



Legislative Alert
Prohibits Undocumented Students from Attending State Universities
Oppose SB1237/HB808

What SB1237/HB808 do: SB1237, sponsored by Senator Dewayne Bunch, and HB808, sponsored by Representative Stacey Campfield, would bar students presumed to be undocumented from enrolling in public universities or colleges in Tennessee.

Why ACLU-TN opposes SB1237/HB808:

- **Students will be denied access to Tennessee public universities and colleges based on flawed assumptions about their citizenship or immigration status.** SB1237/HB808 offers no guidance to state college and university administrators on how they would even begin to be able to make determinations about the citizenship or immigration status of students and applicants. Federal immigration law is extremely complex, and college and university administrators can hardly be expected to determine who is and who is not lawfully in the United States. Only federal immigration courts are competent to make such determinations. Yet, with no guidance, this bill would simply require colleges and universities to figure it out.
- **Colleges and universities are likely to rely on assumptions about status, relying on characteristics such as race, ethnicity, or national origin, or to create a flawed scheme for making such determinations.** This would expose the state and its public higher education institutions to liability under various federal civil rights laws and put them in conflict with federal immigration law.
- **Denial of admission or enrollment to students based on flawed presumptions about their immigration or citizenship status raises serious issues of discrimination in violation of equal protection.** Moreover, a state-based system to determine the lawful presence of students in the United States that conflicts with the federal system also raises serious concerns about constitutional violations of due process.

- **This bill doesn't make policy sense for the state's economic well-being.**
 - Even setting aside the constitutional concerns raised by this bill, denying a college education to students who are presumed to be undocumented is short-sighted because these kids are likely to remain in the State and may well regularize their immigration status under current or future federal laws. Through either existing federal immigration law or future federal legislation providing undocumented students and others the ability to adjust their immigration status, even those students who are presently undocumented may one day be legal residents and citizens.
 - Access to public colleges and universities for all academically qualified students promotes economic growth and increases opportunities. State college graduates, who are likely to remain in the state, earn higher wages and therefore generate significantly more in income, sales and property taxes. Their increased earning power and disposable income stimulate growth in the state economy. A better educated population also increases competitiveness in the global economy.
 - Denying higher education access to the State's undocumented students means failing to capitalize on the State's investment in their K-12 education. Many of the undocumented students who would be affected by this bill were already educated in the State's K-12 public school system. They generally come from impoverished backgrounds and would not otherwise be able to attend college or university if they could not go to public institutions.

What you can do: Call your state senator and house representative and ask them to Vote NO on SB1237/HB808. The easiest way to contact your legislators is to visit <http://www.capitol.tn.gov>, go to "Find My Legislator," put in your address and click "search."