



Lawful Permanent Resident (LPR) Task Force

National Board Meeting Forum

June 8, 2023

Chris Simpson Brent, Joan Foley and Barb Goergen

LPR Task Force



Task Force Purpose

The U.S. Permanent Resident Task Force is a temporary working group, formed to review and provide guidance to ARCS chapters in reference to funding only US citizens. The Task Force will develop options and potentially make a recommendation to the NB as to whether the eligible pool of ARCS Scholars be expanded to include U.S. Permanent Residents (PR).

LPR Task Force



Definition of Lawful Permanent Resident

Lawful permanent resident (LPR) is a status given to U.S. immigrants/non-citizens who can legally live in the United States forever.

LPRs enjoy similar rights as citizens including working without special restrictions, own property, receive financial assistance, and join the armed forces, and LPRs have to file income taxes similarly to citizens.

Source: www.law.cornell.edu/wex/lawful_permanent_resident_%28lpr%29



Charter Scope of Work

- National University Relations Com (URC)* and the University Relations Collaboration Network (URCN)** will conduct research regarding potential funding of US Permanent Residents by ARCS
- The US Permanent Resident Task Force will analyze the data and present options and recommendations to the National Board
- The timeline included in the Task Force charter will be followed
- Options and possible recommendations will be presented to the National Board

* URC — 11 chapters represented

** URCN — 15 chapters represented

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Charter Deliverables

The U.S. Permanent Resident Task Force will:

- Share and discuss background information from impacted chapters
- Frame pros and cons and highlight unintended consequences of decisions
- Present update to NB:
 - Stakeholder feedback summary
 - Options and potential recommendations
- NB will review and potentially vote on June 10, 2023 *

* Task Force has requested a resolution to extend the work period until the NB meeting in January 2024

LPR Task Force



Task Force Members *

1. Joan Foley (Oregon), Co-chair
2. Chris Simpson Brent (Northern CA), Co-chair
3. Rhea Coler (Seattle)
4. Danielle Robinson (Metro Washington) [*Temporary TF LOA*]
5. Barb Goergen (Minnesota)
6. Judy LeMarr (Phoenix)
7. Anne Crawford (Pittsburgh)
8. Yolanda Walther-Meade (San Diego and Los Angeles)
9. Janie Wilson (Atlanta)

** Task Force — 10 chapters represented*

Advice and guidance of additional individuals may be sought as needs arise.
Membership of this Task Force will last until the end of the Task Force's life.

LPR Task Force



Team Agreements and Process

- **Rules of Engagement**

- Complete transparency
 - Process, data and materials available to all
- Open minds; active listening
- Follow where the facts lead us
- Open, respectful discussion
 - Zooms recorded but private to the team
- Communicate with and engage all chapters (UR CN and Chapter leaders)
- Decisions by the majority in the best interest of ARCS Foundation
- Full team support of outcomes and LPR reports to National

- **Process**

- Bi-weekly meetings: full team participation
- Homework and assignments: completed on a timely bases

LPR Task Force



Accomplishments to Date (#1)

- The Task Force (TF) collected resource information and data
 - Set up a dropbox for all documents collected
 - Materials are available to all ARCS members
- The TF developed a list of 15 key questions to get started (10 from our TF members and 5 added from the Phoenix Chapter)
 - Questions were researched and answers developed by TF members working in pairs
 - The information provided input for our discussions
- The TF developed survey questions for chapters
 - Purpose: Collect data from chapters and their universities, along with perceptions from the chapter presidents
 - Survey sent to UR CN contacts for each chapter and chapter presidents
 - Designated members of the URC followed up with chapters to encourage timely response and answer queries regarding survey questions
 - 14 of 15 chapters submitted responses
 - Anne Crawford collated responses into a spreadsheet for TF review and analysis



Key Questions to Address for Fact-Based Recommendations

1. Why are we doing this? (Again.) *[Joan / Chris]*
2. What is the official definition and criteria for a Legal Permanent Resident (LPR)? *[Joan / Chris]*
3. Is LPR a DEI issue? (Is LPR being pursued because it is a DEI issue and accepting LPRs as ARCS Scholars will increase diversity?) *[Barb / Danielle]*
4. Can LPRs with PhDs get grants from Federal Agencies, including DOD? *[Rhea / Anne]*
5. What percentage of LPRs get their degrees and then return to their home countries? *[Barb / Yolanda]*
6. Will including LPRs as potential Scholar Awardees change our mission? *[Anne / Janie]*
7. Will ARCS donors accept LPRs, in addition to US Citizens, as candidates for ARCS Awards? *[Janie / Yolanda]*
8. In ARCS' applications for grants, has the requirement that Scholar Awardees be US Citizens been an issue? *[Rhea / Anne]*



Key Questions to Address for Fact-Based Recommendations

9. If the Federal or State government says that LPRs are equivalent to US Citizens (to be treated the same), what risk do we incur by doing otherwise? *[Rhea / Judy]*
10. What is the impact of whatever we decide; i.e. legally, with endowment funders, regarding donor intent? How does it affect our organization moving forward? *[Judy / Danielle]*
11. Where did the ruling come from changing the need to include US Lawful Permanent Residents along with US citizens for financial awards? *[Joan / Chris]*
12. Is there a federal dictate about how individual donors or organizations donate their money? *[Rhea / Judy]*
13. Does National have to change its mission or can waivers continue to be issued? *[Anne / Barb]*
14. Like DEI, if National chooses a course of action, may individual chapters choose to opt out? *[Danielle / Yolanda]*
15. If National doesn't change, are there chapters that would close? *[Judy / Janie]*

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Survey Questions for Chapter Input

University Partnerships

- * How many universities do you have, and how many, if any, have raised the LPR issue as an obstacle in working with ARCS?
- * Will you lose University partners if we do not accept LPRs for consideration in the pool of eligible recipients of ARCS Awards?
How many?
- * Are you limited in your Chapter Territory by universities which would be eligible as ARCS academic partners?

Scholar Selection and Award Distribution

- * How Are Scholars Selected?
 - A. School reviews and selects scholars (per the UR Manual)
 - B. Chapter reviews and selects
 - C. School reviews and sends scholars to Chapter to selectIf your response is B or C, please explain.
- * How are ARCS Scholar Award checks from the Chapter provided to the ARCS Scholars?
 - A. Checks are written, or funds are transferred, to the Universities (at the University, school or department level) for distribution to the selected ARCS Scholars
 - B. Checks are written directly to the ARCS Scholars? (Per a waiver)If neither A or B applies, please explain.



Survey Questions for Chapter Input

Funding Issues and Sources for Scholar Awards

- * If the inclusion of LPRs is an issue in your Chapter, is it only for endowed awards that are held by your university partners? If funds are going directly to the selected scholars versus to the University for distribution, do different rules apply?
- * How much of your Chapter's Scholar Awards this past year (in total dollars and percent) came from:
 - ... your chapter members?
 - ... friends of ARCS (non-member individuals/family foundations)?
 - ... corporations or foundations?

QUESTION specifically for the CHAPTER PRESIDENT:

- * What is your view (estimate) of the percentage of your Chapter's member donors that you believe would no longer give to your Chapter/ARCS if Lawful Permanent Residents (LPRs, aka Green Card holders) were included as qualified candidates to receive ARCS Awards? Would some members be inspired to give more? Note the gains and/or losses in member donations.
- * For funds from external (non-member) donors, what do you anticipate would be the impact? Would donors pull back from future giving, give similarly, or feel encouraged to give more?

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Survey Questions for Chapter Input

Membership Awareness and Perspectives

QUESTIONS specifically for the CHAPTER PRESIDENT:

- * Has the issue of LPRs been a topic this past year at your Chapter Board Level? If so, would you please summarize the awareness/knowledge level and the general perspective of the Board. (Note: there may not have been conversations, but if there have been, the Task Force would be interested.)
- * Do you anticipate that the LPR decision will:
 - ... affect your current membership (gains or losses) over the next 2-5 years? Explain in what ways, positively and/or negatively.
 - ... affect your recruiting efforts for future members over the next 2-5 years? Explain in what ways, positively and/or negatively.

University/College Data for STEM Graduate Students

- * Please query TWO of your Chapter's universities. (This will provide a sample size of 30 universities with representation from all chapters.) Information may be available on line.
 - % U.S. Citizen [of all STEM Graduate Students]
 - % Lawful Permanent Resident (aka Green Card Holders) [of all STEM Graduate Students]

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Accomplishments to Date (#2)

The TF explored the history of the LPR Question:

- Gathered historic materials provided by Lynne Brickner
- Invited Lynne and Jackie Henson, who had worked on the issue of Permanent Legal Residents in 2017, to attend our April 18th meeting, summarizing their work and conclusions
- Barb Goergen wrote up, with sources cited, a summary of the pertinent points from the NACUA (Natl Assoc of University Attorneys) re: the Supreme Court decision in Nyquist v Mauclet 1977
 - Reviewed past documentation, including an earlier Chapter survey by Caron Ogg



A Primer on Federal Restrictions that Apply to ARCS Awards



Lawful Permanent Residents Research

1. NACUA – National Association of College and University Attorneys, 2017
(Referred to as **NACUA** in this presentation)
2. A Federal Legal and Policy Primer on Scholarships, 2016
National Scholarship Providers Association, College Board, Education Counsel
(Referred to as **Primer** in this presentation)



Federal Statutes For Citizenship Exclusions Apply To:

- **Public and private schools receiving Federal funds**
 - Title VI of the Civil Rights Act 1964
 - Prohibits discrimination based on race, ethnicity, and national origin in programs and activities receiving federal financial assistance
 - Equal Protection Clause of the 14th Amendment of the U.S. Constitution
- **Private institutions receiving no Federal funds**
 - Free to accept any type of restricted gift
 - If a restricted gift is accepted that is against Federal Statutes, it may lose tax exemption status

Reference: **NACUA** p. 1-2



Citizenship Restrictions That Include Only U.S. Citizens

- Discrimination based on race, ethnicity, or national origin is in violation of the Equal Protection Clause in the Fourteenth Amendment to the U.S. Constitution and prohibited by Title VI of the Civil Rights Act of 1964.
- The U.S. Supreme Court has recognized alienage as a suspect classification under the Equal Protection Clause of the Fourteenth Amendment.

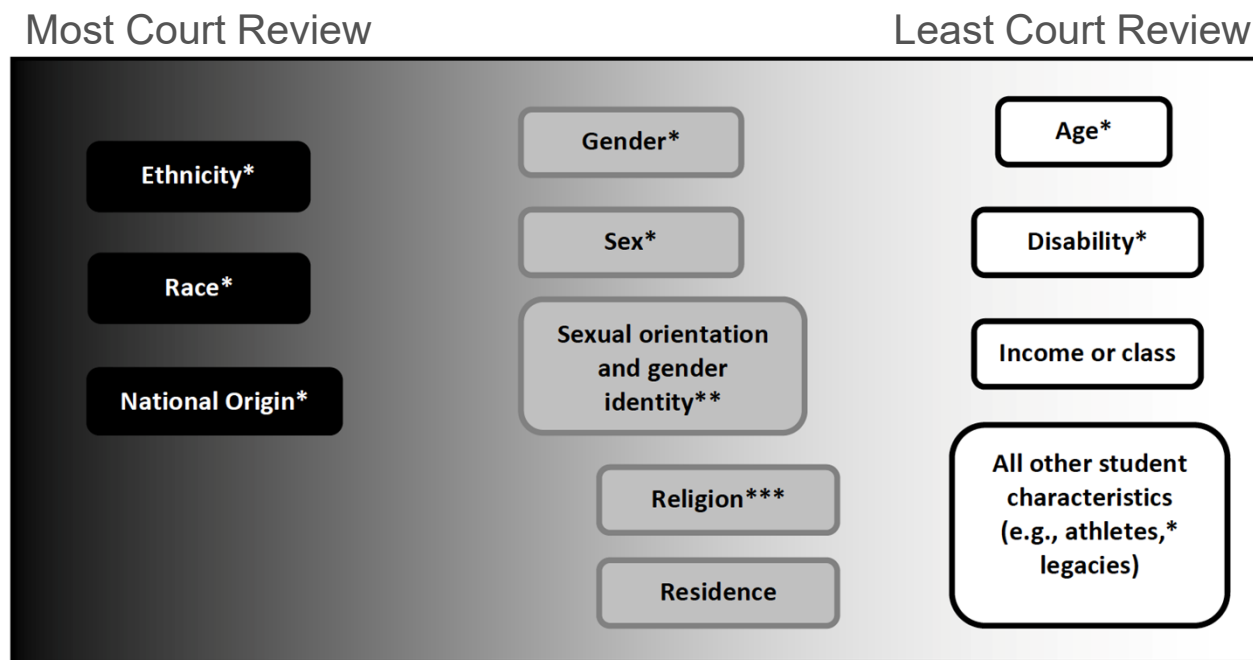
*“It has long been settled . . . that the term ‘person’ [in the Equal Protection Clause] encompasses lawfully admitted resident aliens as well as citizens of the United States and **entitles both citizens and aliens to the equal protection of the laws of the State in which they reside.**”* *Graham v Richardson*, 403 U.S., 371 (1971)

Reference: **NACUA** p. 6

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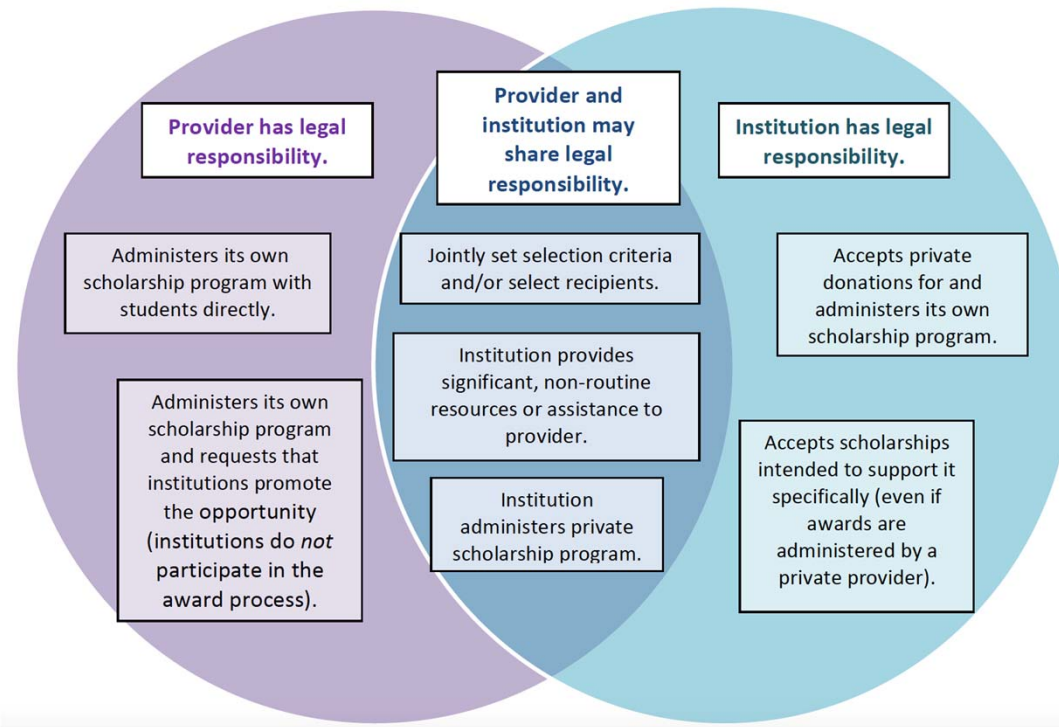
Levels of Judicial Scrutiny



Reference: *Primer* pp.15, 17



Legal Responsibility for Using U.S Citizen Only Selection Criteria



Reference: *Primer* p. 9-10



Consequences to a University for Accepting Scholarship Awards With Restricted Eligibility Criteria

- Lawsuits against the University for discrimination through the Office of Civil Rights in the Department of Education
 - It takes time, staffing and money for the University to research and defend against a lawsuit
- Possible loss of Federal funding



Alternative Solutions for Universities Accepting Restricted Scholarships

If the donor foundation insists on a US citizenship restriction:

- The University must use **External Administration**
 - The university may advertise the scholarships but may not be involved in the administration of, or provide significant assistance the external scholarship program

OR

The donor foundation may change the selection criteria to include:

- **U.S. Citizens and Lawful Permanent Residents.***

* This has been ruled acceptable language that would not violate the Equal Protection Clause of the 14th amendment.

Reference: **NACUA** p. 14

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Lawful Permanent Residents (Green Card) Holders:

- May be hired for jobs
- May receive financial assistance for education
- Are required to pay taxes
- May collect Social Security (if they have paid into the system)
- Are required to register for Selective Service (males ages 18 to 25)
- May enlist in the military

Green Card Holders May Not:

- Vote
- Leave the United States for more than 1 year

Reference: [Department of Homeland Security](#)

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A "Lawful Permanent Resident" is not:

- A person who is in the U.S. without documentation to support immigration status
- A person in the U.S. on a student Visa
- A Deferred Action for Childhood Arrivals ("DACA") recipient
- A large percentage of a University's STEM students



Chapter Survey from 2022 by Caron Ogg

LPR Task Force



Chapter	University partners concerned over US citizenship requirement	What specifically are their concerns related to this requirement	Which university has expressed concern	Is university taking action in the future
Colorado	Yes, our chapter has been notified that the citizenship requirement may soon become an issue at Colorado State University.	This has come up before and last year it was a sticky situation but CSU allowed it. CSU has been revisiting scholarship requirements from its donors.	Colorado State University	We have been told that in the future, we may no longer be able to require attendance at our Meet and Greet and the Scholar Recognition Lunch as a stipulation for our scholar award. Also, their legal team is continuing to review citizenship requirements for scholarship across the board.
Honolulu	Yes. Twice in recent years we've been asked if the award could go to permanent resident aliens	They told us it meant bypassing the very best students and going with a second, less stellar choice to receive the ARCS Scholar Award.	University of Hawaii at Manoa	No action has been taken or threatened as a result.
Illinois	Yes. As many of them have robust populations of foreign or US permanent resident students, multiple have.	They would like ARCS to expand their criteria.	Anecdotally, I would say that all have at least mentioned it. IIT and UChicago have definitely raised it.	Not that I am aware of.
Minnesota	Yes	When we originally approached UMN as our partner, their lawyers expressed concern re the restriction, with concern that it could jeopardize their federal funding. Recently, the top choice for a scholar one department was not a US Citizen. Resolution was that they selected another strong student who was a US Citizen.	University of Minnesota	No. The solution reached was for our chapter to directly fund the scholars (following UMN identification/selection), so no money passes thru the University books.

LPR Task Force



Chapter	University partners concerned over US citizenship requirement	What specifically are their concerns related to this requirement	Which university has expressed concern	Is university taking action in the future
Orange County	Yes, we have fielded several inquiries since 2019 regarding if we are now accepting green card holders.			
Oregon	Yes. This is a growing area of concern with our Oregon universities.	Awards need to be extended to permanent residents to comply with Federal law. OSU has been in the process of amending existing endowments to bring them into compliance. This is a serious concern for both ARCS endowments held by partner universities as well as annual scholar awards paid by the Chapter for distribution to selected scholars.	OSU and OHSU - OSU has been in conversations with OHSU and UO	Yes. OSU has used a "workaround" process to make sure that ARCS awards are given to US citizens. This is not a sustainable process going forward. OSU has allowed us time to make changes at ARCS National that would allow awards to be given to permanent residents.
Pittsburgh	Both universities were looking at a specific NACUA decision, but not sure of the details. Both universities believed that we needed to include Permanent Residents.	Carnegie Mellon University, University of Pittsburgh, Pennsylvania State University	We lost Penn State University approximately 2014 and completed funding of scholars there in 2017.	Yes. Both CMU and University of Pittsburgh expressed concern in 2019.
Seattle	Yes	UW is updating its gift acceptance policy. Citizenship has been identified as a requirement to be reviewed. Their concern is allegedly based on a 1997 case.	University of Washington	We do not know yet.
Utah	Yes, last year	They stated that their "best" candidates would not be eligible and may be difficult to find recipients.	University of Utah college of Engineering	No

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Take Aways

- Minnesota has already been required to take the “External Administration” approach with a waiver from National.
- Other Universities are beginning to point out to their chapters that not including Permanent Residents with U.S. citizens in our selection criteria is a problem and they may not be able to continue taking funds for Scholar awards.
- Some chapters are saying it has never been a problem.
- The Task Force needs to hear from everyone and, after that, draft a recommendation that is best for ARCS Foundation as a whole.

Questions ?



LPR Chapter Survey Spring 2023



Survey Input from the Chapter Presidents

Donor Impact

- What is your view (estimate) of the percentage of your Chapter's member donors that you believe would no longer give to your Chapter/ARCS if Lawful Permanent Residents (LPRs, aka Green Card holders) were included as qualified candidates to receive ARCS Awards? Would some members be inspired to give more?
 - SIGNIFICANTLY LESS — **4 Chapters** [50% - 100% less]
 - SLIGHTLY LESS — **4 Chapters** [5% - 15% less]
 - NO CHANGE — **3 Chapters**
 - MORE — **2 Chapters** [One Chapter noted that a pledge of \$100,00 won't be completed until LPR included]
 - UNSURE — **1 Chapter**
- For funds from external (non-member) donors, what do you anticipate would be the impact? Would donors pull back from future giving, give similarly, or feel encouraged to give more?
 - LESS — **3 Chapters**
 - NO CHANGE — **5 Chapters**
 - MORE — **4 Chapters**
 - UNSURE — **2 Chapters**

LPR Task Force



Survey Input from the Chapter Presidents

Membership Awareness and Perspectives

- Has the issue of LPRs been a topic this past year at your Chapter Board Level? If so, would you please summarize the awareness/knowledge level and the general perspective of the Board. (Note: there may not have been conversations, but if there have been, the Task Force would be interested.)

YES — 9

NO — 5

- Do you anticipate that the LPR decision will:

... affect your current membership (gains or losses) over the next 2-5 years? Explain in what ways, positively and/or negatively.

NEGATIVELY — 4

NO SIGNIFICANT IMPACT — 8

POSITIVELY — 2

... affect your recruiting efforts for future members over the next 2-5 years? Explain in what ways, positively and/or negatively.

NEGATIVELY — 3

NO SIGNIFICANT IMPACT — 5

POSITIVELY — 4

UNSURE — 2

LPR Task Force



Current Status

- Presenting to National Board (today) where we will have opportunities for a Q&A session
 - We will offer a follow up opportunity for general discussion of the material at breakfast on Friday (tomorrow)
- Analyzing the Task Force question set and the chapter survey questions
- Continuing to work toward agreement — or defining exactly what we can agree on

LPR Task Force



Recommendations for 2023-2024

- Extend the work of the Task Force to January 2024
- Invite university faculty and administrators to speak on their perspective of LPRs
- Invite chapter members to speak from those chapters who have had universities query re: LPRs and ARCS awards
- Bring Governance into our discussions regarding potential options
- Focus on the need and importance for communication and education across ARCS leadership and membership on this matter
- Continue a thoughtful, thorough approach, encouraging open minds by all



Thank you to the LPR Task Force!

We are grateful to the TF members for their time, interest, and commitment to researching, understanding and eventually making recommendations to the NB regarding LPRs.



Questions?

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There is much work left to be done.