In-State Tuition for Undocumented Students

Provide undocumented Massachusetts students with in-state tuition rates at public colleges

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There are students who have lived almost their entire lives in the Commonwealth, attended high school, studied hard, perhaps had jobs and volunteered in the community, but must pay out-of-state rates at local colleges because they are not technically residents. Often brought to this country – this state even – as young children, these undocumented students (through no fault of their own) cannot afford to attend public colleges at the excessively high out-of-state costs.

For some perspective, University of Massachusetts Amherst, a popular state university, charges $13,000 a year to residents – though not an insignificant amount, substantially less than its out-of-state rate: $27,000. The in-state tuition bill seeks to deconstruct this barrier to higher education for undocumented students in Massachusetts.

- The Bill
S.577, An Act regarding higher education opportunities for high school graduates in the Commonwealth

- Storybook Excerpt
Nelsy, a current student at a public college in Massachusetts, was brought from Mexico to Massachusetts as a 6-year-old. She attended public school in MA for years, never knowing she was different from her classmates. After graduating 8th grade, when her classmates were thinking about high school, Nelsy’s parents informed her of her undocumented status. Her dreams of college evaporated. During her junior year of high school she started working two jobs, trying to raise enough money to afford college classes at the costly international rate, a burden that in-state tuition would have eased. Not wanting to accept charity, Nelsy has struggled to continue.

- Elevator Speech
Hi, my name is Sneha Walia – and my name is Sela Brown – and we are students at Brandeis
University. As college students ourselves, we are extremely passionate about ensuring equal opportunity to all hard-working students who wish to attend college.

Currently in Massachusetts though, high-achieving students who were brought to the US as children – without papers – are denied access to in-state tuition rates at public universities. And because these students must pay out of state rates, and often out of pocket, many cannot even afford to attain their dreams of college.

There is actually a remedy to this issue that’s already been proposed: A bill that attempts to level the playing field by providing in-state rates to all hard-working high schoolers in Massachusetts – regardless of their citizenship status. Unfortunately, this bill did not pass in the current legislative cycle.

However, 15 states across the nation – even the more typically conservative ones – have already passed similar legislation. Massachusetts is so often a leader in progressive legislation that grants equal rights and opportunities, and we want to ensure that high schoolers from the Commonwealth are not left behind.

Massachusetts has avoided this topic for years, sending the in-state tuition bill to study on multiple occasions. We want to inform you of importance of this issue, and to ask you to support the in-state tuition bill in the next legislative cycle.

House Ways and Means Script

Equal opportunity for all is an essential value that Massachusetts – and the United States – holds very dearly. In Massachusetts, though, high students are not all treated equally, or provided equal opportunity, when it comes to attending public universities and colleges. Current law requires documented citizenship status as a requisite for receiving in-state tuition rates at universities and colleges in the Commonwealth. As a result, undocumented students – who were brought to the US as children through no fault of their own – are denied these rates. Even though these students have attended Massachusetts’s high schools and lived here for years, they must pay the exorbitantly high out-of-state tuition rates if they wish to attend a public college.

We believe that this unequal treatment of hard-working students contradicts Massachusetts’s commitment to providing equal opportunity and access to those living in the Commonwealth. All students deserve the opportunity to pursue their academic dreams, and college can be an integral part of that process. Moreover, it is actually a detriment to the state budget to essentially bar students from post-secondary education. Because the majority of these undocumented students cannot afford to pay out-of-state rates, many choose to forgo college altogether – meaning that those public colleges lose out on potential revenue.

While undocumented students face many other problems, there is a solution that would ensure equal access to public universities. Legislation providing in-state tuition rates to undocumented high school students can be a major step in making college more accessible to them. A bill regarding in-state tuition has been proposed in the Massachusetts State Legislature, but has been sent to study for the last two legislative cycles. The lack of support in the State Legislature for this critical legislation is disheartening to us as state voters.

Understandably, there are concerns about the financing of this bill. One question that arises is: would this bill mean the state is financing the education of undocumented students? No. In fact, this bill is revenue neutral, and the state would not be providing these students with money directly. Simply put, this bill allows undocumented students to pay the same in-state rates that their classmates would pay at public colleges and universities. Any potential flow of money would go from the students to state institutions – but at the proper, equitable, in-state rates.

As we discuss equal opportunity, we understand that some may disagree with the logic of that ideal. Should Massachusetts really be funding the education of students who came here illegally? Luckily, this bill is not framed in that way. A better question is: can colleges and universities in the Commonwealth afford to lose potential revenue from hard working students simply because of their citizenship status?

Implementing this bill would not mean a loss of revenue for the Commonwealth equal to the difference of out-of-state and in-state rates. Since these students are not eligible for federal aid or assistance, and must pay out of pocket, out-of-state rates (which can be up to 3x times higher) effectively exclude these students from higher education altogether.

Since 15 other states have already passed this legislation, we can look to their experiences and see that in fact, not only do students, but also the public colleges and universities themselves, benefit economically.

In 2011, Rhode Island passed very similar legislation that allows undocumented students to be eligible for in-state rates. The next year, 74 undocumented students enrolled in classes at public colleges and universities in Rhode Island. 71 of them enrolled at the Community College of Rhode Island. Their rates are approximately $4000/year for residents and out of state rates are
over $10,000 dollars!! While there isn’t enough data to determine how many (if any) undocumented students were attending college and paying at out-of-state rates, due to their disadvantaged economic position in society, it is likely that few were paying those high rates.

So, implementing that legislation means that Rhode Island Community College earned approximately $284,000 from those 71 students in 2012. This case study from Rhode Island also helps eradicating the fear that undocumented students would “crowd out” US citizens from attending college. For those 71 students, this bill offered a way for them to affordably attend college (while offering the college a boost in tuition revenue!), but in the scheme of things, 71 students is a fairly negligible number in regards to university enrollment.

We bring up that Rhode Island case simply to elucidate the numerous benefits that this bill would bring to Massachusetts. At such a minimal cost, and while reaping such benefits, there is so little for Massachusetts to lose, and a huge opportunity for undocumented students to gain. Though the in-state tuition bill was sent to study for the second time this legislative cycle, we implore you to continue supporting the bill in the next legislative cycle. We will do our part to ensure that the bill is voted out of Committee favorably in the next legislative cycle, and ask you to please consider voting it favorably out of the Ways and Means committee thereafter.

**Op-Ed**

In Massachusetts, a 4.0 GPA is not enough to get you to college. Nelsy is an intelligent, hard-working student. But it was difficult for her to watch her classmates get excited about the prospect of college when she realized that her home state essentially prohibits her from attending.

The cost of college is high. Massachusetts understands this, which is why it provides reduced in-state tuition rates to Commonwealth residents at public colleges and universities. These lower rates should make it possible for students like Nelsy to receive a higher education.

However, Nelsy is not quite like her classmates. Yes, she studied hard. Yes, she earned good grades and volunteered in her community...but Nelsy is from Mexico. Her parents brought her here without documentation when she was only 4 years old. Due to this unlucky circumstance, in which she played no decision-making role, Massachusetts denies her a college education.

Many states across the United States – 15, at the latest count – have enacted laws and policies ensuring that undocumented students also receive in-state tuition rates at public universities and colleges. The bills require that the student attend high school in that state for at least 3 years, and that the student apply for citizenship. These states, conservative and liberal ones alike, understand that this is an educational issue, not an immigration one. Frankly, it is embarrassing that Massachusetts has not passed a similar such policy.

Nelsy likes school. As a young, hopeful 17-year old, she was thrilled at the possibility of attending college. She dreamed of starting her own business (in Massachusetts). Instead, five years later, Nelsy wonders whether she will ever have a college degree. She has tried to pay her way out of pocket, at the extraordinarily high out-of-state fees [though she has lived in Massachusetts for nearly 18 years], but she cannot continue. Courses, after all, are thousands of dollars apiece.

What possible incentive do we have to keep students like Nelsy from going to college? By not providing in-state rates, Massachusetts leaves Nelsy without a college education and without an adequate means to support herself. Instead, she is afraid. She works off the books at low-skilled jobs, struggling to pay for textbooks, classes, and even her next month’s rent.

I have lived in this state longer than some of my classmates, she muses. It is her home, yet she cannot contribute back. She cannot get a college degree or start a business because Massachusetts makes the cost of college simply unaffordable for Nelsy and many other undocumented students like her.

Nelsy is not asking for a handout. Massachusetts should let her pay for college, simply at the same, fair rate as that of her classmates and peers. This would not only benefit numerous students, but also show Massachusetts’ commitment to education and to fostering an equitable academic environment.

There is no reason why Massachusetts should deny its high-school graduates a means to finance their own education. We need to speak for students like Nelsy. Call your state representative today, and inform them of the importance and necessity of the in-state tuition bill.

**Excerpts from Campaign Journals**

*Sela*

Although we were unable to meet with a coalition [due to the fact that there was not much of a coalition behind the bill at this time], I met and interviewed three separate students who were or are involved with SIM, the Student Immigrant Movement. On March 27th, I met with Nelsy, a 22-year old undocumented student who worked with SIM for many years.
This meeting was extremely important because it really solidified the importance of the bill I was lobbying for, and put a face to the bill. We met in a Whole Foods by North Station, and she told her personal story, and how the bill would impact her life.

Meeting with Nelsy also helped me understand the complexities of her situation, and why there has not been much activity lately by immigrant groups. [Many people are waiting on a federal bill, and the Massachusetts bill had not passed in two previous legislative cycles, so many have lost hope.] One thing I would have done differently [if it had been possible] would have been to meet in a quieter place so that we could talk more privately. I think for a bill like this, it is also imperative that there is a strong, vocal, public group of supporters who are personally affected by the bill. If I had also been able to meet Nelsy in the context of a SIM meeting, that might have been beneficial. I think that connecting with a coalition, or affected constituents, earlier on would have been a useful strategy that I would employ if I were to advocate for another bill in the future.

**Sneha**

Early on in our advocacy process, Sela and I struggled to connect with coalitions regarding our bill. Going into this process, we knew that many coalitions were looking to other bills that they expected would be more successful in the legislative process. We did, over email, make a connection with individuals working at MIRA, Massachusetts Immigrant and Refugee Advocacy Coalition. Early emails primarily consisted of us trying to find contacts at MIRA who were working on this bill. Once we made contact, we tried to see what they were working on in terms of meetings or events that we could attend. As we had expected, the majority of their activities related to other bills, such as the driver’s license bill that was also up this year.

It was initially frustrating to think that individuals who are engaged with advocacy for immigrants were not actively working on this bill. We chose, then, to look to student activists in our Brandeis community who were working on issues related to immigration and who were interested in this bill. After talking to student leaders in Brandeis Students for Immigrant Education, we realized there were students on our own campus who were knowledgeable about this bill and this issue.

**Update**

As of September 12, 2014, S.577 had been sent to study.

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**For more information**

**National Immigration Law Center**

www.nilc.org