

# **Tuition Equity for Undocumented Immigrants in Colorado**

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## **Abstract**

In order to develop human capital and work out immigration problems for future generations, the state of Colorado should expand access to higher education for undocumented children. If under certain provisions illegal immigrants could obtain in-state tuition, many more would have the opportunity to go to college. This would allow the state to realize a greater return on its investment in primary and secondary education, increase diversity in schools, and even put more undocumented children on a path to citizenship in the United States. The following study discusses current legislation relating to immigration and the effects it has on undocumented children. If the federal DREAM Act passes, it reinforces the importance of providing affordable tuition to undocumented immigrants.

## **Illegal Immigration in the United States**

Illegal immigration is the source of much controversy today. The influx of undocumented immigrants in the United States has increased immensely, and the country has gone into panic mode. Although there are pathways of entering the country legally, in 2009, only 743,715 immigrants were naturalized (Lee, 2010, p. 2) while there were over ten million people living here illegally (Hofer, 2010, p. 4). Why are there so many people who remain isolated behind the shadows of United States society? Is it because they find that they can easily get away with living and working here without having to bother doing it the legal way? Or perhaps it is because they want to work under the table so they can evade paying income taxes or collect welfare and Medicaid benefits? This is the direction in which many Americans tend to think, creating a negative stigma surrounding illegal immigration. This thought process is reasonable—American citizen tax dollars should not be allocated toward supporting illegal immigrants. And current policies should not encourage immigrants to live here illegally. Most would agree. However, the situation is much more complex than that.

It is becoming more and more difficult to live here without risking being deported. Laws such as SB-1070 in Arizona<sup>1</sup> are gaining quite a bit of momentum in the United States. Some legislators are even proposing diminishing the right to citizenship through

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<sup>1</sup> SB-1070 is state legislation in Arizona that permits authorities to stop ask any “suspicious looking individual” for documentation. Failure to provide documentation would result in deportation (State of Arizona 2010).

birth in the United States, completely contradicting the fundamental principles upon which this country was based (14<sup>th</sup> amendment anyone?) (“Birthright Citizenship,” 2010).

Something is wrong here. It seems as though no matter what measures politics take, the influx of undocumented immigrants remains unchanged. Furthermore, undocumented immigrants are not just coming here for an extended vacation, thriving off of a luxurious American lifestyle with endless government handouts. The only public benefits that illegal immigrants are able to take advantage of are primary and secondary education and emergency medical care; the illegal immigrant tax contribution far exceeds these benefits (see “Undocumented Tax Contribution” below). So what could explain this influx?

According to the Department of Homeland Security, out of the 10,750,000 undocumented immigrants in the country, about 6,650,000 (62 percent) come from Mexico (see Table 1 below). This number has increased by 42 percent in the past twenty years. The time period of this increase is extremely consistent with the increased violence that rampant drug wars have created in Mexico today. Drug cartels continue to kidnap people in a fight for power. A couple of them have become so powerful that authorities (if not already involved) many times are forced to surrender to the drug cartels. In 2009, there were 5,597 known drug murders in Mexico (Pipitone 2010). It is important to understand that under these circumstances, people flee to the United States because they are in a life or death situation. Even if they have to risk the dangers of sneaking into the country or being deported, they will still do whatever they can to escape. Mexico is not the only place that experiences such violence. Illegally immigrating to the United States is often not just a hope for a better opportunity. It is a survival tactic.

Table 1

Country of Birth of the Unauthorized Immigrant Population: January 2009 and 2000						
Country of birth	Estimated population in January		Percent of total		Percent change	Average annual change
	2009	2000	2009	2000	2000 to 2009	2000 to 2009
All countries	10,750,000	8,460,000	100	100	27	250,000
.....						
Mexico .....	6,650,000	4,680,000	62	55	42	220,000
El Salvador	530,000	430,000	5	5	25	10,000
.....						
Guatemala	480,000	290,000	4	3	65	20,000
.....						
Honduras . . .	320,000	160,000	3	2	95	20,000
.....						
Philippines	270,000	200,000	2	2	33	10,000
.....						
India .....	200,000	120,000	2	1	64	10,000
Korea .....	200,000	180,000	2	2	14	—
Ecuador	170,000	110,000	2	1	55	10,000
.....						
Brazil .....	150,000	100,000	1	1	49	10,000
China .....	120,000	190,000	1	2	-37	(10,000)
Other countries .....	1,650,000	2,000,000	15	24	-17	(40,000)

— Represents less than 5,000. Detail may not sum to totals because of rounding.  
Source: U.S. Department of Homeland Security.

### Tuition Equity: A Path to Citizenship

The situation in Mexico shows that illegal immigration is an extremely dynamic issue, often caused by external, mutually exclusive events. We must not assume that more stringent policies will decrease the influx of illegal immigration. Considering the grave situations in their native countries that many people flee from, increased restrictions will not discourage immigrants from at least trying to come here, nor will they feel inclined to return to the severe conditions of their home country. Furthermore, mass deportation is an unrealistic and inhumane solution—it would be extremely costly to implement and the strategies for doing so are unconstitutional. Despite popular beliefs, illegal immigrants are not harmful to the United States economy. In fact, *“Eighty-five percent of eminent*

*economists surveyed have concluded that undocumented immigrants have had a positive (seventy-four percent) or neutral (eleven percent) impact on the U.S. economy”* (Lipman, p. 3). Yet, if they were able to realize their full potential in United States society, they would be able to contribute even more.

Many have established a life here and would love to become naturalized, but citizenship is not a viable option for them. If there were more pathways to legalizing one’s status in the United States, most would probably take advantage of them. Considering the logistics and money required to become naturalized in the United States, most undocumented immigrant children do not even have the option to do so. Therefore they remain stuck, with limited options to contribute to society.

Nonetheless, despite the genuineness of intentions, illegal immigrants are breaking the law by living here illegally, which in the eyes of many trumps all arguments in favor of their case. If the government grants amnesty to undocumented immigrants or extends extra benefits to them (such as higher education), it could diminish the process of becoming naturalized the “right way.” However, there exists a large demographic group of immigrant children who are brought to the United States with their families by no choice of their own. They grow up in this country and live a lifestyle very similar to that of other American children, except that they do not have the paperwork that entitles them to do so. Many do not even remember living in the country in which they were born. With that said, should children in such situations be punished for the actions of their families?

Current policy is actually quite contradictory for these children. Under the Supreme Court decision *Plyer vs. Doe* (1982), all children, regardless of immigration status, are

eligible to receive a free primary and secondary education (“Undocumented Immigrants and State,” 2009). All states must abide by this legislation—they have no choice. However, in Colorado (among the majority of states), if these students have hopes of obtaining a college education, they will discover that they are no longer entitled to the benefits that American students receive. Undocumented immigrants do not have the access to in-state tuition that other citizens have; nor can they receive government loans or grants (“In-state Tuition Classification” 2007), making it nearly impossible for them to continue their education after high school. Upon this realization, some may even end up dropping out of high school before graduation, seeing that they have no means to develop their potential. It is counterproductive to invest in an education for all children but allow only a select population to advance. Instead of throwing away this potential, the state needs to fairly extend in-state tuition benefits to all hard-working and deserving students in order to develop a prosperous economy. This suggestion does not propose extending federal aid to unauthorized students; rather, it solicits the possibility of affordable tuition, which would generate revenue that colleges would not realize otherwise.

If undocumented immigrants were granted tuition equity, their chances of achieving residency status would also increase, allowing them to live here legally. Upon advancing their education, they could potentially become qualified to receive a special working visa, which would bring them closer to becoming citizens. They could even obtain lawful permanent status through the employment preference category. Upon further integrating themselves into American society, they would also become more likely to adjust their status through marriage. Statistics show that people are most likely to find a

spouse in a college setting. Interethnic marriage is most prevalent in this setting as well (Kaushal 2008).

### **The DREAM Act**

Unfortunately, under many circumstances none of these solutions would be a viable path to naturalization for undocumented students. These days, even marriage does not guarantee naturalization. However, there is a possibility that the Development, Relief, and Education for Alien Minors (DREAM) Act will eventually pass. The DREAM Act is a proposed piece of federal legislation that would put certain undocumented immigrant children on a path to lawful permanent status if they spend at least two years either studying at a higher education institution or serving in the military (“Immigrant Student Adjustment” 2010).

The legislation was initially introduced in Congress by Senators Richard Durbin (D-IL) and Richard Lugar (R-IN) on August 1, 2001 and has since been reintroduced several times in both the Senate and the House with no success. Immigration has become a completely partisan issue, and most Republicans cannot afford to support it. This bill has very little Republican support in both the Senate and the House of Representatives.

As of August 10, 2010, there were 39 Dream Act cosponsors in the Senate and 128 in the House of Representatives. Of all these supporters, only six represent the Republican Party: one Senator (Richard G. Lugar, IN [co-creator of the bill]) and five House members (Anh J. Cao, LA; Devin Nunes, CA; Lincoln Diaz-Balart, FL; Mario Diaz-Balart, FL; and Ileana Ros-Lehtinen, FL) (“Cosponsors of the DREAM Act” 2010). Not surprisingly, all of

these House members either were born on foreign soil or come from families that immigrated to the United States. These well-recognized individuals (many have served several terms in Congress) are examples of successful people whose lineage may not be purely be “American,” but who have devoted their lives to stabilizing the future of this country. They were given the opportunity to succeed here, and recognize the importance of granting this opportunity to all willing and capable individuals. These politicians were fortunate enough to become citizens of the United States, and they recognize that many people do not have the same opportunities that they had. Considering their unique situations, and the creditable reputation that they have earned themselves, they do not have to take a partisan stance on this issue.

If more support and awareness of this bill is raised, perhaps more Republicans will follow in their footsteps. Politics are quick to form binaries, and many tend to assume that those who stand behind the DREAM Act are supporters of illegal immigration. However, the truth is that no politician really wants to encourage illegal immigration; rather, those who support the bill recognize that something needs to be done with the huge influx of illegal aliens in the country who are already here. Clearly, mass deportation would be nearly impossible and extremely expensive to conduct. So why not take measures to legalize the status of intelligent, willing individuals?

### **Undocumented Tax Contribution**

Illegal immigration is a double-edged sword in the United States. Although there is a substantive opposition to their presence in the United States, the government exceedingly

benefits from keeping undocumented citizens in the country. Although it may seem as though undocumented immigrants evade paying income taxes to the United States government, they actually contribute significantly. Francine J. Lipman details the nature of the undocumented immigrant tax contribution in *Taxing Undocumented Immigrants: Separate, Unequal and Without Representation*. According to Lipman, undocumented immigrants are eligible to receive a certain type of taxpayer identification number called an ITIN. Citizen documentation does not need to be shown to obtain this number. However, if an undocumented immigrant chooses to work in the United States, this number does not authorize her to do so. In order to pay taxes and report payment to employees, employers must report a social security number and an authorized tax number called a TIN for each employee. Many undocumented immigrants will then use invalid social security numbers combined with their ITINs in order to file their taxes. The IRS is able to detect this mismatch, which makes all undocumented immigrants disqualified to file tax returns.

Moreover, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, undocumented immigrants are ineligible to obtain welfare, Medicaid, or food stamps. The only government benefits they are eligible to receive are primary and secondary education and emergency medical care (Lipman 4).

According to the National Council of La Raza, undocumented immigrants in the United States will pay on average about \$80,000 more in taxes per capita than they receive in benefits throughout their lifetime. These employees contribute about \$7 billion to Social Security and \$1.5 billion to Medicare every year, although they will never be able to receive any remuneration (Grillo-Chope and Rodriguez, 2005). The IRS has estimated that

out of the 130 million people who file tax returns every year, about 6 million are undocumented immigrants (Lipman, p. 8). These loopholes to the tax laws furthermore provide the state with short-term additional aid for its current deficits.

The undocumented tax contribution is a temporary and immoral fix-it to current problems that does not consider its side effects or long-term implications. Lipman also reveals that even though the government receives several billions of dollars in extra tax revenue from undocumented immigrants, it also costs the Social Security Administration about \$5 billion more in administrative costs to resolve the mismatches between social security numbers and ITINs. Clearly, this issue is much more complicated than it needs to be. The government cannot continue to patch up its structural deficiencies with others. With such a large influx of undocumented immigrants already working and paying taxes, it would be a lot more beneficial to both the state and the undocumented population if they could do so legally.

If instead the government achieves comprehensive immigration reform, the system will be able to function effectively. The DREAM Act provides the country with a practical solution that could potentially convert hundreds of thousands of undocumented individuals into proper contributory members of society. Innocent undocumented children should not have to submit to a stagnant, hopeless fate. They must be able to realize the potential that they were born with, which is developed in this country until they graduate from high school, and then, for most, terminated almost instantaneously.

Table 2 shows that the median household income for naturalized immigrants is about \$57,030, which is nearly double that of undocumented immigrants (see section

below titled "Tuition Equity in the State of Colorado). Citizenship opens up several job opportunities for immigrants. Even though undocumented immigrants already contribute to income taxes, this shows that naturalized citizenship would allow them to contribute even more, as their median income nearly doubles (See "Tuition Equity in the State of Colorado" to view average incomes for undocumented immigrants).

**Table 2**

<b>Median Income and Educational Attainment of Naturalized Citizens by Period of Naturalization: 2008</b>			
<b>Income<sup>1</sup></b>	<b>1980-1989</b>	<b>1990-1999</b>	<b>2000-2008</b>
Median household income .....	\$66,908	\$59,372	\$57,030
Median family income .....	\$79,231	\$65,177	\$61,103
<b>Education (aged 25 and over)</b>			
Percent of total naturalized citizens .....	100.0	100.0	100.0
Not a high school graduate .....	19.9	24.7	22.8
High school graduate .....	20.8	21.4	22.1
Some college or associate degree ...	23.9	22.9	22.3
Bachelor's degree. ....	21.0	19.2	20.0
Graduate or professional degree .....	14.5	11.8	12.9

.....  
<sup>1</sup> Income of naturalized citizen householders in the past 12 months in 2008 inflation-adjusted dollars.  
 Note: Includes only persons who naturalized at age 18 or over.  
 Source: U.S. Census Bureau, 2008 American Community Survey.

The DREAM Act will not pass until it gains bipartisan support. In the recent midterm elections of November 2010, Republicans gained majority control in the House with 239 seats, while Democrats slightly gained it in the Senate with 53 seats (Allen, Blight, and Ridley, 2010). With the current backlash response to the downfalls of the

Obama administration in light of the struggling economy, Republicans have initiated an opposition action called the “Tea Party Movement” that radically counters the current solutions of left-wing politics. Interestingly, although there are many Tea Party members who severely oppose the Dream Act, the Tea Party platform takes no specific stance on immigration, which leaves space for it to become a nonpartisan issue. On Wednesday, December 8, 2010, legislators tried to pass the DREAM Act before the new Republican leadership could take over. The legislation passed in the House, but they strategically decided to delay it in Senate, in hopes of swaying more senators to support it. The current situation remains in limbo (“With DREAM Act Shelved,” 2010). Perhaps if more Tea Party supporters were conscious of the modern-day “taxation without representation” that undocumented immigrants face, they would feel more inclined to support the bill. If the DREAM Act does pass, it would reinforce the importance of expanding access to higher education, potentially converting thousands of hopeless individuals into proper contributory members of the country.

### **Tuition Equity in the State of Colorado**

This study aims to unfold the opportunity cost of denying tuition equity to all undocumented immigrants by examining the policies surrounding immigration and the higher education system in Colorado, their effects on Colorado’s current socioeconomic situation, and how this situation would improve if tuition equity legislation were passed.

Colorado is characterized as one of the fastest growing states in the U.S. within the past decade, with the highest population aged 18 to 44 in the nation and a rapidly growing

Hispanic demographic group. Since a large portion of the population is baby boomers, the state expects a large worker turnover rate, which would require a larger state investment in higher education. However, the politics work against this goal (Jacobs, 2008). In fact, Brittany Anas, reporter for the *Boulder Daily Camera*, highlights that “Colorado has the largest ‘ethnic achievement’ gap in the nation, as there are far more whites than Hispanics earning college degrees.” Anas also reveals that even though Hispanics are the fastest growing demographic group in the state, only six percent have an associate’s degree and eight percent have a bachelor’s degree. The Urban Institute “Children of Immigrants Data Tool” furthermore shows that the Hispanic population accounts for an astounding 28.62% of children aged 0-17 in Colorado. Furthermore, 16.4% of children with parents from Mexico are undocumented, which constitutes a significant portion of the population. Colorado must expand access to higher education for undocumented immigrants in order to close the ethnic achievement gap.

A common view is that tuition for undocumented immigrants should not be subsidized while there are other American-born citizens who do not enjoy this luxury. Many may also question whether such a privilege goes against federal law. However, under section 5 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), states *can* provide illegal immigrants with in-state tuition benefits, but only if American citizens from other states are granted the same (Kaushal, 2008). As of now, in Colorado, all American citizens, green card holders, and certain visa holders have the opportunity to establish domicile after living in the state for only one year and complying with various tax and licensing requirements (“In-state Tuition Classification,”

2007). Although many nonresident students still struggle with obtaining domicile, they still have the option of attending college in their home state in addition to receiving government aid. Undocumented immigrants, on the other hand, do not have either of these options, regardless of how long they have lived in Colorado.

Colorado SB-126, a.k.a. ASSET (Advancing Students for a Stronger Economy Tomorrow), is a bill sponsored by Angela Giron (D-Pueblo) and Mike Johnston (D-Denver) that has recently been introduced in the legislature. It has already passed through both the education and finance committees in the Senate. This bill would allow undocumented students to pay resident tuition in Colorado if they had graduated from high school in Colorado, had attended school in the state for at least three years, and enrolled in college within a year of graduating. This would essentially entail no cost to the state—these students would not have access to public loans, grants, or the College Opportunity Fund as other Coloradoans have (Anas 2011). In addition, the students must sign an affidavit indicating that they will apply for permanent residency as soon as they are able to do so (Colorado General Assembly 2009). ). Not only do these provisions comply with IIRIRA, giving priority to American citizens, but they also give immigrants an incentive to legalize their status and equally contribute to the state. Currently, there are nine states that have already extended resident tuition to qualified undocumented students: California, Texas, Utah, New Mexico, Illinois, Kansas, Nebraska, Washington, and New York (DREAM Act Portal 2010).

This legislation would allow more hard-working, qualified students to afford a college education, creating a level playing field. Furthermore, since the cost of out-of-state

tuition is too high for undocumented families, it would generate revenue that colleges would not realize otherwise.

According to additional data from the Urban Institute (2008), there are an estimated 35,000 undocumented children aged 0-17 living in Colorado.<sup>3</sup> Of these children, about 30,000 attend Colorado K-12 public schools. For the 2009-2010 fiscal year, the state of Colorado spent about \$5,507.68 per student in public schools (Colorado Department of Education 2010). By multiplying these two figures, we can see that the estimated cost per year (disregarding inflation) of educating undocumented immigrants is about \$165,230,400. Keep in mind that this is only the cost of educating every student per *one* year, and does not consider the cumulative costs over a larger period of time. Out of this population, 2,000 children are currently enrolled in preschool and kindergarten. This shows that there is a significant population of children who are funded through the Colorado public K-12 education system for thirteen years. Under these circumstances, by the time a student graduates from high school, the state has already spent (on average, not adjusting for inflation or changes in education budget) roughly \$71,599.84. After investing this much money in a student, the state would most highly benefit from allowing the student to obtain a higher education. The Colorado economy depends on a highly educated community in order to prosper.

Current statistics show that it is nearly impossible for undocumented families to be able to afford out-of-state tuition in Colorado. The Urban Institute data further show that the median family income of these children is about \$30,755, with about 13,000 families living below poverty level. Furthermore, 42.4% of these families support three to four

children. When comparing this data to the cost of nonresident tuition, one can see that for most undocumented children, it would be impossible to afford nonresident tuition without assistance. The cost of nonresident tuition at public colleges in Colorado (2009-2010) ranges from \$11,856 (Adams State College) to \$26,700 (University of Colorado, Boulder).<sup>2</sup> This rate is drastically subsidized for resident students, ranging from \$2,712 to \$10,446, accounting for a \$9,144 and \$16,234 subsidy at each school, respectively. For community colleges, the nonresident rate falls between \$5,450 and \$11,817 while the resident tuition ranges from \$1,350 to \$2,649, a much more feasible option for low-income families. According to research conducted by scholar Neeraj Kaushal, a \$1,000 tuition subsidy increases the probability of being enrolled in college by 4 percent.

I now consider the possible costs of granting tuition equity. If this legislation adversely affects American citizens or the economy, it should not be considered. Linear regression analysis over various years shows that the enactment of tuition subsidy for Mexican undocumented students in Utah, Texas, California, and New York did not adversely affect the proportion of American citizens who enrolled in college. In fact, it

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<sup>2</sup> The resident base tuition for the Colorado School of Mines (2009-2010) is actually \$10,590, but this falls far out of the range of the remainder of the schools, and CSM actually has a nonresident base tuition of \$24,750 (less than that of CU).

indicates that the policy has a positive, statistically significant effect on the number of U.S.-born citizens with a college education, including citizens of Mexican descent.<sup>3</sup>

Furthermore, the direct monetary cost of subsidizing tuition for undocumented immigrants is almost negligible. Although there will be initial startup costs of enacting the bill, higher education institutions will actually be able to realize a net gain in tuition revenues as a result of enactment. Since most (if not all) undocumented immigrants cannot afford out-of-state tuition in Colorado, higher education institutions will never realize this revenue. However, if tuition is subsidized for this population, they will receive tuition revenues that they otherwise would not have.

There exists a common misconception that immigrants are not contributing to higher education funding; therefore they do not deserve to have the same rights as other American citizens. As we have already revealed, many undocumented immigrants pay much more in taxes than the benefits they receive. Furthermore, in Colorado about 97 percent of higher education funding at public institutions comes from tuition revenues. Therefore, the state provides only about three percent of funding for public universities in Colorado. Of that funding, more than half comes from the General Fund, which is a pool of several different types of tax revenue that gets divvied up for different purposes. In 2009, about 30 percent of the general fund came from consumption taxes (Colorado Legislative

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<sup>3</sup> This research suggests that these results stem from the conditions of section 5 of IIRIRA, which extends tuition subsidy to a larger population of American citizens (Kaushal 2008).

Council Staff 2009), which are contributed to by any person who lives in the state, regardless of immigration status. To conclude, even if an immigrant does not pay income taxes, she still contributes a significant amount to the state-generated fund, which is almost negligible.

Another thought to consider is whether this legislation would encourage undocumented immigrants to move to the state of Colorado. This likely will not happen, because there are several states (closer to the border) that have already passed this legislation, with much looser requirements. New Mexico, Utah, and Nebraska all directly border Colorado and have already passed tuition equity legislation. If illegal immigrants from Mexico wish to come to the United States to attend college, they will most likely reside in the states that border Mexico before they come to Colorado. Texas, New Mexico, and California have all passed tuition equity legislation. Moreover, New Mexico, lying right between the Mexican border and Colorado, grants in-state tuition to undocumented immigrants after they have lived there for only one year. Colorado's provisions would contain a three-year requirement.

Moreover, with the failure to extend tuition equity to all demographic groups, Colorado is becoming economically incompetent with respect to other states. The state is also beginning to entirely lose its investment in undocumented students, because many can move to New Mexico in their junior or senior year of high school to obtain resident tuition.

In addition, through comparative economic policy and the study of the outcome of a heightened level of education in society, the study also unfolds both the social and economic benefits that the state could potentially realize if it granted tuition equity to

immigrants. This study shows that in implementing tuition equity, the state of Colorado will not only be able to provide support for immigrants, but also become more economically prepared to meet its future economic needs. In turn, this policy will serve as a model for other states in the U.S., potentially creating a paradigm shift in the ongoing self-destructive war of the politics of ethnocentricity.

Although menial jobs provided by undocumented immigrants *are* a contribution to society, the state would not lose the demand for these jobs. There will still be immigrants who do not choose to or are still unable to receive a higher education and will continue to work low-wage jobs that most American citizens do not want. What will happen, however, is that those immigrants who *do* wish to advance their education will more likely have the opportunity to do so. The driving premise behind free market economics is to allow all humans to specialize in a field for which they are most suited. However, if they are denied the opportunity to realize their true goals, they will in turn settle for something that may not align with their natural strengths and potential. If the state could more closely assist individuals in finding their niche in society, it could come closer to realizing its full potential for economic growth.

The United States needs to initiate a strategic change in immigration policy. Current policies are harmful to both the state and undocumented immigrants themselves. There is enormous influx of illegal immigrant children in the United States who are educated through the United States primary and secondary education system but are then left with almost no options to become citizens and develop their potential.

The DREAM Act in combination with tuition equity solves a portion of the complex immigration issue. If it passes, there will still be people who continue to come here illegally, and many who are already here will be ineligible to benefit from the legislation. However, it is a step in the right direction, for it grants guiltless, undocumented children a chance to transform their otherwise stagnant potential into something tangible—a career path that will most highly benefit themselves and the state. The future of the United States depends on the youth of today. As Gilbert K. Chesterton says, “*Education is simply the soul of a society as it passes from one generation to another.*” The more students who are educated and given the opportunity to realize their ambitions, the more they can achieve solidarity and cohesion to create a prosperous future for the United States of America.

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Current policy regarding in-state tuition classification. It reads that undocumented immigrants are denied this benefit under any circumstances. Green card and certain visa holders can petition for in-state tuition under the same provisions as citizens.

Those visa holders unable to qualify fall under categories F-1, F-2, H-3, M-1, M-2, H-4, J-1, J-2 (visas granted specifically for educational purposes).

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This article talks about the issues of the higher education fiscal structure in Colorado, focusing on the College Opportunity Fund. It reveals that the Hispanic population is increasingly being underrepresented in higher education institutions in Colorado. With hikes in tuition, some middle and lower class citizens are still unable to afford college, which now accounts for a large influx of out-of-state students.

This problem seems only to be getting worse, and unless the TABOR laws are adjusted, Colorado residents will increasingly become underrepresented at higher education institutions.

This is a proposal that argues for in-state tuition for undocumented immigrants who have graduated from Colorado high schools. It outlines several social and economic advantages that Colorado could realize if it granted this opportunity to this demographic group.

This study makes a lot of good points, but it fails to target Colorado specifically compared to other states. It also does not provide any information regarding the differences between in-state and out-of state tuition in Colorado. It provides a lot of

great statistics and useful information, but it seems to jump to the conclusion while leaving out some key points.

Kellner, T., & Pipitone, F. (2010). *Inside Mexico's Drug War*. Retrieved 12/11/2010 from [http://muse.jhu.edu/journals/world\\_policy\\_journal/v027/27.1.kellner.html](http://muse.jhu.edu/journals/world_policy_journal/v027/27.1.kellner.html)

Lee, J. (2010). *Characteristics of persons naturalizing in the United States between 1980 and 2008*. Immigration Reading List | Center for Immigration Studies. Retrieved 10/24/2010 from [www.dhs.gov/xlibrary/assets/statistics/publications/ois-yon-fs.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-yon-fs.pdf)

Lee, J. (2010). *Naturalizations in the United States: 2009*. Department of Homeland Security | Annual Flow Report. Retrieved 12/11/2010 from <http://www.dhs.gov/xlibrary/assets/statistics/publications>

Lipman, Francine J. (2006). Taxing undocumented immigrants: Separate, unequal and without representation. Legal Studies Research Paper Series 06-20.

New Mexico Section 1 Chapter 21 Article 1 NMSA. Retrieved 10/22/2010 from <http://www.nmlegis.gov/Sessions/05%20Regular/final/SB0582.pdf>

Senate Bill 582 (2005). Extends in-state tuition benefits to students who attended a secondary institution in New Mexico for at least one year, graduated from a New Mexico high school, or received a general education development certificate in New Mexico.

These loose requirements could attract many undocumented immigrants to migrate from Colorado to New Mexico to receive a higher education, ultimately draining potential from Colorado.

State of Arizona. (2010). *Senate Bill 1070*. Senate, Forty-ninth Legislature, Second Regular Session. Retrieved 12/01/2010 from <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>

*Undocumented immigrants and state higher education policy: The politics of in-state tuition eligibility in Texas and Arizona*. Project MUSE - the Review of Higher Education. (2009) Retrieved 10/12/2010 from [http://muse.jhu.edu/journals/review\\_of\\_higher\\_education/v034/34.1.dougherty.htm](http://muse.jhu.edu/journals/review_of_higher_education/v034/34.1.dougherty.htm)

This article aims to isolate the factors that led to granting in-state tuition benefits to undocumented immigrants in Texas and those that led to denying them in Arizona. Using the advocacy coalition and policy entrepreneurship theories, the authors compare the sociopolitical climate in each state at the time the laws were enacted. Although both states are historically conservative and have a very similar influx of immigrants, they prove to take nearly opposite positions regarding this issue. This study provides a lot of useful insight in exploring the factors contributing to granting in-state tuition to undocumented immigrants. However, it ignores other key components, such as the economic health of each state during legislation. This is an important factor that should not be left out in this type of study.

United States. Cong. Domestic Social Policy Division, CRS. (2010). *Unauthorized Alien Students: Issued "DREAM Act" Legislation*. By Andorra Bruno. 111th Cong., 2nd sess. Cong. Rept. RL33863. *Lexis Nexis Congressional Research Digital Collection*. Web. 18 Oct. 2010.

This document reviews the issues and legislation regarding undocumented students in the United States, outlining the legislation in the 111th Congress. It explores the pros and cons of providing illegal aliens legal permanent resident status through the DREAM Act.

The Urban Institute. (2008). *Children of Immigrants Data Tool*. Retrieved 11/03/2010 from <http://datatool.urban.org>

This is a tool developed from United States census data that allows users to choose several different parameters regarding children in the United States to generate statistics.

*With Dream Act shelved, immigrants look to 2012*. (2010). *Washington Post*. Retrieved 12/11/2010 from [www.washingtonpost.com/](http://www.washingtonpost.com/)

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