



**STUDENT
GOVERNMENT
ASSOCIATION**
DIVISION OF STUDENT AFFAIRS

Label: CRATL87001

Date introduced: August 19, 2016

Committee: Student Life Standing Committee

Draft: October 25, 2016

Date Voted On: October, 27, 2016 Date Passed: October, 27, 2016

A Resolution to Support In-State Tuition and Admission to the Top Five Universities in Georgia for DACA Students

WHEREAS, non-citizen students with a grant of deferred action are currently barred from receiving in-state tuition and admission to the top five public universities under the Georgia Board of Regents' Policy 4.1.6 and 4.3.4 [1]; and,

WHEREAS, approximately 2.1 million college age young people are in the United States as undocumented immigrants [2]; and,

WHEREAS, Deferred Action for Childhood Arrivals (DACA) is an executive action allowing young people ages 15 to 30 who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal, and are eligible for an employment authorization card, social security number, drivers license, and are require to pay federal taxes [3]; and,

WHEREAS, MALDEF (Mexican American Legal Defense and Educational Fund) has filed two lawsuits in federal court against the Georgia Board of Regents and the Presidents of Universities in The University System of Georgia, contending that the in-state tuition ban and top five universities admission ban violate the Supremacy Clause by interfering with the federal government's sole authority to make immigration rules, as well as the Equal Protection Clause of the 14th Amendment of the United States Constitution [4]; and,

WHEREAS, the Board of Regent's bans are in violation Article 26 of the Universal Declaration of Human Rights of 1948 which states, "Everyone has the right to education" and that "higher education shall be equally accessible to all on the basis of merit" [5]. Article 28(1)(c) of the Convention on the Rights of the Child, which was signed by the United States in 1995, states that parties to the convention "recognize the right of the child to education... and on the basis of equal opportunity they shall, in particular, make higher education accessible to all on the basis of capacity by every appropriate means" [6]; and,

WHEREAS, Georgia's admissions bans violate these undocumented students' human right to education by denying equal access to higher education based on their immigration status, rather than on their academic merit and individual capacity [7]; and,



**STUDENT
GOVERNMENT
ASSOCIATION**

DIVISION OF STUDENT AFFAIRS

WHEREAS, the Board of Regents' Strategic Plan states, "The University System of Georgia will create a more educated Georgia that is prepared for the global, knowledge economy by increasing degree completion, ensuring academic excellence, spurring research and creativity, driving business creation, and making effective and efficient use of resources" [8]; and,

WHEREAS, the Board of Regents' contradicts its own strategic plan by advocating for a more educated Georgia, but denying access to education to academically qualified Georgians; and,

WHEREAS, DACA students are legally present within the United States [3]; and,

WHEREAS, taxpayers spend almost \$110,000 total on a Georgia student's K-12 education and, Georgia fails to capitalize on this investment when these students are denied access to higher education [9]; and,

WHEREAS, people with bachelor's degrees pay an average of \$2,268 more per year in state and local taxes than high school graduates [9]; and,

WHEREAS, Georgia is missing out in \$9.4 million in new tax revenue per year by disqualifying academically-eligible Georgians from discounted in-state tuition [9]; and,

WHEREAS, undocumented immigrants alone paid more than \$352 million in state/local taxes in 2012 [9]; and,

WHEREAS, it is estimated that undocumented immigrants have contributed more than \$1.6 billion to the state of Georgia in the five years that the ban has been in place. Despite being Georgia taxpayers and residing in the state, undocumented students and their families are required to pay out-of-state tuition rates. This is particularly unfair given that Georgia provides in-state tuition rates to residents of neighboring states who do not pay Georgia taxes at all [7]; and,

WHEREAS, DACA recipients pay taxes through social security numbers assigned with their work permits and many other undocumented immigrants pay taxes through federal Individual Tax Identification Numbers (ITIN) [7]; and,

WHEREAS, Governor Nathan Deal's Complete College Initiative outlines a need to create 250,000 additional college graduates by 2020 to meet workforce demands [9]; and,

WHEREAS, this Initiative also specifically calls for more African-American, Hispanic, and other students traditionally underrepresented in college to complete their degrees. 66 percent of Georgia's DACA-eligible immigrants were born in Mexico or Central America and are also traditionally underrepresented in college [9]; and,



**STUDENT
GOVERNMENT
ASSOCIATION**

DIVISION OF STUDENT AFFAIRS

WHEREAS, an estimated 49,000 Georgia residents are eligible for DACA, and forty percent of these DACA-eligible Georgia residents have a high school diploma, but are not currently enrolled in college [9]; and,

WHEREAS, according to a Migration Policy Institute study, the high cost of out-of-state tuition is seen as the main factor pricing higher education out of the reach of most DACA recipients [9]; and,

WHEREAS, Georgia is the only state in the United States to ban DACA recipients from public higher education and the only state to implement both an in-state tuition ban and an admissions ban [7]; and,

WHEREAS, Georgia's moral standing on a global level is brought into disrepute when it's capital city, Atlanta, brands itself as an "International City" while simultaneously banning a certain group of immigrant students from its best public universities [7]; and,

WHEREAS, providing qualified students more accessible higher education within Georgia will keep valuable human capital from being exported to other states, benefitting Georgia's overall economy and institutions; and,

WHEREAS, an educated populace benefits all Georgia residents; and,

WHEREAS, equal opportunity and education are quintessential American and Georgian values; and,

WHEREAS, Policy 4.1.6 has caustic rippling effects that cannot be portrayed through numbers and research. You cannot count the broken dreams and hopes of students who have given up, seeing that even if they give their best, they do not have the chance to attend the top universities of Georgia [10]; and,

WHEREAS, according to The United Nation's Universal Declaration of Human Rights, every human has the right to "equally accessible" higher education "on the basis of merit," [5]

**NOW, THEREFORE BE IT RESOLVED BY THE ATLANTA CAMPUS STUDENT
GOVERNMENT ASSOCIATION OF GEORGIA STATE UNIVERSITY, THAT**

Section 1: This legislation shall be known as the Resolution to Support In-State Tuition and Admission to the Top Five Universities in Georgia for DACA Students of 2016.



**STUDENT
GOVERNMENT
ASSOCIATION**

DIVISION OF STUDENT AFFAIRS

Section 2: The Student Government Association supports any policy in the state of Georgia to grant undocumented students in-state tuition and admission to the top five universities of Georgia, which include the University of Georgia, Georgia College and State University, Georgia Institute of Technology, Augusta University, and Georgia State University.

Section 3: A copy of this resolution shall be sent to Dr. Mark Becker, President of Georgia State University; the Honorable Nathan Deal, Governor of the State of Georgia; Dr. Darryl Holloman, Associate Vice President for Student Affairs and Dean of Students; and Dr. Douglass Covey, Vice President for Student Affairs; Jane Hansen, Public Information Office for the Supreme Court of Georgia; Hank M. Huckaby, Chancellor of the Board of Regents of the University System of Georgia; C. Dean Alford, member of the Board of Regents of the University System of Georgia

Section 4: Upon passage of the resolution, a plan of action will be implemented to collaborate with the Student Government Association of the top five universities of Georgia, Georgia State University students will interact and build relationships with Freedom University Students, and SGA representatives will attend Board of Regents Meetings.

Section 5: This legislation shall take effect immediately upon passage by the Student Government Association, the welfare of the students requiring it.

Respectively Sponsored by Senators:

Chelsea Gordon, Senator, College of Arts and Sciences

Leonardo Rodriguez, Senator, Andrew Young School of Policy Studies

Brian Nguyen, Senator, J. Mack Robinson College of Business

Magie Huynh, Senator, J. Mack Robinson College of Business

Gabriela Batista-Vargas, Chair of Student Life Committee

Joshua Scales, Chair of Student Services

Nwenkanma Wami, Chair of Academic Affairs

Usra Mohamed, Speaker Pro-Tempore



**STUDENT
GOVERNMENT
ASSOCIATION**

DIVISION OF STUDENT AFFAIRS

Respectively Supported by:

Dr. Robert Maxwell, Academic Professional, Biology, College of Arts and Sciences

Dr. Laura Emiko Soltis, Executive Director, Freedom University

Fortune Onwuzurike, Student Body President

Shamari Southwell, Executive Vice President, Atlanta Campus

Briana Stanley, Executive Vice President, Decatur Campus

Blessing Akomas, Speaker of the Senate, Atlanta Campus

Anthony Nguyen, Director of Communications, Atlanta Campus

Lindsey M. Smith, Director of Finance, Atlanta Campus

Jamal Betton, Director of Finance, Newton Campus

Respectively Submitted By:

Sara Moreno Duque, Senator, College of Arts and Sciences

ACTION TAKEN BY THE STUDENT SENATE

Motion to amend bylaws by Senator Okanlawon, seconded by Senator Gray

VOTE for: 20 against: 0 abstentions: 2

ACTION TAKEN BY THE SPEAKER OF THE SENATE

Signature Blessing A. Akomas Date Nov/15/2016

ACTION TAKEN BY THE ATLANTA EXECUTIVE VICE PRESIDENT

Signature Shamari Southwell Date Nov/15/2016



STUDENT
GOVERNMENT
ASSOCIATION

DIVISION OF STUDENT AFFAIRS

- [1] Board of Regents Policy Manuel, 4.1.6, UNI. SYS. OF G.A., 23 Oct. 2016<http://www.usg.edu/policymanuel/section4/policy/4.1_general_policy>
- [2] Gonzales, Roberto. "Young Lives on Hold: The College Dreams of Undocumented Students." *The College Board*. N.p., April. 2009. Web. 15 Oct. 2016<<https://secure-media.collegeboard.org/digitalServices/pdf/professionals/young-lives-on-hold-undocumented-students.pdf>>.
- [3]"Consideration of Deferred Action for Childhood Arrivals (DACA)." *U.S. Citizenship and Immigration Services*. N.p., 03 Aug. 2015. Web. 29 Oct. 2015. <<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>>.
- [4] "MALDEF files suit against University System of Georgia for Barring Deferred Action Students Admission to Selective Universities." *MALDEF*, Web. 2 Sept. 2016. 23 Oct. 2016. <http://www.maldef.org/news/releases/2016_09-02_MALDEF_Files_Suit_Against_University_System_Of_Georgia/>
- [5] [11] "Universal Declaration of Human Rights | United Nations." *United Nations*. N.p., n.d. Web. 23 Oct. 2016. <<http://www.un.org/en/universal-declaration-human-rights/>>
- [6] [12] "UN Convention on the Rights of the Child - Ohchr.org." *United Nations Human Rights*. N.p., n.d. Web. 24 Oct. 2016.<<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>
- [7]Serrano, Geovani; Ortiz, Edgar; Bolton, Claire; Emiko Soltis, Laura. "Policy Finding on Admission Bans on Undocumented Students: Georgia Board of Regents Policy 4.1.6 and Policy 4.3.4." *Freedom Univeristy*. Web. 13 May.2016.22 Oct. 2016. <<http://www.freedomuniversitygeorgia.com/facts-and-figures.html>>
- [8] "Academic Affairs - UNIVERSITY SYSTEM OF GEORGIA." *Board of Regents: Univeristy System of Georgia*. N.p., n.d. Web. 23 Oct. 2016. <http://www.usg.edu/divisions/academic_affairs>
- [9] Johnson, Melissa. "Georgia's Workforce Development, Economy Damaged by Barriers to Higher Education for Undocumented Students." *Georgia Budget and Policy Institute* (n.d.): n. pag. Aug. 2015. Web. 29 Oct. 2015. <<http://gbpi.org/wp-content/uploads/2015/09/Tuition-Equity-for-Undocumented-Students-Report.pdf>>. (haven't changed 4's)
- [10] Kim, Keish. GaUndoc Youth Alliance. Board of Regents Meeting, Atlanta, GA. 8 Nov. 2011. Speech.