



In-State Tuition for Undocumented Students and the DREAM Act



TABLE OF CONTENTS

3	Introduction
4	Background
5	Opposition to In-State Tuition
9	Critics and Supporters of Utah's Law
10	Conclusion
12	Appendix 1. DREAM Act Chronology
14	Appendix 2. Student Enrollment
15	Appendix 3. HB 144 Exemption From Nonresident Tuition
17	Endnotes

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INTRODUCTION

Meeting the demands of today's knowledge-based, technology-driven economy will require that greater numbers of today's young people go on to higher education. It is in Utah's economic self-interest to encourage and support all of its ambitious, academically strong students by providing every possible incentive to complete university training.

On March 26, 2009 Senator Richard Durbin (D-IL) introduced the DREAM Act.¹ Under this bill, illegal immigrants who entered the United States as children, defined as age 15 and under, and have lived here for five years could apply to the Homeland Security Department for conditional legal status after graduating from high school. Such legal status would make the immigrants eligible for in-state college tuition rates and some forms of federal financial aid. Then, if they attend college or participate in military service for at least two years, the immigrants would qualify for permanent legal residency and ultimately citizenship. The DREAM Act has been introduced in various forms since 2001 (Appendix 1).

The report, *"Young Lives on Hold: The College Dreams of Undocumented Students,"* released April 21, 2009 by the College Board² argues that undocumented students "are currently trapped in a legal paradox. They have the right to a primary and secondary education [under the 1982 Supreme Court ruling, *Plyler v. Doe*] and are generally allowed to go on to college, but their economic and social mobility is severely restricted due to their undocumented status."

It seemed likely in 2002 that pending federal legislation would pass in the next year or so and provide a path to legal status for individuals who were brought to the U.S. as children and had lived most of their lives here. This led several states to move forward with their own legislation to admit undocumented students under laws that essentially allowed them to enroll as state residents. Utah became the fourth state, after Texas, California and New York to do so. Six additional states also passed bills between 2003 and 2006 offering in-state tuition to children of undocumented parents —Illinois, Kansas, Nebraska, New Mexico, Oklahoma, and Washington.

During the 2002 General Session of the Utah Legislature, lawmakers passed House Bill 144 *Exemption from Nonresident Tuition* (Appendix 2). The legislation allows children of undocumented parents to pay in-state tuition at state colleges and universities if they:

- Attended high school in Utah for three or more years;

- Graduated from a high school in Utah or received the equivalent of a high school diploma in this state; and
- Register as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

Additionally, students without lawful immigration status must file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.

Given the introduction of the DREAM Act again this year, it is timely to examine Utah's law and the multiple attempts to amend or repeal it.

"Can you think of any culture, any country, anyone who benefited from narrowing the opening of the schoolhouse doors?"

— Representative
Kay McIff
(R-Richfield)

Background

At the age of 13, Silvia Salguero had fled her native Mexico with her father, three siblings and three cousins to join her mother and other family members in Utah. In 2001, Silvia and her teachers were unaware that her background would pose a problem at college. She seemed to have everything she needed to succeed: a 3.2 grade-point average, a letter of admission to the University of Utah and \$4,000 in scholarships—everything, except a Social Security number.

A 1982 Supreme Court ruling³ said children should not be punished for the unlawful actions of the parent(s) and are entitled to an education in U.S. public schools. However, when Silvia attempted to pay her tuition she discovered that her legal right to a public education had ended with high school. To enroll at the university, she would have to return to Mexico, get a student visa, then re-apply as a foreign student and pay the non-resident rate, roughly three times the rate for Utahns. In other words, it spelled the end to all her dreams for a college education.

Word of Silvia's plight led Utah's Senator Orrin Hatch and Representative Chris Cannon to introduce legislation⁴ in 2001 that would make it easier for states to exempt undocumented students from non-resident tuition and provide a pathway for those students to

become legal U.S. citizens. Although neither bill passed, states began moving forward with their own legislation. California, New York, Texas, and Utah were the first states to allow resident tuition for undocumented students.

Some of Utah's most conservative state lawmakers were initially against any special treatment for undocumented immigrants, but stories told by students and their families led to the introduction of HB 144 *Exemption from Nonresident Tuition* sponsored by Representative David Ure (R-Kamas) and Senator Howard Stephenson (R-Draper) in 2002. During the floor debate in the House, an amendment was included in the final version of the bill: "*If allowed under federal law.*" That amendment would become the basis for future challenges to the legislation. HB 144 passed⁵ and was signed by Governor Mike Leavitt on March 6, 2002. In October 2002, the Attorney General's Office issued a letter stating it was "valid and permissible" for Utah's higher education institutions to implement HB144 prior to the passage of federal law.

In January 2003, Silvia Salguero walked into a lecture hall as a freshman at the University of Utah. For academic year 2009, there are 643 students attending Utah colleges and universities because of HB 144 (Appendix 2).

Opposition to In-State Tuition

Bills to repeal HB 144 *Exemption from Nonresident Tuition* were filed by Representative Glenn Donnelson (R-North Ogden) in 2004, 2005, and 2006.⁶ None were successful, however.

The Utah Attorney General's Office issued an opinion in 2006 – an update from a 2005 opinion – that Utah's law granting in-state tuition to undocumented students was legally sound. Assistant Attorney General Bill Evans wrote that second opinion after concerns had been raised by a joint Education Committee during the 2005 Interim that that HB 144 law violated federal law. The committee voted to recommend repealing the law after hearing testimony from Kris Kobach, a lead attorney for Kansas lawsuit where students paying out-of-state tuition had sued the state over a similar law. A federal judge dismissed the Kansas lawsuit as did the 10th Circuit Court of Appeals, which oversees Utah cases as well. Kobach was also an attorney for another in-state tuition lawsuit filed in California state court. Reacting to Evans' opinion, Kobach said, "I'd like to see Utah correct its error on its own, rather than be forced to do so by a court. The Legislature is betting, potentially, millions of dollars that the Utah statute will stand up in court. Frankly, that's not at all clear."⁷ It was not the last time that Kobach would challenge Utah's law.

Despite previous unsuccessful attempts to repeal HB 144, Representative Donnelson would again introduce legislation to end the in-state tuition exemption in 2007.

2007: HB 224 *Repeal of Exemptions from Nonresident Tuition*

In 2007, Representative Donnelson, for the fourth consecutive year, sponsored a bill to repeal HB 144. However, HB 224 *Repeal of Exemptions from Nonresident Tuition*, was the first time the legislation reached a House vote. Representative Donnelson contended that federal law had not been passed, and consequently there was a possibility for litigation against the state. Testifying again before a House committee, out-of-state attorney Kris Kobach warned, “You have Utah rewarding someone who violates federal law while disadvantaging an alien who follows federal law. It’s creating an incentive to break federal law.”⁸ Donnelson argued that until there was a federal solution, the state was only giving “false hope” to students who would ultimately find themselves with degrees but unemployable.

On January 29, 2007 lawmakers voted 37-37⁹ on HB 224 *Repeal of Exemptions from Nonresident Tuition*, one vote short of the 38 it needed to pass. The co-sponsor of the bill had been absent for the vote. House rules provide that a motion for reconsideration be made within a day of the original vote. The bill was reconsidered the following day and again defeated with a vote of 36-38-1.¹⁰ One lawmaker who voted for the repeal previously said she had done so in error. After the bill died, Representative Donnelson said that he would “never” give up on repealing the law.¹¹

2008: HB 241 *Repeal of Exemptions from Nonresident Tuition*

In 2008 — an election year session in which lawmakers often invoked their constituents’ concerns and a frustration over a lack of congressional action on immigration reform — legislators approved a sweeping anti-immigration bill¹² that was modeled on an Oklahoma bill. This omnibus legislation had initially included the repeal of in-state tuition but was later dropped by the bill sponsor. Representative Donnelson introduced HB 241 *Repeal of Exemptions from Nonresident Tuition* as a stand alone bill. In the highly charged political atmosphere regarding immigration, supporters of in-state tuition felt that by decoupling education from the broader discussion of immigration they would have a better chance of protecting Utah’s current law.

Utah’s two major daily newspapers, the *Salt Lake Tribune* and *Deseret News*¹³ called HB 241 a bad idea. The Tribune editorial said: “It would benefit nobody to repeal a state law

that allows Utah high school graduates who are undocumented residents to pay in-state tuition at state colleges and universities.” A spokesperson for Governor Jon Huntsman indicated that he did not support the legislation, giving advocates hope that he would veto the bill if it passed. And, while there was still a strong public desire for the state to take a tougher stance on immigration, a poll in February 2008 showed Utahns fairly evenly split on the issue of repealing in-state tuition, perhaps reflecting the belief that students shouldn’t be punished for the actions of their parents. This was a shift from a poll the previous month that showed 63 percent favored repeal.¹⁴

Representative Phil Riesen (D-Salt Lake City) was the only member to speak against the bill during the limited floor debate of HB 241. He urged other representatives to vote against it, saying that, “When we fear change, we tend to lash out at those we think are responsible for the change — undocumented immigrants, and their children are an easy target because they have no legal ground. If we create laws in this body that either criminalize or further disenfranchise a whole group of people, another generation of society will be split upon the grounds of race and class. That’s never what Utah has been about and it should not be now.”¹⁵

HB 241 passed in the House by a vote of 40-35.¹⁶ The following day, Utahns for the American Dream held a press conference to announce that they were distributing a DVD to members of the Senate with excerpts from the documentary “*Easy Targets*”¹⁷ that portrayed the hardships of undocumented students while highlighting the significance of HB 144, which had granted them the right to in-state tuition. Speaking against the repeal of HB 144 were the original bill sponsors, Senator Howard Stephenson and former Representative David Ure. HB 241 was never considered by the full Senate. After being assigned to Senate Government Operations and Political Subdivisions Committee for consideration, the bill was returned to the Rules Committee where it remained.

2009: HB 208 *Modification of Exemption from Nonresident Tuition*

Representative Donnelson was defeated in a primary election in 2008, but supporters of tough immigration reform quickly found a new bill sponsor and a new strategy for the upcoming 2009 legislative session. HB 208 *Modification of Exemption from Nonresident Tuition* required eligible students who were not U.S. citizens or permanent residents to file an affidavit each semester promising not to be employed until their immigration status was normalized.

The bill’s sponsor, Representative Richard Greenwood, (R-Roy), said the measure could

keep illegal immigrants who are students from committing as many as three felonies: obtaining a fraudulent Social Security card, committing identity theft and filling out a false I-9 form at a workplace. “This is not to punish the students,” Greenwood said. “But to make them acutely aware that there are consequences to their actions.”¹⁸

Although the legislation would not have repealed in-state tuition, it would have made college unaffordable for most undocumented students particularly since they are not eligible to receive state or federal financial aid.

College	Resident Tuition 2009-2010	Non-Resident Tuition 2009-2010
College of Eastern Utah	\$ 2,820	\$ 5,640
Dixie State College of Utah	\$ 3,740	\$ 14,722
Salt Lake Community College	\$ 3,366	\$ 10,740
Snow College	\$ 3,138	\$ 11,432
Southern Utah University	\$ 6,278	\$ 20,708
University of Utah	\$ 7,740	\$ 26,920
Utah State University (Main Campus)	\$ 5,988	\$ 19,279
Utah Valley University	\$ 5,340	\$ 17,394
Weber State University	\$ 3,358	\$ 10,824

Source: Utah System of Higher Education

Testifying in a packed hearing room before the House Law Enforcement and Criminal Justice Committee Jon Hayes, vice president of the Associated Students of the University of Utah, said the bill would extinguish the opportunity for undocumented students to get an education. “It is impossible to go to college without working,” he said. “If this bill passes, there is no way undocumented students can pay for school by themselves. You will have effectively eliminated them as potential students.”¹⁹ The bill passed out of the committee on February 18, 2009 and was sent to the House with a favorable recommendation by an 8-1 vote. Ironically, the hearing came on the morning of Utah Hispanic/Latino Day. The day was declared by Governor Jon Huntsman to recognize Father Francisco Dominguez and Father Silvestre Escalante for their pioneering efforts through Utah, and to recognize the contributions of today’s Latinos.

One week later, the House defeated the bill by a vote of 40-34²⁰ against the measure after impassioned floor debate. “Whatever the purpose of the bill is, the actual impact of this bill will be to narrow the opening of the schoolhouse doors,” said Representative Kay McIlff (R-Richfield). He said the measure reminded him of then-Governor George Wallace trying to block black students from enrolling in the University of Alabama. “Can you think

of any culture, any country, anyone who benefited from narrowing the opening of the schoolhouse doors?”²¹

Seven years after passage of HB 144 *Exemption from Nonresident Tuition*, Utah’s law remains intact despite multiple attempts to repeal it.

Critics and Supporters of Utah’s Law

From the beginning, the arguments of both sides have been clearly defined: Those on the side of offering in-state tuition benefits to undocumented immigrants say that these are students who shouldn’t be punished for their parents’ misdeeds; that it’s a matter of equality; that for many young immigrants brought here by their parents this is the only home they have ever known; that in-state tuition is hardly an incentive that would deter immigration if removed; and that it’s in our interest as a society to ensure undocumented students have the means to contribute to the community and, in any case, are unlikely to leave.

On the other side, the arguments are similarly straightforward: Illegality should not be rewarded through taxpayer subsidies; all incentives for illegal immigration should be eliminated; limited resources should be devoted to help U.S. citizens and legal permanent residents; and that extending in-state tuition benefits to illegal immigrants disadvantages those students who do obtain proper documentation.

Opponents of in-state tuition had significant advantages as they attempted to repeal HB 144. The failure of Congress to pass the DREAM Act, lawsuits in Kansas and California challenging the legality of laws similar to Utah’s, and a growing anti-immigrant sentiment fueled their efforts. Alex Segura, head of the Utah Minuteman Project, stated: “It discriminates against American citizens who want in-state tuition to allow undocumented immigrants to pay the in-state rate.”²² The most vocal activist groups opposing in-state tuition were the Utah Minuteman Project and the Utah Coalition on Illegal Immigration.²³

Anticipating that legislation was likely, a diverse group of organizations and individuals

“The Legislature isn’t going to persuade these kids to go back to Mexico. They’re here. The question is, are they going to be college educated or not? There are severe consequences of not sending them to college and not giving them the hope of going to college.”

— Michael Young,
President
University of Utah

formed a coalition, Utahns for the American Dream (UAD),²⁴ in 2003 to stave off efforts to repeal in-state tuition for children of undocumented parents. Later, other organizations representing civic, business and religious leaders would become powerful voices in the effort – the Alliance for Unity,²⁵ the Salt Lake Chamber of Commerce, and United Way of Salt Lake.

The Church of Jesus Christ of Latter Day Saints did not take a position on the bill itself, but Elder Marlin K. Jensen of the First Quorum of the Seventy speaking at the Interfaith Dialogue on Immigration at Westminster College in 2008 called on legislators to take a “more thoughtful, factual, not to mention humane, approach” to immigration.²⁶ Elder Russell M. Ballard, of the Quorum of the Twelve, was among members of the Alliance for Unity who signed a statement in both 2007 and 2008 expressing “strong and unanimous opposition” to the repeal of Utah’s law that permitted undocumented students to pay in-state tuition. Delivered to all members of the legislature and the media, the statement read: “The Alliance continues to believe firmly that we need to encourage the dreams and ambitions of all Utahns by giving them an opportunity to realize their potential. In our view, making a college education unaffordable to students simply discourages them and will result in their making less than the best use of their intelligence and talents.”

CONCLUSION

Between 2001 and 2006, ten states enacted legislation to allow long-term undocumented immigrant students to become eligible for in-state tuition if they meet certain requirements. In 2007 Oklahoma repealed the availability of state scholarships, which had previously been available to undocumented immigrants who met the school attendance requirements, as part of broad immigration legislation (HB 1804 Oklahoma Taxpayer and Citizen Protection Act). Several other states have barred undocumented immigrant students from in-state tuition benefits — Arizona (Proposition 300, 2006), Colorado (HB 1023, 2006), Georgia (SB 492, 2008), and South Carolina (HB 4400, 2008). Lawsuits challenging the legality of in-state tuition have been filed in California and Kansas.

Students paying out-of-state tuition attending California schools filed a class action lawsuit in the Yolo County State Superior Court (*Martinez v. Regents*, No. CV 05-2064), claiming that education officials violated the federal law by offering in-state tuition to unauthorized immigrant students while continuing to charge U.S. citizens out-of-state tuition rates. The complaint was filed against the University of California, California State University, and state community college systems, who offered in-state tuition to undocumented immigrant students following Assembly Bill 540, enacted in October 2001. On

October 6, 2006, Judge Thomas E. Warriner upheld the schools' decision to grant eligibility to unauthorized immigrant students for in-state tuition. In September, 2008, a California appeals court reinstated the lawsuit and returned it for consideration in Yolo County Superior Court.

A claim was brought to the Kansas District Court by a Missouri resident denied in-state tuition while unauthorized immigrant students were granted in-state tuition benefits, arguing that this violated IIRIRA (Day v. Sibelius, No. 04-4085/Day v. Bond, No. 07-1193). The Kansas District Court dismissed the claim for lack of standing. The decision was upheld in the U.S. Court of Appeals for the Tenth Circuit. On June 23, 2008, the United States Supreme Court declined to review the federal review court's ruling.

Every year that Congress fails to act, another entire class of outstanding high school students will graduate without being able to plan for the future, and some may even be removed from their homes to countries they barely know. And every year that Congress fails to act, there will likely continue to be efforts to repeal Utah's law that opened the way for some undocumented students to attend state institutions of higher education. These are kids who want to be doctors, lawyers, and public servants. They have overcome tremendous obstacles — language barriers, poverty, abuse at work, public anger — to earn the privilege of sitting in overcrowded lecture halls, and they are fully, painfully aware of what a privilege it is.

"Passage of the DREAM Act would be bring hope for many more undocumented students like myself and my younger brothers who want to gain access to institutions of higher education. Most of us know no other home, this is our home, and we would like to make significant contributions to our economy and our society. Let us become active legal members of our communities, so that we may inspire others to strive for success and live the great American Dream of prosperity, success, and equality."

— Ricardo, Student

Appendix 1 - DREAM Act Chronology

107th Congress 2001-2002 - S.1291 Dream Act introduced August 1, 2001

S.1291: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

Sponsor: Sen Hatch, Orrin G. [UT] (introduced 8/1/2001) Cosponsors (18)

Latest Major Action: 6/20/2002 Placed on Senate Legislative Calendar under General Orders. Calendar No. 425.

108th Congress 2003-2004 - S.1525 Dream Act introduced July 31, 2003

S.1545: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

Sponsor: Sen Hatch, Orrin G. [UT] (introduced 7/31/2003) Cosponsors (47)

Latest Major Action: 2/9/2004 By Senator Hatch from Committee on the Judiciary filed written report. Report No. 108-224. Additional views filed.

Senate Reports: 108-224

109th Congress 2005-2006 - S.2075 Dream Act introduced November 18, 2005

S.2075: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Sponsor: Sen Durbin, Richard [IL] (introduced 11/18/2005) Cosponsors (27)

Related Bills: H.R.5131

Latest Major Action: 11/18/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

110th Congress 2007-2008 - S.774 Dream Act introduced March 6, 2007

S.774: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to

authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Sponsor: Sen Durbin, Richard [IL] (introduced 3/6/2007) Cosponsors (26)

Committees: Senate Judiciary

Latest Major Action: 3/6/2007 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

There was also the revised Dream, S.2205, that was ultimately voted on, and filibustered in 2007.

111th Congress 2009 – S.729 The Development, Relief and Education for Alien Minors Act of 2009

The Dream Act was re-introduced in both chambers of congress on Thursday, March 26, 2009. Introducing the bill were Senators Dick Durbin (D-IL), Richard Lugar (R-IN), Harry Reid (D-NV), Mel Martinez (R-FL), Patrick J. Leahy (D-VT), Joseph Lieberman (I-CT), Edward M. Kennedy (D-MA), and Russel D. Feingold (D-WI) and U.S. Representatives Howard Berman (D-CA).

Source: The Library of Congress

Appendix 2 – Student Enrollment

Unduplicated Headcount by School

School	Academic Year						
	*2003	*2004	2005	2006	2007	2008	2009
Dixie State College of Utah			1	3	1	3	
University of Utah	14	10	34	51	64	89	115
College of Eastern University					2	4	3
Utah State University			5	40	114	59	53
Southern Utah University			5	6	15	11	11
Snow College			1	1	1	3	
Weber State University			11	30	127	52	52
Utah Valley University	30	40	41	62	159	211	224
Salt Lake Community College	61	106	62	112	142	157	185
Salt Lake Community College - Skill Center					1		
Grand Total	105	156	160	305	626	589	643

Source: Utah System of Higher Education

*Figures for 2003 and 2004 are from the *Salt Lake Tribune* and also citing USHE.

EXEMPTION FROM NONRESIDENT TUITION

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

This act modifies the State System of Higher Education code to allow a student who meets certain requirements to be exempt from paying nonresident tuition at institutions of higher education. This act requires the State Board of Regents to make rules. This act takes effect on July 1, 2002.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53B-8-106, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-8-106** is enacted to read:

53B-8-106. Resident tuition -- Requirements -- Rules.

(1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

(a) attended high school in this state for three or more years;

(b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and

(c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.

(3) The State Board of Regents shall make rules for the implementation of this section.

(4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Section 2. **Effective date.**

This act takes effect on July 1, 2002.

Endnotes

¹ S.729 - The Development, Relief and Education for Alien Minors Act of 2009 A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

² The College Board is a not-for-profit membership association whose mission is to connect students to college success and opportunity. Founded in 1900, the College Board is composed of more than 5,600 schools, colleges, universities and other educational organizations.

³ *Phyller v. Doe*, United States Supreme Court (1982). In a 5-4 ruling, the Court found that a Texas statute withholding funds from local school districts for education of children not legally admitted into the United States and authorizing districts to deny enrollment to such children violated the equal protections clause of the Fourteenth Amendment.

⁴ S.1291: The Development, Relief, and Education for Alien Minors Act A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents. Sponsor: Sen Hatch, Orrin G. [UT] (introduced 8/1/2001) Cosponsors (18). HR 1918: Student Adjustment Act of 2001 S.1291. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents. Sponsor: Rep. Chris Cannon. [UT] (introduced 5/21/2001) Cosponsors (62).

⁵ Utah State Legislature Vote Tabulation.

House: <http://www.le.state.ut.us/~2002/status/hbillsta/hb0144.001h.txt>; :

Senate: <http://www.le.state.ut.us/~2002/status/hbillsta/hb0144.001s.txt>

⁶ 2004 HB 366 Repeal of Exemption from Nonresident Tuition; 2005 HB 239 Repeal of Exemption from Nonresident Tuition; 2006 HB 7 Repeal of Exemption from Nonresident Tuition and HB 7 Substitute Repeal of Exemption from Nonresident Tuition.

⁷ Deseret News, February 2, 2006. *A law granting in-state tuition to undocumented students is legally sound.*

⁸ Deseret News, January 29, 2007. *Students fear repeal of the in-state tuition perk.*

⁹ Utah State Legislature Vote Tabulation: <http://le.utah.gov/~2007/status/hbillsta/hb0224.001h.txt>

¹⁰ Utah State Legislature Vote Tabulation: <http://le.utah.gov/~2007/status/hbillsta/hb0224.002h.txt>

¹¹ Salt Lake Tribune, January 31, 2007. *Proposal to repeal in-state college tuition for immigrants may be reconsidered.*

¹² SB 81Substitute: Illegal Immigration (Hickman, J.)

¹³ Deseret News January 29, 2008 *Again with the in-state tuition*; Salt Lake Tribune, January 30, 2008 *In-state tuition: Undocumented students deserve a chance.*

¹⁴ Deseret News February 17, 2008 *Softer on immigration? Poll shows Utahns are split on giving in-state tuition rates to undocumented.*

¹⁵ Utah State Legislature Audio <http://le.utah.gov/jsp/jdisplay/billaudio.jsp?sess=2008GS&bill=hb0241&Headers=true>

¹⁶ Utah Legislature Vote Tabulation <http://le.utah.gov/~2008/status/hbillsta/hb0241.002h.txt>

¹⁷ In 2007, the *Growing Up in Salt Lake City Youth Research Team* consisting of a small group of west side Salt Lake City high School students, conducted interviews with students, parents, community members and legislators to understand the challenges undocumented students face in trying to go to college. The project was directed by Matt Bradley and Caitlin Cahill, faculty members from the University of Utah.

¹⁸ Associated Press, February 18, 2009. UT: *House Considers Bill on Undocumented Students.*

¹⁹ The Daily Utah Chronicle, February 29, 2009. H.B. 208 moves to House, Bill prevents illegals from working and receiving in-state tuition.

²⁰ Utah Legislature Vote Tabulation: <http://le.utah.gov/~2009/status/hbillsta/hb0208.001h.txt>

²¹ Utah State Legislature Audio. <http://le.utah.gov/jsp/jdisplay/billaudio.jsp?sess=2009GS&bill=hb0208&Headers=true>

²² Deseret News January 29, 2007. *Students fear repeal of the in-state tuition perk.*

²³ Founding members of the Utah Coalition on Illegal Immigration are: the Citizens Council on Illegal Immigration, CitizensForTaxFairness.org, Constitution Coalition, Constitution Party of Utah, Utahns for Immigration Reform and Enforcement, the Utah Eagle Forum and the Utah Minuteman Project.

²⁴UAD Members: Achievement Gap Coalition, ACLU, Catholic Community Services, Catholic Diocese of Salt Lake City, Centro de la Familia de Utah, DPR Communications, Generacion Floreciente, Ivory Homes, Latino Survey & Research, National Conference for Community & Justice, The Peace & Justice Commission Catholic Diocese, Proyecto Latino de Utah, Reforma de Utah, Salt Lake Chamber of Commerce, United Way of Salt Lake, United Way of Davis County, United Way of Northern Utah, University of Utah, University Neighborhood Partners, Unidos por los Ninos/United for Kids, UPNet, Utah Association for Bilingual Educators, Utah Coalition of La Raza, Utah Hispanic Democratic Caucus, Utah Hispanic Chamber of Commerce, Utah Issues, Utah Republican Hispanic Assembly, Utah System of Higher Education, Voices for Utah Children, Y.W.C.A., Mickey Ibarra & Associates, David Ibarra/Ibarrabritocentre, Rep. David Litvack, Sen. Ross Romero, Rep. Mark Wheatley, Sen. Howard Stephenson, McKell Withers-Superintendent Salt Lake City School District.

²⁵Alliance for Unity Members: Robert "Archie" Archuleta, Community Activist; Pamela J. Atkinson, Community Activist; Elder M. Russell Ballard, Church of Jesus Christ of Latter-day Saints; Cynthia Buckingham, Executive Director, Utah Humanities Council; Rev. France A. Davis, Calvary Baptist Church; Spencer F. Eccles, Chairman Emeritus, Wells Fargo Bank; Jon M. Huntsman, Chairman, Huntsman Corp.; Donna Land Maldonado, General Mgr., KRCL Community Radio; Norma Matheson, Former First Lady of Utah; Alexander B. Morrison, Executive Director Alliance for Unity; Karen Suzuki Okabe, Deputy Mayor, S.L. County; Dinesh Patel, vSpring Capital; Rabbi Tracee Rosen, Congregation Kol Ami; Harris H. Simmons, President, Zions Bancorporation; Dean Singleton, President, MediaNews Group, Inc.; Jim Wall, Deseret Morning News; Most Reverend John C. Wester, Bishop, Catholic Diocese of Salt Lake City; Michael K. Young, President, University of Utah; Kilo Zamora, Executive Director Inclusion Center.

²⁶Deseret News February 14, 2008 *Have compassion for immigrants, lawmakers urged.*



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