

U.S.-born children take fight over tuition to court; Fla. denies in-state rates to illegal immigrants' kids

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Body

State governments have been grappling with the question of whether to provide **in-state** college **tuition rates** to **illegal immigrants** who were brought to the U.S. as **children**.

Now a **Florida** lawsuit is highlighting a rare practice of forbidding **U.S.-born** students -- citizens by birth -- from getting **in-state tuition** because their parents are **illegal immigrants**.

Five students, all born **in** the U.S. to **illegal immigrant** parents, sued the **state** last month for **denying** them **in-state tuition rates** even though they had lived **in Florida**, graduated from **state** high schools and were entering **state** colleges and universities. They claim the higher out-of-**state rates** they were charged either forced them to drop out or **take** fewer classes, delaying their eventual graduation.

Kassandra Romero, 18, enrolled at Palm Beach **State** College **in** June and was handed a \$4,000 bill for the semester -- more than three times the **in-state rate**. She left school to work as a waitress to save enough money to re-enroll **in** January.

"I'm an American citizen. I was born here. But now I feel left out," Romero said. "(My old classmates) are **taking** their classes, everyone's going to school, and I just go to work."

The lawsuit illustrates a fractured, **state-by-state** immigration debate that questions how many rights **children** of **illegal immigrants** -- born **in** and outside the U.S. -- should be given.

Twelve **states** have laws granting **in-state tuition** to some **illegal immigrants** brought to the U.S. as **children**, according to the National Conference of **State** Legislators.

Meanwhile, U.S. Rep. Steve King, R-Iowa, has led a campaign to eliminate the practice of granting automatic citizenship to **children** of **illegal immigrants** born on U.S. soil. Four **states** -- **Florida**, Colorado, Georgia and Indiana -- ban all **illegal immigrants**, including those brought to the U.S. as **children**, from receiving **in-state tuition rates**.

Florida's policy is unique because it **takes** the step of **denying in-state tuition** to **U.S.-born children** whose parents are **illegal immigrants**. Officials with the **Florida** Department of Education, which oversees community colleges, and the **State** University System declined comment.

Florida law requires that residency be established for adults, or dependent **children**, before granting **in-state tuition rates**.

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Tania Galloni of the Southern Poverty Law Center, which is suing on behalf of the six students, said **state** education officials erred when they began interpreting those rules **in** 2009 to mean that dependent **children** had to prove their parents' citizenship. She said **state** residency requirements do not mention citizenship status.

Michael Hethmon, director of the Immigration Reform Law Institute, has assisted **states** such as Arizona and Alabama write laws that crack down on **illegal** immigration. He said an **illegal immigrant** parent cannot be considered a legal resident because their **illegal** status could result **in** their deportation at any moment. And since their **children** are still dependents under **Florida** law, they cannot claim residency of their own.

"It's a maneuver **in** an ongoing legal controversy of enormous significance to the United **States**," Hethmon said. "As the question of **illegal** immigration remains unresolved, it becomes an obvious flashpoint and you'll see issues like this coming up repeatedly **in** the coming years."

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