In-State College Tuition For Illegal Aliens?

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The officials of some state universities and colleges, and even some state legislators, seem to think they can get by with openly disobeying federal law. They are flagrantly violating the law that prohibits giving subsidized college tuition rates to illegal aliens.
Shouldn't our public officials, of all people, respect the rule of law? Texas, California, New York and Utah have legislatively thumbed their noses at the federal law by passing a state law that grants in- state tuition rates to people living in our country illegally.

This gives a taxpayer benefit to illegal aliens that is denied to U.S. citizens in the 49 other states. The monetary difference, which varies from state to state, can be as high as $11,000 per year, and this windfall is given even though most state governments are crying about budget shortfalls because of the current state of our economy.

Federal law (Title 8, Chapter 14, Sec. 1623) states: "an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State ... 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."

There was no misunderstanding about what this law means, either when Congress passed it or when President Clinton signed it in 1996. Conference Report 104-828 stated, "this section provides that illegal aliens are not eligible for in-state tuition rates at public institutions of higher education."

The universities think they can circumvent this federal law by the "loophole" of simply not asking student applicants whether or not they are legally in this country. The Immigration and Naturalization Service said there is "no reason" for the INS to issue regulations because, according to a spokeswoman, the agency believes that illegal persons should be removed from the country.

In June 2001, Texas became the first state to pass a law giving in-state tuition rates to illegals, although some universities in Texas, California and New York had been quietly doing this during the 1990s.

California Governor Gray Davis vetoed a state bill in 2000 to give in-state tuition rates to illegal aliens, but he signed such a bill in October 2001. The California Board of Regents then voted 17-5 to make this windfall available at the University of California.

Dissenting Regent Ward Connerly said the result is "just flat wrong": "Every citizen living legally in the other 49 states will be charged a higher tuition rate in California than illegal immigrants who happen to be in California." California universities now make a student from Arizona pay nearly four times as much as an illegal alien.

At California's state universities, in-state students and illegal aliens now pay $1,839, out-of-staters pay $7,380; at UC Berkeley, in- staters and illegals pay $3,859, out-of-staters $15,000. The difference is subsidized by the highly-taxed citizens of California plus the highly-taxed taxpayers from the 49 other states who provide all kinds of federal student benefits but whose own children are discriminated against.

The advocates of this discrimination claim they want illegal aliens to get a college education so they can become productive residents. But illegal aliens cannot legally hold a job in the United States.

Qualifying for in-state tuition is only the start of unintended consequences. Given the low economic status of most illegal aliens, most also qualify for taxpayer-financed financial aid, and Texas specifically allows this.

Connerly asked, "Why would any legal foreign student pay out-of- state tuition at a UC campus when by becoming illegal he or she can get a huge annual tuition cut of about $11,000?"

Connerly pointed out that Americans already provide illegal aliens with billions of dollars of taxpayer-paid benefits at public schools and hospitals. State universities in New York tried to comply with the federal law last year, but they were overruled by a state law that okays in-state tuition for illegals. Utah followed suit with a similar law, and legislation is currently being considered in Arizona, Colorado, Georgia, Illinois, Kansas, Kentucky, Maryland, Minnesota, Nebraska, North Carolina, Oklahoma, Virginia and Washington.

On the other hand, Wisconsin Governor Scott McCallum vetoed a provision to violate the law. In Virginia, where public officials may be on guard since seven of the 19 hijackers on 9/11 held Virginia driver's licenses, Attorney General Jerry Kilgore issued a memo stating that illegal aliens are not eligible for in-state tuition rates.

Senator Orrin Hatch (R-UT) and Rep. Chris Cannon (R-UT) are trying to repeal the federal law. Their bill is elegantly titled the DREAM Act (Development, Relief, and Education for Alien Minors).

American taxpayers should wake up and see how they are being ripped off by the high costs of tolerating illegal aliens in our midst.