Colleges Should Not Offer Illegal Immigrants In-State Tuition


Illegal immigrants in the United States should not enjoy the right to pay lower in-state tuition rates. Permitting in-state tuition entices people to enter the country illegally, and in California such policies are compounding the state's already enormous debt. Moreover, it is unfair for an illegal immigrant to receive admission priority and financial assistance over a legal resident or a U.S. citizen.

What you can't get by hook, you can get by crook.

If an illegal alien has a Mexican consular identification card, a driver's license and if his child qualifies for in-state tuition rates, he's got a good chunk of what amnesty would provide.

The Tuition Debate

Dozens of states are considering some or all of the above. In our own besieged California, consular identification cards are on the verge of statewide acceptance, driver's licenses for illegal aliens remain high on [former California] Governor Davis's wish list, and the Board of Regents approved in-state tuition at the prestigious University of California system last week in a 17-5 vote.

As with all immigration related issues in California, the dilemma of tuition breaks for bright, motivated but illegal students has plagued legislators for more than two decades.

And, as usual in these debates, the ultimate outcome favored those here illegally.

Compassion has limits. California, already stretched to the maximum, should—but unceasingly refuses to—face reality.

An $11,000 discount in annual tuition to illegal aliens attending UC [University of California] schools does more than add to the state's looming $12 billion budget deficit. The message to illegal aliens sent by the Regents is clear: Come to California. College is on us!

In-state tuition for illegal immigrants is unfair across the board. Sometime soon, a legal California resident will lose his place at UC to an illegal alien. And that student's taxpaying parents will foot the bill.

Defending Tuition Breaks for Illegals

On January 22 [2002], CNN invited UC Regent Ward Connerly and [former Lieutenant] Governor Cruz Bustamante to debate tuition breaks for illegal immigrants. Anchor Jack Cafferty asked Bustamante ... why taxpayers should have to subsidize college tuition for illegal aliens.

Said Bustamante elusively, "These young people are all in the process of being legalized."

"In that case," pressed Cafferty, "why not wait until they're legal?" Bustamante had no reply.

[In 2002], I spoke with two of the five Regents who voted against reduced tuition.

According to both, the Board of Regents caved in to heavy pressure from the Latino lobby. But neither "Nay" vote was cast because of strong-arming.
Both Regents felt that the decision to grant in-state tuition to illegal residents violated a federal law and would not hold up in court. A class action lawsuit filed by an out of state, legal U.S. resident who would not qualify for the same tuition break as an illegal alien is anticipated.

If you’re wondering what could possibly be next in the continuing deference to illegal aliens, more bad news is right around the corner.

**Generous Benefits for Illegals**

Rep. Chris Cannon (R-UT), Bush’s "point man"..., has introduced H. B. 1918, the Student Adjustment Act.

See if you can guess which way Cannon wants to adjust things.

H.B. 1918’ would permit any high-school student illegally in the U.S. but with five years of good moral conduct to qualify for college financial aid including Pell Grants. Furthermore, those students would be exempt from deportation and could immediately apply for permanent residency.

Americans are overwhelmingly opposed to the entire bundle of bogus giveaways—consular visas, driver's licenses, in-state tuition and abundant welfare benefits now under consideration for legal immigrants but non-citizens....

In a ... public statement, Richard Riordan [an opponent of California governor Gray Davis in the 2002 gubernatorial recall election], expressed support for unlimited welfare and education benefits to illegal aliens.

Craven pandering has replaced common sense and fair play.
Undocumented Immigrants Are Entitled to In-State Tuition

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Undocumented immigrants and their families in the United States deserve the same access to affordable education that U.S. citizens enjoy, including the right to pay in-state tuition. The children of undocumented immigrants have done nothing wrong by residing in the United States. In fact, these children work hard in school, speak the language, have assimilated, and should be rewarded with access to higher education. If the United States hopes to build a strong future, it must educate and train its diverse population.

[In 2003,] U.S. Representatives Howard Berman (D-California), Lucile Roybal-Allard (D-California) and Chris Cannon (R-Utah) proposed a bill in the House of Representatives called the Student Adjustment Act. The U.S. Senate version is entitled the DREAM Act (Development, Relief and Education for Alien Minors). The DREAM Act would grant residency status to immigrants "of good moral character between the ages of 12 and 21 who have lived in the United States for at least 5 years and to high school graduates under age 25 who are enrolled in a college or university." The Student Adjustment Act would do the same with students enrolled in seventh grade or above who have lived in the country for at least 5 years.

In brief, it would allow immigrants headed for colleges and universities, regardless of their immigration status, to be eligible to become U.S. residents and not have to pay out-of-state tuition fees. This legislation failed [in 2002] because [of] Republicans' opposition.

State-Level Initiatives

Nevertheless, in California, Utah, New York, and Texas, state legislatures have already approved similar plans before the federal law. But the debates are still very tense in other states. In Maryland, the legislation House Bill 1079 was sponsored by Gwendolyn Britt and Sheila Hixson (both Democrats) to allow undocumented students to attend public universities at in-state tuition rates. It passed both chambers on April 7, 2003, but Governor Ehrlich [vetoed it].

In Oregon, Peter Courtney (D) and Billy Dalto (R) sponsored Senate Bill 10 [to offer in-state tuition to] students who have attended high school in Oregon for more than three consecutive years, received a diploma and plan to become U.S citizens or legal residents. On May 1 [2003], [Virginia] Governor [Mark R.] Warner vetoed HB 2339, legislation that intended to bar undocumented students from receiving in-state tuition rates in Virginia. On the opposite side [of the country], in Colorado, the House just overturned HB 1178, which called for in-state tuition. In Kansas, the Regents passed a resolution on April 17, [2003], to endorse a House Bill that requires that the students have spent at least three years at a Kansas high school and have graduated or earned a GED to receive in-state tuition. The House passed the bill but the senate delayed the vote for 2004. [Fourteen] other states are debating similar legislation that has consequences on the most basic right: the right to education.

Opposing Arguments

The debates are intense because various organizations oppose [universal education], led in particular by think tanks like the Washington, D.C.-based Center for Immigration Studies (CIS) or the Federation for American Immigration Reform (FAIR). These groups also campaigned strongly against legislation that would allow undocumented immigrants the right to apply for driver's
licenses and to exercise their right to work. They are also known for their vivid criticisms against the Mexican matricula consular, [the Mexican identity card given to Mexican nationals who live abroad] arguing that the Mexican consular ID card acceptance would mean an "amnesty for illegal aliens."

In Oregon, members of the anti-immigrant organization Oregonians for Immigration Reform said that a federal bill that would allow in-state tuition fees for students regardless of their immigration status is "rewarding law-breakers" and triggers a "demographic invasion," while others feared it would harm homeland security.

These arguments are not only unconvincing but also disrespectful of the basic right to education.

**Countering the Criticism**

First, the students who would qualify in this process would be rather marginal in numbers—an estimate of between 50,000 and 65,000 students could benefit from it countrywide.

Second, the students have not done anything illegal. They work hard at school; they are rewarded by the possibility of access to higher education. Their parents have lived in the U.S.; they pay taxes and are part of the community. These students for all intents and purpose are U.S. citizens; they were educated here, they speak the language, and they have adopted the culture, and are continuing the American dream seeking the highest education possible.

Third, the fact that students cannot afford to pay out-of-state tuition fees should not be an impediment to education.

The out-of-state tuition fees not only stop their dream of pursuing higher education but also violate the right to have access to education for children of immigrants' working-class families. In 1982, the U.S Supreme Court ruled "states must provide a free education through high school to children illegally in the country." This rule should be enforced at [the] college and university level by charging the lowest tuition fees possible for low-income immigrant families.

Fourth, prohibit[ing] access to higher education means that the country want[s] neither skilled workers nor educated citizens; [This] is nonsense when building the future of a country. During the celebration of the Dia del Niño, organized [in May 2003] by the Comité de Mujeres ([Women's Committee's]) Patricia Marin in Chicano Park, children sang: "Queremos paz y escuelas, no queremos guerra. We want peace and schools, no war."

Let's listen to the voice of these children; as they pointed out, [going] to school and university [represents] the basic right to education. They are entitled to it.