

# The New York DREAM Act: Creating Economic Opportunities for NY State

Report prepared by the New York State Youth Leadership Council and NYU Law School's Immigrant Rights Clinic



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The views represented herein do not necessarily represent the views of New York University.

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## EXECUTIVE SUMMARY

New York has a moral, legal, and fiscal obligation to provide equal access to higher education to all of its youth. Undocumented youth, many of whom have spent the vast majority of their life in this country, have been educated in New York's public schools and have grown up alongside their U.S. born peers. Regardless of barriers created by their status, these youth have contributed to America's society and economy in much the same ways as their peers. Yet their potential for even greater contributions is being stifled by the state's unequal provision of tuition assistance. New York's potential is being stifled as well, and increasing access to higher education would create an immense payoff for the State.

This report examines the economic and social benefits of investing in higher education for undocumented youth through the New York DREAM Act ('NYDA'), which would provide that all New Yorkers, regardless of status, have access to tuition assistance and other state grants and scholarships to attend colleges and graduate programs in New York State. Our findings indicate that providing tuition assistance to undocumented youth would undoubtedly yield a positive return on investment for the community as a whole.

### **Higher education has long-term payoffs not just for the individual, but for the State overall.**

Part I of this report discusses the gap in access to higher education experienced by undocumented youth and the economic and social benefits of investing in higher education for the State's population generally. Increasing access to higher education helps ensure higher high school graduation rates and college enrollment for undocumented youth. Data clearly indicates that individuals with degrees in higher education have greater lifetime earnings than individuals who have only graduated from high school. This results in increased revenue for the state through greater tax revenues and decreased spending on public assistance programs. Furthermore, a more educated population will contribute to increased job creation and innovation overall.

There are also significant social benefits that accompany investing in tuition assistance for undocumented youth. Increased education rates correspond with decreased crime rates. The benefits of this trend are clear. Education leads to a safer society and decreased spending on incarceration. By giving undocumented youth greater access to higher education, students will have more incentive to work hard in high school and graduate, and less likely to become involved in crime.

Not only will increasing the higher education of the populace be beneficial to the state, it will also be necessary. The number of jobs that require higher education continues to grow, and it is important for the state to invest in the education of its youth to meet these demands.



**The economic argument for investing in higher education generally applies to undocumented youth with the same force.**

Part II examines the potential impact of extending state-funded financial aid to the population of undocumented youth in New York State specifically. Despite the fact that not all undocumented youth have legal work authorization, a degree in higher education will still yield the same benefits for the economy. There are currently many paths to obtaining work authorization that will allow undocumented youth in New York to work legally after college. For example, Deferred Action for Childhood Arrivals has already conferred work authorization on a large number of the youth that would benefit from the New York DREAM Act. Other longstanding paths to legal permanent resident status, such as family sponsorship, will impact the legal status of many undocumented youth. Additionally, new paths to legal work authorization are on the horizon as the federal government works toward Comprehensive Immigration Reform (“CIR”). Finally, even those who remain without work authorization continue to contribute to the economy.

**Other states have passed legislation fulfilling their obligation to provide equal access to higher education to undocumented youth.**

Part III discusses the comparable legislation that has already been passed in other states. To date, three states have already passed legislation providing state funded tuition assistance to undocumented youth. These three states, California, Texas, and New Mexico, have carefully considered the payoffs of investing in higher education for undocumented youth and found it to be a positive return on investment and a wise policy choice. While it is too soon to see the long-term economic gains realized in each of these states, their policy decisions provide guidance. Moreover, in practice each state has found that the money spent on tuition for undocumented students is a very small percent of the total budget for state funded tuition assistance.

## **I. INVESTING IN THE DREAM: THE IMPORTANCE OF COLLEGE OPPORTUNITIES FOR UNDOCUMENTED YOUTH**

Increased access to higher education improves an individual's quality of life, generates revenue for States, and decreases spending on social support programs such as unemployment and food stamps.<sup>1</sup> In an increasingly competitive global economy, higher education affords individuals with the toolkit necessary to drive innovation, a phenomenon that, in the aggregate, ensures job creation and prosperity. Historically, New York State has proven its ability to remain at the forefront of global competition, grasping new realities and adapting to new trends, and it can remain so by affording all students the ability to pursue postsecondary education.

This section of the report examines the economic benefits of providing tuition assistance and other educational benefits to New Yorkers. Part I(A) discusses the estimated economic gains the State receives from investing in postsecondary education for its population generally. Part I(B) describes the need for postsecondary education in order for the State's population to meet the demands of the job market of the future. Examining the payoff of investing in higher education for New Yorkers generally is necessary to understand the payoff of investing in higher education for undocumented youth.

### **A. The College Wage Premium**

Undocumented students graduate from high school and attend institutes of higher education at much lower rates than U.S. born residents. Overall, 40% of undocumented youth between 18 and 24 do not complete high school.<sup>2</sup> By contrast, the average high school graduation rate nationwide is 75%.<sup>3</sup> Of those who graduate from high school, only 49% of undocumented high school graduates enroll in college, compared to 76% of immigrants with lawful status and 71% of U.S. born residents.<sup>4</sup>

The gap is explained in large part due to the affordability of college. Data shows that increasing access to financial assistance for higher education for undocumented youth will increase high school graduation rates and college attendance. This has been observed in states

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<sup>1</sup> Jennifer Ma, Kathleen Payea, and Sandy Baum, *Education Pays 2010: The Benefits of Higher Education for Individuals and Society*, COLLEGE BOARD ADVOCACY AND POLICY CENTER 10 (2010).

<sup>2</sup> Roberto G. Gonzales, *Learning to Be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood*, AMERICAN SOCIOLOGICAL REVIEW 611 (2011), available at <http://www.asanet.org/images/journals/docs/pdf/asr/Aug11ASRFeature.pdf>.

<sup>3</sup> *Building a Grad Nation: Progress and Challenge in Ending the High School Dropout Epidemic*, EVERYONE GRADUATES CENTER, JOHNS HOPKINS UNIVERSITY (2011), available at <http://new.every1graduates.org/wp-content/uploads/2012/03/BuildingAGradNation2012-WebVersion-Final-031712.pdf>.

<sup>4</sup> See D'Vera Cohn and Jeffrey S. Passel, *A Portrait of Unauthorized Immigrants in the United States*, PEW HISPANIC CENTER 12 (2009), available at <http://www.pewhispanic.org/files/reports/107.pdf>.



that have increased access by allowing in-state tuition for undocumented students. One study found that states that have implemented in-state tuition laws have seen a 14% decrease in dropout rates among undocumented students,<sup>5</sup> and a 31% increase in college enrollment.<sup>6</sup> Increasing access to higher education by providing in-state tuition and tuition assistance helps counteract the decreased motivation and discouragement undocumented students experience when they realize that their legal status will effectively bar them from attending college.<sup>7</sup>

What does this mean for New York State? Data shows that removing barriers to higher education produces significant economic and social benefits to the state. Higher earning power translates into increased economic activity and tax revenues for the state, and reductions in crime, reliance of public assistance, and positive intergenerational effects. These benefits are discussed in greater detail below.

## **1. Economic Benefits**

The net value of the college wage premium produces higher earnings for individuals and greater tax revenue for municipalities, states, and the federal government. According to the Fiscal Policy Institute, the maximum cost to New York State TAP for an individual pursuing a 4-year degree is \$5,000 per year, or a total of \$20,000.<sup>8</sup> In 2012, that college-educated individual's estimated income was 61,000 per year.<sup>9</sup> By contrast, an individual with a high school diploma could be expected to earn \$36,000 per year.<sup>10</sup> Thus, college graduates earn an estimated \$25,000 more per year than their high school graduate counterparts in New York State. These college graduates pay about \$3,900 more per year in state and local taxes.<sup>11</sup> For those pursuing 2-year degrees, the maximum cost to TAP is \$4,000 per year, or a total investment of \$8,000.<sup>12</sup> An individual with a 2-year degree in 2012 made an estimated \$10,000 more per year than their high school counterpart (\$46,000), and paid an estimated \$1,000 more per year in state and local taxes.

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<sup>5</sup> Stephanie Potochnick, *How States Can Reduce the Dropout Rate for Undocumented Immigrant Youth: The Effects of In-State Resident Tuition Policies* (2011), available at <http://paa2011.princeton.edu/papers/110491>. See also *The Effects of In-State Tuition for Non-Citizens: A Systematic Review of the Evidence*, Latino Policy Institute, 14 (2011).

<sup>6</sup> *Id.*

<sup>7</sup> See Potochnick, *supra* note 5, at 3.

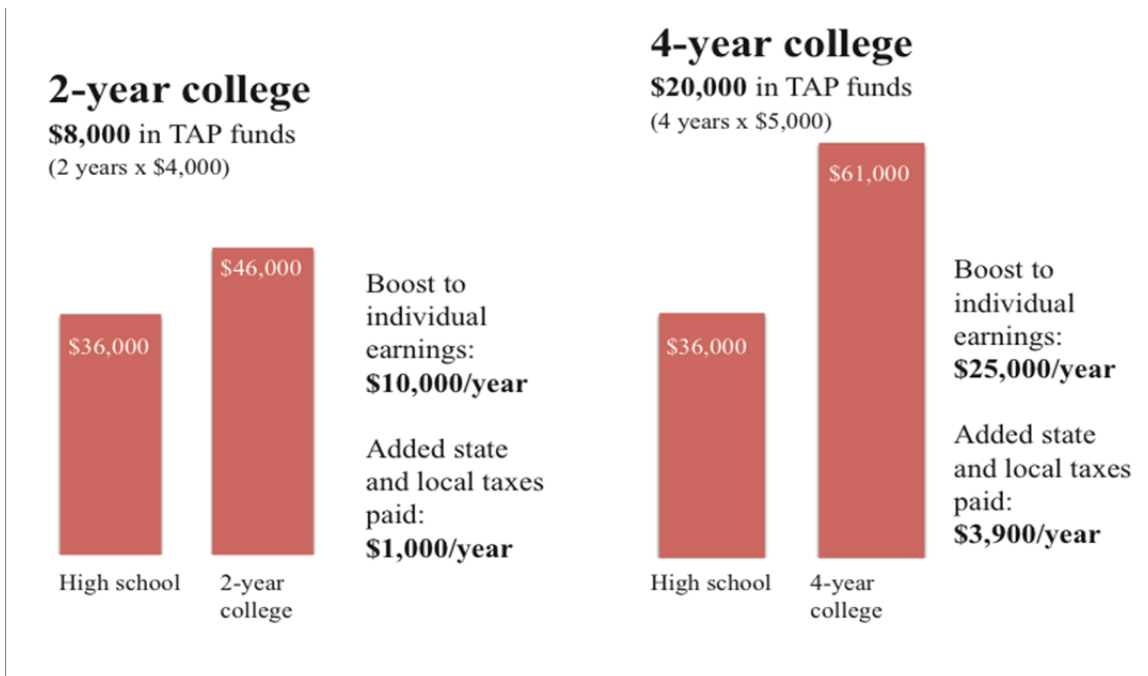
<sup>8</sup> *The New York State DREAM Legislation: A Strong Return on Investment*, FISCAL POLICY INSTITUTE (Feb. 2013), available at <http://fiscalpolicy.org/wp-content/uploads/2013/02/NYS-DREAM-legislation-ROI.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*



*The New York State DREAM Legislation: A Strong Return on Investment*, FISCAL POLICY INSTITUTE, 1 (Feb. 2013) available at <http://fiscalpolicy.org/wp-content/uploads/2013/02/NYS-DREAM-legislation-ROI.pdf>.

The labor force participation rate among college-educated individuals demonstrates the added value of postsecondary education and training. Men with a bachelor's degree or higher participated in the labor force at 82%, as compared to 72% for men with a high school diploma.<sup>13</sup> Women with a bachelor's degree or higher participated in the labor force at 73%, as compared to 53% for women with a high school diploma.<sup>14</sup> College graduates are also more able to weather economic downturn. Pew Charitable Trusts published an employment study, looking at individuals working full- or part-time between the ages of 21 and 24 in the two and a half years before the recession of 2007–2009, during the recession, and in the two and a half years afterwards. Their research indicates that, while high school graduates experienced a drop in employment from 55% to 47%, those with a bachelor's degree experienced a lesser drop from 69% to 65%.<sup>15</sup> Individuals with bachelor's degrees are also less likely to be reliant on social support programs and more likely to be offered employer-sponsored pension plans.<sup>16</sup> While one might assume that undocumented youth may not experience the same results due to their inability to participate fully in the labor market, recent changes in law (discussed in Part II) indicate that a large percentage of undocumented youth will be able to take advantage of these employment gains.

<sup>13</sup> See Ma, Payea, and Baum, *supra* note 1, at 18.

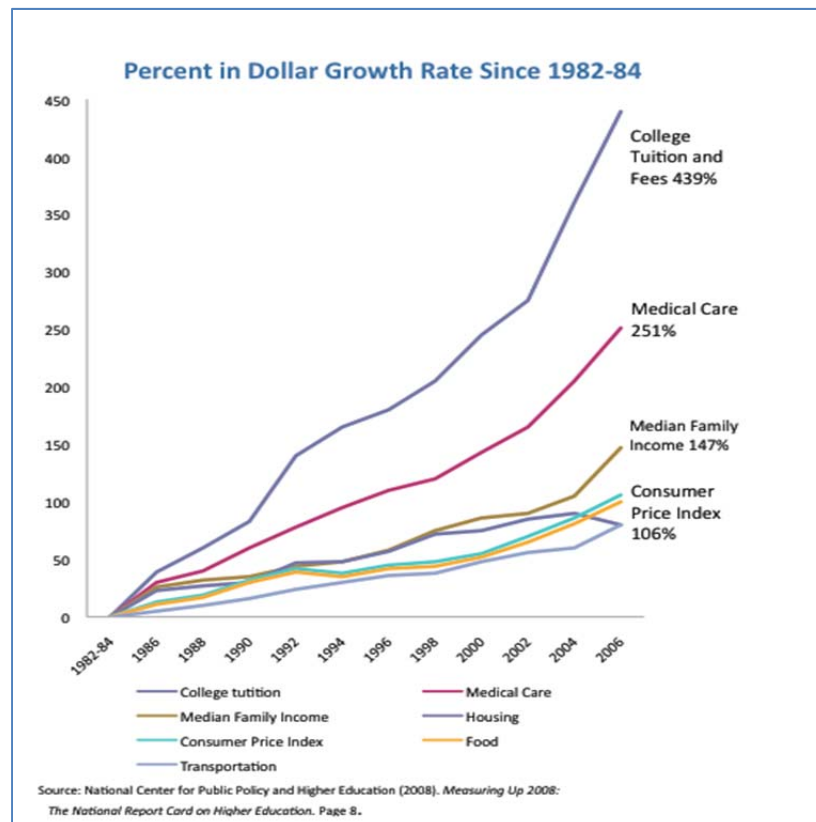
<sup>14</sup> See *id.*

<sup>15</sup> Richard Pérez Peña, *Benefits of College Degree in Recession are Outlined*, N.Y. TIMES, (January 9, 2013), <http://www.nytimes.com/2013/01/10/education/study-shows-college-degrees-value-during-economic-downturn.html>.

<sup>16</sup> See Ma, Payea, and Baum, *supra* note 1, at 23.



Despite the benefit of post-secondary certification for the individual, as well as the state and federal government, the “sticker price” of public college tuition and fees has outpaced the rate of inflation by 400%.<sup>17</sup> For example, in 2011, the City University of New York (CUNY) Board of Trustees announced its decision to raise tuition by 31.5% over five years. By the 2015–16 academic year, undergraduate students will pay \$6,330 per annum in tuition, with an estimated \$500 in fees.<sup>18</sup> Undergraduate students cite increases in tuition as a major factor in non-completion. This rate of increase highlights the need to decrease financial barriers to higher education for New York’s youth.



<sup>17</sup> *College Completion Tool Kit*, UNITED STATES DEPARTMENT OF EDUCATION 15 (2011), available at [http://www.whitehouse.gov/sites/default/files/college\\_completion\\_tool\\_kit.pdf](http://www.whitehouse.gov/sites/default/files/college_completion_tool_kit.pdf).

<sup>18</sup> Tyler Kingkade, *State Budget Cuts Drive Up Tuition at Public Universities: New York Federal Reserve Reports*, HUFFINGTON POST (Sept. 2012), [http://www.huffingtonpost.com/2012/09/25/state-budget-cuts-drive-tuition-hikes\\_n\\_1911044.html#slide=1056934](http://www.huffingtonpost.com/2012/09/25/state-budget-cuts-drive-tuition-hikes_n_1911044.html#slide=1056934).

### *From Math Student to Mathematician*

I am an undocumented student who is graduating soon with a Bachelor's degree in Mathematics. I have previously earned my Associates degree in Mathematics. When I received my Associates degree I took the bold and scary decision to quit my job as an office assistant. Although quitting a job may seem like an easy task for some, it was scary for me because I am undocumented and as such it is much harder to find a decent job. Nevertheless I quit my job and started sending my résumé to various places that needed mathematicians. Upon receiving a call back, I went for an interview. A few minutes into the interview the boss said, "I called you back because I saw you had your Associates degree in Mathematics." I was a bit stunned -- it was the first time I realized that college really made a difference in your résumé. I am happy to say that the person who interviewed me is now my boss.

## **2. Social Benefits**

As noted above, increased access to financial assistance for higher education reduces high school dropout rates and increases college enrollment rates. In addition to direct economic benefits, this creates positive social benefits overall. For example, a direct correlation exists between high school graduation rates and crime rates. Research has shown that students who drop out of high school are 3.5 times more likely than high school graduates to be arrested, and more than 8 times as likely to be incarcerated.<sup>19</sup> The benefits of decreased crime rates are not only a safer society, but also an economic payoff in the form of decreased spending on incarceration. One study comparing high school dropouts with high school graduates found that the average high school dropout is associated with costs to the economy of approximately \$240,000 over his or her lifetime in terms of lower tax contributions, higher reliance on Medicaid and Medicare, higher rates of criminal activity, and higher reliance on welfare.<sup>20</sup> While this figure may not be as high for the undocumented population, due to their limited access to public assistance programs, undocumented immigrants do receive some public assistance. For example, Medicaid covers emergency medical treatment even for undocumented individuals.<sup>21</sup>

<sup>19</sup> Bill Christeson, Brian Lee, David Kass, Soren Messner-Zidell, Stephanie Schaefer, *School or the Streets: Crime and America's Dropout Crisis*, FIGHT CRIME: INVEST IN KIDS (2008), available at <http://www.fightcrime.org/wp-content/uploads/sites/default/files/reports/National%20BTS%20Report.pdf>.

<sup>20</sup> Chris Chapman, Jennifer Laird, and Angelina Kewal Ramani, *Trends in High School Dropout and Completion Rates in the United States: 1972–2008*, NATIONAL CENTER FOR EDUCATION STATISTICS (2010), available at <http://nces.ed.gov/pubs2011/2011012.pdf>.

<sup>21</sup> See Michael K. Gusmano, *Undocumented Immigrants in the United States: Use of Healthcare*, THE HASTINGS CENTER (2012), available at <http://www.undocumentedpatients.org/issuebrief/health-care-use/>.



The social benefits associated with college access are intergenerational. Studies show that the educational attainment of parents is linked to the academic success of their children. Children whose parents pursued postsecondary higher education are much more likely themselves to enter postsecondary institutions.<sup>22</sup> This phenomenon can be attributed to two advantages that parents with postsecondary degrees possess: (1) more time, money and influence to invest in their children's academic success, and (2) a head start in pursuing a college education, beginning at pre-school and kindergarten.<sup>23</sup>

### *A Teacher's Story*

I teach math at a high achieving high school in one of the most depressed areas of New York city. A significant percentage of our population is undocumented, and that fact becomes especially noticeable by junior and senior year, when students start applying for college. One student in particular that comes to mind is Jalissa.\* As one of my brightest and most dedicated students, she's one of those students that you're excited to see where her future takes her. One day I asked her, where do you want to go to college? And she replied simply, "I'm not." I understood what she was telling me, and I felt heartbroken.

By the start of her senior year, it was like I was watching her withering away. She felt like there was no reason to keep working so hard at everything she does if she didn't even have the option of going to college. By spring of her senior year, it was even worse. I felt like I was watching her deteriorate before my eyes as she watched her friends' college acceptances come in. Sometimes she would just put her head down on her desk for the entire class. It changed her completely. I see this resignation in a lot of my students, who feel like there's no point in trying since college is not a realistic option for them. One student told me, "What's the point? I'm just going to end up folding clothes in the laundromat like my mom." I wish there was another option. These are incredible kids. It is crazy to me that they are simply unable to realize their potential just because of their status.

\*Names have been changed.

Given, the importance of a postsecondary education for future generations of American youth, affording undocumented immigrants equitable access to public universities and colleges is increasingly important. The Pew Hispanic Center reported that the vast majority of children of undocumented immigrants, 73%, are United States citizens, having been born in the country.<sup>24</sup> These American children will have greater opportunities for academic success and social mobility if they come from households where parents had access to postsecondary education. They will also be better positioned for professional careers that generate higher incomes for individuals and higher revenues for the state and

<sup>22</sup> See Sandy Baum and Stella M. Flores, *Higher Education and Children in Immigrant Families*, THE FUTURE OF CHILDREN 174 (Spring 2011), available at [http://futureofchildren.org/futureofchildren/publications/docs/21\\_01\\_08.pdf](http://futureofchildren.org/futureofchildren/publications/docs/21_01_08.pdf).

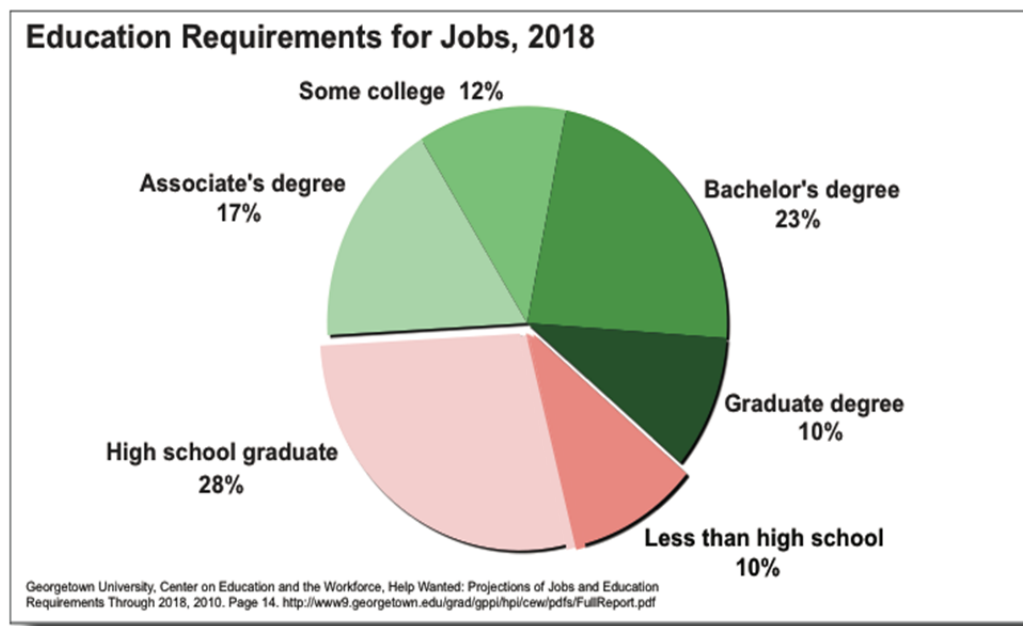
<sup>23</sup> See Robert Haveman and Timothy Smeeding, *The Role of Higher Education in Social Mobility*, THE FUTURE OF CHILDREN 4 (Spring 2006), available at [http://cew.wisc.edu/docs/Prof\\_Haveman\\_Lit.pdf](http://cew.wisc.edu/docs/Prof_Haveman_Lit.pdf).

<sup>24</sup> See D'Vera Cohn and Jeffrey S. Passel, *A Portrait of Unauthorized Immigrants in the United States*, PEW HISPANIC CENTER ii (2009), available at <http://www.pewhispanic.org/files/reports/107.pdf>.

federal governments.

## **B. The Jobs of the Future Require Postsecondary Education and Training**

According to projections by the Center on Education and the Workforce at Georgetown University, by 2018, 62% of all new jobs will require a postsecondary certificate of some kind.



In New York State particularly:

- Between 2008 and 2018, 359,000 new jobs will be created for individuals with postsecondary education or training, as compared with 137,000 for high school graduates and dropouts;
- Between 2008 and 2018, New York will create 2.8 million new jobs through vacancies and retirement;
- Between 2008 and 2018, 1.8 million of these new jobs will be available to those with postsecondary education or training, 750,000 available to high school graduates, and 287,000 available to high school dropouts.<sup>25</sup>

These figures are indicative of the need to encourage enrollment in postsecondary institutions to ensure that our workforce is equipped to meet industry demands. Additionally, it is increasingly essential to encourage populations of youth who are historically underrepresented in postsecondary institutions to pursue higher education. Their preparation for the jobs of the future

<sup>25</sup> Anthony P. Carnevale, Jeff Strohl, and Nicole Smith, *Help Wanted: Projections of Jobs and Education Requirements through 2018*, THE GEORGETOWN UNIVERSITY CENTER ON EDUCATION AND THE WORKFORCE 75–76 (2010), available at <http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/FullReport.pdf>.



will help increase social mobility and reduce income- and wealth-related disparities in college attendance and graduation that have implications for the economic growth of both the state and the nation.

## **II. THE NEW YORK STATE DREAM ACT: MEASURING THE ECONOMIC GAINS**

This section of the report applies the findings from Part I to the State's undocumented population. It does so by estimating the number of potential beneficiaries of the New York DREAM Act, and then providing estimates of how many of these beneficiaries are likely to obtain legal work authorization and thereby realize the payoffs of their postsecondary degrees.

While being unable to work legally undoubtedly creates an impediment to achieving all of the benefits described in the previous section, there is a high likelihood that a large portion of the beneficiaries of the New York DREAM Act will in fact be eligible for work authorization through at least one of several routes. For example, Deferred Action for Childhood Arrivals and adjustment of status through family sponsorship will affect a large number of NYDA beneficiaries. Comprehensive Immigration Reform is likely to create even more paths to work authorization in the near future. Even those who remain without work authorization will create economic payoffs for the State.

### **A. Determining the Return on Investment for Providing Tuition Assistance for Undocumented Youth.**

The New York DREAM Act would open the door to higher education for a large group of individuals. Many of these are students who have excelled in New York's public schools, and have a dream of continuing their education at an institute of higher learning. The Fiscal Policy Institute estimates that there are about 3,627 undocumented individuals that graduate from high school each year in New York.<sup>26</sup> Additionally, there are an estimated 5,469 undocumented students already enrolled in 2 year or 4 year colleges in New York who could benefit from New York State's Tuition Assistance Program ("TAP") as they continue to pursue their degrees.<sup>27</sup> Thousands more have graduated from high school in previous years but not yet pursued a degree. An estimated 41,900 undocumented New Yorkers between the age of 18 and 35, who came to this country before the age of 15, have a high school diploma but no college degree.<sup>28</sup> Together,

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<sup>26</sup> *The New York State DREAM Act: A Preliminary Estimate of Costs and Benefits*, FISCAL POLICY INSTITUTE (2012), available at <http://www.fiscalpolicy.org/FPI-CostBenefitAnalysis-NYS-DREAM-Act-20120309.pdf>.

<sup>27</sup> *Id.*

<sup>28</sup> Jeanne Batalova and Margie McHugh, *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries*, MIGRATION POLICY INSTITUTE 5 (2010), available at <http://www.migrationpolicy.org/pubs/dream-insight-july2010.pdf>.

these nearly 51,000 individuals represent a low estimate of the eligible population.<sup>29</sup> These thousands of potential NYDA beneficiaries could yield great benefits for the State.

Previous studies have been unable to assess whether the general return on investment stemming from post-secondary education holds true for the undocumented population, due to their lack of access to the full labor market. However, recent changes to the law and longstanding trends have dramatically increased the percentage of undocumented youth who are or will become eligible for work authorization. The data reflecting the economic impact of college graduates in general is therefore applicable to this subset of undocumented college graduates in particular.

### **1. Deferred Action for Childhood Arrivals has greatly increased the number of undocumented individuals who can work legally.**

The number of individuals in this subset of the population who lack work authorization is decreasing. Since the implementation of Deferred Action for Childhood Arrivals (DACA) by the Obama Administration on August 15, 2012,<sup>30</sup> individuals, largely those who would benefit from tuition assistance, have been able to enter the workforce on equal legal footing with their documented peers. For such individuals, there is no impediment to working or obtaining jobs on par with their degree earned, and data for college graduates should generally apply to them with undiminished force.

In New York, recent estimates show that there are currently 80,000 individuals currently eligible for DACA, and 30,000 more individuals who will become eligible once they reach the age of eligibility, 15 years.<sup>31</sup> The number of individuals who have applied for and received DACA has exceeded expectations. To date (as of February 14, 2013), USCIS has received 438,372 DACA applications and accepted 423,634 of those. In New York in particular, 24,585 youth have received DACA.<sup>32</sup> That means 24,585 out of the 80,000 currently eligible youth in New York have received DACA so far, or 31% of those currently eligible. Additional eligible

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<sup>29</sup> The number would arguably be higher, since the 41,900 figure refers only to individuals who are between the ages of 18 and 35 and entered the U.S. before the age of 15. Individuals who graduated from high school in New York State but who came after the age of 15 or who are older than 35 may also seek the benefits of NYDA, assuming they meet other requirements.

<sup>30</sup> *Deferred Action for Childhood Arrivals: Who Can Be Considered?*, DEPARTMENT OF HOMELAND SECURITY, available at <http://www.dhs.gov/blog/2012/08/15/deferred-action-childhood-arrivals-who-can-be-considered>

<sup>31</sup> Jeanne Batalova and Michelle Mittelstadt, *Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Policy*, MIGRATION POLICY INSTITUTE 4 (2012), available at [http://www.migrationpolicy.org/pubs/fs24\\_deferredaction.pdf](http://www.migrationpolicy.org/pubs/fs24_deferredaction.pdf).

<sup>32</sup> *Deferred Action for Childhood Arrivals Process*, USCIS OFFICE OF PERFORMANCE AND QUALITY (OPQ), available at <http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA2-15-13.pdf>.

youth are awaiting pending DACA applications. In the first half of February, USCIS continued to receive an average of 93 New York DACA applications per day.<sup>33</sup> Assuming the acceptance rate of applications remains consistent, that would mean an additional 2,508 DACA recipients out of those who are applying this month.

There is undoubtedly a large overlap between individuals who will be eligible for NYDA and those who are eligible for DACA. Any New York undocumented college or graduate student would by definition meet the educational requirements for DACA. The main eligibility barrier would therefore be age, particularly the requirement of entry into the U.S. prior to the age of 16. Given that many undocumented youth currently enrolled in New York high schools first came to the U.S. at very young ages, it is likely that a significant percentage of youth who would be eligible for educational assistance under the New York DREAM Act would also be eligible for work authorization through DACA. Even assuming only 50% of college-bound undocumented youth are eligible for DACA, that still means thousands of New Yorkers who would be authorized to work and can reap the full benefits of a college education in the workforce.

### *A College Degree Put to Good Use*

My college degree was an amazing achievement for my family and me. My parents sacrificed many things, including being with their families, their networks, and their careers to come to the United States and give my brother and me better opportunities. The rest of world sees the United States as the land of freedom and opportunity – a place where if you work hard, you will succeed; that was my motivation to do well at school.

Upon graduation, I was lucky to find an employer who saw my potential and skills and was willing to give me a chance. I started as an entry-level administrative assistant. I was then made the operations manager, where my job was to supervise and train our administrative team as well as provide support in the long-term budgeting area of the company.

I strongly believe that my college degree prepared me for the position I have now. My college degree gave me the quantitative and theoretical tools that I needed to succeed at this job. Holding a degree in accounting prepared me for the bookkeeping and financial part of the job. After being granted deferred action, I now work as an accountant.

Although I cannot travel abroad, drive or vote, I continue to work and pay all my taxes. Every year since I became part of the American workforce, I have filed my income taxes diligently and on time, foregoing the exemptions and credits that all Americans, except the undocumented, are entitled to.

Passing the NY Dream Act will not fix all the problems that a broken federal immigration system creates or that an undocumented person faces. However, it will alleviate the burden on undocumented youth and their families. It will bring them closer to achieving their goals and becoming the professionals they wish to be.

<sup>33</sup> *Id.*



## **2. Current paths to lawful permanent residence also grow the pool of undocumented individuals eligible to work each year**

Several longstanding paths to lawful permanent residence are vehicles by which many undocumented New Yorkers will gain lawful entry into the workforce. Undocumented individuals are able to adjust their status through immediate relatives and family sponsorship. In particular, many young adults will marry a U.S. citizen or permanent resident and obtain adjustment of status as a result. In FY 2011, 178,868 individuals adjusted their status to legal permanent resident status through marriage to a U.S. citizen, and an additional 108,618 through marriage to a permanent resident.<sup>34</sup> Of the individuals who became legal permanent residents in FY 2011, 14%, or 148,426 individuals, were in New York State.<sup>35</sup> Assuming that the ratio remains consistent across categories, that would mean 25,042 New Yorkers adjusted their status through marriage to a U.S. citizen and 15,207 by marriage to a permanent resident in FY 2011. This figure is a conservative estimate, as a new provisional waiver program became effective on March 4, 2013 and will increase the number of individuals eligible for adjustment within the U.S.<sup>36</sup>

Furthermore, individuals can adjust their status through other paths to lawful permanent residence. For example, 279,967 children and students obtained legal permanent residence nationwide in FY 2011.<sup>37</sup> That includes an estimated 39,195 children and students in just New York State. While the data does not indicate how this group adjusted their status, it is most likely that it was through parents or other family members and thus overlaps only minimally with the numbers for adjustment through marriage. Other paths to permanent residence exist for children and youth in particular. For example, Special Immigrant Juvenile Status (“SIJS”) allows undocumented children to obtain legal permanent resident status when they have been separated from their parents and cannot be reunified with one or both parents due to abuse, neglect, or

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<sup>34</sup> *2011 Yearbook of Immigration Statistics*, OFFICE OF IMMIGRATION STATISTICS, DEPARTMENT OF HOMELAND SECURITY, 18 (2011), available at [http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois\\_yb\\_2011.pdf](http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf).

<sup>35</sup> *U.S. Legal Residents: 2011, Annual Flow Report*, OFFICE OF IMMIGRATION STATISTICS, DEPARTMENT OF HOMELAND SECURITY, 4 (2012), available at [http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr\\_fr\\_2011.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2011.pdf).

<sup>36</sup> *Provisional Unlawful Presence Waivers*, USCIS, available at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=bc41875decf56310VgnVCM100000082ca60aRCRD&vgnnextchannel=bc41875decf56310VgnVCM100000082ca60aRCRD>.

<sup>37</sup> *2011 Yearbook of Immigration Statistics* at 26.

abandonment.<sup>38</sup> In 2010, 1,480 children adjusted their status to lawful permanent residency through SIJS nationwide.<sup>39</sup>

All told, this means that approximately 80,000 New Yorkers adjust their status through family petitions and other mechanisms each year. While there is no definitive measure of the percentage of undocumented youth who adjust their status through these mechanisms during their post-secondary education, even a conservative estimate would indicate the number could be in the hundreds if not thousands. These are youth who would therefore be ready and able to participate fully in the New York labor force if given the chance to pursue that education, yet are not given the same opportunities as their peers and must defer their dreams. .

### **3. Comprehensive Immigration Reform will provide further work authorization to undocumented individuals.**

There may be some people who could benefit from tuition assistance and earn a degree in higher education who are not eligible for current paths to citizenship or the new DACA program. However, Comprehensive Immigration Reform (“CIR”) will soon create even more avenues by which such individuals will gain legal work authorization.

As part of the proposals being discussed by both the bipartisan House Judiciary Committee and the President, a fundamental part of CIR will be a path to earned legal status for undocumented immigrants. Both the House Judiciary Committee and the President describe this process beginning with undocumented immigrants coming forward and registering with the government to get a “probational” or “provisional” legal status.<sup>40</sup> This provisional status will be the first step down a “tough but fair” path to citizenship, and will allow individuals to live and work legally in the country as they move forward down that path.<sup>41</sup>

CIR is also likely to include the provisions of the proposed federal DREAM Act. The DREAM Act would create a path to citizenship for undocumented children who were brought to the United States by their parents at a young age. Undocumented youth who entered the United States at the age of 15 or younger would, upon graduating from high school, be eligible for a

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<sup>38</sup> Angie Junck, *Special Immigrant Juvenile Status: Relief for Neglected, Abused, and Abandoned Undocumented Children*, 63 JUVENILE & FAMILY COURT JOURNAL 48 (2012), available at [http://www.throughtheeyes.org/files/2012\\_ncs\\_materials/B3\\_handout18.pdf](http://www.throughtheeyes.org/files/2012_ncs_materials/B3_handout18.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> For a description of this provision from the House committee, see Transcript: Bipartisan Framework for Comprehensive Immigration Reform, available at [http://abcnews.go.com/ABC\\_Univision/News/transcript-bipartisan-framework-comprehensive-immigration-reform/story?id=18330912](http://abcnews.go.com/ABC_Univision/News/transcript-bipartisan-framework-comprehensive-immigration-reform/story?id=18330912). For a description of this provision from the President, see Creating an Immigration System for the 21st Century, available at <http://www.whitehouse.gov/issues/immigration/earned-citizenship>.

<sup>41</sup> *Id.*

conditional LPR status that would allow them to work and/or go to school just as any other permanent resident. This conditional status would be lifted through college or the armed services.<sup>42</sup>

Ensuring that these one-day citizens will have an opportunity for an education now and not later is critically important to New York's economy. Experts estimate that it may take several years for someone to gain permanent residency or citizenship through the current proposals that are being debated. New York should not wait to make sure these young people are prepared to enter the workforce, and they should not let their talents go to waste as they navigate the process.

While these are still proposals, the momentum of CIR in the current political landscape is very strong, and the Obama administration has expressed their intention of passing this reform soon.<sup>43</sup> Any consideration of the potential ability of undocumented college graduates to work legally cannot ignore these prospective changes.

#### **4. Undocumented immigrants contribute to the economy.**

The realities of DACA, current paths to citizenship, and the prospect of CIR mitigate the concern that investing in the higher education of undocumented immigrants will not produce payoffs because of their inability to work legally. However, there will still remain a subsection of individuals who do not obtain work authorization through any of the available or prospective measures. Even for this subgroup, however, a degree in higher education will yield increased earning power and contributions to the nation's economy.

Individuals without legal status continue to work. In New York, there are approximately 450,000 unauthorized immigrants that work, comprising 4.7% of the state's labor force.<sup>44</sup> In fact, 96% of undocumented men and 62% of undocumented women participate in the labor force.<sup>45</sup> A similarly high participation in the labor force will undoubtedly hold true for undocumented college graduates.

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<sup>42</sup> See *The Dream Act: Creating Opportunities for Immigrant Students and Supporting the U.S. Economy*, IMMIGRATION POLICY CENTER (2011), available at [http://www.immigrationpolicy.org/sites/default/files/docs/Dream\\_Act\\_updated\\_051811.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/Dream_Act_updated_051811.pdf).

<sup>43</sup> See Obama's remarks on Comprehensive Immigration Reform given on January 29, 2013. For complete text of this speech, see <http://www.dreamactivist.org/text-of-president-obamas-immigration-speech-in-nevada-january-2013/>.

<sup>44</sup> Jeffrey Passel and D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends*, PEW RESEARCH HISPANIC CENTER (2010), available at <http://www.pewhispanic.org/2011/02/01/appendix-a-additional-figures-and-tables/>.

<sup>45</sup> Jeffrey S. Passel, Randy Capps, and Michael Fix, *Undocumented Immigrants: Facts and Figures*, URBAN INSTITUTE IMMIGRATION STUDIES PROGRAM (2004), available at [http://www.urban.org/UploadedPDF/1000587\\_undoc\\_immigrants\\_facts.pdf](http://www.urban.org/UploadedPDF/1000587_undoc_immigrants_facts.pdf).



Individuals who work without legal status contribute to the economy in almost all the same ways as individuals with work authorization. For example, they contribute to tax revenues through income, property, and sales tax. The Internal Revenue Service (IRS) estimates that undocumented immigrants paid almost \$50 billion in federal taxes between 1996 and 2003.<sup>46</sup> In 2010 alone, undocumented immigrants paid \$662,439,624 in taxes to New York State.<sup>47</sup> While some argue that the estimated 40 percent<sup>48</sup> of undocumented immigrants who currently work off the books might not pay income taxes, estimates show that about half of undocumented immigrants do pay state income tax using Individual Taxpayer Identification Numbers.<sup>49</sup> Furthermore, income tax is only a small portion of the total taxes paid by typical residents; the majority of taxes paid by everyone but New York's highest-earning residents are sales, excise, and property taxes, which undocumented immigrants contribute to in full.<sup>50</sup> In short, even for those individuals who do not gain work authorization through any of the above-described routes, their contributions to the economy remain substantial.

### *College Graduates and Community Entrepreneurs*

After I graduated with a bachelor's degree in bilingual childhood education, I decided to pursue a master's degree in education, specifically to better learn how to teach English to speakers of other languages. I have worked many hours in college and graduate school to be able to afford tuition – a sacrifice I am willing to make to be a contributing member of society.

I was able to create my own sole proprietorship company which provides consultant services. Currently I am providing support to a group developing a curriculum for youth in topics such as education, immigration, and leadership development.

While it may be true that I cannot work as a teacher in a school, earning a college degree provided me with the tools, language and skills to support children and youth in my community through volunteer work and providing mentorship services to youth who are working on their college applications.

Throughout college and graduate school and through campus involvement, research projects and class presentations, I have had opportunities to inform professors, teachers and education advocates about the struggles undocumented youth face and the roles they can play

<sup>46</sup> *Building a 21st Century Immigration System*, THE WHITE HOUSE, available at [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/immigration\\_blueprint.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/immigration_blueprint.pdf).

<sup>47</sup> *Unauthorized Immigrants Pay Taxes, Too*, IMMIGRATION POLICY CENTER (2011), available at <http://www.immigrationpolicy.org/just-facts/unauthorized-immigrants-pay-taxes-too>.

<sup>48</sup> *Id.*

<sup>49</sup> *The New York State DREAM Act: A Preliminary Estimate of Costs and Benefits*, *supra* note 8.

<sup>50</sup> *Id.*

to change that. My education has taught me how to be a better advocate for myself as well as teaching others how to advocate for undocumented youth. Additionally, my college experience opened my eyes to more resources and opportunities I wasn't aware of which has allowed me to develop myself professionally, while supporting others to do the same.

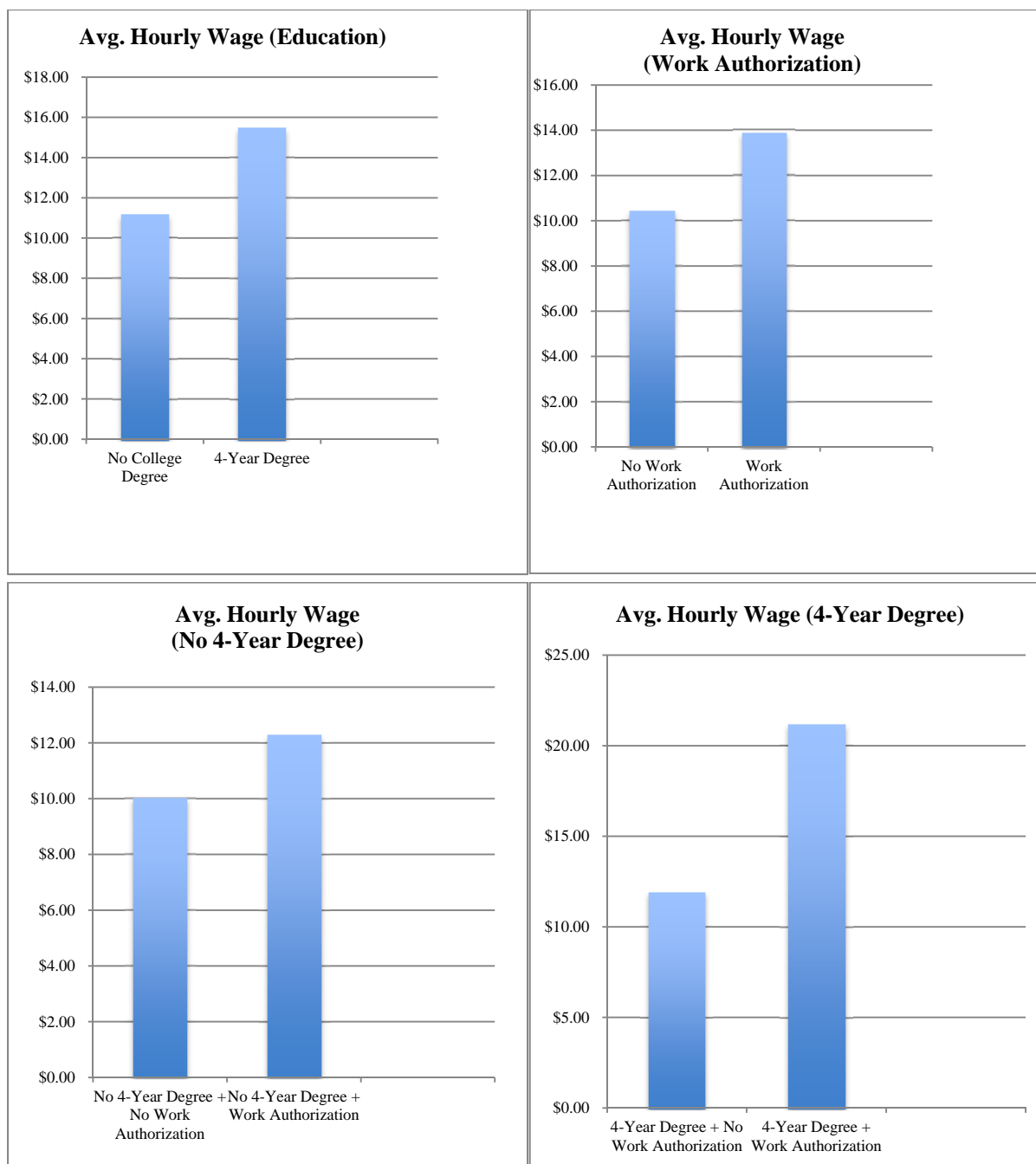
## **5. In New York City, undocumented youth with college degrees are earning more.**

The New York State Youth Leadership Council (“NYSYLC”) conducted a small, informal survey with 82 undocumented youth to assess the effects of college attainment on income levels.<sup>51</sup> Undocumented youth were surveyed in New York City from February to March 2013. The survey results reflect general trends in income levels among individuals with and without college degrees.

NYSYLC found that, among those surveyed, a college education is associated with a higher wage. With or without work authorization, undocumented youth with a college degree earn more than those without. The average hourly wage for undocumented youth without a college education is \$11.17, compared to \$15.50 for those with a 4-year degree. Additionally, youth who had obtained work authorization through DACA maintained higher wages than those who did not (\$13.90 as compared to \$10.47). However, the returns on work authorization were even higher for those with a college degree. Among youth with no college degree, work authorization brought an average \$2.27 increase in the hourly wage, from \$10.04 to \$12.31. Among those with a college degree, work authorization brought an average \$9.30 increase in the average hourly wage, from \$11.92 to \$21.22 per hour.

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<sup>51</sup> The NYSYLC survey was not peer reviewed, nor does it reflect a statistically significant sample size.



Many of those surveyed with college degrees *and* work authorization have immediately been able to work professional jobs. Youth reported working as accountants, graphic designers, paralegals, insurance broker assistances, and research analysts. As one youth wrote, “My college degree has made a world of difference. I am able to work in the field that I like, earn more money and support my family as well as pay for my graduate degree.”



Given the availability of legal work authorization to a significant portion of undocumented youth through DACA and other routes, as well as the notable increase in income levels associated with a college degree among undocumented youth, it is an economic imperative for the State to pass the New York State DREAM Act. The New York State DREAM Act will decrease barriers to educational access so that students can obtain college degrees, earn higher average incomes, and pay back thousands more in taxes annually to New York State. The increase in income among those pooled with college degrees demonstrates that New York State has an interest in investing in undocumented youths' higher education so that undocumented college graduates can immediately take advantage of DACA and any future legalization plans currently being discussed at the federal level.

### III. FROM DREAM TO REALITY: LESSONS FROM OTHER STATES

Over thirty years ago, the Supreme Court in *Plyler v. Doe* upheld the constitutional rights of all children, regardless of immigration status, in our public education system. Justice Brennan's majority opinion in *Plyler* recognized that the deprivation of a K-12 education would create a "lifetime of hardship" and an "underclass" among undocumented people. Citing *Brown v. Board of Education*, the Court stated, "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."<sup>52</sup>

While the *Plyler* decision does not address access to postsecondary education, it is widely recognized that the importance of a postsecondary education has increased in the last decade and that a K-12 education is no longer sufficient.<sup>53</sup> Both state and individual livelihoods depend upon wealth generation from an educated workforce. Higher education generates greater financial benefits and job satisfaction, and reduces reliance on public assistance.<sup>54</sup> In recognition of the importance of expanding access to higher education, twelve states have increased access to postsecondary institutions for undocumented students by affording them in-state tuition, including New York. Of these twelve states, the two with the largest populations of undocumented immigrants have extended state-funded financial aid to undocumented students: Texas and California.<sup>55</sup> New York ranks fourth among states with the highest populations of

<sup>52</sup> *Plyler v. Doe*, 457 U.S. 202, 223 (1982).

<sup>53</sup> National Conference of State Legislatures, Postsecondary Education - Overview, <http://www.ncsl.org/issues-research/educ/post-secondary-education-overview.aspx>

<sup>54</sup> *Closing the Gaps: The Texas Higher Education Plan*, TEXAS HIGHER EDUCATION COORDINATING BOARD 4 (1999), available at <http://www.thechb.state.tx.us/reports/PDF/0379.PDF?CFID=38565751&CFTOKEN=53049290>.

<sup>55</sup> New Mexico passed legislation in 2005 that provided both in-state tuition and access to state funded financial aid to undocumented students. The law provides, in relevant part, that any tuition rate or state-funded financial aid that is granted to residents of New Mexico shall also be granted on the same terms to all persons, regardless of

undocumented immigrants.<sup>56</sup> With the New York DREAM Act, New York would join Texas and California in extending this important benefit to the undocumented population that contributes so much to the state. The Texas and California models are described in further detail below.

## A. Texas

In 2001, Governor Rick Perry signed House Bill 1403 (“HB 1403”) into law, extending in-state tuition at Texas public institutions and financial aid to certain undocumented immigrants. Governor Perry has defended this legislation, stating, “What the members of [the] legislature looked at was, we were either going to create taxpayers or we were going to create tax-wasters.”<sup>57</sup>

HB 1403 enumerates requirements for Texas residency for the purposes of higher education tuition or to pay in-state tuition. These requirements include:

- Residing in Texas with a parent or guardian while attending a Texas high school
- Graduating from a public or private high school institution or receiving a high school diploma equivalent in the state of Texas
- Registering as an entering student in an institution of higher education not before the fall 2001 semester
- Providing the institution with a signed affidavit stating that the individual will file an application for lawful permanent residency at the earliest opportunity the individual is eligible to do so.<sup>58</sup>

The law was broadened in 2005 with passage of Senate Bill 1528, amending the requirements for residency. Individuals must no longer reside with a parent or guardian while attending high school, but may now qualify for in-state tuition if they graduate from a public or private high school institution or receive a high school diploma equivalent in Texas and:

- reside continuously in Texas for the three preceding years prior to receipt of a high school diploma or its equivalent.<sup>59</sup>

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immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a general educational development certificate in New Mexico. *See* New Mexico Senate Bill 582, *available at* <http://www.nmlegis.gov/Sessions/05%20Regular/final/SB0582.pdf>. Because data on this legislation’s impact on New Mexico’s budget is not available, it is not discussed in further detail here.

<sup>56</sup> *See* D’Vera Cohn and Jeffrey Passel, *Unauthorized Immigrant Population: National and State Trends, 2010*, 4, PEW RESEARCH HISPANIC CENTER (2011) *available at* <http://www.pewhispanic.org/2011/02/01/iv-state-settlement-patterns/>

<sup>57</sup> Reeve Hamilton, *Perry Revisits Undocumented Students’ In-State Tuition*, TEXAS TRIBUNE, (Dec. 19, 2011), <http://www.texastribune.org/2011/12/19/perry-revisits-undocumented-students-state-tuition/>

<sup>58</sup> Texas House Bill 1403, <http://www.legis.state.tx.us/tlodocs/77R/billtext/html/HB01403F.htm>.

### Impact on the budget:

In fiscal year 2010, roughly 2,156 state higher education grants, known as TEXAS grants, totaling about \$7.8 million were distributed to students who had established residency without documentation of citizenship, a proxy for number of undocumented students.<sup>60</sup> An interview with Director of Financial Services at University of Texas, Austin (“UT”), Tom Melecki, revealed that in the 2011–12 school year, 306 undocumented students at the University received \$1.22 million in state grants, representing 3.6 percent of the total \$34.11 million granted UT students in total.<sup>61</sup> These figures indicate that undocumented students represent a relatively small percentage of the student body and of the financial aid awarded students annually. Additionally, students paying in-state tuition rates while pursuing citizenship collectively pay \$32.7 million in tuition and fees, a figure over four times the amount of grant money distributed.<sup>62</sup>

### B. California

On October 8, 2011, Governor Jerry Brown signed Assembly Bill 131 (“AB 131”), making California the third state to extend state-funded financial aid to undocumented students. Governor Brown justified passage of the Act, stating, “The Dream Act benefits us all by giving top students a chance to improve their lives and the lives of all of us.” California’s choice to pass their DREAM legislation after its failure at the federal level demonstrates the legislature’s belief in the pressing need to extend higher education access, regardless of federal support.

AB 131 is the second of two bills, together called the California DREAM Act, that were sponsored by Assembly member Gil Cedillo of Los Angeles.<sup>63</sup> The first of the bills, Assembly Bill 130 (“AB 130”), extended eligibility for private scholarships to any student who is exempt from paying nonresident tuition beginning January 1, 2012.<sup>64</sup> AB 131 further extends this eligibility to state-funded student aid programs, such as institutional grants, community college fee waivers, and Cal Grants, as of January 1, 2013.<sup>65</sup> To be exempt from paying nonresident tuition, a student must:

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<sup>59</sup> Texas Senate Bill 1528, <http://www.legis.state.tx.us/tlodocs/79R/billtext/html/SB01528F.htm>

<sup>60</sup> Hamilton, *supra* note 58.

<sup>61</sup> Brittney Martin, *Thousands of Illegal Immigrants Paying In-State Tuition Rates Also Get Texas Financial Aid*, DALLASNEWS.COM, (Oct. 15, 2012), <http://www.dallasnews.com/news/state/headlines/20121015-thousands-of-illegal-immigrants-paying-in-state-tuition-rates-also-get-texas-financial-aid.ece>.

<sup>62</sup> *Supra* at 39.

<sup>63</sup> Anthony York and Patrick McGreevy, *Gov. Jerry Brown Signs Dream Act for State’s Illegal Immigrants*, LA.. TIMES, (Oct. 8, 2012), <http://latimesblogs.latimes.com/california-politics/2011/10/gov-jerry-brown-announces-he-has-signed-bill-allowing-illegal-immigrants-access-to-college-aid.html>.

<sup>64</sup> See Assembly Bill 130, [http://www.csac.ca.gov/pubs/forms/grnt\\_frm/AB130.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/AB130.pdf).

<sup>65</sup> See Assembly Bill 131, available at [http://www.csac.ca.gov/pubs/forms/grnt\\_frm/AB131.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/AB131.pdf)



- Have attended a California high school for 3 or more full academic years (between grades 9 through 12. They do not need to be consecutive years);
- Have or will graduate from a California high school or have attained a G.E.D.; or received a passing mark on the California High School Proficiency Exam (CHSPE);
- Register or be currently enrolled at an accredited institution of public higher education in California;
- File or plan to file an affidavit as required by individual institutions, stating that he/she will apply for legal residency as soon as possible;
- Not hold a valid non-immigrant visa<sup>66</sup>

### **Impact on the Budget:**

The California Department of Finance estimated that approximately 2,500 students will qualify for Cal Grants. This figure translates to \$14.5 million, or 1% of the \$1.4 billion in total Cal Grant funding.<sup>67</sup> Passage of the California DREAM Act is significant at the national level because California maintains the largest population of undocumented immigrants at 2.66 million. This figure represents 25% of undocumented immigrants nationwide, and 6.8% of the total population of California.<sup>68</sup>

### **C. New York: A Prospective Look**

According to the Fiscal Policy Institute (“FPI”), the cost to New York State of extending the Tuition Assistance Program is approximately \$17 million per year.<sup>69</sup> If this \$17 million were financed through the state income tax, “it would represent 87¢ per year—less than the price of a single donut—of what is owed by a typical (median) taxpayer with an adjusted gross income of \$45,000–\$50,000. It would represent a cost of \$4.92 for a taxpayer with an adjusted gross income of \$150,000–\$200,000, and 26¢ for those at the \$20,000–\$25,000 level.”<sup>70</sup> This minimal investment by New York taxpayers would generate incredible revenue for the state by increasing access to post-secondary education for undocumented youth, equipping them with the educational capital necessary for high paying jobs.

<sup>66</sup> See Assembly Bill 540, available at [http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab\\_0501-0550/ab\\_540\\_bill\\_20011013\\_chaptered.html](http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0501-0550/ab_540_bill_20011013_chaptered.html)

<sup>67</sup> Vauhini Vara, *California Governor Signs Dream Act*, WALL STREET JOURNAL, <http://online.wsj.com/article/SB10001424052970203476804576619292756560716.html>

<sup>68</sup> *Fact Sheet: An Overview of College-Bound Undocumented Students*, EDUCATORS FOR FAIR CONSIDERATION, available at [http://www.e4fc.org/images/Fact\\_Sheet.pdf](http://www.e4fc.org/images/Fact_Sheet.pdf)

<sup>69</sup> *The New York State DREAM Legislation: A Strong Return on Investment*, 1 FISCAL POLICY INSTITUTE (Feb. 2013), available at <http://fiscalpolicy.org/wp-content/uploads/2013/02/NYS-DREAM-legislation-ROI.pdf>.

<sup>70</sup> *Id.* at 2.

If the DREAM Act were financed through the state income tax  
it would cost a typical taxpayer 87¢—less than the price of a donut

Taxpayer's Adjusted Gross Income	Average annual tax	Approximate percentile
\$20,000 - \$24,999	26¢	20th
\$35,000 - \$39,999	61¢	40th
<b>\$45,000 - \$49,999</b>	<b>87¢</b>	<b>median taxpayer</b>
\$55,000 - \$59,999	\$1.14	60th
\$75,000 - \$99,999	\$1.95	80th
\$150,000 - \$199,999	\$4.92	95th



*The New York State DREAM Legislation: A Strong Return on Investment*, FISCAL POLICY INSTITUTE, 2 (Feb. 2013)  
available at <http://fiscalpolicy.org/wp-content/uploads/2013/02/NYS-DREAM-legislation-ROI.pdf>.

#### IV. CONCLUSION

New York has the fourth largest population of undocumented immigrants in the nation, with approximately 630,000.<sup>71</sup> Of this total, approximately 146,000 are undocumented youth in New York State who entered the United States before the ages of 16 and are under age 35.<sup>72</sup> This population of undocumented youth represents a portion of an untapped resource that has the potential to make substantial contributions to state and federal revenue and innovative programming that will allow the United States to compete in an increasingly global economy. It is the state's responsibility to ensure that qualified undocumented youth have access to postsecondary institutions through extension of state-funded financial aid.

New York has traditionally led debates regarding issues of import on the national level, and it should continue to do so around immigration and education. The State has already begun expanding access to its postsecondary institutions. In 2002, New York became the fourth state to extend in-state tuition benefits to certain undocumented immigrants. Extending financial assistance to undocumented immigrants would allow New York to maintain its footing as a leader in immigration. Assembly Speaker Sheldon Silver spoke out in favor of a bill extending financial assistance to undocumented youth, stating, "They know no other country, they came as infants, they should have equal access," he said. "It's about fairness."

Affording undocumented students access to state-funded tuition assistance will help generate greater labor market success. It is a means of increasing human capital in New York

<sup>71</sup> See Cohn and Passel, *supra* note 57.

<sup>72</sup> Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011, *supra* note 39.

State and decreasing reliance on state-funded public assistance measures. State-funded postsecondary tuition assistance will allow New York State to fulfill its obligations to a significant segment of the population, as well as incentivize greater academic achievement among immigrant youth, with generational consequences.

### *A Teacher's Call for Action*

Over the years I have taught many undocumented students, but one story in particular still haunts me years after having had the student in class. This is a brilliant, motivated and kind young woman who arrived in the US at a 5th grade. Already bilingual in French and Wolof, by the time I met her in the 7th grade she was fluent in English and one of the stronger readers in the class. She was an eager learner who took advantage of every resource available, going on countless after-school and weekend trips. After having her in class for 2 years, this student came out to me as undocumented just before leaving for high school. Soon I lost touch with her and all I could do was hope that a skilled guidance counselor could guide her to options for college or that somehow her status would change through the passage of the federal DREAM Act.

This was six years ago. Out of the blue, I found an email from her in my inbox. She had gotten my address from another former student. In spite of her constant worry about what lay ahead, she graduated on time. When all of her friends headed off to college, she got a job as a dispatcher at a car service and began her wait -- a wait for us to do the right thing and make her dream of attending college attainable. She told me she wants to be a nurse. She would be a great one, but for now, while due to shortages work visas are provided for nurses from overseas to fill the demand here, she cannot pursue the training.

This story is one of many I have come across in my 12 years teaching in New York, and not the exception, but the rule.

Pass the New York DREAM Act now!