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Immigrants to Pay Tuition at Rate Set for Residents

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Thousands of illegal immigrants living in Massachusetts can qualify for state resident tuition rates at state colleges, under a policy laid out on Monday by Gov. [Deval Patrick](#) — another shift in the fast-changing mosaic of states' policies toward that population.

The shift builds on the Obama administration policy, adopted in June, that the federal government will not seek to deport most young immigrants who, as children, were either brought to the United States illegally or kept here illegally. The Massachusetts policy applies to that same group.

Officials say there are very few illegal immigrants currently enrolled who might benefit from the in-state tuition discount; the much larger effect will be in encouraging others to enroll. They estimate that Massachusetts has 15,000 to 17,000 residents in the age group affected by the change in the deportation policy; they would not guess how many might take advantage of new state and federal rules.

“Our experience has been that the difference between in-state and out-of-state tuition is a prohibitive barrier,” said Paul Reville, the state's secretary of education. The state's flagship college, the University of Massachusetts at Amherst, charges state residents \$13,230 in tuition and fees; students from outside the state pay more than twice as much, \$26,645.

“Some states are playing real hardball on college tuition and other benefits, while others are moving toward accommodation, and it's changing all the time,” said Michael A. Olivas, a University of Houston law professor who tracks the issue around the country.

By his count, 12 states have laws allowing illegal immigrants to claim state residency and pay in-state tuition; this month, Maryland became the first to adopt such a law by popular vote. The others are California, Connecticut, Illinois, Kansas, New York, Oklahoma, Rhode Island, Texas, Utah, Washington and Wisconsin.

He lists six other states — Arizona, Colorado, Georgia, Indiana, Ohio and South Carolina — that have adopted laws explicitly barring illegal immigrants from qualifying for in-state tuition. A law enacted in Alabama in 2011 prohibits such people from attending state colleges at all, but it faces legal challenges.

Many other states do not have laws on the books to address the question but rely on a range of policies that are also in flux. In August, a New Jersey appellate court struck down a state practice

that prevented an American citizen from claiming residency and in-state tuition because her mother was an illegal immigrant.

Some states charge illegal residents the lower rate but do not allow them to qualify for state financial aid; California is scheduled to begin providing them financial aid on Jan. 1.

And the battles over states' treatment of illegal immigrants extends beyond college, to questions like granting driver's licenses or inquiring about [immigration](#) status in routine police matters.

The Obama administration policy applies to anyone who arrived in the United States before turning 16, has lived here for at least five years, is under the age of 31, has no serious criminal record, and either is in school, has a high school diploma or equivalent, or has been honorably discharged from the armed services.

Young people can apply to the United States Citizenship and Immigration Services agency for formal recognition under the policy, which automatically qualifies them for a work permit.

The number of people who qualify may be over one million, but about 300,000 have applied so far to be formally recognized by the federal government. Advocates say that many immigrants did not want to step forward until after the election, because Mitt Romney had said he would overturn the policy if elected president. When he was governor of Massachusetts, Mr. Romney vetoed a bill that would have granted in-state tuition to illegal immigrants. Since then, such bills have stalled in the legislature, despite urging from Mr. Patrick.

The governor's action on Monday is more clarification than new policy. Since 2008, the state has recognized an immigrant's federal work permit as evidence of state residency, qualifying students for lower tuition.

Officials said that in the wake of the new federal rules, there were questions about whether the state would treat the newly granted work permits the same way. On Monday, the governor informed the state higher education system that it would.

<http://www.nytimes.com/2012/11/20/us/illegal-immigrants-to-pay-in-state-tuition-at-mass-state-colleges.html>