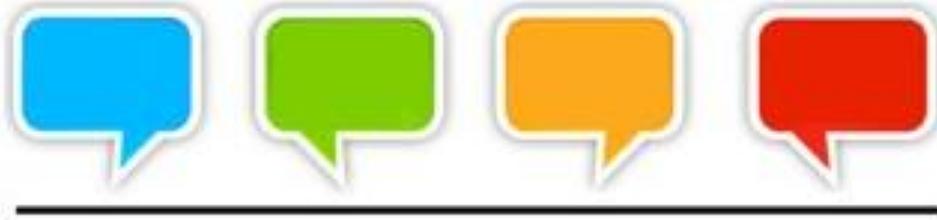


A Colorado Conversation on In-State Tuition for Unauthorized Immigrants



Should unauthorized immigrants whose parents brought them to the United States when they were children be eligible for in-state tuition at public colleges and universities? That has been debated since at least 2001, when the DREAM (Development, Relief, and Education for Alien Minors) Act was first proposed in Congress. The bill, though introduced in virtually every Congress since 2001, has never passed. The DREAM Act would allow states to offer high school graduates who meet certain requirements in-state tuition and would also provide a pathway to legalization for qualified young people who complete two years of college or military service.

Similar legislation has been introduced in Colorado repeatedly but has not been passed by the Colorado legislature. The ASSET (Advancing Students for a Stronger Economy Tomorrow) Bill would create a new tuition classification—"unsubsidized in-state tuition." Under ASSET, qualified unauthorized immigrants (i.e., those who have attended a Colorado high school for three or more years immediately preceding graduation or earning of a GED and are admitted to a public institution of higher education within 12 months after graduating from high school) would pay more than Colorado citizens or legal residents—who qualify for the college opportunity fund stipend—but less than out-of-state students. For example, in the 2011-2012 school year, a Colorado citizen paid \$6,624 in tuition to attend the University of Northern Colorado, while an out-of-state student paid \$18,146. Had the ASSET Bill been law, a qualifying undocumented student would have paid \$8,484. The savings for qualifying undocumented students would have been even larger at some other state universities.

After the ASSET Bill once again failed in the legislature in 2012, Metropolitan State University's board of trustees voted to create a special lower tuition rate for undocumented students who met the ASSET Bill's criteria. Compared to the \$15,984 paid by out of state students, qualifying unauthorized migrants now pay \$6,716, which is still higher than the \$4,304 paid by Colorado citizens and legal residents. Approximately 100 students took advantage of the new rate in fall 2012. Colorado Attorney General John Suthers, asked to consider the legality of Metro's new tuition, issued an Advisory Opinion stating that the board of trustees did not have the authority to create the new tuition rate because of limitations in both federal and state law that he interpreted to prohibit state entities from offering benefits to unauthorized immigrants. While his opinion is advisory only and does not obligate Metro to withdraw its new tuition structure, legal action against the Metro policy is possible.

Also in June 2012, President Obama announced a new policy that would allow young unauthorized migrants, whom he called "Americans in their hearts, in their minds, in every single way but one: on paper" to work and obtain driver's licenses without fear of deportation. The policy applies to undocumented migrants who came to the United States before age 16; have lived here for at least five years; are either in school, high school graduates, or military veterans in good standing; are not more than 30 years old; and have clean criminal records. Opponents of the President's decision believe that it is wrong to allow immigrants who are in the country illegally to have amnesty when others who would like to live here have followed the rules and waited for legal status. They also express concern that unauthorized immigrants will compete with citizens and legal residents for jobs and that the President's decision inappropriately bypassed Congress and ignores existing federal law.

FAQs

How many unauthorized immigrants live in the United States and in Colorado?

It's difficult to identify exactly how many unauthorized immigrants live in the United States or any specific state. The Pew Research Center currently estimates the number at 11.2 million in the U.S.; the Center for Immigration Studies puts the estimate for Colorado at 167,000.

How many young people would be affected by the DREAM Act or ASSET Bill?

Again, it is difficult to say definitively, but in its fiscal note for the ASSET Bill, the Colorado Legislative Council estimated that approximately 750 unauthorized immigrant students would be eligible for the new in-state tuition annually. According to the CLC, all of these students would not likely take advantage of the opportunity.

How much would the ASSET Bill cost Colorado taxpayers?

According to the Colorado Legislative Council fiscal note, the state would gain additional tuition being paid by students who otherwise would not attend college. That money would be spent on the students' education. Thus, according to the CLC, the financial effect would be essentially a wash.

What does federal law say about in-state tuition for unauthorized immigrants?

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 barred unauthorized immigrant students from receiving state loans or scholarships to public colleges and universities. These students were already ineligible for federal financial aid. The Congressional Research Service has said that some other aspects of the law are unclear—one of these is whether the law bans states from allowing unauthorized immigrants to pay in-state tuition. Ten states have enacted laws allowing unauthorized immigrant students to pay in-state tuition.

Two Views on the ASSET Bill

“The Colorado General Assembly is considering Senate Bill 126 [the 2011 version of the ASSET Bill], which will allow illegal aliens to attend college through ‘unsubsidized in-state tuition.’ There are only two problems with this bill: there is no such thing as ‘unsubsidized’ in-state tuition, and the bill violates federal law.

“Even out-of-state tuition and foreign student tuition do not cover the full per-student cost of providing the buildings, support staff and services at any of our universities. . . .

“Ironically, SB 126 is cruelly dishonest in offering false hope to the students it purports to assist. Illegal aliens who spend thousands of dollars getting college degrees will still be unable to work lawfully in the United States.”

— Senator Mike Kopp (R-Littleton)

“Undocumented students who have graduated from our high schools and have benefited from our investment in K-12 education are forced to pay out-of-state tuition, a prohibitive expense that most cannot afford. This essentially means Coloradans are not receiving a return on our investment, because these students are not enrolling in college or are moving out-of-state.

“College graduates are less likely to be caught in a cycle of poverty. Students with a college degree are more productive and civically engaged, they contribute more to the state tax base and are less likely to end up in the corrections system. For the thousands of students currently in line to become citizens, making them pay standard-rate tuition helps guarantee an educated workforce once they attain citizenship.”

—Senator Mike Johnston (D-Denver, sponsor of ASSET Bill)



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