

U.S.-born children take fight over tuition to court

By Alan Gomez, USA TODAY

have been grappling with the question of whether to provide in-state college tuition rates to illegal immigrants who were brought to the [U.S.](#) as children.

Southern Poverty Law Center attorney Miriam Haskell announces a lawsuit Oct. 19 on behalf of five U.S.-born students, including Kassandra Romero, left, and Noel Saucedo.

Now a Florida lawsuit is highlighting a rare practice of forbidding U.S.-born students — citizens by birth — from getting in-state tuition because their parents are illegal immigrants.

Five students, all born in the U.S. to illegal immigrant parents, sued the state last month for denying them in-state tuition rates even though they'd lived in Florida, graduated from state high schools and were entering state colleges and universities. They claim the higher out-of-state rates they were charged either forced them to drop out or take fewer classes, delaying their eventual graduation.

Kassandra Romero, 18, enrolled at Palm Beach State College in June and was handed a \$4,000 bill for the semester — more than three times the in-state rate. She left school to work as a waitress to save enough money to re-enroll in January.

"I'm an American citizen. I was born here. But now I feel left out," Romero said. "(My old classmates) are taking their classes, everyone's going to school, and I just go to work."

The lawsuit illustrates a fractured, state-by-state immigration debate that questions how many rights children of illegal immigrants — born in and outside the U.S. — should be given.

[President Obama](#) spearheaded a failed attempt to pass the [DREAM Act](#), which grants legal status to the children of illegal immigrants. Twelve states have laws granting in-state tuition to some illegal immigrants brought to the U.S. as children, according to the [National Conference of State Legislators](#).

Meanwhile, U.S. Rep. [Steve King](#), R-Iowa, has led a campaign to eliminate the practice of granting automatic citizenship to children of illegal immigrants born on U.S. soil. Four states — Florida, Colorado, Georgia and Indiana — ban all illegal immigrants, including those brought to the U.S. as children, from receiving in-state tuition rates.

Florida's policy is unique because it takes the step of denying in-state tuition to U.S.-born children whose parents are illegal immigrants. Officials with the [Florida Department of Education](#), which oversees community colleges, and the State University System declined comment.

Florida law requires that residency be established for adults, or dependent children, before granting in-state tuition rates.

Tania Galloni of the Southern Poverty Law Center, which is suing on behalf of the six students, said state education officials erred when they began interpreting those rules in 2009 to mean that dependent children had to prove their parents' citizenship. She said state residency requirements do not mention citizenship status and pointed to an opinion written by Colorado's attorney general when education officials there briefly tried the same thing.

"Because it is the student, rather than the parents, who is the legal beneficiary of in-state tuition status, the fact that the parents may be in the country illegally is not a bar to the student's receipt of that benefit," Colorado Attorney General John Suthers wrote in 2007.

Michael Hethmon, director of the Immigration Reform Law Institute, has assisted states like Arizona and Alabama write laws that crack down on illegal immigration. He said an illegal immigrant parent cannot be considered a legal resident because their illegal status could result in their deportation at any moment. And since their children are still dependents under Florida law, they cannot claim residency of their own.

"It's a maneuver in an ongoing legal controversy of enormous significance to the United States," Hethmon said. "As the question of illegal immigration remains unresolved, it becomes an obvious flashpoint and you'll see issues like this coming up repeatedly in the coming years."

<http://www.usatoday.com/news/education/story/2011-11-02/florida-lawsuit-education-in-state-tuition-illegal-immigrants/51050858/1?csp=34news>