

## In-State Tuition For Illegal Immigrants Under Debate

*By Teresa Cendreda*

Congress is grappling with a hot button issue - immigration legislation that would make a college education tens of thousands of dollars cheaper for illegal students than U.S. citizens. The controversy stems from the senate bill S.B. 2611, the so-called “DREAM Act,” which would allow states to offer in-state tuition to illegal immigrants. Currently, that practice is banned under the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996. It prohibits public colleges from favoring undocumented students by offering them in-state tuition rates, unless those same rates are extended to all U.S. citizens regardless of their state of residency.

At a congressional hearing on Sept. 1 at the University of Northern Colorado, the U.S. House Committee on Education and the Workforce heard heated testimony both for and against the DREAM Act. At the center of the debate, whether there’s discrimination if states offer a cheaper public college education to illegal immigrants.

“Not only does this grant preferential treatment to those in the country illegally, it also disrespects those who enter or are attempting to enter through legal processes,” said State Rep. Cory Gardner (R-Yuma) at the hearing.

Currently, nine states have similar laws that allow illegal immigrants to attend public college at in-state tuition costs. The qualification process is based on their high school attendance, not their citizenship. Some out-of-state American students are suing in federal and state court, claiming the privilege is just another handout that short-changes American citizens.

Kris Kobach, newly appointed senior counsel at the Immigration Reform Law Institute, serves as co-counsel in the first legal challenges brought against public universities in Kansas and California.

“We’ll be arguing it doesn’t really matter if the U.S. citizens end up paying more or paying less but that they’re being treated unequally,” said Kobach. He added that “providing in-state tuition benefits to illegal aliens is a slap in the face to the law-abiding American citizens from every state, which places a heavy burden on American tax payers and encourages aliens to violate immigration law.”

Lawsuits are also pending in Texas, Utah, and New York against their statutes.

Those advocating the reform argue that it’s not about giving illegal immigrants a free pass but to help integrate them into a society to which they can’t fully contribute without a post-secondary education.

Jared Polis with the Colorado Board of Education said the move “would be a vital tool toward closing the achievement gap, particularly among Latino students in Colorado and nationally.”



DREAM Act proponents want to keep the legislation separate from the broader issue of illegal immigration because it only deals with 50,000 to 65,000 students who have been living in this country for years and who have graduated from U.S. schools. Some students need an incentive to even finish high school.

“We can’t afford to not let them live up their potential,” said Josh Bernstein, federal policy director of the National Immigration Law Center.

Co-sponsored by a bipartisan group of senators, the bill may be taken up by the Senate Judiciary Committee this month. It had 47 cosponsors in 2003 before congress adjourned. It was re-introduced last November.