

State Analysis

The following states enacted permitting students to be eligible for in-state tuition if they graduate from state high schools, have two to three years residence in the state, and apply to a state college or university. The student must sign an affidavit promising to seek legal immigration status in all states except New Mexico. These requirements for unauthorized immigrant students are stricter than the residency requirements for out-of-state students to gain in-state tuition.

Texas - 2001 – (HB1403)

California - 2001 – (AB540)

Utah – 2001 - (HB144)

New York – 2002 (SB7784)

Washington - 2003 (HB1079)

Oklahoma – 2003 (SB596)

Illinois – 2003 (HB60)

Kansas – 2004 (HB2145)

New Mexico – 2005 (SB582)

Nebraska – 2006 (A75)

Wisconsin – 2009 (A75)

Maryland – 2011 (SB167, HB970)

Connecticut – 2011 ((HB6390, SB6390)

- In 2008, Oklahoma passed HB 1804 which ended its in-state tuition benefit, including financial aid, for students without lawful presence in the United States. The Act allows the Oklahoma State Regents to enroll a student in higher education institutions permitted that they meet special requirements.

Other states that have barred unauthorized immigrant students from in-state tuition benefits

Arizona (Proposition 300, 2006)

Georgia (SB 492, 2008)

Colorado (HB 1023, 2006)

South Carolina (HB4400, 2008)

At least 30 states have considered legislation to allow undocumented immigrants to receive in-state tuition. These states include both Democratic and Republican majorities.

- **Virginia** (SB 542, 4/6/06) extended tuition status to political refugees.
- **Wyoming** (SB 85, 3/10/06) enacted state scholarship programs available only to residents who are non-LPR or citizens.

