



Issue Backgrounder

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Should it be legal for illegal aliens to attend public institutions of higher education in Colorado at in-state tuition rates?

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*IB-2004-D
February, 2004*

Summary

In a number of states, public institutions of higher education allow illegal aliens to attend college at in-state tuition rates even though they have no legal right to be in the United States. There is some evidence that this has been done in Colorado.

Discussion

Colorado taxpayers pay substantial amounts to allow in-state students the benefit of lower tuition bills. Entering freshmen who are Colorado residents can expect to pay \$4,022 in tuition and fees over the course of the 2003-2004 academic year.¹ International students, students legally in the United States on a temporary visa, can expect to

pay \$19,850 in tuition and fees for the 2004-2005 academic year.² Tuition and fees for freshmen who are U.S. citizens but not Colorado residents total \$20,346 for the 2003-2004 academic year. Rates for Trinidad State Junior College are \$66.05 per credit hour for in-state students, \$276.10 for non-resident students. Arapahoe Community College rates are \$345.15 per credit hour for out-of-state residents and \$66.05 per hour for in-state students. Colorado

Community College CCC-Online has a flat rate of \$134.90 regardless of residency status.

Subsidizing four years of education for a single illegal alien paying the in-state rate at CU-Boulder would in theory cost Colorado taxpayers roughly \$66,000 in tuition. From 2000 to 2002, the estimated median income for Colorado households was \$49,617.³ To subsidize one illegal alien for four years, a Colorado household with median income would have to hand over about 33% of its income each year. Offering in-state tuition to illegal aliens may create an incentive to convert to illegal status. A legal foreign national who converts his legal status to an illegal one could save almost \$16,000 a year on tuition and fees.

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Collecting taxes to subsidize illegal aliens puts Colorado government, an institution that exists to support the rule of law, in the ethically untenable position of forcing law abiding citizens to reward people who should not be in the state.

Awarding illegal aliens resident status may also displace legal residents. Colorado Statute requires that Colorado residents make up an average of 55% of incoming freshman classes at state-supported institutions of higher education.⁴ CU-Boulder routinely has enough non-resident applications to fill its entire freshman class. It typically allocates less than 60% of each freshman class to Colorado residents. If illegal aliens are given the same status as legal Colorado residents, admitting them will likely force some legal Colorado residents who would otherwise have been admitted to attend college elsewhere. It is also possible that illegal aliens, once admitted, would become eligible for a variety of other subsidy programs aimed at low income students.

Proponents of resident tuition for illegal aliens say that Colorado households should pay this subsidy because youthful illegal aliens in Colorado may be here through no fault of their own, and they deserve an education. No age limit on qualifying illegal aliens has been proposed.

Many residents of Colorado already get educations without relying on state subsidies. Numerous private educational institutions offer a variety of training and educational opportunities both online and in person. The Colorado Community College Online program subsidizes all comers. It allows individuals to take college courses for a flat rate regardless of their residency. People truly concerned that illegal aliens are unable to pay for their educations can also set up scholarship funds. In 2003, the private Goizueta Foundation in Atlanta provided \$5,000 college scholarships for 14 illegal immigrants.⁵

Finally, federal law currently requires that any offer of in-state tuition to illegal aliens must also be made available to all U.S. citizens. Title 8, Chapter

14, Sec. 1623 of the U.S. Code specifies that “an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a state (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.” The 2003 freshman class at the University of Colorado-Boulder included about 2400 out-of-state students.⁶ Enrolling them at resident rather than non-resident tuition rates would have reduced revenue by roughly \$39,700,000.

Senator Hatch has introduced legislation in the U.S. Senate to make it legal for states to charge illegal aliens less than other U.S. citizens under certain conditions.

Endnotes

¹ <http://www-bursar.colorado.edu/sb/0304/ugrad0304.html> and expense calculator at <http://www-bursar.colorado.edu/sb/billest/befall03/befall03.html>, and <http://www.colorado.edu/prospective/freshman/finances.html>

² <http://www.colorado.edu/prospective/international/finstatement.pdf>, <http://www.colorado.edu/prospective/international/finances.html>

³ U.S. Census Bureau. Income 2002. Three-Year-Average Median Household Income by State 2000-2002. <http://www.census.gov/hhes/income/income02/statemhi.html>

⁴ Colorado Statutes, 23-1-113.5. Specifically, residents must make up 55% of incoming classes calculated as a three year moving average.

⁵ Bridget Gutierrez, January 24, 2004. “Illegal immigrants get a shot at college with scholarships.” *The Atlanta Journal-Constitution*, online edition, http://www.ajc.com/saturday/content/epaper/editions/saturday/news_0421d14581df02cb0079.htm

⁶ Office of News Services, University of Colorado, August 21, 2003. “CU-Boulder Freshman Class Expected to Increase Slightly This Fall. <http://www.colorado.edu/news/releases/2003/323.html>

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