
Higher Education Access for Undocumented Students in the United States: Mapping the Policy Terrain

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ABSTRACT: This article focuses on higher education access for undocumented immigrants in the United States. Since individual states develop and govern their own policies, the political landscape around college access is always in a state of flux. This is confusing to school counselors, families, and students. We use cartography to make sense of this increasingly complex policy terrain. In addition to displaying a state-by-state overview of access and funding options for undocumented students, we interrogate the (un)intended consequences of these policies and reveal “sites for change and activism” (Marx, 2023, p. 286).

KEYWORDS: Undocumented students, education policy, mapping methodologies, college access

[Supporting Literature](#)
[Research Methods](#)
[Findings: Cartographies of Exclusion](#)
[Discussion, Conclusions, and Future Directions](#)
[Appendix](#)
[Author Contact](#)

Access to higher education is complicated across the globe. In settler colonies like Australia, Canada, and the United States, social mobility is intricately linked to higher education; furthermore, Indigenous, and other minoritized people are meagerly represented amongst the student body (Naepi et al., 2017). Meanwhile, the massive uptick in transnational migration to these countries has led to a greater focus on the protection of borders with educational institutions “drawn into these highly ideological and politicised spaces of immigration control, integration and securitization” (Morrice, 2019, p. 21).

These shifts did not happen overnight; rather, the globalization of the world’s economy has grown steadily the past 40 years largely due to technological advances, especially communications and transportation. Moreover, nations have become more reciprocal with the rise in “cross-border movement of goods, services, capital and labor” which has been the impetus for dissemination of cultural viewpoints and material commodities (Kose & Ozturk, 2014, p. 7). It only makes sense that the higher education and global economic sectors collide with the growth of the knowledge economy.

But living in a knowledge-based global society where diverse communities come together to learn in universities does not mean students' experiences are appropriate or adequate. Rather, higher education in a global and connected world necessitates a "multicultural approach to socialization" that includes critical thinking and "higher-order problem-solving skills needed for an innovative, democratic society" (Cornoy, 2005, p. 29). Thus, whether referring to immigrant students who cross borders for education or the nationals who sit alongside them, diversity, critical thinking, and socialization are key to effective learning in university classrooms. Moreover, learning with and about the histories and cultures around the world can potentially lead to the dispositions and skills needed for a multicultural workforce (Cornoy, 2005). This is just one example of why it is advantageous to welcome and support immigrants that wish to learn in higher education settings, whether in their new home country or abroad.

Meanwhile, overall enrollment in higher education is falling relatively quickly and substantially. For example, Eastern Asia and Eastern Europe (e.g. Russia, Romania) have seen around a 30% decline in student enrollment while other countries (Germany, Switzerland) have experienced an upward trend in student matriculation (MacGreggor, 2022). Particularly notable is the more than 50% decrease of European Union (EU) students in Great Britain since Brexit (O'Carroll & Adams, 2023). Most of the variation is connected to the levels of an individual country's commitment to increasing accessibility. For many universities, international students fill those enrollment gaps (MacGreggor, 2022; O'Carroll & Adams, 2023).

We are seeing similar trends in the United States. For example, according to the Pew Research Center, enrollment of traditional students (those aged 18-24 years) has been declining steadily for at least 10 years, with the most decline in the matriculation of students who identify as men (Fry, 2023). Moreover, there has been a substantive decline in the number of international students that choose to study in the US due to "changing rhetoric toward immigrants, the effects of the COVID-19 pandemic, and perceptions of the United States on a global stage" (Boundless Immigration Inc., n.d.). More currently, the US is experiencing an uptick in enrollment of international students, but at a much lower rate than in past decades.

There is a growing recognition in the US that higher education institutions, and the economy as a whole, cannot survive without international students, who make enormous contributions: "During the 2021-2022 academic year, they contributed \$33.8 billion to the U.S. economy and supported more than 335,423 jobs. Despite these numbers, this marked a decrease of more than a third from the previous year" (Boundless Immigration Inc., n.d.). Meanwhile, it is essential for the survival of US higher education that immigrant students (to include undocumented students) are enrolled in institutions of higher learning (Weisman, 2023). However, there is an array of policies across the United States that constrain immigrant students and their families from accessing higher education in this country.

The purpose of this article is to examine access to higher education for immigrant students in the United States, particularly for those who are

undocumented. We focus on this population because an estimated 98,000 undocumented youth graduate from public high schools each year in the US (Strauss, 2019). Because states develop and govern their own policies, the political landscape around college access is in a continuous state of flux. Additionally, due to the ambiguity of legal language from legislation passed under the Clinton presidency, states have autonomy to grant or deny enrollment at public universities (Lee, 2012). Consequently, university systems often make their own rules and regulations regarding college access for undocumented students (Trivette & English, 2017). This is confusing to students and their families and the educators who support them (Harmon et al., 2010).

Our work aims to make sense of this increasingly complex policy terrain by giving a state-by-state overview of access to higher education and funding options for undocumented students bound within the borders of 50 separate states of the U.S. The density and sheer volume of information gathered required us to look beyond our accustomed research methodologies to convey our findings in a more comprehensive and understandable way. In order to do so, we explored the uncharted methodological territory of map-making and cartography. As a result, we also share the power and potential of cartography in educational policy research to demonstrate how it can help us make sense of very complicated data. In addition, we seek to start a conversation with scholars in other settler colonies to deepen the understanding of the globalization of the issues raised in this research.

First, we convey the literature that supports our work, which includes the background of the problem and examples of how educators have used a variety of map-making in their research. Next, we share our research processes and the strategies used for making findings more discernible. We then present our findings as cartographies and accompanying text of three distinct but interacting policy areas: 1) states with active bans against undocumented students seeking tertiary education; 2) differences in tuition costs across states that allow some level of access to higher education for undocumented students, and 3) states' policies governing access to financial aid for undocumented students. A discussion of our findings and their implications for educators and policy makers follows. We close with an overview of future steps to make our work accessible to those who need it most: Undocumented students and their families, as well as the educators tasked with advising them.

Supporting Literature

Primary, secondary, and tertiary education systems in the United States are complex webs comprised of community and governmental decision-making, stretching back to its earliest days of coloniality. For example, the Massachusetts Bay Colony declared that education was to be compulsory, accomplished within the family, and mostly centered on religious instruction. Fast forward from 1642 to 1819 when Thomas Jefferson founded the first U.S. public university in

Virginia with the purpose of creating informed citizens (white men) to lead the governance of the fledgling democracy. Over time, laws governing funding and access to primary, secondary, and tertiary education in the United States have changed significantly. For the purposes of this article, we focus on major events in the policy landscape beginning in the 1960s.

Background of the Problem

Upon completing high school, many undocumented youths are stuck in what has become known as a “state of limbo,” uncertain of their future educational and career options. This is due largely to the anti-immigrant policies that have been set in place in the U.S. since the 1960’s. For example, the Higher Education Act (HEA) of 1965 was the first federal legislation to directly impact postsecondary education access for undocumented youth (Kim & Diaz, 2013). The HEA requires those applying for federal financial aid for postsecondary education to be documented U.S. citizens or permanent residents (Enyioha, 2019). While the 1982 ruling of *Plyler v. Doe* granted undocumented children access to a free public primary and secondary education, two acts signed into law under the Clinton Administration would make accessing a postsecondary education next to impossible for undocumented youth across the United States.

In 1996, former U.S. President Bill Clinton signed both the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) into law. According to Manuel (2016), PRWORA “bars the provision of ‘state and local public benefits’ to aliens who are not lawfully present in the United States unless the state enacts legislation that ‘affirmatively provides’ for their eligibility” (para. 2). State public benefits related to public education can be defined as loans, professional license, commercial license, and postsecondary education (Manuel, 2016). The ambiguity of the language has left room for many states to interpret “postsecondary education benefits” according to their own agenda. Some states limit these benefits to recipients of federal financial aid and/or in-state tuition rates, while other states interpret it to mean restricting enrollment to public postsecondary institutions while also banning in-state tuition rates and federal financial aid (National Conference of State Legislatures, 2021). Still, Section 505 of the IIRIRA prevents undocumented immigrants from paying in-state tuition rates based on residency as this is considered a postsecondary education benefit; the only way to make this an option for undocumented youth is if all U.S. citizens are offered this option as well (Amuedo-Dorante & Sparber, 2014).

This law implied that postsecondary institutions would not be able to charge U.S. citizens who go to school outside of their state of residence out-of-state tuition rates if undocumented youth are allowed in-state tuition rates at the same institutions. Some states worked around this legal jargon and implemented policies that allow undocumented youth to pay in-state tuition if they meet certain criteria, such as residing in the state for 1-3 years, graduating high school within that state,

and requiring students to file an affidavit to legalize their documentation status as soon as they are eligible (National Conference of State Legislatures, 2021).

In 2001 the Development, Relief, and Education for Alien Minors (DREAM) Act was created to “make undocumented immigrant students eligible to pay in-state tuition funds for public higher education along with putting them on a pathway to citizenship” (Palmer & Davidson, 2011, p. 2, citing Enyioha, 2019, p. 3). Initially, the goal was to repeal Section 505 of the IIRIRA, which would have resulted in granting eligible undocumented youth access to federal and state financial aid (Kim & Diaz, 2013).

Unfortunately, just one month after the DREAM Act was introduced, the September 11th terrorist attacks ensued, resulting in increased anti-immigration sentiment. Consequently, the terrorist attacks “put an abrupt end to movement toward more generous immigration laws and instead turned immigration into a homeland security issue” (Gerken, 2013, p. 62). Although the DREAM Act had once held bipartisan support, the events of 9/11 stunted this bipartisan vision. However, in 2012, during the Obama administration, the Deferred Action of Childhood Arrivals (DACA) was introduced. DACA provided eligible youth a “renewable two-year grant of deportation relief along with work authorization and a social security number,” among other benefits like a driver’s license (Enyioha, 2019, p. 3). Obtaining DACA status would help eligible recipients gain various combinations of access to tertiary education, in-state tuition rates, and/or state-based financial aid in certain states (National Conference of State Legislatures, 2021).

From the discussion above, it is clear that federal policy making influences the life chances of undocumented students and their access to higher education. However, it is also important to note that individual states have also created their own policies as a response to problems that arise in their jurisdiction. For instance, in 2010 an undocumented woman who attended Kennesaw State University in Georgia was ticketed for a minor traffic violation. The news of this prompted Georgia’s Board of Regents to revise their policies to prohibit undocumented students from enrolling in select schools (Banks, 2013). Inversely, Colorado responded to declining enrollment by significantly reducing in-state tuition residency requirements for undocumented students (Metzger, 2022). While their responses were different, both Georgia and Colorado changed policies as a reaction to an alleged problem; these are excellent examples of ways policy making is rarely proactive, but rather, is a reactive response to perceived problems (Bardach & Patashnik, 2020; Fischer, 2003; Kingdon, 1995; Lasswell, 1958; Simon, 1973).

Spatial Thinking and Map-Making in Educational Research

For decades, educational researchers have been aware that geography matters when it comes to not only the physical space in which schools are placed,

but how school funding and educational opportunity are patterned geographically. For example, Bruce Baker's (2012) research has made it clear that adequate school funding is connected to where students live—demonstrating that states vary greatly in how much their legislature apportions funding for schools. A student's zip code reveals a lot about what property taxes are like and, thus, how well-funded individual neighborhood schools are within the same county and/or city (Baker, 2012). In another example, Genevieve Seigel-Hawley examines how and why some school districts are resegregating as well as how levels of educational opportunity are distributed geographically—and unequally—across urban, suburban, and exurban school districts (Seigel-Hawley, 2013.).

In the last 25 years, education scholars have also been taking advantage of graphic information system (GIS) software to represent quantitative data sets in cartographic ways (Cobb, 2020). Whether spatializing quantitative data or historicizing spatial data (Kelly, 2019), GIS paves the way for deeper meaning making, leading to more well-informed hypotheses and conclusions. For example, Kelly (2019) advocates for coupling a “temporal frame” (p. 10) with GIS methods to demonstrate how geography and education policy interact not only spatially, but historically, nurturing a thicker description of research findings. Cobb (2020) would agree with Kelly about the robustness of coupling time and space data but expresses concern that journal limitations (page count, color printing, and limiting the number of figures) prevents scholars from pursuing this valuable work (p. 119). Moreover, some scholars have criticized GIS studies as uncritical or lacking focus on equity and justice. Rather, they see these studies as being too positivistic and statistics-based (Cobb, 2020; Kelly, 2019). While these claims may have merit in some situations, many scholars regard GIS work as enabling the revelation of racialized and classed educational disparities (Cobb, 2020; Kelly, 2019; Kerski, 2020; Vélez & Solórzano, 2018). Sherry Marx (2023) would concur that using mapping as a qualitative methodology can be used not only for research projects focused on educational equity, but to “disrupt traditional hierarchies and open research spaces that are more equitable for participants, researchers, and readers” (p. 285). Indeed, Vélez and Solórzano (2018) marvel that a map could be used as an anti-racist practice (p. 150).

The map is one of the oldest forms of non-verbal communication. Humans were probably drawing maps before they were writing texts. Map-making may even predate formal language. As far as historians and geographers can determine, every culture in every part of the world uses and makes maps. This deep lineage reflects the descriptive usefulness of a map—a map is one of the best proofs that a “picture is worth a thousand words.” (Seager, 2004)

As Kelly (2019) reminded us: “A map is more just a graph” (p. 1).

As has been noted in our supporting literature above, undocumented immigrants' access to higher education in the United States has expanded and contracted across decades, often concurring with world events and political inclinations. Over time, this has resulted in a baffling patchwork of policies in and between 50 distinct geographical areas within the same country. This has been so

much the case that policies governing access to higher education in the United States have become almost indecipherable. Having a more grounded understanding of where college access stands across and between state borders is imperative for the personal development and life chances of undocumented students in the United States.

Map-making is essential to this work because it bypasses the legal jargon that comes with complicated and difficult to understand policies. Maps are user-friendly in that even when someone may not speak the local language or have a limited education, they may have a better chance at making sense of the information if it is presented pictorially. Moreover, mapping policies on college access for undocumented populations help reveal gaps that exist for post-secondary educational attainment for an already vulnerable group. Thus, research using maps of this nature has the potential to support steps towards anti-racist practices.

Research Methods

We used a combination of different qualitative data collection methods such as document analysis, interacting with state political officials, and using cartography/map-making to make sense of the policy landscape. Before we explain our approach to this research in greater detail, we first share some information about our positionality and the steps we took toward making our work trustworthy.

Researcher Positionality

Both authors of this paper are first-generation college graduates who experienced many hurdles in our quest for higher education and career advancement. In addition, we are both veteran educators who have experienced the joy and privilege of teaching immigrant K-12 students (Katherine) and/or undocumented students at the college level (Paula).

Paula is currently a full-time graduate student in cultural studies who formerly worked with undocumented college students at a small liberal arts college. While in that role, she realized that accessing a college education was far more complex than she realized. Undocumented youth struggle tremendously to access college due to their undocumented status. As a Latina and daughter of an immigrant, the stories of these undocumented young people resonated with Paula. As a citizen, Paula feels it is her duty to use her “protected” voice to speak out for this group. She hopes to bring more awareness to the difficulties this group faces as they attempt to pursue their dreams.

Katherine is a full professor currently working at an R1 university. Her work centers on the ways social identities (e.g. gender, race/ethnicity, class) interact

with political contexts and educational policies and practices. Katherine examines policy with a critical eye toward understanding and showing the ways a particular policy's claims of neutrality have far different ramifications for populations depending on their status in society. Katherine acknowledges her privilege as a white woman and documented citizen. She also recognizes that, while she has witnessed some of the struggles that undocumented students and their families encounter, she and her family will never personally experience these same frustrations.

Achieving Trustworthiness

Like quantitative researchers, qualitative researchers have standards for reporting data. However, rather than striving for validity, reliability, and generalizability, qualitative researchers strive for trustworthiness; which is comprised of four components: Credibility, transferability, dependability, and confirmability (Nowell et al., 2017; Stahl & King, 2020 [both citing Lincoln & Guba, 1985]).

In order to achieve credibility, prolonged engagement is vital (Lincoln & Guba, 1985; Nowell et al., 2017; Stahl & King, 2020). In our case, sustained commitment meant over two years of regular searching for, reading, and interpreting policy documents. In addition, we worked to achieve data triangulation by consulting several sources to confirm data points (Merriam & Tisdell, 2016). We also found researcher triangulation (Nowell et al., 2017), also known as investigator triangulation (Stahl & King, 2020), to be especially helpful. That is, we checked in with each other regularly to discuss any policies we were unsure of or revisited the data together if there were discrepancies between our interpretations. This entailed discussing our meaning making, exchanging notes, revisiting the data, and rereading documents until we reached a co-understanding of not only what the policy language said, but what it meant, and how it might be understood by potential students and their families.

In most qualitative studies, the use of thick description is paramount to transferability between different study sites. However, this policy study does not seek to transfer findings to other countries for obvious reasons. Rather, we perceive transferability as looking more like other scholars embracing similar questions and purposes as we, as well as using mapping as a form of data reporting and meaning making. Following Merriam and Tisdell (2016), our purpose was to gain an in-depth understanding of a phenomenon within a specific country, not to "find out what is generally true for many [countries]" (p. 254). We have tried our best to share enough information so that others might design a similar study within their own political contexts, which for us, is directly related to dependability. As Nowell et al. (2017) stated, "When readers are able to examine the research process, they are better able to judge the dependability of the research" (p. 3, citing Lincoln & Guba, 1985). All of the above is also related to confirmability, which means that researchers' findings are clearly related to the data they collected.

Again, referring to Lincoln and Guba (1985), Nowell et al. (2017) asserted that “confirmability is established when credibility, transferability, and dependability are all achieved” (p. 3).

Document Analysis

We began our exploration by performing Google searches for each state, using the language “undocumented college access” (e.g., “Alabama college access for undocumented youth”). From there, we went to whatever resources populated to dig deeper. For example, within some searches, a particular state might list specific state legislative policies, while others would point to university websites that explained admission policies for undocumented applicants in their state. Local and regional news sources were also important sources to make sense of each state’s unique parameters. For example, reading university websites and news sources sometimes led us to specific legislative bills and/or policies. We then compared these data with state legislative websites that housed copies of policy documents and used the Nexus database and Legiscan to locate federal and state laws and policies. The National Conference of State Legislatures and individual states’ Department of Education were also advantageous sources.

We then took a closer look at each of the 50 states individually. As implied above, we first used general qualitative methods that relied heavily on document analysis and use of online archival materials (Marshall et al., 2022). We created a database using Microsoft Excel to document policy language for each individual state. Policy language was then color-coded to illustrate the intricacies of each state’s policy demands. Policy themes were organized into eight distinctive categories:

1. States permitting instate tuition rates (ISTR) for DACA/undocumented.
2. States permitting state-based or institutional aid for both groups.
3. States permitting benefits to DACA recipients only.
4. States permitting benefits for both groups, but only at specific institutions.
5. State university systems offering ISTR to DACA and/or undocumented.
6. States barring both groups from enrollment.
7. States banning ISTR and/or financial aid for both groups.
8. States with no active policies.

Reaching Out to Policy Actors

Examining policy across the 50 states was fruitful. However, there were four states wherein policies were confusing and even contradictory. In addition to

participating in investigator triangulation activities (Stahl & King, 2020), we reached out to policy actors to ensure our shared interpretations were accurate. For example, we emailed the West Virginia State legislature, who then directed us to the Higher Education Policy Commission's general counsel, with whom we clarified our questions via email. In another example, we contacted the Mississippi Institutions of Higher Learning via email and spoke to an immigration lawyer from the Mississippi Center for Justice. In the case of Arizona, we were unable to reach a state official online, so we went to the Arizona Secretary of State webpage and viewed a recording of a town hall meeting (Arizona Secretary of State, 2022b) to increase our understanding of how the state handled issues around financial aid. Finally, we contacted the Oklahoma State Regents of Higher Education (OSRHE) and learned that we did not interpret some aspects of their policy regarding resident tuition correctly; and thus, needed to update our database based on the information the OSRHE shared with us.

Cartography and Map-Making

During our two years of data collection, we realized how cumbersome it would be to communicate the complexity of the data using written discourse alone. We knew we needed a different way to present our findings so they would be more easily read and digested.

We first turned to Ulmer and Koro-Ljungberg's 2015 article that advocated for visual forms of writing via cartography or map-making as a "fluid, dynamic process for exploration...in research and writing" (p. 139). Similarly, Ruitenber (2007) argued for the use of cartography or map-making as an alternative form of representation to better capture complex and interdependent data, especially while exploring the ways boundaries and "liminal zones" (p. 9) show themselves in educational and other social contexts. Reading these scholars helped us realize that, to represent this data effectively, we had to learn to write visually and think more critically via using cartography as methodology (Marx, 2023; Morrice, 2019; Naepi et al., 2017; Ruitenber, 2007; Ulmer & Koro-Ljungberg, 2015; Vélez & Solórzano, 2018).

Indeed, centering mapping as a qualitative methodology is a unique way to conduct critical and equity-centered research (Marx, 2023) that helps us understand how policy interacts spatially and historically to frame educational opportunity (Kelly, 2019). Moreover, Ulmer and Koro-Ljungberg (2015) also stressed that map-making helps articulate the political and discursive aspects of a study and more readily reveals relationships between and amongst the data represented cartographically. Furthermore, map-making has the potential to "illuminate how the spaces that define our lives are not arbitrary, but rather concrete manifestations of the complexity of social life" (Vélez & Solórozano, 2018, p. 160). Since schools and universities are embedded in space, educational opportunity, financial resources, and student outcomes can be modeled geographically (Kelly, 2019).

Like Ruitenbergh (2007), we have found that examining “discourse” via mapping allows researchers and readers to ask questions of the data that may otherwise go unnoticed if data are presented narratively rather than pictorially. Vélez and Solórzano (2018) go further by coupling cartography with critical race theory to show the “intersection of race and space” and make “boundaries of exclusion” clearer (p. 152). Morrice’s (2019) work echoes this assertion when she writes about “cartographies of exclusion” which show connections between migration and education policies, how they relate to the ever-present “logic and grammars of postcolonialism,” and continue to “classify, sort and govern relations across the globe” (p. 21). Rather than stopping at critique, Vélez and Solórzano (2018) point out that mapping exclusion and “color lines” are also starting points for “anti-racist interventions” in the US. In other words, cartography is useful to understand complex data, notice the ways educational access is constrained geographically and politically, and it encourages those who are actively interpreting the data to ask not only why policy is the way it is, but what can be done to make things more equitable.

Limitations

While our experiences with using mapping as a method were almost exclusively positive, we did encounter some difficulties determining how much data to include, as well as what colors and patterns would make the data speak most clearly. For example, we first attempted to convey all of our data on one map, using multiple colors and patterns. While this process was exceptionally time-consuming, the result was not as helpful as we anticipated. This particular map was populated with so much data that it was extremely difficult for us to make sense of it, despite the fact that we had worked with the data for two years.

Recognizing this critical limitation compelled us to create three separate maps that conveyed the major themes of our findings, again using a variety of displays. We then shared all four maps with colleagues at an international conference for feedback. We confirmed that the three separate maps were preferred because they comprised a manageable amount of information that people could process. In addition, one of our colleagues shared that they are “color blind” and urged us to be more accessible by using gray-scale in our updated cartographies. Later in our process, we wondered whether there was still a way to convey all findings in one model. Accordingly, we created a table that has all the data in one place that some people may find helpful. Please, refer to it in the appendix.

Findings: Cartographies of Exclusion

The following sections share three maps with accompanying narrative to help explain three major policy topics pertaining to college access for

undocumented and DACA students. First, we present what we learned about the states which have active policies that specifically ban undocumented and DACA students from accessing higher education. We then share an overview of the variety of ways individual states and universities legislate access to in-state tuition. Thereafter, we consider whether and how students have access to federal financial aid such as student loans and state aid in the form of scholarships.

Active Bans in Three Geographical Regions

As Figure 1 shows, the Southern region of the United States has the most active bans for undocumented and DACAmented people attempting to access a higher education. Alabama and South Carolina have the strictest policies on college access for undocumented youth in their state. In addition to banning access to in-state tuition and financial aid, South Carolina (HB 4400) and Alabama (HB 56) also ban this population from enrolling at public postsecondary institutions within their state.

Georgia further complicates the matter of tuition equity for undocumented and DACAmented youth. Although the state does not have the same strict laws as Alabama and South Carolina when it comes to banning enrollment for undocumented youth from all public postsecondary institutions, Georgia's Board of Regents (policy 4.1.6 passed in 2010) does ban undocumented and DACAmented youth from enrolling in their most competitive public institutions (Trivette & English, 2017). Additionally, Georgia's SB 492 denies access to in-state tuition unless students prove legal residency within the state (GA SB 492, 2008).

In 2004, North Carolina adopted policy 700.1.4 [G] which principally bans access to in-state tuition for undocumented and DACAmented youth within the state (Guideline on the Admissions, 2007). Additionally, policy 700.1.3, established in 2022, "ensures that constituent institutions maintain a level of non-resident undergraduate enrollment consistent with historical university policy and tradition" and institutions that exceed this enrollment cap will have their state operating budget reduced (Policy on Non-Resident Undergraduate Enrollment, 2023). Later, the Tennessee Eligibility for Verification for Entitlement Act (EVEA) was passed in 2012 to ensure only "legal residents" could access in-state tuition rates. EVEA mandates state public postsecondary institutions authenticate admitted students are either United States citizens or legal residents to receive any public state benefit, which includes access to in-state tuition rates (TN EVEA, n.d.).

According to Mississippi code 37-103-23, "all aliens are classified as nonresidents" (Miss. Code § 37-103-23, 1972b). However, Mississippi code 37-103-7, which addresses legal residence of minors for postsecondary institutions, states that if the student presents transcripts of having attended a secondary school for no less than four years, they will not have to pay out-of-state tuition (Miss. Code § 37-103-7, 1972a). Per a contact at the Mississippi Institutions of Higher Learning, "Sometimes an undocumented student may have difficulty

establishing residency due to their ‘alien’ status or because they are dependent students of ‘non-residents,’ yet they can establish residency through their high school transcripts” (personal communication, March 20, 2023, name withheld to protect privacy). These codes contradict each other and § 37-103-7 does not guarantee that all undocumented and DACAmented people can take advantage of its ruling. Thus, we have classified Mississippi as actively banning in-state tuition rates for undocumented and DACAmented youth.

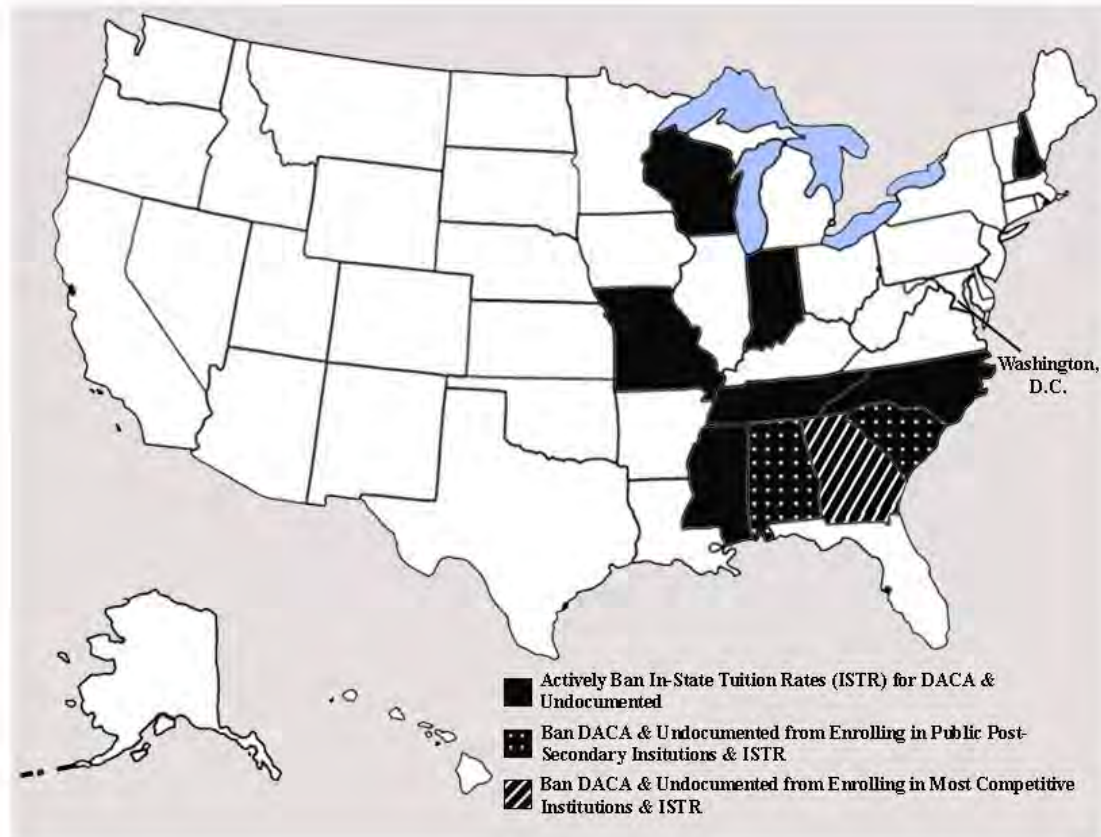
The Midwest region of the United States has three states with active bans: Wisconsin, Missouri, and Indiana. As it relates to other measures granting tuition equity for undocumented and DACAmented youth within these states, Midwestern states tend to either support tuition equity or have no active policies relating to such matters. Wisconsin and Missouri have especially compelling cases of banning tuition equity, described next.

In 2009, Wisconsin democratic governor Jim Doyle introduced AB 75, which granted undocumented youth access to in-state tuition rates as long as they met four requirements: graduating from high school within the state or receiving their GED, attending high school in the state for three years, enrolling in a UW system institution, and submitting an affidavit stating they would file for permanent residency as soon as they were eligible (Wisconsin State Legislature, 2009). This victory would be short-lived, however, following the election of republican governor Scott Walker. Governor Walker enacted AB 40 in 2011, repealing former governor Doyle’s tuition equity bill (Debenedetti, 2015). Thus, for over a decade, undocumented and DACAmented youth in the state of Wisconsin have not been able to secure in-state tuition or financial aid.

According to Whitley (2020), “Since 2015, the Missouri budget has included language which requires postsecondary institutions to charge no less than international tuition to undocumented students” (p. 1). After the Senate Appropriations Committee omitted this detail from the budget in 2019, republican senator Bob Onder introduced SB 642 that prohibits public institutions from offering in-state tuition to youth unlawfully present in the United States (Missouri Senate, 2020; MOSENCOM, 2020). Thus, the omitted portion of the bill was reinserted. As of summer 2023, SB 642 has not advanced into law.

The Northeast region of the United States currently has only one state that actively bans in-state tuition rates for undocumented students residing within the state. New Hampshire passed HB 1383 in 2012, which requires any student receiving in-state tuition within the university system of New Hampshire to file a sworn statement declaring their legal residency in the United States (NH HB 1383, 2012).

Figure 1
Mapping State Policies with Active Bans



In-State Tuition Allowances Vary Greatly

In 2001, Texas introduced HB 1403, which "removes federal immigration status as a factor for determining eligibility to pay in-state tuition at Texas public colleges and universities" (Legislative Reference Library of Texas, 2001). Undocumented students could establish residency for postsecondary enrollment purposes by graduating from a school within the state or receiving their GED, residing in the state for three consecutive years prior to graduating high school while residing with a parent or guardian, registering at a public college or university starting in the fall of 2001, and filing an affidavit of their intention to file for permanent residency as soon as they are able (Sikes & Valenzuela, 2016).

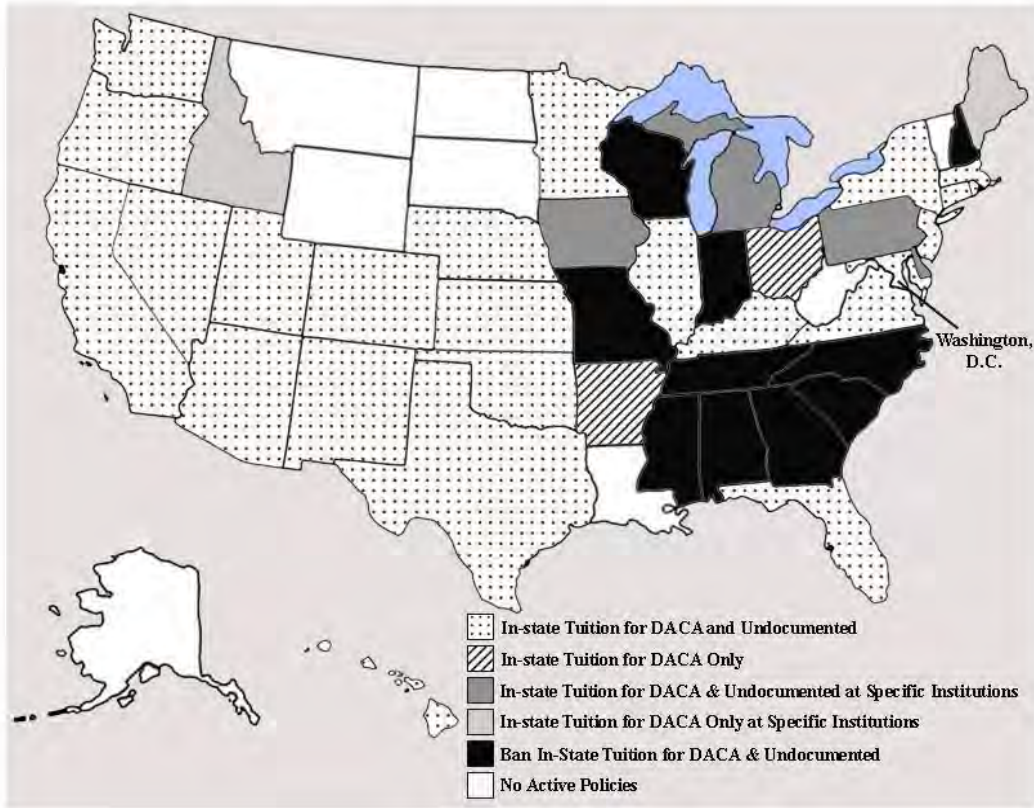
Texas would be the first state to offer tuition equity to undocumented youth and California would follow suit, passing AB 540 later that same year. Under AB 540, the same criteria would have to be met as in Texas' HB 1403 for undocumented youth to be eligible for in-state tuition rates. The only exception:

Students are not required to reside with a parent or guardian while attending high school. During the course of two decades, over 20 states and the District of Columbia would adopt policies permitting in-state tuition rates for undocumented youth residing within their state. In fact, as of 2023, twenty-four states, and the District of Columbia permit in-state tuition rates for both DACA and undocumented youth who meet certain criteria. Two states permit in-state tuition rates for DACA recipients only. Four states permit in-state tuition rates for DACA recipients and undocumented youth solely at specific institutions. And two states permit in-state tuition rates for DACA recipients only at specific institutions. Ten states actively ban access to in-state tuition rates, as previously mentioned. And eight states have no active policies.

Across these 24 states and DC, the criteria established for undocumented and DACAmented students to be eligible for in-state tuition rates is similar to Texas, which appears to have set the standard as the first state to introduce such policy; although, only a select few states require the incoming undocumented student to have resided with a parent or guardian while in high school (see Figure 2). Some states also require that undocumented students register for selective service (a federal requirement for male college applicants 18-25 years old) and/or provide proof of their intent to remain permanently or long-term in their state (National Conference of State Legislature, 2021). Maryland has the most restrictive criteria for accessing in-state tuition rates as students must first attend community college, and complete 60 credit hours before being able to transfer to a four-year college and pay in-state tuition rates (MD SB 167, 2011).

Most states in the Northern region offer some form of tuition equity, although access is often based on whether people are undocumented or a DACA recipient. For example, five states offer in-state tuition rates to undocumented students, including Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. Meanwhile, Delaware and Pennsylvania offer in-state tuition rates to undocumented and DACAmented people, but only at specific institutions, while Maine offers in-state tuition rates to DACA recipients at specific institutions only. Vermont is the only state in the Northern region that has no active policy on tuition equity for undocumented students.

Figure 2
Mapping Tuition Costs for Undocumented Students



In the South, six states allow in-state tuition to undocumented and DACAmented people, including Florida, Kentucky, Maryland, Oklahoma, Texas, and Virginia, while Arkansas offers in-state tuition to DACA recipients only. Delaware offers in-state tuition at specific institutions to both undocumented and DACAmented people. Louisiana and West Virginia have no active policies for or against in-state tuition for undocumented people in their states. And all other Southern states ban access to in-state tuition rates, as previously mentioned.

Lack of Access to Financial Aid

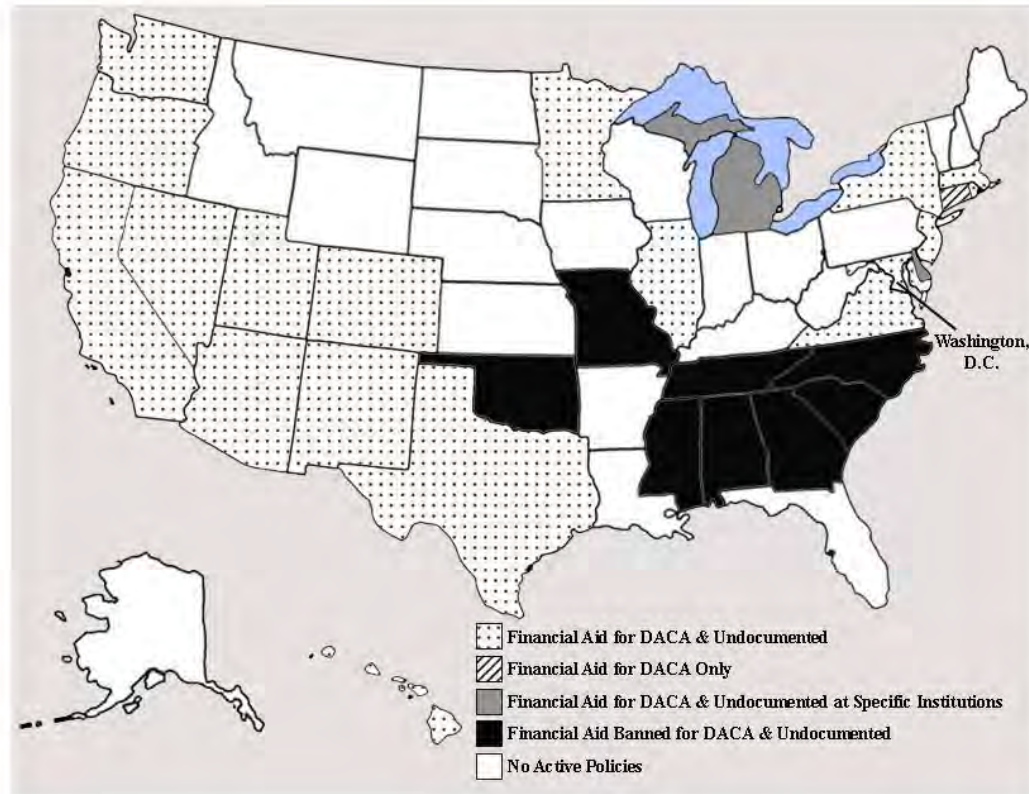
Under PRWORA, documentation status is a key factor in accessing financial aid, as it is considered a state public benefit and “generally bars states from providing such benefits to aliens who are ‘not lawfully present in the United States’ unless they enact legislation that ‘affirmatively provides’ for such aliens’ eligibility” (Manuel, 2016, p. 7). However, PRWORA has mostly been interpreted as barring federally funded financial aid (as cited in Kim & Diaz, 2013). To date, 18

states and the District of Columbia offer financial aid to DACA recipients and undocumented people. One state offers financial aid to DACA recipients only. Two states offer financial aid to DACA recipients and undocumented students at specific institutions only. Eight states actively ban financial aid for undocumented students while twenty-one states have no active policies on financial aid for undocumented students (please consult Figure 3).

Most of the states in the Western region of the United States offer financial aid to both DACA recipients and undocumented individuals. The other states in this region have no active policies relating to financial aid. In 2006, Arizona introduced Proposition 300, with one section banning access to in-state tuition to those unlawfully present and one section prohibiting financial assistance for those same individuals (Arizona Secretary of State, 2006). Later, in 2019, the Arizona Board of Regents ruled that, rather than pay either in-state or out-of-state tuition, undocumented students could pay 150% in-state tuition rate (Carrasco, 2022). Sixteen years after Prop 300 was introduced, Arizona passed Proposition 308, which grants undocumented and DACAmented people access to in-state tuition rates and financial aid (Arizona Secretary of State, 2022a).

Utah's SB 253, established in 2015, removes the need to prove lawful presence to access privately funded scholarships at public universities (Utah State Legislature, 2015). The enactment of SB 253 did away with SB 81, which had been established in 2008 and required verification of documentation status to qualify for postsecondary education benefits (Utah State Legislature, 2008). Even though these funds are from privately funded scholarships, we have opted to include them in our list of states providing financial aid benefits to undocumented students because these scholarships are administered through Utah public postsecondary institutions (Student Financial Support, n.d.).

Most Midwestern states have no active policies relating to financial aid for undocumented students, with Missouri as the only state in the region that bans access to financial aid. Illinois and Minnesota present as openly welcoming to undocumented residents while Michigan offers financial aid to DACA recipients and undocumented residents at specific institutions only. The University of Michigan allows undocumented students who meet certain requirements to be classified as residents for in-state tuition purposes (Bauer-Wolf, 2019) and offers limited university need-based financial aid (Undocumented Students, n.d.). The requirements are the same to qualify for both financial aid and in-state tuition: Students must attend a middle school in the state for at least two years, attend high school for three years, graduate high school or earn their GED, and enroll at the university within 40 months of graduating high school (Bauer-Wolf, 2019). Michigan State University and Oakland University offer similar postsecondary benefits to undocumented students (Bauer-Wolf, 2019). A non-profit, Michigan College Access Network, covers tuition costs and other fees at public community colleges for those who cannot access federal financial aid while in pursuit of an associate degree or certificate to gain employment (About MI ECHO, n.d.).

Figure 3*Mapping Access to Financial Aid for Undocumented Students*

No state in the Northern region of the US actively bans undocumented youth from accessing financial aid, but about half the states do not have any active policies at all. In 2018, the Connecticut General Assembly enacted PA 18-2, which grants undocumented youth who meet certain requirements access to financial aid. According to Sullivan (2022) these requirements include: (1) must have in-state classification; (2) must have arrived in the United States at age 16 or younger; (3) must have no felony convictions; (4) must be age 30 or younger when applying; and (5) must have filed an affidavit with their institution to legalize their immigration status. Although it is not specifically stated, all but one of these requirements align with eligibility for Deferred Action for Childhood Arrivals (DACA) (Considerations of DACA, (n.d.).

Within the South/Southeast regions, Maryland, Texas, Virginia, and Washington DC permit access to financial aid for those unlawfully present, but only at specific institutions. Seven states actively ban financial aid for undocumented people while other states have no active policies regarding financial aid. Due to the austere eligibility criteria for financial aid in Oklahoma, we have opted to classify this state as actively banning access. We explain the Oklahoma situation further in the discussion section.

Discussion, Conclusions, and Future Directions

Arizona's recent changes in tuition equity legislation reveal how far the state has advanced over the past sixteen years. Although Proposition 308 grants undocumented youth with access to both in-state tuition rates and financial aid, the majority of news articles about the proposition fails to mention that financial aid was also approved. We were perplexed as to why this was so. While access to in-state tuition rates is important, having access to funding to help to pay tuition is equally important information to share. As Kim and Diaz (2013) assert, "The affordability of higher education remains a critical issue for many, but particularly for low-income students and families from immigrant backgrounds" (p. 57). Even university webpages, which are vital sources for information on college access for undocumented youth, are outdated with no mention of financial aid being an option. Meanwhile, since Proposition 308 is mentioned on websites, the default take-away is that the in-state tuition is the only component available to undocumented students (Apply for Aid, n.d.; Gear Up, n.d.). The in-state tuition portion of this proposition took place almost immediately after the passing of Proposition 308; however, the financial aid piece has still not officially been implemented because the system that determines financial need has not yet been finalized (Carranza, 2023).

Mississippi still relies on code 37-103-23 to deny undocumented youth access to both in-state tuition rates and financial aid based on residency. Under *Jagnandan v. Giles*, this code was ruled unconstitutional, even though the class action request was denied by the three-judge district court (5th Cir. 1976). Relying on a code that was ruled unconstitutional almost 50 years ago is troubling. Additionally, denying a class action request so that all people harmed by this unconstitutional code can benefit seems purposefully pernicious.

The Michigan College Access Network's ECHO program deserves more attention. At the surface level, providing funding to students who are ineligible for federal financial aid appears equitable. Yet, to only offer this funding for those seeking an associate degree or certificate to gain employment seems more like an example of interest convergence (Bell, 2004) or something that benefits the state of Michigan. This benefit comes twofold: It allows undocumented residents to advance only so far with an associate degree or certificate, and it ensures that Michigan keeps their blue-collar positions filled with people who cannot obtain higher than a two-year degree, at least for those who have financial need.

Meanwhile, Utah's SB 253 presents the state as friendly to undocumented people. However, when we dig deeper, we realize this legislation is still constrained, as it only allows access to privately funded scholarships. In all actuality, while it is advantageous to undocumented youth to at least gain eligibility to be considered for these scholarships, opening access to financial aid would be more beneficial than these limited funds.

Oklahoma was one of the more confusing states to research. What follows is an overview of the intricacies of Oklahoma's postsecondary education benefits which justifies our classification of the state as actively banning financial aid. In 2003, Oklahoma implemented SB 596, which allowed both in-state tuition rates and access to financial aid, regardless of documentation status (Oklahoma Senate, 2003). In 2007, Oklahoma implemented HB 1804, which would allow the State Regents for Higher Education to introduce policy to guarantee individuals who meet certain criteria eligibility for resident tuition, including the requirement of filing an application with the federal government to legalize their status or filing an affidavit with their institution (Oklahoma Senate, 2007, p. 26). Under HB 1804, if students were able to meet all residency and admissions requirements, they could not be disqualified for scholarships or financial aid based on their documentation status (Legislative Summary, 2007, p. 26). However, in 2014, Code 70-3242 repealed this section, stating individuals "not lawfully present in the United States shall not be eligible on the basis of residence within the state for: any postsecondary education benefit, including, but not limited to, scholarships or financial aid; or resident tuition" (Oklahoma Senate, 2019, p. 1227-1228).

The policy reads:

The legislation does not allow undocumented individuals to be classified as in-state. It does allow them to enroll at State System institutions, pay resident tuition (if they qualify as indicated below), and be eligible for state financial aid and scholarships only if the student has completed an affidavit as described in 3.18.6A-E. (Academic Affairs Procedure Handbook, 2021, p. 135)

Although the policy appears to state that resident tuition is not an option, a contact at the Oklahoma State Regents of Higher Education saw the policy differently from us and shared a document that explains their interpretation of the statute. The text shared was the same guidance that Oklahoma's public institutions use when working with undocumented people and it provides the criteria undocumented individuals must meet to qualify for the out-of-state tuition waiver. The criteria to qualify for this waiver is similar to other states that offer postsecondary education benefits to undocumented persons. However, students who obtain a GED or are homeschooled do not qualify, which no other state demands. To qualify for financial aid, undocumented individuals have to meet the same criteria required for the out-of-state tuition waiver, but they must also "provide to the institution a copy of a true and correct application or petition filed with the United States Citizenship and Immigration Services (USCIS) to legalize the student's immigration status" (Academic Affairs Procedure Handbook, 2021, p. 142). Oklahoma is the only state in our records to have such a strict policy to qualify for financial aid and, because of this, we classify Oklahoma as actively banning financial aid. We judge these complicated eligibility requirements as intentionally harmful and enacted to make it not only more difficult for students to be eligible, but also to deter students from attempting to obtain access to these benefits.

This research also brings to the fore the historical and cultural convolutions of borders in the United States. In addition to state lines creating physical and

political exclusion, states with institutions that make their own rules make the policy terrain more puzzling and precarious. Add to that a major shift in cultural values: That a university education is no longer deemed a “public good” but a business operation that produces graduates (Saltman, 2018). This is in stark contrast to late President Lydon Johnson’s speech to Congress, “Higher education is no longer a luxury, but a necessity” (Johnson, 1965). Meanwhile, the Supreme Court of the United States has declared corporations as people with individual rights. As a country, we purport to be “from many, one” but the borders we have created are historically and culturally constituted. The fences we have constructed around our country, states, communities, and even our arguments about what “counts” as an individual person, have created figurative and literal margins, boundaries, limitations, and restrictions. We agree with Abrego (2008) that it seems immigration policies often work to control the immigrant instead of controlling immigration.

Borders routinely need to be interrogated because, as Bucher (2018) asserts, “any boundary drawing process produces difference” (p. 12). Thus, in terms of access to higher education, state borders act as barriers that create difference and perpetuate inequality. While the United States is often perceived as the land of opportunity, the reality is that borders may be invisible but they are actually quite powerful, thwarting the educational opportunities available to undocumented immigrants. We argue that America’s idealism that generates the belief that opportunity is equal to all is more an optical illusion than a dream that can be manifested. That is, only the wealthy and well-connected are those who can activate “border transcendence” while those with less privilege are limited by “imposed borders of [the] past, those constructed by wars, by colonialism, by law, by custom... or by accepted definitions and categories” (Roy, 2018, p. 2). Ultimately, as a society, we need to cross, interrogate, and renegotiate borders in order to reimagine the supposed differences that support unequal treatment (Bucher, 2018).

This discussion has implications for additional regions of the world, as similar political challenges to immigration have increased in intensity. As noted in the introduction, enrollment in tertiary education has decreased substantially worldwide. As a result, most countries rely on migrant students to shore up dwindling budgets (MacGreggor, 2022; O’Carroll & Adams, 2023). Coinciding with this trend are calls to tighten borders to tamp down on immigration. For example, during the writing of this paper, political entities across the EU were looking for ways to restrict borders against the flow of migrants (Baczynska, 2023; Spike, 2023). In addition, France is considering new policies that will allow them to deport migrants (Associated Press, 2023); and some UK politicians are looking for ways to expel Rwandan immigrants specifically, despite the UK’s Supreme Court ruling that doing so is illegal (Lawless, 2023).

Juxtaposing these global trends exposes serious policy incompatibilities that will require creative thinking and a willingness to compromise to find solutions which are *satisficing* (Simon, 1956). That is, while neither side of the issue gets 100% of what they want, they must be able to agree to the minimum requirements

for both parties. We wonder if and how countries (and states, in the case of the US) will address (or ignore) these competing interests. In addition, we reflect on the usefulness of what we have learned from this research. As educators and people who care, how can we help students and families navigate this difficult process? We take very seriously Marx's 2023 assertion that advocates using mapping methodologies need to use the insights gained to reveal "sites for change and activism" (p. 286) and use the information not only to help those minoritized by policy but to inform policy makers.

In response to our meaning making of the data, we agreed that creating a space where this perplexing policy terrain could be more accessible to educators, families, and students was one way we could ensure our research was "ethical, intentional, and helpful" (Marx, 2023, p. 296). Therefore, we are currently exploring the advent of a new research center that will include a publicly available database that provides real-time information on state and postsecondary institutional policies that affect college access for undocumented students. Additionally, the aim would be to develop state-by-state recommendations for educators, families, and students. Part of this would be accomplished by mapping out what resources are available within each state that undocumented students and families may draw upon. We also envision this center to be a place where scholars could contribute policy briefs that could be used as communication tools with state legislators. We hope to exploit the realities of interest convergence to communicate with politicians that it would be in everyone's best interest to reevaluate a state's current stance on college access for undocumented immigrants, especially as we attempt to bring the economy back up to speed and fill vacant jobs resulting from the ongoing Covid-19 pandemic. At the very least, we hope to share the 50-state table in the appendix with local school districts so that administrators and counselors have a basic sense of what higher education options are available in their particular state.

Future research includes investigating how individual states in the US are handling policy regarding the licensing of professionals such as teachers and other educational personnel, doctors and other medical workers, and attorneys. We want to pursue this topic to determine how documentation status impacts access to professional and occupational licenses, similar to the ways status impacts access to in-state tuition and financial aid. We are also interested in delving more deeply into the case of Florida: Republicans there pushed against Governor Ron DeSantis' proposed ban against in-state tuition rates (ISTR) for undocumented students. Republicans argued that ISTR would be beneficial for Floridians in the long run, while banning it would snag the economy in the state (Kennedy, 2023).

Like Vélez and Solórzano (2018), we plan to use mapping, coupled with Critical Race Theory (CRT) as critical methodological practice. We believe doing so will open space for consideration of how concepts such as interest convergence can be used to reframe policy interpretation and implementation strategies. Finally, we invite educators and researchers to join us in these efforts to map this increasingly complex policy terrain across the globe. This is especially important when we consider the explosion of, and accompanying fulmination to, transnational migration of families in every region of the world. May we come

together not only to understand what is going on, but to share our understanding with families considering whether and how particular border crossings will indeed lead to a better life.

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Appendix

	ISTR for DACA & Undocumented	ISTR for DACA Only	ISTR for DACA & Undocumented at Specific Institutions	ISTR for DACA only at Specific Institutions	Ban ISTR for DACA & Undocumented	No Active ISTR Policies	Financial Aid for DACA & Undocumented	Financial Aid for DACA only	Financial Aid for DACA & Undocumented at Specific Institutions	Ban Financial Aid for DACA & Undocumented	No Active Financial Aid Policies	Ban DACA & Undocumented Enrollment	Ban DACA & Undocumented Enrollment at Specific Institutions
AL					•					•		•	
AK						•					•		
AZ	•						•						
AR		•									•		
CA	•						•						
CO	•						•						
CT	•							•					
DE			•						•				
FL	•										•		
GA					•					•			•
HI	•						•						
ID				•							•		
IL	•						•						
IN					•						•		
IA			•								•		
KS	•										•		
KY	•										•		
LA						•					•		
ME				•							•		
MD	•						•						
MA	•						•						
MI			•						•				
MN	•						•						
MS					•					•			
MO					•					•			
MT						•					•		
NE	•										•		
NV	•						•				•		
NH					•						•		
NJ	•						•						
NM	•						•						
NY	•						•						
NC					•					•			
ND						•					•		
OH		•									•		
OK	•									•			
OR	•						•						
PA			•								•		
RI	•						•						
SC					•					•		•	
SD						•					•		
TN					•					•			
TX	•						•						
UT	•						•						
VT						•					•		
VA	•						•						
WA	•						•						
WV						•					•		
WI					•						•		
WY						•					•		
DC	•						•						

Table 1: College Access Across the United States: In-State Tuition Rates, Financial Aid, and Banned Enrollment

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