

Immigrant Access to Higher Education

A state-by-state analysis of how states treat undocumented students who want to go to public colleges.

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As the costs of higher education continue to reach new heights, access to in-state tuition for public universities and colleges is often the determining factor in whether students will be able to continue their education beyond high school. Despite having grown up and been residents of states often longer than the typical residency requirements, undocumented immigrant youth, also known as DREAMers—named after the Senate’s DREAM (Development, Relief, and Education for Alien Minors) Act—have historically been excluded from this critical state benefit. But this is changing.

The trend toward restricting admission to public colleges or denying in-state tuition to undocumented immigrants is shifting. Many states have begun to realize that supporting undocumented youth in obtaining an education is not only a humane policy, it’s also an investment in the state’s human capital and economy.

States are approaching this in diverse ways, with the most progressive states passing laws that guarantee tuition equity and allow for state-funded financial aid and private scholarships. Others only offer tuition equity to students who have received Deferred Action for Childhood Arrivals (DACA) and are therefore in the U.S. legally. On the other end of the spectrum, a minority of states are choosing to explicitly prevent this population from accessing in-state tuition and, in the most extreme cases, from enrolling in public colleges at all (Georgia and Montana).

For sources visit:
www.americasquarterly.org/dreamers-access-higher-education

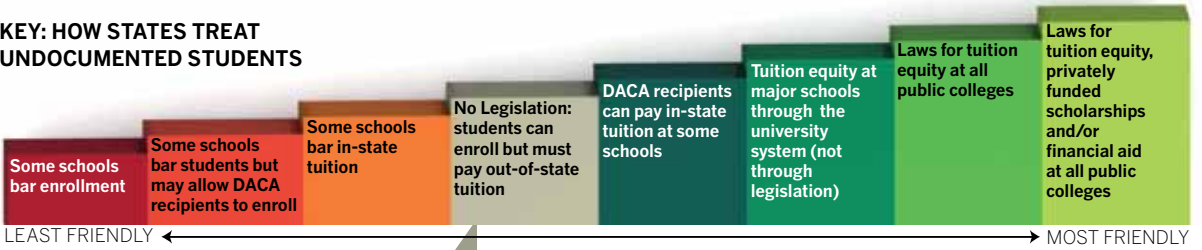


CALIFORNIA
 The California DREAM Act, signed in 2011, gives eligible undocumented students access to in-state tuition, state financial aid, and universities' privately funded scholarships (unless the donor has specified eligibility requirements). This is no small matter. To attend UCLA, for example, California residents pay \$12,862 in annual tuition and fees. Out-of-staters pay \$35,740.

COLORADO
 In 2013, Colorado repealed a 2006 bill banning undocumented students from receiving in-state tuition when Governor John Hickenlooper signed Senate Bill 33, also known as the ASSET bill, into law. The bill had previously failed to pass six times.

ARIZONA
 In June 2013, the Arizona attorney general sued the Maricopa County Community College District Board. The lawsuit, *State of Arizona v. Maricopa County Community College District Board*, attempts to block the country's largest community college system from providing in-state tuition to DACA recipients. According to the state, the college system's policy of accepting employment authorization documents issued under DACA violates Arizona's Proposition 300, passed by voters in 2006 to deny students without lawful immigration status in-state tuition. The lawsuit remains pending and the district's 10 community colleges will continue their policy absent a court order finding that it violates the law.

KEY: HOW STATES TREAT UNDOCUMENTED STUDENTS



These states do not have an explicit policy governing access to in-state tuition for undocumented youth, but many have legislation currently being debated. Arizona, Delaware, Indiana, Iowa, Massachusetts, Missouri, New Hampshire, Pennsylvania, Rhode Island, and South Carolina all have tuition equity bills currently in state legislatures. Idaho, Louisiana, Mississippi, Tennessee, and Wisconsin had legislation introduced that failed.

NEW HAMPSHIRE
In June 2012, the New Hampshire legislature passed HB 1383, requiring students to sign an affidavit certifying that they are a legal U.S. resident to receive in-state tuition, in effect denying in-state tuition to undocumented students. However, current legislation offering in-state tuition passed the House in January 2014 and is currently in the Senate.

DELAWARE
Although the state doesn't have a policy, Delaware Technical Community College does allow in-state tuition for undocumented students. Currently the State Senate's education committee is considering State Senator Robert Marshall's Tuition Equity Act. His 2012 version of the bill failed.

MARYLAND
The Maryland DREAM Act went into effect in 2013, after a referendum in November 2012 approved the measure. The act grants undocumented immigrants tuition equity in any public college or university, but students must first attend a community college.

SOUTH CAROLINA
In South Carolina, the more than 3,500 students who have DACA may enroll in public universities, but they must pay out-of-state tuition. To attend the University of South Carolina, residents pay \$10,791 a year; out-of-staters pay \$28,461 in tuition and fees.

FLORIDA
In May 2014, Florida became the first state in the south to pass legislation offering in-state tuition for all undocumented youth. Governor Rick Scott signed the legislation into law on June 9, 2014.

ARKANSAS
Previously, both the University of Arkansas at Fayetteville and the University of Central Arkansas in Conway had offered undocumented students in-state tuition. This practice ceased in 2008 when Governor Mike Beebe warned that institutions doing so violated a 2005 legal opinion he signed while serving as the state's attorney general arguing that giving undocumented immigrants in-state tuition violated the Equal Protection Clause of the 14th Amendment. However, as of 2013, Governor Beebe has stated he is no longer opposed to in-state tuition for undocumented students.

TEXAS
Undocumented students in Texas have access to in-state tuition as well as state financial aid. To attend the University of Texas at Austin, out-of-state students must pay more than three times what state residents pay—\$34,860 a year versus \$9,816 in tuition and fees.

