

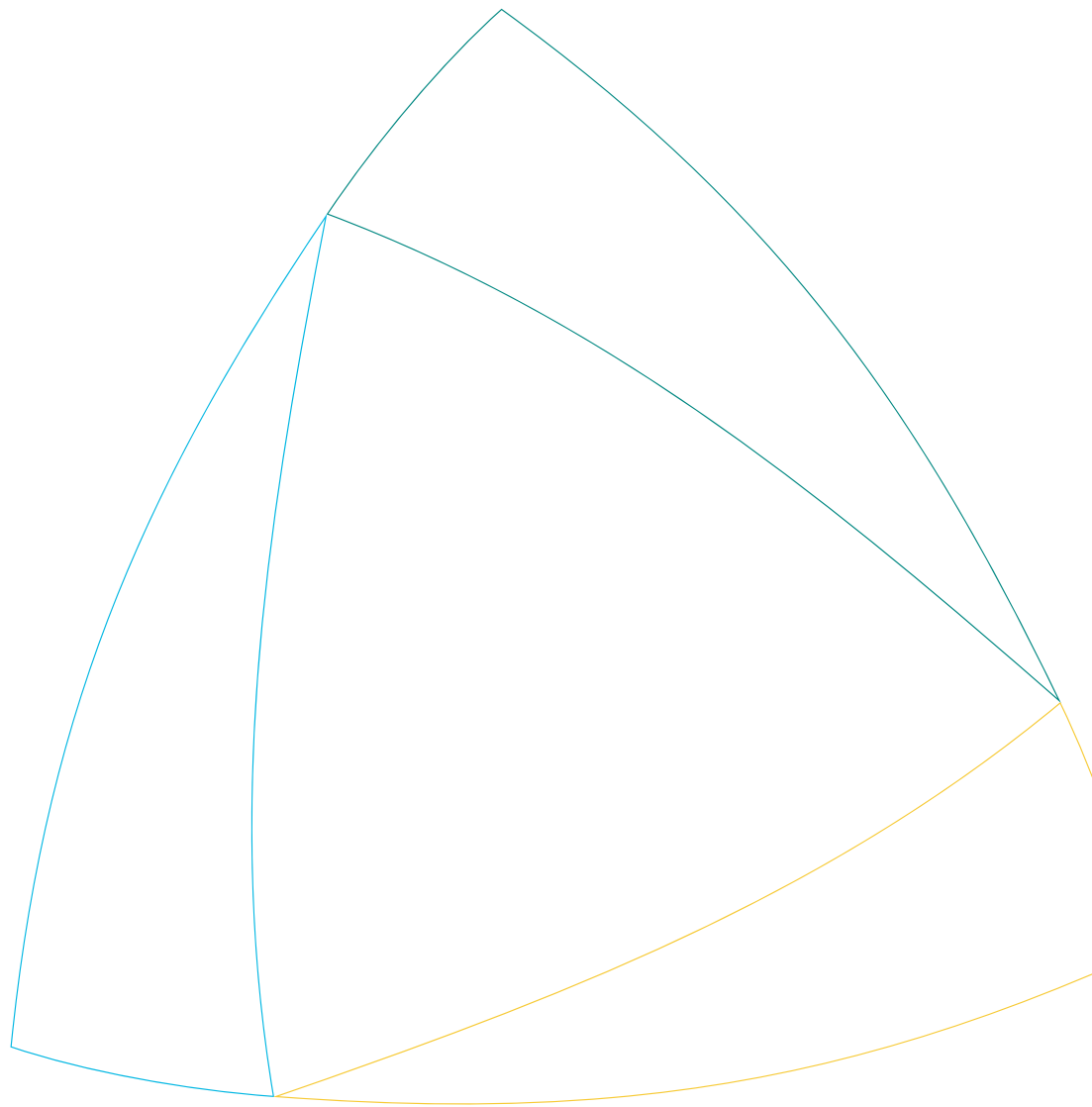


# SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

# State Tuition and Fees for Undocumented Students

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The State Higher Education Executive Officers Association (SHEEO) serves the executives of statewide governing, policy, and coordinating boards of postsecondary education and their staffs. Founded in 1954, SHEEO promotes an environment that values higher education and its role in ensuring the equitable education of all Americans, regardless of race/ethnicity, gender, or socioeconomic factors. Together with its members, SHEEO aims to achieve this vision by equipping state higher education executive officers and their staffs with the tools to effectively advance the value of higher education, promoting public policies and academic practices that enable all Americans to achieve success in the 21st century, and serving as an advocate for state higher education leadership. For more information, visit [sheeo.org](https://sheeo.org).

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## INTRODUCTION

SHEEO's 2022 Tuition, Fees, and Financial Assistance survey<sup>1</sup> included several questions about how state policies treat and affect undocumented students at public institutions in each state. This report highlights and explores state policies for undocumented students as of fiscal year 2022, with particular attention to state policies for tuition residency determinations and financial aid eligibility. We are grateful to the state agency staff who dedicated their time and effort to providing data used in this report. Without their commitment, this report would not have been possible.

State policies regulating undocumented students' eligibility for in-state tuition at public two- and four-year institutions and access to state grant aid vary widely across the U.S. At the federal level, most students born outside of the U.S. are ineligible for federal financial aid. Eligible noncitizens include students who were born in an American territory, are permanent U.S. residents (with a "green card"), or meet other specific criteria.<sup>2</sup> Students who are undocumented—meaning they lack legal documentation establishing their residency in the U.S.—do not meet these criteria and are therefore ineligible for federal financial aid. These same students are often also ineligible for state financial aid programs, many of which model their eligibility requirements on those established at the federal level. In addition to their ineligibility for federal and most state financial aid, undocumented students confront a variety of policies regulating eligibility for in-state tuition at state postsecondary institutions. The conditions for in-state tuition eligibility vary across states and may depend on a student's residency classification (as a resident, non-resident, or international student), location of high school graduation, or receipt of Deferred Action for Childhood Arrivals (DACA) protections.

Residency determinations for undocumented students are regulated by state policy. Students who are classified as state residents are eligible for in-state tuition rates, while students classified as non-residents must pay out-of-state or international student rates. Often, the location of a student's high school graduation can assist in determining state residency.<sup>3</sup> If an undocumented student resided in a state for a given number of years and graduated from a high school in the state, they may be eligible for in-state tuition rates. Some states also make allowances for DACA recipients. DACA is a federal policy that was established in 2012 to enable individuals born outside of the U.S. who immigrated as children to request deferred action against removal from the country, receive work authorization, and obtain a social security card.<sup>4</sup> The policy also allows recipients to attend U.S. institutions of postsecondary education, and in some cases, qualify for in-state tuition rates.

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1. Colorado, J., Laderman, S., & McCoy-Simmons, C. (2023). State tuition, fees, and financial assistance policies 2022. State Higher Education Executive Officers Association. [sheeo.org/project/tuition-and-fee-survey/](https://sheeo.org/project/tuition-and-fee-survey/)
  2. Federal Student Aid. Financial aid eligibility for non-U.S. citizens. [studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens](https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens)
  3. National Immigration Law Center. (2023, November). Basic facts about in-state tuition for undocumented immigrant students. [nilc.org/issues/education/basic-facts-instate/](https://nilc.org/issues/education/basic-facts-instate/)
  4. U.S. Citizenship and Immigration Services. Consideration of deferred action for childhood arrivals (DACA). [uscis.gov/DACA](https://uscis.gov/DACA)

Historically, SHEEO's Tuition, Fees, and Financial Assistance survey has asked states whether they have considered a policy regarding tuition rates for undocumented students who reside in their state, and what the tuition rate is for those students.<sup>5</sup> In 2006, the first year this question was asked, 44% of states reported having no discussions, 40% reported discussions but no policies implemented, 14% had policies to charge in-state tuition, and one state—Colorado—had a policy to charge out-of-state tuition. In 2011, the proportion of states with no discussions dropped to 30%, while the number with discussions but no policies dropped to 32%. The remaining states had policies, including 20% that charged in-state tuition, 9% that charged out-of-state tuition, two states—South Carolina and Oklahoma—that prohibited enrollment of undocumented students in public institutions, and two states with unreported policies. In 2013, 47% of states reported no policy discussions, 19% reported discussions but no policies, and 34% reported the implementation of a new policy. Among the states with new policies, six (19%) implemented in-state tuition rates and five (16%) implemented out-of-state or international tuition rates.

National policy inventories exist to track legislative activity regulating undocumented students' eligibility for in-state tuition rates, access to state postsecondary institutions, and qualification for state financial aid.<sup>6</sup> This report builds on the existing data by providing additional information to highlight the nuances of state policies related to tuition rates, tuition waivers, and state financial aid as reported by state agencies of higher education.

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5. Fifty states responded to these questions in 2006, 44 responded in 2011, and 32 responded in 2013. In survey years prior to 2022, data were reported by state and were not differentiated by two- and four-year sectors.

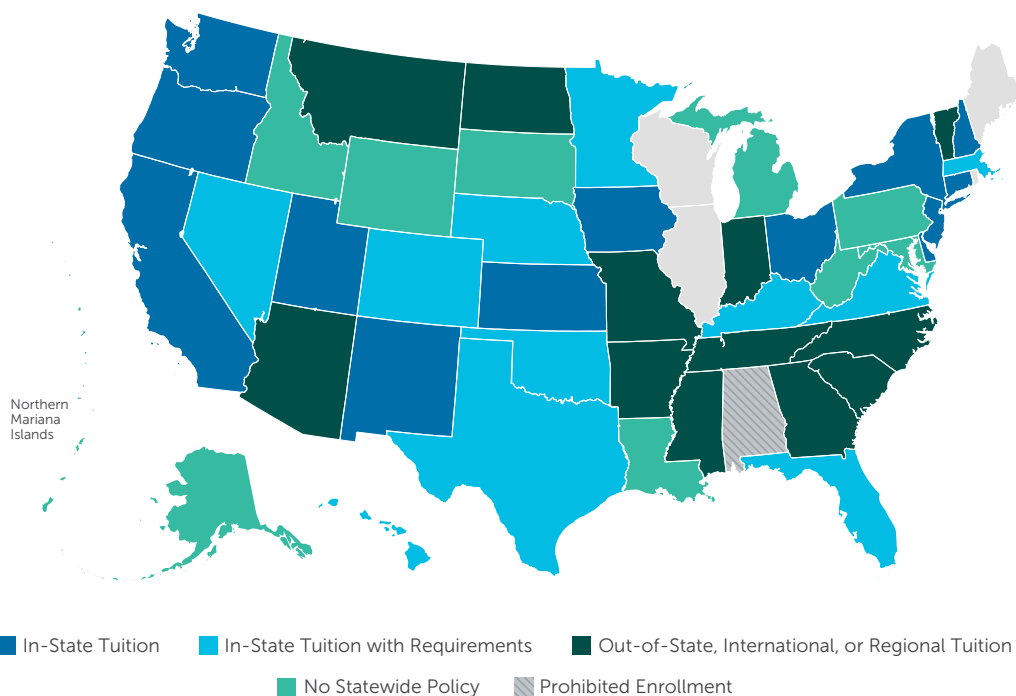
6. Higher Ed Immigration Portal. States. [highereducationimmigrationportal.org/states/](https://highereducationimmigrationportal.org/states/)

## TUITION RATE MODELS

States develop their own policies for setting public institution tuition rates for undocumented students, ranging from granting in-state tuition for all undocumented students to prohibiting enrollment of undocumented students at state institutions. In some states, these policies also vary by institution sector (i.e., two-year and four-year).

In the public two-year sector, 26% of states offer in-state tuition to undocumented students, 24% offer in-state tuition if the student meets statutory requirements, 22% require undocumented students to pay out-of-state tuition, and 4% require undocumented students to pay international student rates (*Figure 1*). In 11% of states, policies differ by institution, and another 11% of states have no statewide policy on tuition rates for undocumented students (effectively allowing institutions to set their own policies). One state—Alabama—prohibits enrollment of undocumented students by state law.

**FIGURE 1**  
**TUITION RATE MODELS IN PUBLIC TWO-YEAR INSTITUTIONS**



**NOTES:**

1. We were unable to obtain data for Rhode Island and the District of Columbia. We were unable to obtain data for the two-year sector in Illinois and Maine. Northern Mariana Islands provided data for both sectors and is included in all figures.
2. "Other" responses were recoded into existing choice options or new response options (in-state if meets statutory requirements, international tuition, enrollment prohibited by state law, or regional tuition).
3. The University of Vermont, the University of Wisconsin System, and the Wisconsin Technical College System did not provide a response to this question.

**SOURCE:** State Higher Education Executive Officers Association

■ In-State Tuition ■ In-State Tuition with Requirements ■ Out-of-State, International, or Regional Tuition ■ No Statewide Policy ■ Prohibited Enrollment

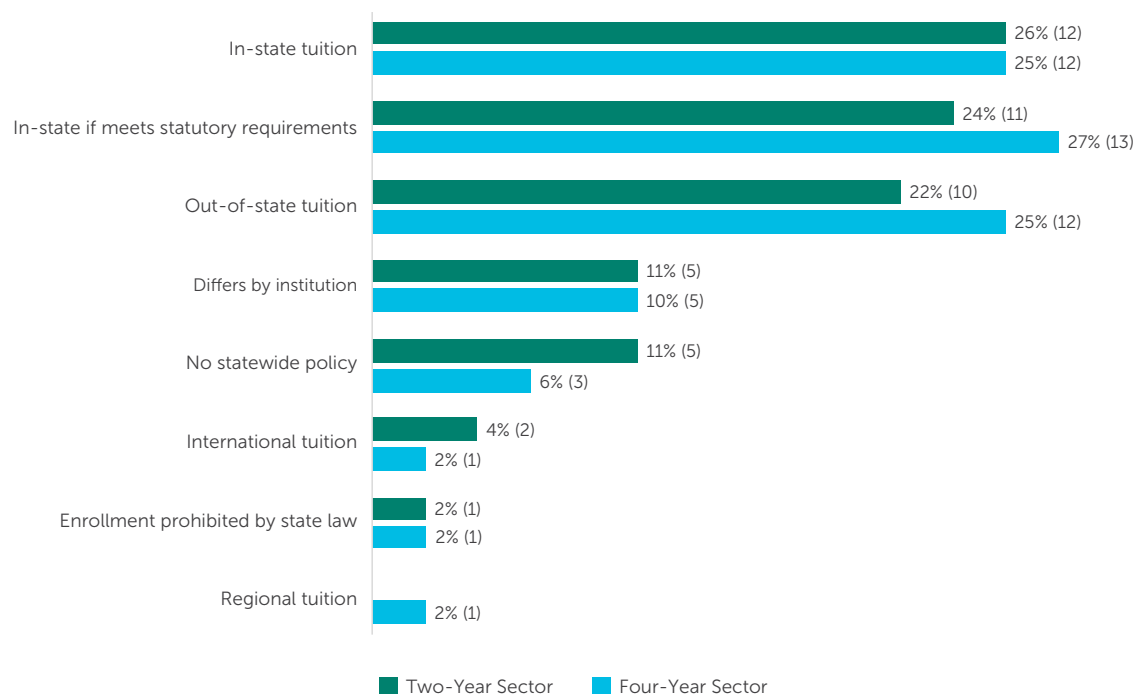
1. We were unable to obtain data for Rhode Island and the District of Columbia. Northern Mariana Islands provided data for both sectors and is included in all figures.
2. "Other" responses were recoded into existing choice options or new response options (in-state if meets statutory requirements, international tuition, enrollment prohibited by state law, or regional tuition).
3. The University of Vermont, the University of Wisconsin System, and the Wisconsin Technical College System did not provide a response to this question.

## SHEEO: STATE TUITION AND FEES FOR UNDOCUMENTED STUDENTS

As shown in *Figure 3*, state tuition policies for undocumented students are not consistent across sectors. States are equally likely to offer in-state tuition to undocumented students in the two- and four-year sectors (26% and 25%, respectively), but are more likely to require undocumented students in the four-year sector to pay out-of-state tuition (25% compared to 22% in the two-year sector) or to mandate that students meet certain requirements for in-state tuition (27% compared to 24% in the two-year sector). In contrast, the two-year sector is more likely to have no statewide policy (11% compared to 6% in the four-year sector). Some significant differences in policy exist within states. In Georgia, for instance, undocumented students in the two-year sector are required to pay international tuition, while students in the four-year sector pay out-of-state tuition. In New Hampshire, meanwhile, undocumented students in the two-year sector are eligible for in-state tuition, while students in the four-year sector pay out-of-state tuition.

**FIGURE 3**

**WHAT IS THE TUITION RATE FOR UNDOCUMENTED STUDENTS WHO RESIDE IN YOUR STATE?**



**NOTES:**

1. We were unable to obtain data for Rhode Island and the District of Columbia. We were unable to obtain data for the two-year sector in California, Illinois, and Maine. Northern Mariana Islands provided data for both sectors and is included in all figures.
2. "Other" responses were recoded into existing choice options or new response options (in-state if meets statutory requirements, international tuition, enrollment prohibited by state law, or regional tuition).
3. The University of Vermont, the University of Wisconsin System, and the Wisconsin Technical College System did not provide a response to this question.

**SOURCE:** State Higher Education Executive Officers Association

In states that require undocumented students to meet statutory requirements, these requirements may include requiring undocumented students to live in the state for a designated number of years, pursue permanent residency through federal programs, graduate from a local high school, or apply for scholarships targeted to undocumented students (from 2022 Tuition, Fees, and Financial Assistance survey results).<sup>7</sup> States with additional eligibility requirements all mandate that undocumented students meet a state's residency rules in order to be eligible for in-state tuition at public institutions.

7. [sheeo.org/project/tuition-and-fee-survey/](https://sheeo.org/project/tuition-and-fee-survey/)

## STATE GRANT ELIGIBILITY

In addition to tuition policies, states also develop policies regulating undocumented students' eligibility for state grant aid. Forty-nine percent of states report that undocumented students are ineligible for state financial aid due to state policies, while 12% block student eligibility based on federal policies (*Table 1*). Federal policies that might contribute to the blocking of state aid eligibility for undocumented students include the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), which contains language that prevents states from providing postsecondary education benefits (i.e., in-state tuition rates) to undocumented immigrants.<sup>8</sup> In 38% of states, undocumented students are eligible for state grant aid: 19% of states allow undocumented students to access all state grant programs, while another 19% allow access only to certain programs.

**TABLE 1**

**ARE UNDOCUMENTED STUDENTS WHO RESIDE IN YOUR STATE GENERALLY ELIGIBLE TO RECEIVE STATE GRANT AID?**

	COUNT	PERCENTAGE	STATES
No, because of state policy.	28	49%	Alabama, Arizona, Connecticut, Florida (both sectors), Georgia (both sectors), Idaho, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire (both sectors), North Carolina (both sectors), North Dakota, Pennsylvania, South Carolina, South Dakota (four-year), Tennessee, West Virginia, Wyoming (two-year)
No, because of federal policy.	7	12%	Alaska, Arkansas, Michigan (two-year), Northern Mariana Islands, South Dakota (two-year), Vermont (four-year), Wyoming (four-year)
Yes, for certain grant programs.	11	19%	Hawaii, Illinois (four-year), Maine (four-year), Maryland, Michigan (four-year), Minnesota, Nevada, New York, Oklahoma, Texas, Vermont (two-year)
Yes, for all state grant programs.	11	19%	California (four-year), Colorado, Delaware, Kansas, New Jersey, New Mexico, Ohio, Oregon, Utah, Virginia, Washington
<b>TOTAL</b>	<b>57</b>	<b>100%</b>	

**NOTES:**

1. We were unable to obtain data for Rhode Island and the District of Columbia. We were unable to obtain data for the two-year sector in California, Illinois, and Maine. Northern Mariana Islands provided data for both sectors and is included in all tables.

2. Wisconsin did not provide a response to this question.

**SOURCE:** State Higher Education Executive Officers Association

8. Higher Ed Immigration Portal. Federal policies. [higheredimmigrationportal.org/national/federal-policies/](https://higheredimmigrationportal.org/national/federal-policies/)



Two of the 11 states that allow undocumented students to access some state grant programs report that grant eligibility policies vary by campus. Three states report that students are eligible for state grants conditional upon meeting the state's residency requirements (e.g., graduation from a state high school). Five states have identified specific aid programs for which undocumented students are eligible, ranging from one to four grants that are awarded at public and/or private institutions per state.<sup>9</sup>

Six states that enable undocumented students to access specific state grant programs provided additional details on the programs students can access:

- Under the Retention of Illinois Students & Equity (RISE) Act, Illinois allows undocumented students to access the Monetary Award Program (MAP), which is the state's largest need-based grant program for low-income college students.
- Michigan allows undocumented students to receive the Michigan Competitive Scholarship, a need- and merit-based scholarship of up to \$1,500 per academic year at public and private institutions, as well as the Michigan Tuition Grant, a need-based scholarship that covers tuition and mandatory fees at private institutions only.
- Undocumented students in Nevada can receive the Governor Guinn Millennium Scholarship (merit-based scholarship of up to \$10,000), the Silver State Opportunity Grant (need-based grant of up to \$5,500 per year), and the Nevada Promise Scholarship (non-need-based grant for Nevada high school graduates to attend community college).
- New York allows undocumented students to access the Tuition Assistance Program (TAP), which is a need-based grant to cover tuition costs up to \$5,665 per academic year.
- Undocumented students in Minnesota are eligible for the need-based Minnesota State Grant.
- Maryland provides access to four state grant programs for undocumented students: Educational Assistance Grant (need-based), Part-Time Grant (need-based), Maryland Community College Promise Grant (need- and merit-based), and Richard W. Collins Leadership Grant (non-need-based).

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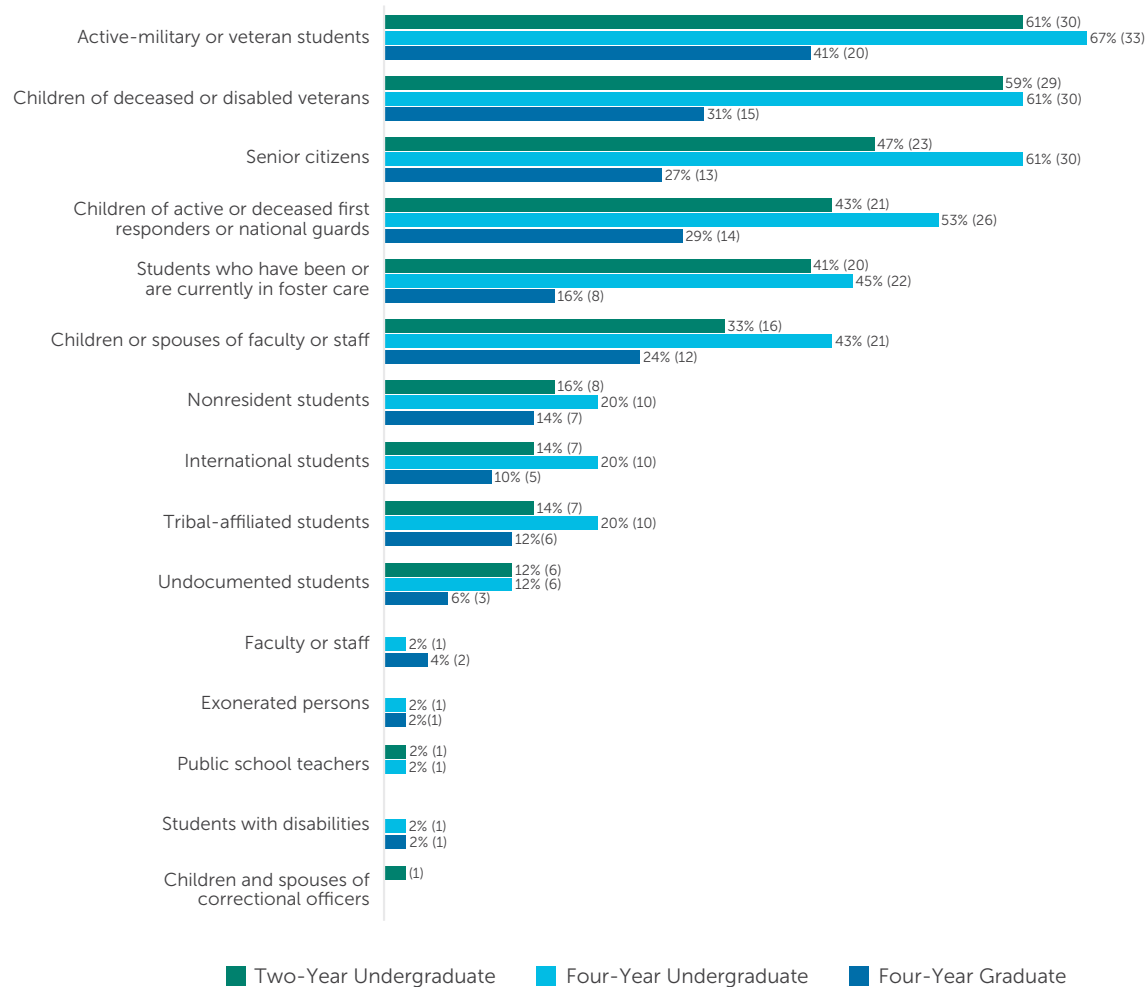
9. One state reported that students were eligible for certain grant programs but provided no additional detail.

## TUITION WAIVERS

Some states offer tuition waivers to undocumented students to reduce the tuition students are required to pay without awarding a scholarship or grant. States can offer tuition waivers to students from various underrepresented or underserved backgrounds, such as veterans, senior citizens, foster children, international students, nonresident students, and undocumented students. Twelve percent of states offer tuition waivers to undocumented undergraduate students in public two-year and four-year institutions, while 6% offer waivers to undocumented graduate students (*Figure 4*). Because state policies vary in how undocumented students are classified (e.g., as undocumented, non-resident, or international students), some undocumented students may be eligible for tuition waivers granted to non-resident or international students.

FIGURE 4

### DOES YOUR STATE OR A SYSTEM WITHIN YOUR STATE PROVIDE TUITION WAIVERS OR DISCOUNTING FOR PARTICULAR CATEGORIES OF STUDENTS?



**NOTE:**

1. We were unable to obtain data for Rhode Island and the District of Columbia. We were unable to obtain data for the two-year sector in California, Illinois, and Maine. Northern Mariana Islands provided data for both sectors and is included in all figures.

**SOURCE:** State Higher Education Executive Officers Association

Of the seven states that offer tuition waivers to undocumented students, three charge in-state tuition to undocumented students at public two- and four-year institutions, one requires undocumented students to pay out-of-state tuition at public two-year institutions, one has policies that differ at public four-year institutions, and two offer in-state tuition if students meet statutory requirements at public two- and four-year institutions (*Table 2*).

**TABLE 2**  
**INTERSECTION OF TUITION WAIVERS AND STATE TUITION POLICY**  
**FOR UNDOCUMENTED STUDENTS**

STATES THAT OFFER WAIVERS	TUITION POLICY	COUNT
Kansas, Oregon, Utah	In-state tuition	3
Vermont (two-year)	Out-of-state tuition	1
Illinois (four-year)	Differs by institution	1
Florida, Oklahoma	In-state if meets statutory requirements	2
<b>TOTAL</b>		<b>7</b>

**NOTES:**

1. We were unable to obtain data for Rhode Island and the District of Columbia. We were unable to obtain data for the two-year sector in California, Illinois, and Maine. Northern Mariana Islands provided data for both sectors and is included in all tables.
2. Wisconsin (both sectors' agencies) did not provide a response to this question.

**SOURCE:** State Higher Education Executive Officers Association

## IMPLICATIONS

State policies regulating undocumented students' eligibility for in-state tuition and state grant programs at public institutions vary widely across the U.S. Approximately half of states do not offer guaranteed in-state tuition for undocumented students through state policy (50% in the two-year sector and 48% in the four-year sector). An even larger proportion of states (61% across the two- and four-year sectors) prohibit undocumented students from receiving state grant aid. The differential treatment of undocumented students has implications for student access and affordability. Out-of-state, international, and regional tuition rates all exceed in-state tuition rates at public institutions, often quite substantially.<sup>10</sup> Nonresident tuition rates are also less likely to be controlled by systems and states.<sup>11</sup> Undocumented students also lack opportunities to reduce tuition rates through waivers or to offset tuition costs through the receipt of state grants. This means that, despite being state residents, undocumented students have higher unmet financial need and pay more out of pocket to attend postsecondary institutions than other in-state students.<sup>12</sup>

A student's ability to afford postsecondary education is directly linked to access, persistence, and completion. Significant out-of-pocket costs and the accumulation of student loans can serve as a barrier to enrollment<sup>13</sup> and persistence.<sup>14</sup> Although undocumented students do not qualify for and cannot receive federal student loans, they may be eligible for private student loans. Research has found that in-state tuition policies and access to financial aid for undocumented students both have positive impacts on enrollment (a 3-4 percentage point increase) and completion (a 1-2 percentage point increase).<sup>15</sup> States policies that prevent undocumented students from paying in-state tuition rates or receiving state grant aid may prevent these students from enrolling in, persisting at, and completing public postsecondary education, and likely exacerbate existing disparities in undocumented students' postsecondary access and success.

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