

## INTRODUCTION

There are 2.1 million undocumented college-age individuals in the country who have overcome significant obstacles in order to pursue their education and the American dream. Given some encouragement and support, these students, often called Dreamers, could reach their potential and contribute more fully to a high-quality workforce for the nation's economy. These students are prevented from receiving federal financial aid—including federal loans—and in some places are not eligible to pay in-state tuition rates. Providing in-state tuition and access to scholarships or financial aid for students regardless of their immigration status expands educational opportunities for students—on average, in-state tuition for undocumented students expands education opportunities for students by as much as [31 percent](#). Encouraging all students to pursue higher education reduces high school dropout rates—not only for undocumented students but for their classmates as well.

College-educated immigrants are more likely and more able to obtain higher-paying employment that allows for reinvestment in their communities by [generating tax revenue for the state](#). Further, making college more accessible to immigrants carries [negligible costs to the state](#) but offers the upside of raising revenue for cash-strapped higher-education institutions.

At least 20 states and the District of Columbia have laws or policies offering access to in-state tuition rates to students who meet certain criteria, regardless of their immigration status. A growing number of states offer access to scholarship and institutional or financial aid for these students. In many of these states, there is [bipartisan support for in-state tuition legislation](#).

## MESSAGING

### Topline Message

Dreamers have grown up in our communities, learned in our public schools, and yet face high barriers to postsecondary education. Depriving them of postsecondary education has enormous economic and social consequences not only in their lives, but also more broadly for the state and the country.

### Talking Points

- Undocumented immigrants face excessive barriers to postsecondary education, as they are ineligible to receive federal financial aid.
- Dreamers have earned the same opportunities as their peers and should not be excluded just because of where they were born.
- Higher education is vital for building a 21st-century workforce. Educating all of the young people in our communities, no matter where they were born, will have a positive impact on our state economy.
- Without any financial aid, undocumented students face an average tuition bill of

\$21,303—a cost that is prohibitive, especially without federal loans. These students have worked hard and deserve the chance to succeed and help build their community.

- Education is a benefit to society—each person who attends college and enters a professional career becomes an asset to the state in terms of tax payments received and the ability of a well-educated workforce to attract high-wage employers.
- Undocumented immigrants have a constitutional right to attend public school until the 12th grade, and it is wrong to deny them fair access to postsecondary education.

### Key Facts and Data

- In-state tuition results in a 31 percent increase in non-citizen enrollment for higher education. ([Latino Policy Institute](#))
- In-state tuition correlates with a 14 percent decrease in high school dropouts among non-citizen Latinos. ([Latino Policy Institute](#))
- By 2020, 65 percent of U.S. jobs will require a postsecondary education. At current post-secondary program completion and graduation rates, the United States will fall short of hitting this mark by 5 million workers. ([Georgetown Public Policy Institute](#))

## POLICY OPTIONS

States interested in creating legislation allowing in-state tuition for undocumented students face at least two key decisions around these tuition bills: the appropriate eligibility criteria for the program and whether to provide additional financial aid.

### Eligibility Criteria

Most states mandate that students meet the following criteria to gain in-state tuition:

- Have attended an in-state high school for several years (typically two to three years)
- Have graduated high school or received a GED certificate or other high school diploma equivalent

Some states, such as Texas and California, require applicants to show that they have attended three years of school in the state ([Texas Education Code § 54.051, § 54.052 \[2015\]](#)) [California Education Code § 68130.5 \[2016\]](#)). New York state requires two years of high school attendance, while New Mexico only requires one year of high school ([New York State Education Law § 355.8 \[2016\]](#), [New Mexico Stat Ann. § 21-1-4-6 \[2016\]](#)).

High school graduation or a GED certificate is a typical eligibility criterion for in-state tuition for students, regardless of their immigration status.

In addition, some states may require students to sign an affidavit promising to apply for lawful permanent residence when eligible. For example, under [California Education Code § 68130.5 \(2016\)](#), “a person without lawful immigration status” must file “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” to be eligible for in-state tuition. Similarly, [New York State Education](#)

[Law § 355.8 \(2017\)](#) states that, “a student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit 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.”

Any eligibility criteria should be designed to advance the intention of the program, which is to broaden educational access to all students, regardless of their immigration status.

### In-State Financial Aid

Currently, eight states and the District of Columbia offer state financial aid to students who meet specific criteria, regardless of their immigration status. Several other states offer scholarships to students who meet certain academic criteria, regardless of their immigration status. Given that low- and middle-income families generally rely on financial aid to make college affordable, undocumented immigrants also may be unable to afford college even where in-state tuition rates are available, if they don’t have access to financial aid. Thus, the availability of state financial aid makes college significantly more affordable for immigrants who are ineligible for federal financial aid, and increases the likelihood of enrollment and college completion.

[New Mexico Stat. Ann. § 21-1-4-6 \(2016\)](#) states that “any tuition rate or state-funded financial aid that is granted to residents of New Mexico shall also be granted on the same terms to all persons, regardless of immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a general educational development certificate in New Mexico.”

A recently introduced bill in New York aims to provide greater financial support to undocumented students within the state universities and community college systems ([2017 New York Senate Bill 1350](#)). This bill states that, “any [eligible] student who is without lawful immigration status or is an undocumented person may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance.”

Similarly, [2017 Connecticut House Bill 7000](#) states that eligible undocumented students can “apply for and receive, to the extent permitted by federal law, institutional financial aid to attend a public institution of higher education in the state” whereby institutional financial aid is described as “funds set aside from the anticipated tuition revenue of an institution of higher education for the purposes of providing tuition waivers, tuition remissions, grants for educational expenses, and student employment for residents of the state enrolled as full or part-time matriculated students in a degree-granting program or enrolled in a precollege remedial program and who demonstrate substantial financial need.”

## ADDITIONAL RESOURCES

Educators for Fair Consideration

[The Case for Undocumented Students in Higher Education](#)

Flores, Stella M, Institute of Education Sciences

[State Dream Acts: The Effect of In-State Tuition Policies on the College Enrollment of Undocumented Latino Students in the United States](#)

Latino Policy Institute at Roger Williams University

[The Effects of In-State Tuition for Non-Citizens: A Systematic Review of the Evidence](#)

NASPA Student Affairs Administrators in Higher Education

[In-State Tuition for Undocumented Students: 2017 State-Level Analysis](#)

National Conference of State Legislatures

[In-State Tuition and Unauthorized Immigrant Students](#)

[Undocumented Student Tuition: Overview](#)

[Undocumented Student Tuition: State Action](#)

National Immigration Law Center

[Basic Facts About In-State Tuition for Undocumented Immigrant Students](#)

[Toolkit on Access to Postsecondary Education](#)