SCHOLARSHIPS a-Z

Regardless of immigration *status.*

State Legislation Affecting Education

ScholarshipsA-Z works to provide access to education for all students, regardless of immigration status. This includes students who are often defined as *undocumented* because they do not possess documentation to be considered a Citizen or Legal Permanent Resident of the United States. The information below is particular to students who identify as *undocumented*.

Many people believe that as immigration to the United States increases more and more students will be entering the education pipeline. Some of these newly arrived students may be undocumented immigrants, and have been denied the full rights of American citizenship, including educational benefits like in-state tuition at public colleges and universities. In an effort to aid undocumented immigrants who cannot afford the cost of postsecondary education, many states have proposed legislation that offers in-state tuition to this new pool of potential students. Supporters of this legislation point out that most of the children of undocumented immigrants are in the United States to stay, and by providing them access to postsecondary education, society benefits as a whole through increased earnings and taxes, and lower crime and poverty rates.

Supporters also draw on the long history of immigration to the United States and argue it is unfair to deny opportunity to the most recent generation of undocumented aliens. Critics argue it is unfair to allocate in-state tuition to illegal aliens at a time when many American citizens cannot afford to attend postsecondary education. While some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the granting of in-state tuition to these same immigrants. Below is a summary of information about states that have passed or considered legislation regarding tuition for undocumented students.

What states have considered legislation allowing undocumented students to receive in-state tuition?

As of June 2007, approximately 32 states had considered legislation that would allow undocumented immigrants to receive in-state tuition: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, Washington and Wisconsin.

© 2010 by ScholarshipsA-Z. All rights reserved.

How many states have passed legislation *allowing* undocumented students to receive in-state tuition?

As of June 2007, nine states had passed laws that allow undocumented students to receive in-state tuition: California (AB-540), Illinois (HB 60), Kansas (HB 2145), Nebraska (LB 152), New Mexico (SB 909), New York (SB 7784), Texas (HB 1403), Utah (HB 144) and Washington (HB 1079).

How many states have tried to pass legislation *restricting* undocumented immigrants from receiving in-state tuition?

As of June 2007, approximately eleven states – Alaska, Arizona, Colorado, Iowa, Michigan, Mississippi, North Carolina, Oklahoma, Texas, Utah and Virginia – had considered legislation that would ban undocumented immigrants from receiving in-state tuition. Since 2004, Virginia has tried unsuccessfully to pass various bills barring postsecondary institutions from accepting undocumented students. More recently, California, Texas and Utah have proposed bills that would repeal laws allowing undocumented students to pay in-state tuition.

North Carolina became the first state without a prior policy to ban undocumented students from attending any public college or university within the state. Similar efforts are currently being considered by Arkansas and South Carolina.

As of September 28, 2009 the state of North Carolina overturned its decision to prohibit all undocumented students from attending public state institutions. Denying access simply because of an individual's status was deemed unconstitutional; however the cost and levels of aid offered remained the decision of the state. Currently all students must now pay out-of-state tuition in North Carolina. (www.insidehighered.com)

What are the most common requirements for undocumented students to receive in-state tuition?

To be considered for in-state tuition, most states require undocumented immigrants to:

- Attend a state high school for two to four years
- Complete a high school diploma or GED in the state
- File an affidavit stating intent to become a permanent U.S. citizen.

© 2010 by ScholarshipsA-Z. All rights reserved.

SCHOLARSHIPS a-Z

Regardless of immigration *status.*

What states have passed or considered legislation regarding tuition for undocumented students?

ScholarshipsA-Z makes every attempt to provide accurate information. If information provided below is incorrect, please contact us at scholarshipsaz@gmail.com and we will update this information. Thank you.

State	Policy	Award	Restrict	Passed?
Alaska	H.B. 39 (2003)		X	No
Arizona	H.B. 2518 (2003)	X		No
	H.B 2392 (2004)		X	No
	H.B. 2069 (2006)		X	No
	S.C.R. 1031 (2006)		X	Yes
	H.B. 2471 (2007)[i]		X	No
Arkansas	H.B. 1525 (2005)	X		No
California	A.B. 540 (2001)	X		Yes
	S.B. 160 (2006)	X		No
	S.B. 160 (2007)[ii]	X		No
	A.B. 286 (2007)		X	No
Colorado	H.B. 1178 (2003)	X		No
	H.B. 1187 (2004)		X	No
	H.B. 1023 (2006)[iii]		X	Yes
Connecticut	H.B. 6793 (2005)	X		No
	H.B. 5656 (2007)	X		Vetoed

© 2010 by ScholarshipsA-Z. All rights reserved.

Delaware	H.B. 222 (2003)	X		No
	H.R. 59 (2004)[iv]	X		Yes
Florida	H.B. 27 (2003)	X		No
	H.B. 119 (2003)	X		No
Georgia	H.B. 1810 (2001)	X		No
	S.B. 529 (2006)[v]		X	Yes
Hawaii	H.B. 873 (2003)	X		No
Illinois	H.B. 60 (2003)	X		Yes
Iowa	H.F. 470 (2007)	X		No
	S.F. 267 (2007)	X		No
	H.F. 581 (2007)		X	No
Kansas	H.B. 2145 (2004)	X		Yes
Maryland	H.B. 253 (2003)	X		Vetoed
	H.B. 6 (2007)[vi]	X		No
Michigan	H.B. 5307 (2006)[vii]		X	Vetoed
Massachusetts	S.B. 237 (2003)	X		Vetoed
	H.B. 3924 (2004)	X		No
Minnesota	S.B. 3027 (2002)	X		No
Mississippi	H.B. 101 (2005)	X		No
	H.B. 88 (2006)	X		No
	H.B. 1144 (2007)		X	No
Missouri	S.B. 296 (2005)	X		No

© 2010 by ScholarshipsA-Z. All rights reserved.

Nebraska	L.B. 152 (2003)	X		No
	L.B. 239 (2006)	X		Yes
New Jersey	S.B. 78 (2004)	X		No
	S.B. 436 (2006)	X		No
	A.B. 4032 (2007)	X		No
New Mexico	S.B. 582 (2005)	X		Yes
	S.B. 374 (2007)[viii]	X		No
New York	S.B. 7784 (2002)	X		Yes
	S.B. 1993 (2007)	X		No
	A.B. 8109 (2007)	X		No
North Carolina	S.B. 982 (2003)		X	No
	H.B. 1183 (2005)	X		No
Oklahoma	S.B. 596 (2003)	X		Yes
Oregon	S.B. 769 (2005)	X		No
Rhode Island	H.B. 6184 (2005)	X		No
	H.B. 7973 (2006)	X		No
Texas	H.B. 1403 (2001)	X		Yes
	H.B. 28 (2007)		X	No
	H.B. 159 (2007)		X	No
Utah	H.B. 331 (2002)	X		Yes
	H.B. 144 (2002)[ix]	X		Yes
	H.B. 7 (2006)		X	No
	H.B. 118 (2007)	X[x]		Yes

© 2010 by ScholarshipsA-Z. All rights reserved.

	H.B. 224 (2007)		X	No
	H.B. 437 (2007)		X	No
Virginia	H.B. 2339 (2003)		X	Vetoed
	H.B. 1562 (2003)		X	No
	H.B. 156 (2004)[xi]		X	No
	S.B. 677 (2006)	X		No
	H.B. 262 (2006)[xii]		X	No
	H.B. 1050 (2006)		X	No
	H.B. 1961 (2007)		X	No
	H.B. 2623 (2007)		X	No
	H.B. 2169 (2007)		X	No
Washington	H.B. 1079 (2003)	X		Yes
Wisconsin	A.B. 95 (2003)	X		No

© 2010 by ScholarshipsA-Z. All rights reserved.