



**ASIAN PACIFIC
AMERICAN
LEGAL CENTER**
OF
SOUTHERN CALIFORNIA

Asian Pacific American Legal Center
1145 Wilshire Blvd., Second Floor
Los Angeles, CA 90017
(213) 977-7500 • Fax (213) 977-7595

PRESS RELEASE

Contact: Connie Choi
(213) 977-7500, x267, cchoi@apalc.org
Carmina Ocampo
(213) 977-7500, x268, cocampo@apalc.org

COALITION OF 80 ASIAN PACIFIC AMERICAN ORGANIZATIONS FILE LEGAL BRIEF SUPPORTING IMMIGRANT COLLEGE STUDENTS' RIGHT TO PAY IN-STATE TUITION IN CALIFORNIA

LOS ANGELES, September 24, 2009 – Today, Asian Pacific American (APA) students, community leaders and attorneys convened a press conference in Los Angeles to announce the filing of an amicus (“friend of the court”) brief with the California Supreme Court. The brief supports immigrant college students’ ability to pay in-state tuition under California law AB 540. The Court is considering a case, *Martinez v. Regents of the University of California*, whose outcome may threaten these students’ ability to pay at in-state tuition rates.

AB 540 is a state law that allows both documented and undocumented students to attend California’s public state colleges and universities and pay in-state tuition rates if they have: attended at least three years of high school in California, graduated from a California high school, and met other conditions. Enacted in 2001, AB 540 has made it possible for thousands of California high school students to attend public community colleges, Cal State schools, and universities in California. Plaintiffs filed a lawsuit challenging its legality and the part of the provision that allows undocumented students to pay in-state tuition, alleging that it confers a benefit based on residency and conflicts with federal law.

Although APAs make up over 50% of the total number of documented and undocumented AB 540 recipients, this brief supports the University of California’s (UC) efforts to keep open pathways to higher education for undocumented youth. The brief describes how thousands of APA students have been able to afford college under AB 540, how undocumented students would be harmed if AB 540 was eliminated, and how APA youth become undocumented and the challenges they face.

Yungsohn Park, Staff Attorney at the Asian Pacific American Legal Center, said, “The *Martinez* case is important for the APA community. In the UC system alone, APA undergraduates make up 40-44% of undocumented AB 540 students, constituting the second largest group of undocumented students in the UC. As a part of a coalition of 80 APA civil rights, student, legal and community organizations throughout California, we are here today to send a strong message to the Court that APAs support access to higher education for all immigrant youth.”

Jennifer Chang, an attorney at Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg, P.C., noted, “AB 540 was specifically enacted to increase access to higher education and make college affordable for students who have attended and graduated from our high schools. As co-counsel for the

brief, we wanted to shed light on the unique set of difficulties that undocumented students face in accessing higher education.”

Many undocumented students find it nearly impossible to finance their college education, even with the ability to pay at in-state tuition rates, as they are ineligible for federal, state, and university financial aid, private loans, and most scholarships. Kent Wong, Professor and Director of the UCLA Center for Labor Research and Education, noted, “These youth come from low-income families who struggle daily to afford tuition. As a professor at UCLA, I have seen so many of my students work hard to keep up with their studies, in addition to working multiple jobs to finance their education. Despite being bright, motivated and talented, their immigration status jeopardizes their ability to succeed, even though they had no control over how they came to the United States.”

In addition to their financial hardship, undocumented students often face emotional distress, anxiety, sadness, and/or depression – psychological costs related to the fear of revealing their status to others and fears of deportation. JungHee Lee, Immigrant Rights Organizer for the Korean Resource Center (KRC), commented, “These students came to this country as small children and consider the U.S. their home. At KRC, we work closely everyday with undocumented Korean students who, in addition to the stress of surviving college, have to deal with very adult issues that force them to grow up quickly. Korean American students are the most impacted by AB 540, where among APA undocumented students, 60% are of Korean descent.”

AB 540 has enabled thousands of immigrant youth to attend colleges and universities by mitigating the financial barriers that can keep higher education out of reach for these qualified and high-achieving students. A 2007 Institute for Higher Education Policy report found that a college education allows undocumented immigrant students to satisfy their love of learning, gain skills that could lead to better jobs and higher wages, be better role models to their children and volunteer in their communities. Miga, an undocumented AB540 student, stated, “Like any other hardworking student, I want to become a contributing member to American society, as well as be able to care for my family.” David, an undocumented AB540 student at UCLA, also said, “A college education helps people develop into more productive members of society. I aspire to be the United States Ambassador to South Korea, and without AB 540, I could never pursue my dream.”

Tamia Pervez, Policy Organizer at South Asian Network, stated, “The Court’s decision will not only directly affect youth here in California, but will have repercussions in many other states. *Martinez* is a closely-watched decision, with significant legal and policy implications that could seriously affect immigrant youth throughout the nation. Currently, nine other states allow undocumented students to qualify for paying at in-state tuition rates, four states prohibit them from doing so, and a few states ban them outright from even enrolling in public colleges.”

APALC co-authored the brief with the law firm Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg who donated their time and expertise to this project as *pro bono* lawyers. The Asian Law Caucus provided invaluable support with outreach. The amicus brief was supported by many of the state’s most prominent APA civil rights, legal, social service, and community organizations. Supporting organizations represented major urban areas in the state with significant APA populations. These organizations also reflect the broad diversity of the APA community, including Chinese, Filipino, Japanese, Khmer, Korean, South Asian, and Southeast Asian organizations. To download a copy of the amicus brief, go to www.apalc.org.

#####

List of organizations filing the brief:

1. API Equality- LA
2. API Equality- Northern California
3. Asian American Action Fund
4. Asian American Bar Association of the Greater Bay Area (AABA)
5. Asian American Drug Abuse Prevention, Inc. (AADAP)
6. Asian American Justice Center
7. Asian Americans for Civil Rights and Equality (AACRE)
8. Asian Law Caucus
9. Asian/Pacific Bar Association of Sacramento
10. Asian and Pacific Islander California Action Network
11. Asian Pacific American Bar Association of Los Angeles County
12. Asian Pacific American Labor Alliance - Alameda County Chapter
13. Asian Pacific American Labor Alliance - Los Angeles Chapter
14. Asian Pacific American Legal Center
15. Asian Pacific Americans for Progress
16. Asian Pacific Islander American Public Affairs Association (APAPA) - Sacramento chapter
17. Asian Pacific Islander Legal Outreach (APILO)
18. Asian Pacific Islander Parents, Families and Friends of Lesbians and Gays (API PFLAG)
19. Asian Pacific Islander Youth Promoting Advocacy and Leadership
20. Asian Pacific Policy & Planning Council (A3PCON)
21. Associated Students of Laney College (ASLC)
22. Bay Area Lawyers for Individual Freedom (BALIF)
23. California Association for Asian and Pacific American Education (CAAPAE)
24. Californians for Justice Education Fund
25. Chinese Americans' Citizen Alliance
26. Chinese for Affirmative Action
27. Chinese Progressive Association of San Gabriel Valley
28. De Anza College Asian Pacific American Leadership Institute
29. Family Bridges, Inc.
30. Filipino Bar Association of Northern California
31. Filipino Community Center
32. Filipinos for Affirmative Action
33. Guam Communications Network
34. Improving Dreams Equality Access and Success (IDEAS) at UCLA
35. Japanese American Bar Association (JABA)
36. K.W. Lee Center for Leadership
37. Korean American Bar Association of Northern California
38. Korean American Bar Association of Southern California
39. Korean American Coalition – Los Angeles
40. Korean Resource Center
41. Koreatown Immigrant Workers Association
42. Little Tokyo Service Center
43. Liwanag Kultural Center
44. Loyola Law School South Asian Law Students Association
45. Mission Graduates
46. National Alliance for Filipino Concerns (NAFCON)- Northern California Chapter
47. National Asian Pacific American Women's Forum (NAPAWF)
48. National Center for Lesbian Rights (NCLR)
49. National Korean American Service & Education Consortium (NAKASEC)
50. Nikkei for Civil Rights and Redress
51. Orange County Asian American Bar Association (OCAABA)
52. Orange County Asian and Pacific Islander Community Alliance (OCAPICA)
53. Organization of Chinese Americans - Greater Los Angeles chapter
54. Organization of Chinese Americans - Orange County chapter
55. Pacific Asian Counseling Services (PACS)
56. Pan Asian Lawyers of San Diego (PALSD)
57. Philippine American Bar Association
58. Pilipino Workers' Center
59. Santa Clara University School of Law - Asian Pacific American Law Students Association (APALSA)
60. Santa Clara University School of Law - Pilipino American Law Society (PALS)
61. Sikh Coalition
62. South Asian Network
63. Southeast Asian Community Alliance
64. Southern California Chinese Lawyers' Association
65. Stanford Asian American Activism Committee (SAAAC)
66. Thai Community Development Center
67. United Cambodian Community
68. UC Berkeley Boalt Hall School of Law, Asian American Law Journal (AALJ)
69. UC Berkeley Boalt Hall School of Law, Asian Pacific American Law Students Association (APALSA)
70. UC Davis Asian American Association
71. UC Hastings Asian Pacific American Law Student Association (APALSA)
72. UC Irvine Asian Pacific Student Association (APSA)
73. UCLA Asian Pacific American Law Journal
74. UCLA Asian Pacific Coalition (APC)
75. UCLA Asian Pacific Islander Law Student Association (APILSA)
76. UCLA Critical Asian and Pacific Islander Students for Action (CAPSA)
77. UCLA Center for Labor Research and Education
78. UCLA Nikkei Student Union
79. UCLA Samahang Pilipino
80. Vietnamese American Bar Association of Southern California (VABA)