Immigrants - In-State Tuition

Many immigrant children are ineligible for in-state college tuition rates, effectively denying them access to higher education. Placing college education out of reach for students is an enormous loss for the economy and for society. States should enact laws to make higher education more accessible to long-term residents.

★ 2004 POLICY SUMMARY ★

Immigrants - In-State Tuition

Summary

- **Many immigrant children are ineligible for in-state college tuition rates, effectively denying them access to higher education.**
- **Placing college education out of reach for immigrant students is an enormous loss for the economy and for society.**
- **To excel in school and attend college, many children of low-income immigrant families overcome tremendous obstacles.**
- **The denial of in-state tuition rates disproportionately affects Latino students.**
- **States should enact laws to make higher education more accessible to long-term resident immigrant students.**

Many immigrant children are ineligible for in-state college tuition rates, effectively denying them access to a college education.

Despite the fact that numerous foreign-born children have lived in the United States for most of their lives, many are denied in-state college tuition rates if they are undocumented or in the process of obtaining legal status. These children are subject to international student tuition rates, which tend to be three to ten times higher than in-state tuition. For example, the annual in-state tuition rate to attend the University of California-Berkeley is $5,842, compared to $20,068 for international students. The in-state rate at California community colleges is $18 per semester unit, compared to $141 per unit for international students. At these rates, college is not a viable option for most immigrant students in lower-income families.

Placing college education out of reach for immigrant students is an enormous loss for the economy and for society.

At a time when state economies need a more highly educated workforce, it makes no sense to deny higher education to immigrant students. College graduates have higher earnings than high school graduates; they pay more state taxes and provide a better trained workforce for high-paying employers. States that block students who are capable of excelling in college are shooting themselves in the foot.

To excel in school and attend college, many children of low-income immigrant families overcome tremendous obstacles.

Often they must overcome language and cultural barriers, in addition to the economic hardships faced by other minority groups. These students have attended and graduated from local high schools in communities where their parents work and pay taxes. Given the opportunity, immigrant students stand to make great contributions to our society.

The denial of in-state tuition rates disproportionately affects Latino students.

Recent Census data show that Latino children are among the fastest-growing populations in the United States. In fact, more than one-third of all Latinos in the United States are under the age of 18. These young people will make up a large proportion of our nation's future workforce. It is especially important to encourage young Latinos and other immigrant students to continue in school and pursue their dreams through higher education.

States should enact laws to make higher education more accessible to long-term resident immigrant students.

Illinois, Oklahoma and Washington adopted legislation in 2003 to allow resident immigrant students who meet certain criteria to attend state

colleges and universities at in-state tuition rates. California, New York, Texas and Utah adopted similar legislation in 2001-02. To be eligible, students are required to be state residents, have attended a high school within the state for two or three years, have graduated from a state high school (or attained an equivalent certification), and be currently attending, or have been accepted at, a state college or university. Students are also required to file an affadavit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

In recent years, in-state tuition laws have enjoyed strong bi-partisan support in many states.

In 2003, Illinois legislation allowing immigrant students access to in-state tuition rates passed the House by a vote of 112 to 4, and the Senate by a vote of 55 to 1. Similar legislation in New York and Utah was broadly supported by both parties, and by businesses, unions, educators and the civil rights community.

This policy summary relies in large part on information from the National Council of La Raza and the National Immigration Law Center.

Immigrants - In-State Tuition

For more information...

Center for Policy Alternatives
1875 Connecticut Avenue NW, Suite 710
Washington, DC 20009
202-387-6030
www.stateaction.org

California Immigrant Welfare Collaborative
926 J Street, Suite 701
Sacramento, CA 95814
916-448-6762
www.nilc.org/ciwc

National Council of La Raza
1111 19th Street NW, Suite 1000
Washington, DC 20036
202-785-1670
www.nclr.org

National Immigration Law Center
1101 14th Street NW, Suite 410
Washington, DC 20005
202-216-0261
www.nilc.org

Access to Postsecondary Education Act

Summary: The Access to Postsecondary Education Act provides in-state university and college tuition rates to qualified immigrant students who have attended state high schools for at least two years.

SECTION 1. SHORT TITLE

This Act shall be called the "Access to Postsecondary Education Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds:

1. Many [STATE] immigrant high school students have lived in the state most of their lives, and are likely to remain residents. These students are nevertheless precluded from obtaining an affordable college education because they do not qualify for in-state tuition rates. Without in-state tuition, many of these students are not able to attend college.

2. These students have already proven their academic eligibility and merit by being accepted into the state college and university system.

3. Making it possible for these students to attend college will increase the state's college-educated workforce and stimulate economic growth.

4. This Act does not confer postsecondary education benefits on the basis of residence within the meaning of Section 1623 of Title 8 of the United States Code.

(B) PURPOSE—This law is enacted to provide educational opportunity to children who are long-time residents of [STATE], improving the overall economic condition of the state.

SECTION 3. ACCESS TO POSTSECONDARY EDUCATION

After section XXX, the following new section XXX shall be inserted:

(A) QUALIFICATIONS FOR IN-STATE TUITION RATES

A student, other than a nonimmigrant alien within the meaning of paragraph 15 of subsection (a) of Section 1101 of Title 8 of the United States Code, shall qualify for in-state tuition rates at [STATE] state universities and colleges if the student meets all of the following requirements:

1. High school attendance in [STATE] for two or more years.

2. Graduation from a [STATE] high school or attainment of the equivalent thereof.

3. Registration as an entering student at, or current enrollment in, a public institution of higher education in [STATE].

4. In the case of a person without legal immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(B) ADMINISTRATION

1. The [Trustees of the University System] and the [Board of Governors of the Community College System] shall prescribe rules and regulations for the implementation of this section.

2. Student information obtained in the implementation of this section shall be confidential.

(C) ENFORCEMENT

A state court may award only prospective injunctive and declaratory relief to a party in any lawsuit based upon this section or based upon rules and regulations prescribed to implement this section.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.