

FACT SHEET ON TEXAS' IN-STATE TUITION LAW

Background

- ❖ Texas was the first state to provide an in-state tuition rate to eligible undocumented students, or “DREAMERS.” Known by many as “HB 1403” and signed into law by Governor Rick Perry in 2001, the in-state tuition law provides educational access to all qualified Texas residents, regardless of immigration status.
- ❖ To qualify for the in-state tuition rate, undocumented students must have:
 - Resided in Texas the year before enrolling at a Texas college or university;
 - Resided in Texas during the three years before graduating from high school or obtaining a GED; and
 - Signed an affidavit stating that they will apply for legal permanent residency at the earliest opportunity they are eligible to do so.
- ❖ Texas' in-state tuition law does not impact students entering on student visas, does not have any implications on eligibility for university admissions, and does not provide work eligibility.

Benefits of In-State Tuition

- ❖ Helps lower dropout rates and motivate eligible students to attain their full potential.
- ❖ Builds off of the state's K-12 investment in *all* students, regardless of immigration status.
- ❖ Places Texas in a better position to reap the benefits of a highly-educated workforce if those students are later able to obtain work authorization or otherwise adjust their immigration status.

Legislative Backlash

- ❖ States such as Alabama, Arizona, Colorado, Georgia, South Carolina and Indiana have barred unauthorized immigrant students from eligibility for in-state tuition rates.
- ❖ There were similar attempts in Texas' 84th Legislative Session, for example, SB 1819.

Legal Backlash in Texas

- ❖ *IRCOT v. Texas*: In 2009, the Immigration Reform Coalition of Texas (IRCOT) filed a lawsuit as taxpayers, claiming that public funds are being used illegally and in contravention of federal laws. However, IRCOT withdrew its challenge to in-state tuition for DREAMers in May 2011, and dismissed the remainder of its lawsuit (a challenge to access to state financial aid for DREAMers) in 2015. MALDEF represented UT-Austin's University Leadership Initiative and defended Texas' law alongside the State of Texas.