Sixteen (16) states currently have laws permitting certain undocumented students who have attended and graduated from their primary and secondary schools to pay the same tuition as their classmates at public institutions of higher education. Those states are California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington. Two additional states, Oklahoma and Rhode Island, allow in-state tuition rates to undocumented students through a Board of Regents decision. Five of these states allow state financial aid—California, Minnesota, New Mexico, Texas and Washington.

A majority of America’s undocumented immigrants live in these states, and several other states are considering a similar change. In many of the states that have already done so, support has been strongly bipartisan and the vote lopsided in favor of the bill.

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3 The information in this section is from the National Immigration Law Center [https://www.nilc.org/statebillsedu.html]
Requirements of These Laws
To qualify, the states that have such laws generally require the students to have:

1. attended a school in that state for a certain number of years;
2. graduated from high school in that state; and
3. signed an affidavit stating that they have either applied to legalize their status or will do so as soon as eligible.

Intent and Impact of These Laws
These bills are primarily intended to help children of immigrants who were brought to the U.S. by their parents and work hard in school with the hope of going to college. Currently, public colleges and universities are inconsistent in their treatment of such students. A few schools deny them admission. If they are admitted, students in most states are charged out-of-state tuition, which is several times higher than the in-state tuition rate. They are not eligible for federal financial aid, and the average income of parents of such students is low. Even those who are eligible for in-state tuition almost always have to work full-time jobs throughout their college careers. In the current context, very few of these students attend college.

Experience in the states that have passed in-state tuition bills suggests that such legislation does not deprive the states of the revenue from large numbers of students who would otherwise pay out-of-state tuition. Rather, it raises the percentage of high school graduates who pursue a college degree.

Benefits to the State
According to experts in the states that have already passed this legislation, the cost of implementation has been negligible. In-state tuition is not the same as free tuition. It is a discount, but in fact the money paid by these students actually tends to increase school revenues because it represents income that would not otherwise be there.

The bottom line is that our economic future depends on educating these young people. We must raise the caliber of our workforce through higher education to have a chance to maintain a strong economy. Currently, only about 5 to 10 percent of undocumented young people who graduate from high school go on to college, compared with about 75 percent of their classmates.

Fully Complies with Federal Law
Contrary to the claims of immigration restrictionists, federal law does not prohibit states from providing in-state tuition to undocumented immigrants. Such a prohibition would have been simple to write, but Congress declined to do so. Rather, section 505 of the Illegal Immigrant Reform and Immigrant Reconciliation Act of 1996 (IIRIRA) prohibits states from providing any higher education benefit based on residence to undocumented immigrants unless they provide the same benefit to U.S. citizens in the same circumstances, regardless of their residence.

As discussed above, the states that provide in-state tuition to students regardless of status have fully complied with this provision.