

Texas tweaks tuition rule for illegal immigrants

Thursday, January 26, 2012

AUSTIN, TX -- Texas colleges must send illegal immigrants who pay in-state college tuition rates reminders that they promised to seek legal status in exchange, a tweak in state law officials unanimously approved Thursday.

The tuition break was a flashpoint issue that helped doom Republican Gov. Rick Perry's campaign for president and the rule change by the Texas Higher Education Coordinating Board is a small step toward putting more pressure on those students to follow up on their pledge.

The change will not end the tuition break or the student's ability to qualify; only the Legislature can do that. But the board will require schools to be more active in pushing students toward gaining legal status by sending them annual reminders and encouraging them to contact federal authorities.

Advocates for immigrants say the reminders, which students could start seeing as early as this summer, are unnecessary and could prompt students to place themselves in jeopardy of deportation if they contact authorities without first seeking legal advice.

Since 2001, Texas has allowed students who are in the U.S. illegally to qualify for cheaper, in-state tuition rates at public universities if they attend high school in Texas for at least three years before they graduate. Those students must also sign an affidavit saying they plan to seek legal status.

Perry's refusal to backtrack on his support for the law during his campaign angered conservatives and tea party activists in the state and nationally who consider it a benefit reserved for illegal immigrants at the expense of U.S. citizens.

According to the higher education board, more than 16,000 students qualified under the law in the 2009-10 school year, the most recent year for which complete data were available. Of those, about 4,400 attended a public university and about 12,000 attended community or technical college.

The rule change requires schools to keep the affidavits on file and remind the students of their pledge every year they are enrolled and upon graduation. Students are not required to respond.

Board spokesman Dominic Chavez insisted the rule change is not because of the flare-up over immigration politics in the Republican primaries but acknowledged the issue got "white hot" when Perry was still in the race.

The issue has come up several times since the law passed in 2001, and the board began considering the change last summer, Chavez said.

Luis Figueroa of the Mexican American Legal Defense and Educational Fund said advocates for immigrants are concerned universities will encourage students to contact federal agencies about their status before consulting a lawyer.

"They need legal guidance," Figueroa said.

Ainee Athar, a third-year anthropology student at the University of Texas, moved with her family to Texas from Pakistan 15 years ago and has qualified for the lower tuition rate. She said the yearly reminders about a student's legal status are unnecessary.

"No one forgets that," she said.

Supporters of the tuition law say the thousands of students taking advantage proves its worth. Those are students who might not be able to afford a college education without it.

The average cost at a four-year university for Texas residents is about \$7,000 in tuition and fees and about \$17,000 for nonresidents. At community colleges, the average cost is about \$1,400 for residents and \$4,800 for nonresidents.

"It's not about immigration," Athar said. "It's about education."

State Sen. Leticia Van de Putte, a San Antonio Democrat who helped write the law, considers the rule change a minor one that won't change the intent of the law or its impact on those who use it. She also said she isn't worried that it's the first step in an effort to eventually repeal the law.

"They've been trying to repeal it every year since I passed it," Van de Putte said.

The latest effort was in 2011, when Perry was flirting with running for president but was not yet a candidate. Legislation by Sen. Brian Birdwell, a Republican from Granbury, to repeal the tuition break was defeated by a bipartisan group of lawmakers in the Republican-controlled Senate.

Birdwell called the rule change a "step in the right direction ... (but) these rules do nothing to solve the core problem of nonresidents unfairly receiving discounted tuition rates."

<http://abclocal.go.com/ktrk/story?section=news/state&id=8519527>