

Editorial: Court ruling puts college out of reach for immigrant students

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Body

A **ruling** by a state appeals **court** in Sacramento this week seriously jeopardizes undocumented **immigrants**' right to attend state **colleges** on in-state tuition rates. If left unchallenged, that decision would **put college out of reach** for tens of thousands of high-achieving **students** not only devastating them personally, but handing the state another setback in trying to prepare an educated workforce.

Defenders of the current tuition policy must vigorously take their case to the state Supreme **Court** and to Congress, which could settle the issue with enlightened immigration reform. It should pass the long-stalled DREAM Act, which would give undocumented **college students** a path to citizenship and make them eligible for federal financial aid.

The suit was brought by **out-of-state students** at all three of California's higher education systems. They cited a 1996 federal law that said illegal **immigrants** "shall not be eligible on the basis of residence within a state for any postsecondary education benefit unless a citizen ... of the United States is eligible for such a benefit without regard to whether the citizen ... is such a resident." **The court ruled** that California's policy was at odds with that law.

California is one of 10 states that offer in-state tuition to undocumented **students** who live within their borders.

The **ruling** by a three-judge appeals **court** panel was unanimous, but the case, which now returns to superior **court**, is not open-and-shut. A federal **court** threw **out** a case in another state on the grounds that **out-of-state students** couldn't claim harm just because in-state **immigrants** paid less.

Seven years ago, California legislators crafted their tuition policy with the feds in mind. Undocumented **students** must attend three years of high school in California and graduate from a school here to be eligible for in-state tuition in **college**. That's a more stringent requirement than the one-year residency **rule** for **out-of-staters**.

An estimated 20,000 to 30,000 undocumented **students** pay the in-state rate. Most come from low-income families who would be eligible for Cal Grants as well as in-state tuition if California passed a proposed state version of the DREAM Act. If this **ruling** holds up, most would drop **out**. **Out-of-state** fees are nearly \$18,000 more a year to attend the University of California, \$8,000 more at a California State University campus and eight times the in-state charge of \$20 a credit at a community **college**.

Undocumented **college students** arrived in California, often as infants, because of decisions of their parents. Many attended high schools where the dropout rate exceeds 50 percent. They should be helped, not punished, for their success.

The federal government acknowledges states have the right to admit undocumented residents to their **colleges**. States should also be able to decide, based on their own self-interest, how much to charge them.

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