

September 24, 2008

Dear _____:

I am writing in my capacity of Alabama Appleseed's Immigrant Policy Director and coordinator of the Alabama Coalition for Immigrant Justice¹ to express very serious concerns about the current proposal to deny access to Alabama's Community College System to students without Social Security Numbers. Such a broad-sweeping policy should not be enacted, as the adverse consequences will undermine any stated goal of the current proposal. In requesting your denial of this proposal, I offer the following:

First, there is no federal law requiring higher learning institutions to obtain a Social Security Number of potential students. The only requirement on schools, in this respect, is to report the Social Security Numbers (legal status) of students applying for federal grants and subsidies. This is not the case at bar and we should not burden admission office staff with additional paperwork or bureaucratic directives, not to mention the increased cost incurred by the institution.

Secondly, not all legal residents of this country have Social Security Numbers. Individuals who have "Temporary Permanent Status" (green card holders or refugees) or hold any one of the numerous visas offered by the United States government do not have social security numbers. The immigration system is convoluted (it is often compared to the Tax Code in complexity); college admission offices should not be required to know the intricacies of the various legal status' to process student applications. Such a policy could likely result in the exclusion of otherwise eligible candidates based on erroneous fears or suspicions that one is "illegal". By virtue of example, there was a 2007 federal law designed to prevent undocumented immigrants from signing up for Medicaid, which erroneously displaced 5,000 eligible, U.S. citizens from the rolls. The law was later repealed and Alabama reverted to former policies.

Thirdly, the current proposal is in direct opposition to the mission of Alabama Community College System – in fact, the mores and values of all educational systems – “to provide accessible, quality educational opportunities; promote economic growth; and enhance the quality of life for the people of Alabama.” The invaluable preparation, work-skill development, and technical training offered by the System should not be undercut by hastily implemented policies that ban certain persons from access to the System.

¹ The mission of the Alabama Coalition for Immigrant Justice is to bring together various organizations and individuals from around the State to provide a unified voice to ensure the social, legal, and civic rights of immigrants in Alabama; to promote equal participation and involvement; and to help facilitate the organizing and building of grassroots leadership within the immigrant community. Our members include: advocacy groups and organizations such as, Alabama Alliance for Latino Health, Alabama Appleseed Center for Law & Justice, Inc., Alabama NOW, ACLU of Alabama, Be Latino, Birmingham Diocese, Catholic Social Services, Central Alabama Fair Housing Center, Greater Birmingham Ministries, Guadalupe Center, Hispanic Evangelical Pastors and Leaders of AL, Hispanic Interest Coalition of AL, Latinos Unidos de Alabama, Richco Services, Salvadorians Association of AL, and Southern Poverty Law Center; as well as numerous individuals from around the State.

In a time of financial insecurity, I can appreciate this Board's consideration of measures to secure the limited resources available. However, because we do not know how many undocumented students are currently enrolled in Alabama's 26 System sites, we do not know what economic impact will result in the System's favor. The converse is also true – we do not know what negative economic impact this proposal will have. Immigrant students are not seeking a free or “subsidized” education; they are willing to pay the same tuition and fees as any other person seeking admission.

Fourthly, students who graduate from Alabama's educational institutions are more likely to seek employment in Alabama; thus, applying their education and acquired skills for the betterment of our state. Developing a workforce from individuals – citizens and immigrants – benefits all Alabamians - as this would decrease outsourcing or the need to recruit foreign or out-of-state workers.

Lastly, I call upon you from a moral standpoint to consider that while some of the students seeking enrollment may not have been born in this country, most of them did not make the decision to come here either (but, rather were brought here by their parents as infants). Having been raised along side our children, in schools and church pews next to us, having graduated from our high schools; they are, for all intents and purposes, “American” – except for having been born outside of the U.S. borders. Children lack the *mens rea* (criminal mind) to commit any wrong-doing; and, thus, are innocent and should not be denied any education based on the “sins of the parent”.

Federal law grants access to public education (K-12) to all persons, irrespective of legal status. As such, we educate all children, including immigrants, across our state. This proposal would undermine the efforts of Alabama's educational system by blocking continued access to education for the students who have been instructed during their formative years. Are we prepared to wash our hands of these children, leaving them no options for personal, educational and work-skill development? Furthermore, research shows that denied access to higher-level education increases high school drop-out rates – which, in turn, lead to increased crime rates and all the associated costs for a community.

Regardless of which candidate is elected President, we will undoubtedly see the reintroduction of the bipartisan supported DREAM Act – which grants immigrants a six-year “conditional” legal status. Upon expiration of the six-years, if one has completed at least 2 years (either at a community college or 4-year university) or 2 years of military service, the individual would be eligible for permanent status (green card), including the right to apply for U.S. citizenship. They should not be denied this opportunity by being barred from our Community College System.

For the above-stated reasons, the current policy of the Community College System should not be changed and this proposal should be denied.

Sincerely,

Shay M. Farley, J.D.
Immigrant Policy Director