

**– Testimony on House Bill 59 –  
Chancellor Erroll B. Davis Jr.  
University System of Georgia  
to the House Higher Education Committee  
Tuesday, February 15, 2011**

Mr. Chairman:

Thank you for the opportunity to appear before the House Higher Education Committee. You and the other members of the General Assembly have a long history of supporting public higher education, and the University System and its institutions would not have the national reputation they enjoy today absent the efforts of you and your predecessors.

You would, of course, have to be living in a time capsule not to be aware of the public debate over illegal immigration. We are all frustrated by the federal government's failure to deal with this issue. I wish I could tell you that I had the answers to this problem.

I am not here today, however, to engage in the broader debate about illegal immigration. Rather, I am here today with a much narrower purpose: to report on what steps the Board of Regents has taken in this area, and to discuss some potential implications of House Bill 59 on the University System, often described by others as the crown jewel of the state's assets.

It is important to note that the Board of Regents has taken no formal position on HB59.

We appreciate Representative Rice's openness with us about what he is trying to accomplish in this bill. We have worked cooperatively with Representative Rice in the past, most recently last session on the issue of intellectual diversity, and we deeply respect his commitment to education and public service.

The University System of Georgia is, at its heart, an educational agency in the business of preparing individuals for the future by increasing their knowledge and skills; we are not in the immigration business, nor are we presently structured to serve as immigration authorities. Our mission is to educate individuals – in a manner consistent with the law – that increases the numbers of people earning undergraduate or graduate degrees. This mission serves Georgia, the nation, and even the wider global economy by creating the workforce needed for sound and robust economic growth and job creation.

First, just to clarify the current situation, our capacity is not being stressed by thousands of illegal students. Out of 311,000 students in our 35 colleges and universities last fall semester, we found 501 undocumented students, or less than two-tenths of one percent. These 501 students all pay out-of-state tuition, which more than fully covers the cost of their education.

Let me explain the difference between “illegal” and “undocumented.” It should not be assumed that “undocumented” equals “illegal.”

Undocumented students are those who have not provided to us the appropriate documents so that they can be classified for in-state tuition. The number of undocumented students will fluctuate, as individual cases are resolved.

Let me give you a few examples of an undocumented student:

- Military students whose parents are now using another state as their home of record;
- The child of a parent who is working in a border state and is not paying Georgia taxes;
- The student who has entered this country in legal status and has applied for permanent residency, but due to the delay in processing, is in a limbo status until the application is approved; and
- The student who fails to answer questions on the application and/or has refused to provide documentation when asked. This happens most frequently with US citizens seeking in-state tuition rates.

The 501 undocumented students enrolled in our System also do not take the place of academically qualified Georgians. Only 29 of the 501 were enrolled at the five USG institutions that limit undergraduate enrollment. As I will note later, the Board of Regents passed a policy in October that now prevents undocumented students from

being admitted to these five institutions: UGA, Georgia Tech, Georgia State, Georgia Health Sciences University, and Georgia College and State University.

Therefore, we want the committee to be aware that the issue of undocumented students taking seats from taxpaying Georgians has already been addressed administratively by the Board of Regents.

Let me also respond in a little more detail to those who have expressed concern that undocumented students are preventing Georgians from taking some classes. We have thousands of students throughout the System that will experience during the course of their college attendance the inability to take a particular class at a desired time at a