, Sections 141.001 - 141.003. (4.4.2. 1)

   b. V.A.T.S. Art. 5949 - Residency Requirements for Notary Publics. (4.4.2. 2)

   c. V.A.T.S. Art. 5537 - Cause of Action against a person out-of-state temporarily. (4.4.2. 3)

   d. V.A.T.S. Art. 8307 - Workers Compensation. (4.4.2. 4)

3. CASES/MEMOS

   a. Therwhanger v. Therwhanger, 175 S.W.2d 704 (Civ. App. - Eastland 1943). (Residency Requirements for Divorce.) (4.4.3. 1)

   b. Robinson v. Robinson, 235 S.W.2d 228 (Civ. App.--San Ant. 1950). (Divorce Requirements) (4.4.3. 2)

d. *Los Angeles Airways, Inc., v. Lummis*, 603 S.W.2d 246 (Civ. App. - Houston (14th Dist.) 1980). (Domicile in Texas not destroyed because someone lives elsewhere) (4.4.3. 4)

e. *In Re Umachi v. Casillas*, U.S. Dist. Ct. for the Western District of Texas, San Antonio Division, No. SA-87-CA-1449. (4.4.3. 5)

f. Bibliography, Cases on Domicile for Military, Oct. 12, 1988. (4.4.3. 6)

g. "Admissions to the State Bar of Texas", Cases and Notes. (4.4.3. 7)

h. "Court Access" Cases and Notes on access to the Courts based on Residency issues and requirement (4.4.3. 8)

i. Bibliography, cases, statutes, law review articles, AG opinions, re: Political Rights, Registration and Voting. (4.4.3. 9)

j. Memorandum, From: Grace L. Butler, Associate Vice President for Faculty Affairs, University of Houston, To: Members of the English Proficiency Committee, Re: H.B. 638 English Proficiency Policy and Procedures, Date: August 20, 1991. (4.4.3. 10)

V. RESIDENCY REQUIREMENTS OF NON-CITIZENS

A. K-12 PUBLIC SCHOOLS

1. ARTICLES


   c. "The Impact of Mandated Enrollment of Undocumented Students in Selected Texas Public Schools", Leonard A. Valverde and Albert Cortez, February 1983. (5.1.1. 1 (a)).


j. Illegal Alien Students Learn Skills are Key, *New York Times*, Marvin Howe, p. y 17, March 11, 1990. (5.1.1. 6)

k. *ETS Plans Study of Successful Immigrant Students*, *Education Daily*, p. 6, Aug. 10, 1990. (5.1.1. 7)

l. Plyler V. Doe’s Issues and Implications, *Education Law Reporter*, Martha McCarthy, Case Comments, pp. 235-241, (no Date). (5.1.1. 8)

m. Report (no date)
   To: Michael Olivas
   From: Robert Koulash
   Re: Consulting Work on Project Immigration and Education of Refugee Minors. (5.1.1. 9)


o. "The Supreme Court and Equity Under the Constitution--Review of Recent Cases", *Education Law Reporter*, p. 1, Patricial M. Lines, no date. (5.1.1. 10 (a)).

p. Article Re: citizenship, no author, no date. (5.1.1. 10 (b)).

q. "A Response to Postsecondary Implications of Plyler v. Doe and Toll v. Moreno", no author, no date. (5.1.1. 10 (c)).
r. Article Re: residency, no author, no date. (5.1.1. 10 (d)).

s. "Citizenship Requirement Finds Court Approval", The National Law Journal, p. 32, no date. (5.1.1. 10 (e)).

t. "Agnos Bill Stirs Concern of UC Board of Regents", UCLA Daily Bruin, Katherine Bleifer, no page number, no date. (5.1.1. 10 (f)).

2. CASES/MEMOS

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b. 2 copies Plyler v. Doe, 102 SCT 2382 (1982). (5.1.3. 0 (a)).

c. Letter from MALDEF to Tom Trager of the Office of the General Counsel, California State University and Colleges Re: undocumented aliens, November 8, 1983. (5.1.3. 0 (b)).

d. Leticia A., Sonia V., Lorena W. & Dora J. v. Board of Regents of University of Calif., No. 588-982-5 Tentative Decision, April 3, 1985. (Undocumented aliens cannot qualify for residence tuition) (5.1.3. 1)


f. Maria P. v. Riles, Superintendent, 743 p.2d 932 (Cal. 1987). (5.1.3. 2)

g. Letter and survey sent by META, Inc. requesting information regarding immigrant school childred, April 21, 1988. (5.1.3. 2 (a)).

h. List, "What Doe has Been Cited For", no author, no date. (5.1.3. 2 (b)).

i. Handwritten outline re: tuition and residency. (5.1.3. 2 (c)).

j. Executive Summary, "Crossing the Schoolhouse Border: Immigrant Students and the California Public Schools", no author, no date. (5.1.3. 2 (d)).
B. HIGHER EDUCATION RESIDENCY

1. ARTICLES

a. Standards and Responsibilities in International Education Interchange, National Association for Foreign Student Affairs, Summer 1981. (5.2.1. 1)


c. Governmental and Institutional Policies on Foreign Students: Analysis evaluation and Bibliography, Comparative Education Center at SUNY, in cooperation with NAFSA, Y. Lulat, Philip G. Attbach and David Kelly, 1986. (5.2.1. 3)


e. Letter (date ?)
   To: Rainer G. Gross Kraumbach, Legal Affairs Section, F.R.G. Armed Forces
   From: Maurice C. Inman, General Counsel INS
   Re: In-State Status for Non-Immigrant Alien Students of the NATO Forces in the U.S. (5.2.1. 5)


g. June 1987 Letter
   To: Dear Colleague
   From: U.S. Department of Education, Gen-87-26
   Re: Temporary Resident Alien Eligibility for Student Aid. (5.2.1. 7)

h. What Every University Counsel Needs to Know About United States Immigration Law, Pamphlet by John Lawit, Law Office of John Lawit, June 24, 1987. (5.2.1. 8)

i. "Update, Randall Case", Academe, pp. 83 84, March-April 1987. (5.2.1. 9)

j. "New Case Highlights", West's Education Law Reporter, Aug. 20. 1987. (Fed. courts uphold state university's policy requiring international students who are non-immigrant aliens to carry health insurance.) (5.2.1. 10)
k. Oct. 2, 1987 Memo
   To: Litigation Group
   From: A.I.L.A.
   Re: Update on Legalization Litigation. (5.2.1. 11)

l. Letter (date ?)
   To: Wayne G. McGrath, Arizona Community College Board
   From: Arizona Attorney General, Opinion No. 187-139
   Re: Undocumented Aliens are Not Precluded From
   Achieving Domicile in Arizona. (5.2.1. 12)

m. "Few Provisions in Tax Package Affect Higher
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   Feb. 1988. (5.2.1. 13)

n. "Amnesty Fee Waived for Tourist, Student Visa
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   9, 1988. (5.2.1. 14)

o. "Materials for Fiorello H. LaGuardia Community
   College", July 11, 1989. (Concerns the rules used in
   determining residency.) (5.2.1. 15)

p. "Foreign Students Find Abuses in Recruiting", NEW
   YORK TIMES, Deirdre Carmody, p. Y-23, August 23,
   1989. (5.2.1. 16)

q. A Door of Opportunity Closed - College Admission
   Different for Illegal Aliens, THE WASHINGTON POST,

r. "GAO found that Some Foreigners Who Came to U.S. on
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   Holding Those Visas", THE CHRONICLE OF HIGHER
   EDUCATION, March 14, 1990. (5.2.1. 18)

s. June 14, 1990 Presentation by the State University of
   New York, "Dealing with Confusion: Admission of
   Undocumented Aliens" (2 Copies) (5.2.1. 19)

t. July 26, 1990 Letter and Attachments
   To: Michael Olivas
   From: Bill O'Connell, LaGuardia Comm. College
   Re: Trends in Non-Citizen enrollment (5.2.1. 20)

u. "Higher Education and Immigration Law: Colleges as
   Educators", Michael Olivas, University Of Houston Law
   Center, (date ?). (5.2.1. 21)

v. "Immigration Issues" STUDENT SERVICES AND THE LAW,
   pp. 134-143, (date ?). (5.2.1. 22)

w. "Consider for Residency as U.S. Citizen" (Re: Visa
   Types) (5.2.1. 23)

y. Higher education residency article, no title, no author, no date. (5.2.1. 24 (a)).

z. Higher education residency article, no title, UCLA Bruin, no author, no date. (5.2.1. 24 (b)).

2. REGULATIONS/STATUTES

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b. INS, Student and School Regulations M-242, Rev. June 15, 1983. (5.2.2. 2)

c. California Attorney General Opinion, Re: Whether undocumented aliens may establish residence for tuition purposes in California's public institutions of higher education under Educ. Code §68062(h), June 1, 1984. (5.2.2. 2 (a)).

d. INS, Student And School Regulations M-242, Rev. April 1, 1985. (5.2.2. 3)

e. INS, Student and School Operation Instructions, May 24, 1985. (5.2.2. 4)

f. Faculty Member's Guide to U.S. Immigration Law, NAFSA, Eugene H. Smith and Marvin J. Baron, Rev. 1986. (5.2.2. 5)

g. "Non-Immigrant Classes; Change of Classification", Federal Register, Aug. 4, 1986. (5.2.2. 6)

h. "Non-Immigrant Classes: F-1 Academic Student, Dept. of Justice, INS", 8 CFR Part 214, INS No. 1015-97, Federal Register, Vol. 52, No. 77, April 22, 1987. (5.2.2. 7)

i. 8.04 Foreign Students and Exchange Visitors, Release, June 9, 1988. (5.2.2. 8)

j. INS Regulation No. 1047-88, "Control of Employment of Aliens", March 16, 1988. (5.2.2. 8 (a)).

k. H.R. 1777, Foreign Relations Authorization Act. (5.2.2. 9)
1. "F-1 Regulations: A Mixed Blessing for Foreign Students", Adam Green and Dyann Del Vecchio, (date ?). (5.2.2. 10)

m. Operation Instructions - Admission of Foreign Students (no indication of publication). (5.2.2. 11)

n. California Education Code §§ 68076 (Adult Alien), 68076.6 (Refugee Adult Aliens), 68062 (Determination of Place of Residence), 68074 (Exceptions to Residence Determination: Dependent of member of Armed Services), 68060 (Every Person has a Residence). (5.2.2. 11 (a)).

o. Title IV, General Provisions, § 484 (no other information available). (5.2.2. 11 (b)).

3. CASES/MEMOS

a. Blackwell College of Business v. Attorney General, 454 F.2d 928 (Ct. Appl. D.C.Cir., 1971). (Suit seeking to overturn the INS decision to withdraw the schools status as approved for attendance by non-immigrant students.) (5.2.3. 1)


c. Nyquist v. Mauclet, 432 U.S. 1 (1977) (holding that New York law barring certain resident aliens from state financial assistance for higher education violates the Equal Protection clause). (5.2.3. 2 (a)).

d. Tayyari v. New Mexico State University, 495 F.Supp 1365 (D.C.N.M., 1980). (Challenge to motion made by the N.M. State Bd. of Regents stating that any student home Govt. which holds or permits holding of U.S. hostages will be denied admission or readmission.) (5.2.3. 3)

e. Garcia v. Hayward, Case No. CIV-80-274, Order Re: Plaintiff and Defendant Class Certification, October 9, 1981. (5.2.3. 3 (a)).

f. Garcia v. Hayward, Case No. CIV-80-274, Defendant's Motion to Dismiss, December 10, 1981. (5.2.3. 3 (b)).

g. Garcia v. Hayward, Case No. CIV-80-274, Plaintiff's Memorandum of Points and Authorities in Response to Defendant's Motion to Dismiss, January 19, 1982. (5.2.3. 3 (c)).
h. Garcia v. Hayward, Case No. CIV-80-274, Plaintiff’s Supplemental Points and Authorities in Response to Defendant’s Motion to Dismiss, October 14, 1982. (5.2.3. 3 (d)).

i. Case Summary, Toll v. Moreno, 102 S.Ct. 2977 (1982), Education Law Digest, March 1983. (5.2.3. 3 (e)).

j. Letter from Ronald Vera of MALDEF to Art Agnos of the California Assembly, Re: proposed bill addressing how alien students are to be classified as domiciliaries of California (attached to letter is copy of bill), March 14, 1983. (5.2.3. 3 (f)).

k. Leticia "A" v. Board of Regents, No. 588982-4, Complaint for Declaratory and Injunctive Relief, August 20, 1984. (5.2.3. 3 (g)).

l. Leticia "A" v. Board of Regents, No. 588982-4, Memorandum in Support of Motion for T.R.O. and Preliminary Injunction, August 30, 1984. (5.2.3. 3 (h)).

m. Memo from Peter Roos to Leticia "A" Evidence File, Re: Preliminary Thoughts About Trial Proof, October 4, 1984. (5.2.3. 3 (i)).

n. Memo from Sabrina Moss to Michael Olivas, Re: Undocumented Aliens and In-State Tuition, February 18, 1985. (5.2.3. 3 (j)).

o. Leticia "A" v. Board of Regents, No. 588982-4, Statement of Decisions, April 3, 1985. (5.2.3. 3 (k)).

p. Leticia "A" v. Board of Regents, No. 588982-4, Plaintiff’s Post-Trial Memorandum, March 1985. (5.2.3. 3 (l)).

q. Leticia "A" v. Board of Regents, No. 588982-4, Objections to Statement of Decision, June 19, 1985. (5.2.3. 3 (m)).


s. Alarcon v. Board of Trustees, No. 87CH02858, Verified Class Action Complaint for Declaratory and Injunctive Relief, March 1987. (5.2.3. 4 (a)).

t. "AILA, Litigation Update - Oct. 2, 1987" (5.2.3. 7)

u. Letter from Lindy Johnson, Tulane Law Clinic to Michael Olivas thanking him for help, November 20, 1987. (5.2.3. 7 (a)).
v. Alarcon et. al. v. Board of Trustees of the University of Illinois, Circuit Court of Cook County, Chancery District, No. 87-CH-02858. (Suit challenging the Univ.'s admission policy of not granting residency to non-citizens.) (5.2.3. 5)

w. Judith "A" and Raul "C" v. Arizona Board of Regents, et. al., Superior Court of Arizona, Maricopa County, No. CV-87-21579. (Suit alleging discrimination in not allowing undocumented aliens to acquire domicile.) (5.2.3. 6)

x. Center for Southeast Asian Refugee Resettlement, et. al. v. Dumble, et. al., California Superior Court City and County of San Francisco, Dept. No. 3. No. 784-448. (Challenge to statute which imposes longer period of residency on refugees.) (5.2.3. 8)

y. Bradford v. State of California, Case No. C607748, Superior Court of the State of California, Plaintiff's Cross Motion for Summary Judgement and Adjudication, Motion for Peremptory Writ of Mandate. (2 Copies) (5.2.3. 9)

C. HIGHER EDUCATION TUITION

1. ARTICLES


c. Policy and Practice in the Administration of Foreign Student Finances (Guideline Series 7), NAFSA, Julie Kyllonen Rose, Fall 1983. (5.3.1. 2)

d. "Law Quirk May Open School Aid to Some Illegals", Los Angeles Times, p. 1, David G. Savage, December 1, 1983. (5.3.1. 2 (a)).

e. "California Law Gives Aliens Lower College Costs", New York Times, no page number, Judith Cummings, December 6, 1983. (5.3.1. 2 (b)).

f. Attorney General Opinion (an assignment in Professor Olivas' Higher Education Law course), Mark S. Rosteet, December 7, 1984. (5.3.1. 2 (c)).
g. "Study Hails Effect of Mexicans on California", New York Times, p. 10, Judith Cummings, December 10, 1985. (5.3.1. 2 (d)).


i. Summary of Vega v. La Feria ISD, Dkt. No. 163-R5-785 (Comm'r Educ. June 6, 1986) (holding that the school board's finding that a student resided in the district for the sole purpose of attending school was a reasonable conclusion and thus a denial of tuition-free attendance was proper), publication and date unknown. (5.3.1. 3 (a)).


k. "Clarification" of article on immigration bill, The Chronicle of Higher Education, vol. 33, no. 11, p. 3, November 12, 1986. (5.3.1. 3 (c)).

l. "Should Undocumented Aliens be Eligible for Resident Tuition Status at State Universities?", San Diego Law Review, vol. 23, p. 467, Nancy J. Brinkac, 1986. (5.3.1. 3 (d)).

m. "Congressional Record - House H-8029", pp. 8029-8040, Sept. 22, 1986. (5.3.1. 4)


o. "Teens Sue College to Block Charging Aliens Out-Of-State Fees", The Houston Chronicle, March 26, 1987. (5.3.1. 6)

p. "Texas Leader Helps Colleges", The Chronicle of Higher Education, p.20, April 8, 1987. (5.3.1. 6 (a)).


u. October 6, 1987 Letter
To: Senator Richard Kraus
From: James M. Shannon, Attorney General
Re: Offer of Support for Senate Bill No. 2032 Re: Tuition Problems in Higher Education concerning Foreign Students. (5.3.1. 10)


z. "Nonimmigrant Categories and Procedures", Law and Business Journal, §2.4(Student and Exchange Visitor Categories) and § 5.03 (Tuition as a Funding Source), 1988 revision. (5.3.1. 15)

aa. March 10, 1988 Letter
To: Bill Moran, U.S. Dept. of Education
From: Al Wilson, Calif. Community Colleges
Re: Asking INS to investigate the issue of aliens getting student aid. (5.3.1. 16)

ab. April 13, 1988 Letter
To: Terry O'Reilly, Deput. Assist. Commissioner for Legalization INS
From: William Moran, Dept. of Education
Re: Whether persons coming under amnesty will hurt their chances of legalization for they receive financial aid. (5.3.1. 17)

ac. April 26, 1988 Letter
To: Jose Referente
From: K. Schlenker, Georgetown University
Re: Retraction of Financial Aid due to lack of Citizenship Documents. (5.3.1. 18)
ad. May 6, 1988 Letter
To: Terry O’Reilly
From: Professor Olivas
Re: Assoc. Comm. Norton’s Sept. 23, 1987 memo concerning educational benefits received by aliens who came under amnesty. (5.3.1. 19)

ae. May 11, 1988 Letter
To: Judge Stanley Sporkin
From: Professor Olivas
Re: Ayuda v. Meese, fact that the INS is fighting Congressional intent to allow TRS aliens to receive college aid. (5.3.1. 20)

af. May 18, 1988 Letter
To: Professor Olivas
From: Terry O’Reilly, U.S. Dept. of Justice
Re: Response to May 6, 1988 letter. (5.3.1. 21)


ah. "ED Rejects Costly Immigration Plan, Will Develop Own", (publication not indicated), p. 12, June 1988. (5.3.1. 23)


ak. June 14, 1988 Letter
From: Susan E. Brown, MALDEF
Re: MALDEF’s concern over INS’s position on the receipt of Title VI assistance by resident aliens under IRCA. (5.3.1. 26)

al. "INS Backs Down on Immigration Policy for Aliens Accepting Student Aid", Education Daily, p. 4, June 6, 1988. (5.3.1. 27)

an. June 28, 1988 Letter
To: Professor Olivas
From: Terry O'Reilly, Deput. Assist. Comm. INS
Re: Response to Professor Olivas' letter disagreeing with INS' position on aliens getting student financial aid. (5.3.1. 29)

ao. June 28, 1988 Letter
To: Terry O'Reilly
From: Professor Olivas
Re: Urging the INS to advertise it's new interpretation on the question of student aid to resident aliens under IRCA as widely as possible. (5.3.1. 30)

ap. July 1988 Letter
To: Dear Colleague, GEN-88-24
From: U.S. Dept. of Education
Re: To let the public know that amnesty applicants are applicable for Federal student financial aid. (5.3.1. 31)

aq. Aug. 1988 Letter
To: Dear Colleague GEN-88-29
From: U.S. Dept. of Education
e. Documenting non-citizen eligibility for federal student assistance. (5.3.1. 32)


as. "Massachusetts Repeals Higher Tuition Fee For Foreign Students", NACUBO Business Officer, p. 14, Sept. 1988. (5.3.1. 34)

at. "E.D. Clarifies Policy on Student Aid for Amnesty Applicants", NACUBO Business Officer, p. 13, Sept. 1988. (5.3.1. 35)

au. "Refugee Program Rules Bar Aid to Districts with Fewer than 20 Eligible pupils", Education Daily, Dec.30, 1988. (5.3.1. 36)


aw. "NAS-48, Here is the NASFAA Hotline for June 28, 1989 on the Postsecondary Education Network" (Re: INS and Pell Grant Data Bases). (5.3.1. 38)


ba. CUNY Lowers Tuition For Immigrant Students, Houston Chronicle, p. 3A, Aug. 16, 1989. (5.3.1. 42)

bb. NYC College Offers Resident Tuition to Undocumented Aliens, Interpreter Releases, pp. 994-995, Vol. 66, No. 34, Sept. 1, 1989. (5.3.1. 43)


bf. "Tax Treatment of Scholarships to Non-Resident Aliens", (no indication of publication or date). (5.3.1. 46)

bg. "New Case Highlights - Fraud", p. 9, (No indication of Publication). (5.3.1. 47)


2. REGULATIONS/STATUTES


c. Arizona Attorney General Opinion, Re: whether an illegal alien can achieve domiciel status for tuition purposes, November 4, 1987. (5.3.2. 1 (a)).

d. Legal Opinion (Memorandum) Re: Impact of Receipt of Educational Assistance by Temporary resident on Admissibility Under § 212.5 (a)(15), June 10, 1988.(2 copies) (5.3.2. 2)
3. CASES

a. *Wong v. Board of Trustees*, 125 Cal. Rptr 841 (C a l. App. 1975) (claim by resident alien that she was denied a constitutional right by being compelled to pay tuition at a state college). (5.3.3. 0)


c. *Toll v. Moreno*, 441 U.S. 458 (1979). (5.3.3. 1 (a)).

d. *Toll v. Moreno*, 102 S.Ct. 2977 (1982). (5.3.3. 1 (b)).

e. *Center for Southeast Asian Refugee Resettlement v. Dumke*, No. 784-448, Notice of Decision Granting Motion for Summary Judgment, September, 15, 1982. (5.3.3. 1 (c)).


g. *Gutierrez v. Hayward*, No. S-800274-EJG, Stipulation for Dismissal of Action and Decertification of Defendant Class, September 17, 1987. (5.3.3. 2 (a)).

h. *Judith "A" v. Arizona Board of Regents*, No. CV 87-21579, Stipulation for Entry of Judgment Against Maricopa Community College District Board and Dr. Paul Ellsner, October 29, 1987. (5.3.3. 2 (b)).

i. *Judith "A" v. Arizona Board of Regents*, No. CV 87-21579, Stipulation, November 23, 1987. (5.3.3. 2 (c)).
j. Recent Litigation in Education/Immigration (one page list of various cases). (5.3.3. 3).