



GEORGIA SUPREME COURT REJECTS DACA STUDENTS' APPEAL FOR IN-STATE TUITION ELIGIBILITY

NORCROSS, GA, February 2, 2016 — NORCROSS, GA – Yesterday, the Supreme Court of Georgia rejected an appeal challenging the University System of Georgia's (USG) policy barring DACA recipients from in-state tuition eligibility at any USG institution. Justice Melton, writing for the Court, held that the group of students bringing forth the lawsuit cannot sue the Board of Regents (BOR), under the sovereign immunity doctrine.

The Court's decision means that over 21,000 of Georgia's students, most of whom have been educated through the state's K-12 pipeline and are, themselves along with their parents, Georgia taxpayers, will still have to pay out-of-state tuition rates at public colleges and universities. In most cases, these rates are at least three times greater than in-state rates, keeping many outstanding students out of our state's schools and pushing them elsewhere to seek a higher education. In addition, Georgia is also one of only 3 other states to issue a ban on admission of undocumented students.

The lawsuit, first filed on August 1st, 2013, includes 39 students who are beneficiaries of President Obama's 2012 executive action, Deferred Action for Childhood Arrivals (DACA). The students, represented by long time immigration attorney, Charles Kuck, argued that, according to the BOR policy manual (see Policy 4.3.4), students must prove that they are "lawfully present" in the country in order to qualify for in-state tuition. DACA, according to the United States Citizenship and Immigration Services (USCIS), already grants beneficiaries lawful presence in the country. The plaintiffs plan on filing a new lawsuit against individual Board of Regents members. Advancing Justice-Atlanta's Interim Executive Director, Stephanie Cho, responded to the decision by saying, "We are disappointed, but are confident that this is only a minor setback. The denial of equal access to immigrant students has to end in Georgia. In-State tuition for DACA students remains one of our top policy priorities and will continue to fight on this issue. "

An estimated 13% of the total undocumented population in Georgia is Asian American.

For more information about the decision or about Asian Americans Advancing Justice-Atlanta in general, call 404-585-8446 or email info@advancingjustice-atlanta.org.

About Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees ("Asian Americans") in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit www.advancingjustice-atlanta.org.