

CALIFORNIA SUPREME COURT REJECTS ATTEMPT TO RESTRICT ACCESS TO HIGHER EDUCATION IN CALIFORNIA

Court Issues Ruling in Martinez v. Regents of the University of California, California's AB 540 Lawsuit

SAN FRANCISCO, Calif. -- This morning, the California Supreme Court issued its decision in Martinez v. Regents of the University of California. The ruling rejected a challenge to AB 540, a California law that allows students who have attended California high schools for three years and received their diploma or GED to pay in-state tuition rates at public colleges and universities in California. Analysis of AB 540 has found that 70 percent of the students covered by this law in the UC system are U.S. citizens or documented immigrants.

"As Californians, we know that it is in our interest to ensure that all of our youth, regardless of status, who attend and graduate from California high schools have access to affordable higher education," said Tanya Broder, an attorney for the National Immigration Law Center, which filed an amicus brief in the case. "Recognizing the fundamental importance of post-secondary education and the valuable resource to the state that these students represent, the California Supreme Court today properly rejected an attempt to deny this opportunity to thousands of current and future talented students. This decision should remind us that Californians are better served by rewarding, not punishing, our youth who work hard and succeed academically."

Added Adey Fisseha, a NILC policy attorney, "Today's decision also highlights a gap in federal immigration law: For thousands of undocumented young people who have grown up in the United States, there is no pathway to legal status to allow them to contribute fully to our society. The DREAM Act, bipartisan legislation under consideration in Washington, would provide such a path to these bright young students. Legislators on both sides of the aisle support a vote on the DREAM Act. Democratic and Republican leadership should heed those calls and make this common-sense legislation a top priority this year."

To view the amicus brief in support of the Regents of the University of California filed by the National Immigration Law Center and the ACLU, go to <http://www.nilc.org/immlawpolicy/DREAM/Martinez-amicus-2009-10-02.pdf> [<http://www.nilc.org/immlawpolicy/DREAM/Martinez-amicus-2009-10-02.pdf>].

To speak with an expert about today's decision or other issues affecting immigrant youth access to higher education, please call Adela de la Torre at 213-674-2832.