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Tuition Benefits for Immigrants

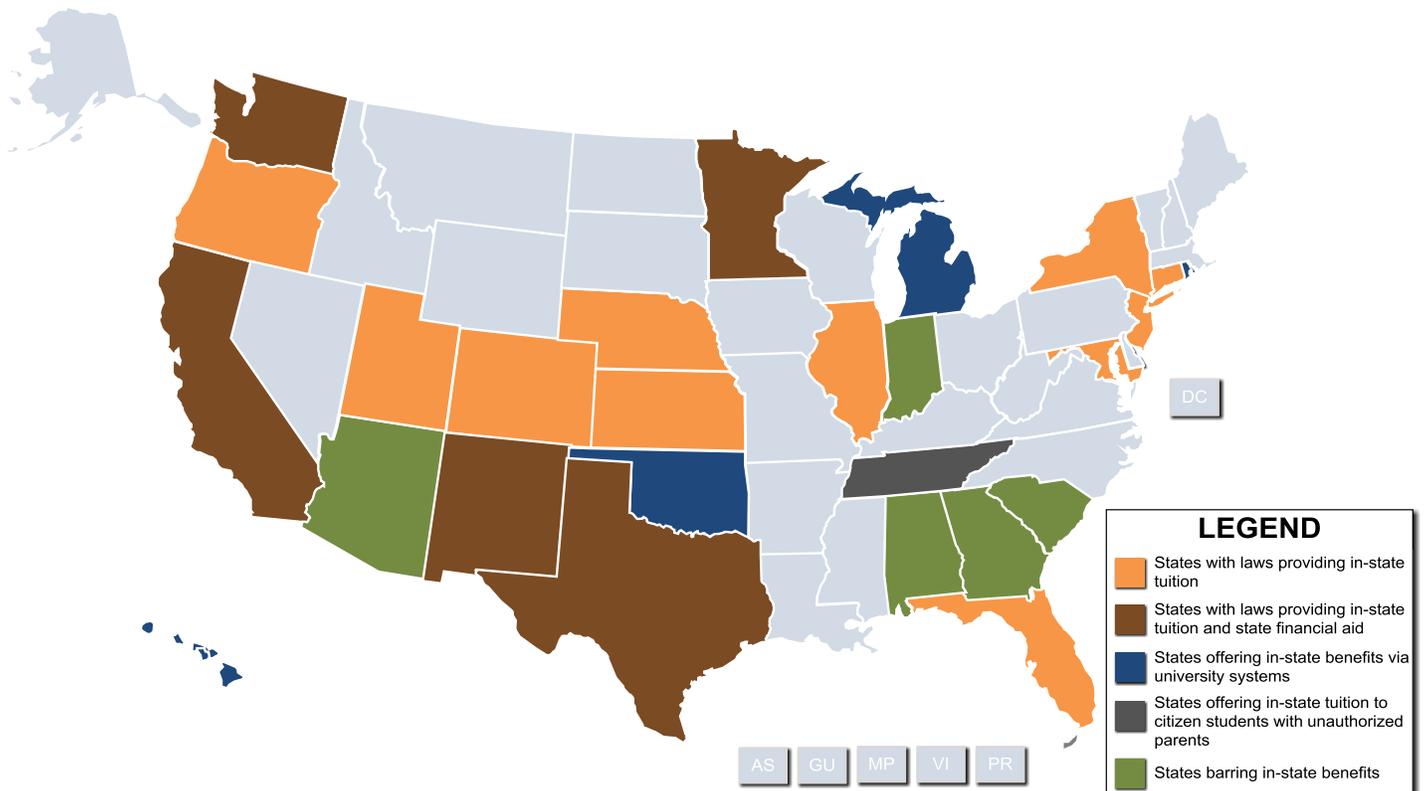
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Twenty states offer in-state tuition to unauthorized immigrant students, 16 by state legislative action and four by state university systems. Sixteen state legislatures—California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah and Washington—enacted laws to allow in-state tuition benefits for certain unauthorized immigrant students. These laws typically require attendance and graduation at state high schools, acceptance at a state college or university, and promising to apply for legal status as soon as eligible. At least four state university systems—the University of Hawaii Board of Regents, University of Michigan Board of Regents, Oklahoma State Regents for Higher Education and Rhode Island’s Board of Governors for Higher Education—established policies to offer in-state tuition rates to unauthorized immigrant students.

Several other states have addressed tuition rates for Deferred Action for Childhood Arrivals (DACA) recipients or mixed status families. On April 29, 2014, the Virginia attorney general advised that Virginia students who are lawfully present in the United States under the DACA program qualify for in-state tuition. Tennessee enacted legislation that extends in-state tuition to U.S. citizen students with unauthorized parents.

In addition, five states—California, New Mexico, Minnesota, Texas and Washington—currently offer state financial assistance to unauthorized students.

Five states—Alabama, Arizona, Georgia, Indiana and South Carolina—bar unauthorized immigrant students from in-state tuition benefits.



State	Bill	Year	Summary
16 STATES OFFER IN-STATE TUITION VIA ACTION BY STATE LEGISLATURES			
California	A 540	2001	This law requires that an unlawful immigrant, other than a nonimmigrant alien, be exempted from paying nonresident tuition at state community colleges and the state university if these conditions are met: attendance at a state high school for three or more years, graduation from a California high school or the equivalent, registration at or attendance at an accredited higher education institution in the state, and has filed an affidavit stating that the student has applied to legalize his or her immigration status, or will file an application as soon as he or she is eligible.
Colorado	S 33	2013	This law allows students without lawful immigration status to be considered in-state residents and exempts people receiving higher education benefits from having to provide documentation of lawful presence in the United States.
Connecticut	H 6390	2011	This law extends in-state tuition benefits to postsecondary students without legal immigration status who reside in Connecticut and meet certain criteria. It requires them to file an affidavit with a college stating that they have applied to legalize their immigration status or will do so as soon as they are eligible to apply.
Florida	H 851	2014	This postsecondary education law includes amendments relating to qualifications for resident (in-state) tuition. Out-of-state fees are waived for students, including but not limited to those undocumented for federal immigration purposes who have attended a secondary school for three years before graduating from a Florida high school, applied for higher education enrollment within two years of graduation, and submitted an official Florida high school transcript as evidence of attendance and graduation. A dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. The law prohibits denial of classification as a resident for tuition purposes based on immigration status and allows certain people to be classified as state residents based on marriage or military service.
Illinois	H 60	2003	This law allows in-state tuition for a person who is not a citizen or permanent resident of the United States who files an affidavit stating intent to apply for citizenship as soon as is possible.
Kansas	H 2145	2004	This law allows certain nonresidents to be deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions and makes provisions for people without lawful immigration status under certain circumstances.
Maryland	S 167	2011	This law authorizes in-state tuition benefits at a local community college to unauthorized students who have graduated from public high schools. Parents must be able to prove they pay Maryland taxes to receive in-state tuition. After two years, students have the option of transferring to a state university at in-state tuition rates. Students who are not permanent residents must provide to the public college an affidavit stating that they will file an application to become a permanent resident within 30 days after becoming eligible to do so.
Minnesota	S 1236	2013	This law establishes criteria by which students without lawful immigration status may qualify for the resident tuition rate in state universities and colleges.
Nebraska	L 239	2006	This law redefines “residency” and “lawful status” for the sake of in-state tuition eligibility and allows those residing in the state for three years or more, and who meet other criteria, to become eligible for in-state tuition.
New Jersey	S 2479	2013	This law provides in-state tuition and state financial aid if the individual attended high school for three years, graduated or received the equivalent of a high school diploma and enrolls in a public institution of higher education in 2014. If the person does not have lawful status, he or she must file an affidavit to legalize when eligible to do so.
New Mexico	S 582	2005	This law prohibits denial of college benefits based on a student’s immigration status. It provides for in-state tuition and state-funded financial aid to be granted on the same terms to all people, regardless of immigration status.
New York	S 7784	2001	This law provides that payment of State University of New York or City University of New York tuition by certain non-resident students shall be paid at a rate no greater than that imposed on resident students.
Oregon	H 2787	2013	This law exempts students who are not citizens or lawful permanent residents from nonresident tuition and fees if the following conditions are met: three years of attendance at an Oregon

			school; five years attendance in any U.S., D.C. or Puerto Rico elementary or secondary school; receipt of a high school diploma or equivalent in Oregon within three years of enrolling in a public university in Oregon. The student must demonstrate intent to become a citizen or lawful permanent resident by submitting a copy of the student's application registered with a federal immigration program or federal deportation deferral program or statement to apply as permitted under federal law, and an affidavit of application for a federal individual taxpayer identification number or official federal ID. The law allows for a dependent of a noncitizen to receive similar benefits.
Texas	H 1403	2001	This law grants in-state tuition benefits and state financial aid to immigrant and unauthorized students based on the following conditions: the student must have resided in Texas while attending high school in Texas, graduated from a public or private high school or received a GED in Texas, resided in Texas for three years prior to graduation from high school or receipt of GED, and provide their institution of higher learning a signed affidavit indicating an intent to apply for permanent resident status as soon as able to do so.
Utah	H 144	2002	This law modifies the State System of Higher Education Code and allows a student who meets certain requirements to be exempt from paying nonresident tuition at institutions of higher education.
Washington	H 1079	2003	This law defines resident student to include any person who has lived in the state for three years before receiving a diploma or its equivalent from the state of Washington. This would ensure their eligibility for in-state tuition regardless of immigration status.
FOUR STATES OFFER IN-STATE TUITION VIA ACTION BY OTHER MEANS			
Hawaii	UH Board of Regents Policies Ch 6, S 6-9	2013	The Board of Regents allows unauthorized students to be considered residents of Hawaii for the purposes of tuition and financial assistance if they establish residency by being physically present in Hawaii for 12 months (demonstrating intent to make Hawaii the place of permanent residency), attend a public or private high school in the United States for at least three years, and graduated from or attained the equivalent of such from a U.S. high school. The student must file for Deferred Action for Childhood Arrivals, file an application for legal immigration status, or file an affidavit with the university confirming intent to file as soon as possible.
Michigan	UM Board of Regents	2013	The UM Board of Regents approved changes in guidelines to student qualification for in-state tuition. These new guidelines expand eligibility for in-state tuition to all U.S. military veterans, members of the U.S. Public Health Service and to students who have attended middle school and high school in Michigan (regardless of immigration status).
Oklahoma	H 1804	2007	This law allows the Oklahoma State Regents for Higher Education to adopt a policy that allows a student to enroll in an institution within the Oklahoma State System of Higher Education and be eligible for resident, and any scholarships or financial aid provided by the state.
	Oklahoma State Regents for Higher Education Policy Manual Ch 3, S 17.6	2007	In accordance with OK HB 1804, an individual who cannot present valid documentation of United States nationality or an immigration status but who graduated from a public or private Oklahoma high school, resided in the state with a parent or legal guardian while attending classes for at least two years before graduation, and who satisfies admission standards for the institution is eligible for enrollment and/or out-of-state tuition waivers, if the individual provides a copy of an application or petition filed with the United States Citizenship and Immigration Service to legalize their immigration status, or files an affidavit with the institution stating that they will file an application to legalize their immigration status at the earliest opportunity they are eligible to do so. Any student who is able to provide these shall not be disqualified on the basis of their immigration status from any scholarships or financial aid provided by the state.
Rhode Island	S 5.0 Residency Policy	2011	Rhode Island's Board of Governors for Higher Education approved a policy that allows unauthorized students to pay in-state tuition at Rhode Island's college if they attended high school in the state for at least three years and graduated. The students must sign an affidavit stating they are pursuing legal status.
FOUR STATES OFFER STATE FINANCIAL ASSISTANCE TO UNAUTHORIZED STUDENTS			
California	A 131	2011	This law enacts the California Dream Act of 2011. Beginning Jan. 1, 2012, any person who is exempt from paying nonresident tuition, as specified by existing law, at California State University, the California Community Colleges, or University of California, is eligible to receive scholarships from non-state funds.
New Mexico	S 582	2005	<i>See above.</i>
Texas	H 1403	2001	<i>See above.</i>

Washington	S 6523	2014	This law, called the Real Hope Act, extends financial aid to students domiciled in the state of Washington. These resident students may receive aid regardless of immigration status.
	H 1817	2014	This law allows access to the State Need Grant for individuals granted Deferred Action for Childhood Arrival status who meet certain criteria, regardless of status. Criteria include completion of the full senior year of high school, received a high school diploma or equivalent from a Washington high school.
ONE STATE OFFERS IN-STATE TUITION FOR CITIZEN STUDENTS WITH UNAUTHORIZED PARENTS VIA ACTION BY STATE LEGISLATURES			
Tennessee	S 2115	2014	This law extends in-state tuition to students with parents who are without legal immigration status and emancipated students who have remained in Tennessee while their parent moved out of state. The student must be a U.S. citizen, have resided in Tennessee for at least one year before admission, and have graduated from either a public or approved private secondary school in Tennessee, or earned a Tennessee High School Equivalency diploma.
Florida	H 851	2014	<i>See above.</i>
FIVE STATES BAR IN-STATE TUITION BENEFITS TO UNAUTHORIZED STUDENTS			
Alabama	H 56	2011	This law bars aliens who are not lawfully present in the United States from enrolling in or attending any public postsecondary education institution in the state of Alabama. An alien attending any public postsecondary education institution must either possess lawful permanent residence or an appropriate nonimmigrant visa. This law makes aliens who are not lawfully present in the United States ineligible for any post secondary education benefit, including, but not limited to, scholarship, grants or financial aid.
Arizona	Prop 300	2006	This proposition states that a person who is not a citizen or legal resident of the United States or who is without lawful immigration status is not entitled to classification as an in-state student or entitled to classification as a county resident.
Georgia	S 492	2008	This law states that noncitizen students shall not be classified as in-state for tuition purposes unless the student is legally in the state and there is evidence to warrant consideration of in-state classification as determined by the board of regents.
	State Board of Regents Policy Manual	2010	Georgia's State Board of Regents passed rules regulating the admission of undocumented students. The 35 institutions in the University System of Georgia must verify the lawful presence of all students seeking in-state tuition rates. In addition, any institution that has not admitted all academically qualified applicants in the two most recent years is not allowed to enroll undocumented students. In 2011, this rule affected: The University of Georgia, Georgia Tech, Georgia State University, Medical College of Georgia and Georgia College & State University.
Indiana	H 1402	2011	This law states that a person unlawfully present in the United States is ineligible to pay the resident tuition rate.
	S 207	2013	This law amended existing regulation to exempt individuals who enrolled in a state educational institution on or before July 1, 2011.
South Carolina	H 4400	2008	This law prohibits aliens unlawfully present in the United States from attending a public institution of higher learning within the state. It requires the trustees of a public institution of higher learning to develop and institute a process by which lawful presence in the United States is verified. It states that aliens not eligible on the basis of residence for public higher education benefits including, but not limited to, scholarships, financial aid, grants, or resident tuition.

Source: NCSL Immigrant Policy Project

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