

# Judge rules for students in immigrant-tuition suit

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Updated 2:03 p.m., Tuesday, September 4, 2012

MIAMI (AP) — Students at Florida's public colleges and universities cannot be charged higher out-of-state tuition simply because their parents are in the U.S. illegally, a federal judge ruled.

U.S. District Judge [K. Michael Moore](#) determined the policy violates the equal protection clause of the Constitution by forcing those students to unfairly pay three times as much as Florida residents. Children born in this country are citizens whether or not their parents have legal immigration status.

"The state regulations deny a benefit and create unique obstacles to attain public post-secondary education for U.S. citizen children who would otherwise qualify for in-state tuition," Moore wrote.

The ruling Friday came in a lawsuit filed by the Montgomery, Ala.-based Southern Poverty Law Center on behalf of several Florida students who were denied in-state tuition because they could not prove their parents are in this country legally. The center's deputy legal director, Jerri Katzerman, said Tuesday that Moore's ruling could give thousands of students greater access to an education.

"He has said in no uncertain terms that these youngsters are citizens and they have been discriminated against," she said.

State education officials said lawyers were reviewing the ruling and no decision had been made on a possible appeal. There are 28 public two-year colleges — most of which also offer a limited number of four-year degrees — and 11 public four-year universities in Florida.

At the state's flagship [University of Florida](#), in-state tuition costs about \$205 per credit hour. For those paying out-of-state tuition, the price balloons to \$947 per hour, according to the [State University System of Florida](#).

Children of illegal immigrants have won similar battles in other states.

Last month in New Jersey, a state appeals court ruled that an American-born student whose parents could not prove legal status was wrongly denied financial aid. The [American Civil Liberties Union](#) said that ruling could affect thousands of New Jersey students seeking state assistance to attend college.

In California, a challenge was resolved in favor of the students. Similarly, the Colorado attorney general issued an opinion in 2007 determining that legal state residents were eligible for in-state tuition even if their parents were residing in the country illegally.

The Florida policy, which has been in effect for several years, applies to students under age 24 who are also claimed as dependents by parents. According to a [Florida International University](#) law professor's analysis of U.S Census figures, nearly 9,000 children of illegal immigrant parents are enrolled in Florida public colleges and universities in a given year.

It wasn't immediately clear Tuesday how many current students might have their residency status and tuition costs changed because of the ruling.

Attorneys for the state argued mainly that classifying children of illegal immigrants as eligible for in-state tuition would cost financially-strapped colleges and universities millions of dollars each year. That argument, however, assumed Florida would be forced to offer in-state tuition to all students who lived out of state.

"This is simply incorrect," Moore wrote, adding that his ruling "would not prevent the state from continuing to distinguish between in-state residents and out-of-state non-residents."

Moore also noted that undocumented parents help pay for education through state sales and other taxes just as do parents who are U.S. citizens.

State Rep. [Hazelle Rogers](#), a Lauderhill Democrat who sponsored legislation to scrap the policy, said the ruling comes as welcome news.

"The bottom line is simple: a U.S. citizen should be treated like a U.S. citizen no matter who their parents are," Rogers said.

New pathways to work and education have recently been opened at the federal level for young people who are in the U.S. illegally.

Earlier this year, President [Barack Obama](#)'s administration expanded the rights of more than 1 million young illegal immigrants by giving them work permits even though they would not obtain legal residency here or a path to citizenship.

The immigrants must prove they arrived in the United States before they turned 16, are 30 or younger, have been living in the country at least five years and are in school or graduated or served in the military. They cannot have been convicted of certain crimes or otherwise pose a safety threat.

Read more: <http://www.seattlepi.com/news/article/Judge-rules-for-students-in-immigrant-tuition-suit-3838779.php#ixzz25cjC1rWB>