

Setting the Record Straight:

What does the Governor's Announcement about In-State Tuition Mean For Immigrants and Massachusetts?

On November 19, 2012, MIRA's annual Thanksgiving Event at the State House coincided with Governor Patrick's announcement that DACA beneficiaries can, like other documented immigrants, pay in-state tuition at Massachusetts public colleges if they meet the other requirements of demonstrating Massachusetts residence. MIRA applauds the Governor's important announcement and long-standing support for improved access to higher education. As we celebrate the success of MIRA's advocacy and that of our members and allies, which has brought us to this point, we remain committed to legislation to allow access to higher education without regard to immigration status. The following FAQs explain what this announcement means for immigrants and Massachusetts.

1) What did Governor Patrick announce about in-state tuition in Massachusetts?

On November 19, 2012, the Governor clarified for the Board of Higher Education that beneficiaries of the Deferred Action for Childhood Arrivals (DACA) policy – a group of newly **documented** immigrants from whom colleges have just begun receiving applications this semester – are to be treated fairly under the existing Board of Higher Education policy on in-state tuition eligibility. That Board of Higher Education policy provides that most documented immigrants¹ are eligible to pay in-state tuition rates if they (1) meet the other requirements to demonstrate Massachusetts residence, and (2) have one or more documents evidencing their documented status. A list of acceptable documents is provided in the Board of Higher Education policy and includes, for example, a work permit, which is a document that those with DACA status can receive from the federal government.

The Governor's announcement clarifies that, once a DACA beneficiary has a document that is listed in the current policy, that document must be accepted by a college as evidence that the student is a "lawful immigrant" under the policy – **just as it must be for any other documented immigrant.**

2) Does this mean undocumented immigrants can pay in-state tuition in Massachusetts?

No. DACA beneficiaries are **documented** immigrants. Undocumented immigrants remain ineligible for in-state tuition in Massachusetts. Because many students are ineligible for DACA or other immigration statuses, they will remain undocumented until the federal government provides a solution. Therefore, at the same time as we fight for humane and just immigration reform at the federal level, **MIRA will continue to advocate for state-level legislation to make in-state tuition available without regard to immigration status.** It is critically important, for aspiring citizens and for the strength of Massachusetts's economy, that we achieve full equality in access to higher education.

3) If it is not a change in the law, why is this announcement important?

Because DACA beneficiaries are a **new group of documented immigrants**, some colleges have been unsure how to classify them and desired guidance on whether they are eligible to demonstrate Massachusetts residence (like citizens and most other documented immigrants) or must be classified as foreign students (like undocumented students). The Governor's announcement is important because it helps resolve any confusion that could lead to misclassifications of DACA beneficiaries as non-residents, and thereby also helps protect against potential litigation challenging such misclassifications.

¹ Certain documented immigrants, such as those on student visas, are listed as ineligible to pay in-state tuition under the Board of Higher Education policy.

4) How did a formerly undocumented group of immigrants suddenly become eligible for status?

The federal government has sole authority to make and enforce immigration laws in the United States. Under a Department of Homeland Security policy begun in August, 2012, certain formerly undocumented immigrants brought to the United States as children (often referred to as DREAMers) are now eligible to apply for and receive Deferred Action for Childhood Arrivals (DACA), a two year status which carries with it the ability to obtain work authorization, and which may be renewable. (Read more about eligibility requirements for DACA status at <http://www.miracoalition.org/en/resources/dream-deferred-action>)

The Department of Homeland Security's practice of providing a status for a specific group of highly deserving immigrants is not new. The federal government has extended status to formerly undocumented individuals at many points in history, for example in granting Temporary Protected Status (TPS) to individuals from certain countries experiencing extreme political unrest or natural disaster. These other groups of immigrants also have documents which allow them to demonstrate in-state tuition eligibility under the existing Board of Higher Education policy.

5) Why should resources go to immigrants instead of citizens?

This question reveals a basic misunderstanding. Neither the existing Board of Higher Education policy nor the Governor's announcement clarifying that policy take any resources away from citizens or, for that matter, any other category of documented immigrants. All students who meet the requirements of the Board of Higher Education policy must be classified as eligible to pay in-state tuition, without discrimination. The fact that some formerly undocumented students now have documented status simply means that a higher education may be within reach for a larger number of taxpaying Massachusetts residents. This is great news for our state!

Improved access to higher education strengthens our state economy, and higher rates of college attendance benefit us all, not only the individual students for whom an education becomes achievable. In particular, improved educational attainment can help us build our STEM workforce, expand our tax base, and prepare us to meet the health care and other needs of an aging population.

Moreover, the Massachusetts Taxpayers Foundation found in 2011 that making in-state tuition available to all Massachusetts residents without regard to immigration status would bring approximately \$7 million in additional revenue to Massachusetts per year, once the policy were fully implemented.² While undocumented students remain ineligible for in-state tuition in Massachusetts, the federal government's DACA policy means that a subset of formerly undocumented students are now documented and eligible to pay in-state tuition. As the Massachusetts Taxpayers Foundation study demonstrates, improved access to higher education can be expected to bring additional revenue to Massachusetts.

6) What should I do if I am a DACA beneficiary and am classified as a non-resident by a Massachusetts public college, even though I meet the other requirements for Massachusetts residence?

Please contact Shannon Erwin, State Policy Director, at 617-350-5480 ext. 222.

² Massachusetts Taxpayers Foundation, "Revenues from Undocumented Students Paying In-State Tuition Rates (update of 2006 Report)," contained in written testimony to the Chairs of the Joint Committee on Higher Education of the Massachusetts State Legislature, June 18, 2011.