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## College access for aliens debated

At issue: What place, if any, they have for undocumented

*By Abbott Koloff*  
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Felipe Vargas always expected to go to college with his friends.

He said he gets good grades at Morristown High School, where he's a sophomore and the host of a student radio show. He wants to study art in college, perhaps to become a teacher.

But while he's lived in New Jersey much of his life, coming to America when he was 10, he doesn't have legal status. That means he may not be able to continue his education after high school because he doesn't qualify for any of the financial breaks he would need.

What happens to students such as Vargas has become part of a nationwide debate heating up all across the nation this year, with two competing proposals in the state legislature.

One would grant some undocumented immigrants in-state tuition to public colleges, following the lead of 10 states that have passed similar laws over the past seven years. The other, sponsored by Morris County Republican assemblymen Richard Merkt and Michael Patrick Carroll, would bar undocumented immigrants from attending any college in the state.

Merkt said he filed the bill in response to attempts to grant in-state tuition to students here illegally, but added that he doesn't expect it to get a hearing in the Democratic-controlled assembly.

"In a state such as New Jersey where we don't have enough college seats for our residents, I cannot see why we should occupy some of those seats with students who are not here legally," Merkt said.

Vargas, 16, who wore a Red Hot Chili Peppers T-shirt during a recent interview, considers himself a typical American teenager. But he doesn't qualify for in-state tuition at a state college. He can't get the federal or state financial aid he would need for private schools. And while most schools would accept him, even if he can't pay, his local community college won't consider his application.

The County College of Morris doesn't accept undocumented immigrants -- which appears to make it, along with Warren County Community College, one of just two public colleges in the state with such a policy.

"It's like saying you've been working so hard at school, but that's as far as you can go," Vargas said. "It's not like I had a choice when I came here. My parents brought me here. I grew up in this country."

Edward Yaw, president of CCM, said the school created a no-illegal immigrant policy shortly after the 9/11 terrorist attacks.

The school's trustees reaffirmed their support of that policy during a recent meeting, he said. But he added that a proposal to allow in-state tuition for undocumented immigrants seems like a "reasonable

approach." If that proposal becomes law, he said he would suggest that the board reexamine its illegal immigrant ban.

"I would bring it to the board's attention, and the board would have to determine what the policy would be," Yaw said.

Proposed laws have been filed in the state assembly and senate to allow undocumented immigrants to pay in-state tuition as long as they attend a New Jersey high school for three years, graduate from a high school in the state, and sign an affidavit saying they are seeking legal status.

That's similar to laws passed in 10 other states, including New York, Texas and California.

A similar bill filed last year failed to get a hearing despite being supported by Gov. Jon S. Corzine. State Assemblyman Gordon Johnson, D-Bergen, one of the bill's sponsors, said he intends to make it a priority this year. State Sen. Anthony Bucco, R-Boonton, was a co-sponsor last year but said he has not yet decided whether to be part of the most recent version.

Maria Vargas, coordinator of Wind of the Spirit, an advocacy group for immigrants, said she knows a half dozen recent high school graduates who can't go to college because of their legal status. She said they all grew up in New Jersey and consider themselves American. One young woman wanted to be a lawyer but is looking for clerical work after being rejected by CCM because of her legal status, she said.

National immigration advocates estimate that 65,000 undocumented immigrants graduate high school each year across the nation.

"Some kids drop out of high school because they feel there's no point if they can't go to a university," Maria Vargas said. "They could give a lot of contributions to this country. Some kids come here when they are 3- or 4-years old and don't know any other home."

She said the in-state tuition law would help students such as Felipe Vargas, who is her nephew. Felipe Vargas said he only recently became aware of some of the barriers he faces. He said he would like to start at CCM but has been told it's not an option. He could get scholarships from churches and other groups. But without a tuition break, he said, college would be out of reach.

Merkt and Carroll said last week that illegal immigrants should not be allowed to attend any colleges. Their proposal would bar them from both public and private colleges and require schools to keep records proving each student either is a citizen or legally-documented. It would impose fines of \$50,000 to \$150,000 for failing to keep such records and would make college presidents personally responsible for 20 percent of those fines.

By including private colleges, it appears to go further than similar proposals in other parts of the country. Missouri legislators have been considering a ban on undocumented students at public colleges. North Carolina community colleges last month became the first public college system in the nation to ban undocumented aliens. They based the policy on a legal opinion from the state attorney general.

A North Carolina newspaper recently published a statement provided by the federal Department of Homeland Security saying that federal law does not require colleges to implement such a ban. North Carolina community college officials said last week that it's not clear who made that statement. They are waiting for guidance from the head of Homeland Security.

"A letter went out to Michael Chertoff a couple of weeks ago," said Audrey Bailey, a spokeswoman for the North Carolina Community College System.

In Morris County, CCM appears to stand alone in its ban of undocumented students. Yaw said he doesn't know how many students have been rejected because of the policy. He said the issue should be addressed by the federal government, and indicated he favors a way for the children of illegal

immigrants to continue their education past high school.

"There should be some path for students who come here as infants and go through the public schools but get to college age and that stops," he said.

Drew and Fairleigh Dickinson universities don't consider immigration status for admission, according to representatives of both schools. But Dave Muha at Drew and Gretchen Johnson at FDU also said many students need federal or state aid to pay private college tuitions -- and such aid is unavailable for undocumented students.

Jane Oates, executive director of the New Jersey Commission on Higher Education, said she is not aware of any state colleges barring undocumented immigrants from attending.

Jacob Farbman, a spokesman for the New Jersey Council of County Colleges, said he doesn't know of county colleges other than Warren and Morris with such a policy.

William Austin, president of Warren Community College, said his school never admitted undocumented students.

"We don't feel we have the legal right to do that," he said.

Meanwhile, Sussex County Community College admits students regardless of legal status. It also has a tuition policy that appears more liberal than other public colleges.

"If someone is living in Sussex County, our policy is to give them the Sussex County tuition rate," said Harold Damato, the school's vice president for student services.

He said officials don't check immigration status, either for admission or determining tuition rates, but added that the college probably has few students who are undocumented.

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