



BENEFITS OF THE PENNSYLVANIA DREAM ACT

Reasons to Implement In-State Tuition Equity and Financial Aid for Undocumented Students in Pennsylvania

"I don't want to get discouraged but it's often really hard to think about graduating when I can't continue to follow my dreams of going to college. I have been trying to figure out ways to attend, but it is more expensive for me because I can't apply for financial aid and I am forced to pay out-of-state tuition. I should be paying in-state tuition since I live here and soon will graduate from a Pennsylvania high school. Finding a way to attend college has not only been frustrating for me and my family, but for my counselors and teachers too. The PA Dream Act will help high school counselors, teachers, and students to work together without giving up. It will open doors for students like me to follow our dreams."

-Anthony, Upper Darby, PA

BACKGROUND

Under current law, undocumented students cannot establish Pennsylvania residency for higher education regardless of how long they have lived in the state. As a result, they are forced to pay more expensive tuition rates than their K-12 peers. They are also excluded from state financial aid. The Pennsylvania Dream Act would help make higher education affordable for all Pennsylvania residents, regardless of immigration status, by providing in-state tuition and access to state financial assistance.

Pennsylvania communities would reap significant benefits from the Pennsylvania Dream Act, including reduced high school dropout rates, increased revenue from taxes paid by educated immigrants, and a more skilled workforce. At the heart of the issue are the undocumented youths currently attending Pennsylvania high schools. They have grown up here, attended

schools here, and are part of our communities. This legislation will simply enable them to pursue a college degree at the same cost as any other Pennsylvania resident.

All students deserve a fair chance to earn a college degree, regardless of their immigration status. Currently, at least 20 states allow undocumented students to pay in-state tuition rates at public colleges and universities, and at least five states allow these students to access state financial aid for higher education. Pennsylvania should join the growing number of states that are removing barriers to higher education for undocumented students by passing the Pennsylvania Dream Act.

Who Will Be Eligible for the Pennsylvania Dream Act?

To qualify for in-state tuition and state aid under the Act, students must have:

1. Attended high school in Pennsylvania for two or more years; and
2. Earned a Pennsylvania high school degree or equivalent.

WHY IMPLEMENT IN-STATE TUITION EQUITY FOR PENNSYLVANIA'S UNDOCUMENTED STUDENTS?

In-State Tuition Equity Benefits Pennsylvania's Economy

By being part of a more educated workforce, students would be able to maximize their skills and contribute to Pennsylvania's economy. Graduates with even a two-year degree tend to earn more than those with just a high school diploma.¹ Furthermore, the unemployment rate for college graduates is far lower than the rate for those with only a high school education.² In-state tuition equity provides an incentive for students to finish high school and pursue higher education. More college graduates contribute to faster economic growth.³

Additionally, immigrants encompass a critical component of Pennsylvania's business community and labor force, especially in the healthcare sector.⁴ With in-state tuition equity, undocumented students would contribute more to Pennsylvania by being employed in higher-skilled jobs, which translates into paying more taxes and spending more money as consumers. In 2010, undocumented immigrants in Pennsylvania paid an estimated \$149 million in state and local taxes.⁵

In-State Tuition Equity Encourages Young People to Stay in Pennsylvania

Pennsylvania needs to implement public policies that encourage young immigrants to stay in the Commonwealth to remain economically competitive. Nationally, Pennsylvania ranks fourth in percentage of the population age 65 and over.⁶ The rate of population growth is well below the national average.⁷ In-state tuition equity helps keep young and talented immigrants in Pennsylvania by providing an incentive for them to stay.

Pennsylvania Already Invests in K-12 Education for Undocumented Youth

Pennsylvania already invests resources in the primary and secondary educations of undocumented students. In the landmark case of *Plyler v. Doe* (1982), the Supreme Court found that K-12 education was a fundamental right that had to be provided to all children, regardless of immigration status.⁸

In order to maximize returns on the State's primary and secondary school investments, Pennsylvania should help undocumented students pursue higher education by implementing

in-state tuition equity. With college degrees, these students will be able to contribute substantially more in taxes and help support their families.

Pennsylvania State Schools Support this Legislation

Several Pennsylvania state schools already allow undocumented students to pay in-state tuition rates if they meet certain criteria. The 14 universities that make up the Pennsylvania State System of Higher Education (PASSHE), for example, provide in-state tuition rates to anyone who has been “domiciled” in Pennsylvania.⁹ “Domicile” is defined as “[t]he place where one intends to reside permanently or indefinitely and does in fact so reside.”¹⁰ Under this policy, undocumented students may pay in-state tuition if they can provide clear and convincing evidence of having been “domiciled” in Pennsylvania.¹¹

Other Pennsylvania state schools may consider admitting undocumented students at in-state tuition rates but such practices are neither uniform nor part of an established policy. The Pennsylvania Dream Act would announce a clear and uniform in-state tuition equity policy to be implemented at all public institutions of higher education in Pennsylvania.

Twenty States Provide In-State Tuition Equity

Twenty states allow undocumented students to pay in-state tuition rates at public colleges and universities.¹² There are 17 states that have implemented in-state tuition equity through legislation: California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, and Washington.¹³ In addition, Michigan, Rhode Island, and Hawaii have adopted tuition equity policies through Board of Regents decisions.¹⁴ Support for in-state tuition equity in other states has been strongly bipartisan, with legislators voting overwhelmingly in favor of the legislation.¹⁵ Maryland’s tuition equity law is the first Dream Act to be approved by popular vote.¹⁶

Peer State Legislation Spotlight

In late 2013, New Jersey Governor Chris Christie signed the New Jersey Dream Act into law. Christie said to undocumented students, “[y]ou’re an inspiration to us because in you we see all that our country can be.”¹⁷ Christie touted the economic benefits and the importance of continuing to invest in New Jersey youth.¹⁸ The New Jersey Dream Act grants in-state tuition to undocumented students who attend a New Jersey high school for three years, receive a high school diploma or a GED, and register at a public university.¹⁹

The Federal DREAM Act Will Not Solve the Problem

Proposed federal legislation known as the DREAM Act will not address in-state tuition equity.²⁰ While they have similar names, the federal DREAM Act and state Dream Acts address separate issues. The federal DREAM Act provides a pathway to citizenship for undocumented students brought to the United States as children who complete some college or military service. Even if the federal DREAM Act passed, each state legislature would still have to pass a bill to make higher education accessible for undocumented students.

State Dream Acts Do Not Conflict with Federal Law

A federal law, the Illegal Immigration Reform & Immigrant Responsibility Act (IIRIRA), places some restrictions on the benefits that states can extend to undocumented students.²¹ However, courts that have considered statutes similar to the Pennsylvania Dream Act have held that such statutes present no problem under IIRIRA.²²

Providing In-State Tuition Equity Is Fair

The Pennsylvania Dream Act does not provide special treatment for undocumented students in Pennsylvania. It merely gives them the same rights to which every other high school graduate in Pennsylvania is entitled.

WHY PROVIDE UNDOCUMENTED STUDENTS WITH ACCESS TO STATE FINANCIAL AID?

In-State Tuition Equity Is Not Enough to Bridge the Inequality Gap

While in-state tuition is an important step in increasing the educational opportunities for Pennsylvania's undocumented students, providing access to state financial aid is also crucial to eliminating the barriers to accessing higher education. College is becoming increasingly expensive for all students. In addition to the cost of tuition, expenses related to a college education are astronomical. According to estimates, a four-year degree at a public university in Pennsylvania can cost students \$72,000, *in addition* to the cost of tuition.²³

Because of these trends, most students at public universities and colleges are turning to federal and state financial aid.²⁴ In 2013-14, Pennsylvania allocated 178,681 need-based state grants to eligible students.²⁵ Currently, undocumented students are not eligible to receive any federally funded student financial aid, including loans, grants, scholarships, or work-study money. Additionally, they are barred from receiving Pennsylvania state financial aid. Undocumented students also face substantial barriers to obtaining private loans.²⁶

Documented students facing rising higher education costs can invest in their future by accessing state and federal financial aid. Undocumented students should be given the same opportunity. State legislation providing undocumented students access to state financial aid is the most efficient way to bridge this inequality gap in Pennsylvania.

Five Other States Are Currently Providing In-State Financial Aid

Five states offer state financial aid to undocumented students: Texas, California, Minnesota, New Mexico, and Washington.²⁷ Former Texas Governor Rick Perry signed legislation in 2001 allowing undocumented students to receive need-based assistance.²⁸ In New Mexico, undocumented students may apply for non-competitive state scholarships as well as competitive, merit-based scholarships.²⁹ Likewise, undocumented students in California are eligible for a number of institutional grants and state financial aid.³⁰ In 2014, Washington became the most recent state to offer undocumented students access to state financial aid.³¹

Private Institutions Recognize the Importance of Providing Access to Financial Aid

Some private institutions in Pennsylvania are committed to welcoming undocumented students and providing assistance to help fund their education.³² However, these schools have small enrollment numbers. By contrast, Penn State University enrolls over 40,000 students.³³ Public universities and colleges in the Commonwealth have the capacity to enroll a far greater number of state residents. Providing state financial aid would allow a far greater number of undocumented students to pursue their education at one of Pennsylvania's public institutions.

CONCLUSION

All students, regardless of immigration status, have dreams. Undocumented students in Pennsylvania, however, face considerable obstacles to pursuing these dreams. They are forced to pay out-of-state tuition at state colleges and universities and are barred from accessing state financial aid. As a result, undocumented students, who dream of pursuing a college degree so that they can contribute economically to the state, are effectively shut out.

“As an undocumented student, I struggled to find schools that would accept me for who I am. I often felt hopeless. I had to fight for access to education since I came to this country, and the barriers to accessing higher education were discouraging and often frustrating for me. I was lucky to be accepted to a private institution that cared about my education rather than my status. Paying for private school and not being able to access financial aid was hard on my parents. We often feared not being able to afford tuition. The PA Dream Act will help students like me attend college without having to face the same hardships I had to face.”

-Maria, Broomall, PA

Pennsylvania should join the growing number of states that have passed the Dream Act granting undocumented students in-state tuition and access to state financial aid. The Pennsylvania Dream Act is fair, has support of Pennsylvania educational institutions, and allows Pennsylvania to continue investing in its most important resource – its youth.

**Prepared for the Pennsylvania Immigration and Citizenship Coalition (PICC)
By the Sheller Center for Social Justice***



ENDNOTES

*Written by Lauren Berkowitz, Bradley O. Napier, and Chi-Ser Tran, law students with the Social Justice Lawyering Clinic (May 2015).

¹ Jaison R. Abel, Richard Deitz, and Yaqin Su, *Do the Benefits of College Still Outweigh the Costs?*, 20 Current Issues Econ. & Fin., 1, 2-3 (2014).

² Emily Hanford, *The Value of a College Degree*,

<http://americanradioworks.publicradio.org/features/tomorrows-college/dropouts/value-of-college-degree.html> (last visited Apr. 20, 2015).

³ Peter R. Orszag, *More College Grads Equals Faster Economic Growth*, BLOOMBERG (Feb. 12, 2013, 6:30 PM), <http://www.bloomberg.com/news/articles/2013-02-12/more-college-grads-equals-faster-economic-growth>.

⁴ IMMIGRATION POLICY CENTER, *Critical Care: The Role of Immigrant Workers in U.S. Health Care* (Dec. 11, 2009) http://www.immigrationpolicy.org/sites/default/files/docs/Critical_Care.pdf.

⁵ That amount included \$45.5 million in income taxes, \$8.2 million in property taxes, and \$95.3 million in sales and excise taxes. INST. ON TAX. AND ECON. POLICY, *Undocumented Immigrants' State and Local Tax Contributions*, Appendix 1 (Jul. 2013), <http://www.itep.org/pdf/undocumentedtaxes.pdf>.

⁶ Pennsylvania Demographics, *Population Trends and Highlights*,

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=616669&mode=2> (last visited Apr. 20, 2015).

⁷ *Pennsylvania Records Small Population Growth*, Pittsburgh Post-Gazette, (Dec. 23, 2014, 12:55 PM),

<http://www.post-gazette.com/local/region/2014/12/23/Pennsylvania-records-small-population-growth-latest-census-data-show/stories/201412230175>.

⁸ *Plyler v. Doe*, 457 U.S. 202 (1982).

⁹ 22 PA. CODE § 507.2 (2015).

¹⁰ 22 PA. CODE § 507.1 (2015).

¹¹ 22 PA. CODE § 507.3(2) (2015).

¹² National Conference of State Legislatures, *Tuition Benefits for Immigrants*,

<http://www.ncsl.org/research/immigration/tuition-benefits-for-immigrants.aspx> (last visited Apr. 21, 2015.)

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Nik Anderson & Luz Lazo, *Md. Voters Approve 'Dream Act'*, WASH. POST, Nov. 7, 2012,

http://www.washingtonpost.com/local/md-politics/md-voters-deciding-on-dream-act-law/2012/11/06/d539fe66-282f-11e2-bab2-eda299503684_story.html (last visited Apr. 21, 2015)

¹⁷ *Chris Christie Trumpets Signing of Dream Act in Union City*,

http://www.nj.com/politics/index.ssf/2014/01/chris_christie_trumpets_signing_of_dream_act_in_union_city.html (last visited May 1, 2015).

¹⁸ *Id.*

¹⁹ N.J. Stat. Ann. § 18A:62-4.4 (West).

²⁰ *5 Facts You Need to Know About the DREAM Act*, USA TODAY, <http://college.usatoday.com/2015/02/26/5-facts-you-need-to-know-about-the-dream-act/> (last visited Apr. 24, 2015).

²¹ 8 U.S.C.A. § 1623 (West 2014).

²² The reasoning of these decisions is that while IIRIRA prevents states from basing benefits to undocumented students on the students' residency in the state (unless certain conditions are met), statutes such as the Pennsylvania Dream Act grant benefits on the basis of factors other than residency, *e.g.*, high school attendance. Accordingly, IIRIRA does not apply to these statutes. *Martinez v. Regents of Univ. of Calif.*, 241 P.3d 855 (Cal. 2010); Sallie Dietrich, *Redefining "American": The Constitutionality of State Dream Acts*, 31 Law & Inequality 165, 188-191 (2012).

²³ Temple University, *Financial Need*, <http://sfs.temple.edu/apply/eligibility-determination/financial-need> (last visited Apr. 18, 2015).

²⁴ In 2013-14 over 9.2 million students nationally received need based federal Pell grants and over one third of all undergraduates took out a federal student loan. The College Board, *Number of Recipients by Federal Aid*

Program, 2013-14, <http://trends.collegeboard.org/student-aid/figures-tables/number-recipients-federal-aid-program-2013-14> (last visited April 18, 2015); The College Board, *Trends in Higher Education – Highlights*, <http://trends.collegeboard.org/student-aid/highlights> (last visited April 18, 2015).

²⁵ Pennsylvania Higher Education Assistance Agency, *2013-14 Annual Report* 9 (2013-2014), https://www.pheaa.org/about/pdf/Annual_Report.pdf (last visited April 18, 2015).

²⁶ Private banks are often unwilling to lend money to undocumented students or their parents unless they can provide a United States citizen cosigner. Even if they can obtain one of these loans, they often have extremely high interest rates and should not be viewed as a viable alternative. See Zenen Jaimes Pérez, *Removing Barriers to Higher Education for Undocumented Students* 21 (Dec. 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/12/UndocHigherEd-report2.pdf> (last visited Apr. 18, 2015).

²⁷ National Conference of State Legislatures, *supra* note 12.

²⁸ Texas Educ. Code § 54.052(a).

²⁹ New Mexico Legislature, *2005 Senate Bill Text for SB0582*, <http://www.nmlegis.gov/Sessions/05%20Regular/final/SB0582.pdf> (last visited April 18, 2015)(codified at N.M. Stat. Ann. § 21-1-4.6).

³⁰ Cal. Educ. Code § 66021.7; CALIFORNIA DREAM ACT OF 2011, 2011 Cal. Legis. Serv. Ch. 93 (A.B. 130).

³¹ Washington State Legislature, *Certification of Enrollment Senate Bill 6523*, <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/Session%20Laws/Senate/6523.SL.pdf> (last visited Ap. 18, 2015) (codified at RCW § 28B.92.010).

³² Local private institutions such as the University of Pennsylvania and Franklin and Marshall College are committed to providing private institutional funding to cover the cost of attendance on a need-basis. See *2015 School Financial Aid Policies Towards Undocumented Students*, <http://getmetocollege.org/hs/financial-aid/info-for-undocumented-students/school-policies-towards-undocumented-students> (last visited April 16, 2015).

³³ *Penn State University (Main Campus) Admissions*, <http://collegeapps.about.com/od/collegeprofiles/p/PennState.htm> (last visited April 15, 2015).