



## **Frequently Asked Questions on Education Opportunity Bill (H.1175 and S.603)**

### **1. What would the passage of Education Opportunity Legislation do?**

Passage of Education Opportunity (in-state tuition) legislation would allow high-achieving undocumented students with at least 3 years of attendance and a diploma from a MA high school to pay in-state tuition rates at schools in the state college system. Currently, these high-achieving students are denied access to higher education because they are required to pay out-of-state tuition rates, which can be three times those paid by their in-state classmates. It does not provide discounted or free tuition and it does not make these students eligible for scholarships. It allows the state colleges to bring in new revenue while investing in the knowledge and skills of students who have already shown a commitment to academic achievement and the Commonwealth.

### **2. How would the Commonwealth benefit from the passage of this legislation?**

According to a 2006 report by the MA Taxpayer's Foundation, passage of Education Opportunity legislation would bring in an additional \$2.5 million through tuition fees paid by students who currently don't have access to higher education. The students who would be granted access to higher education would also earn more in income, pay more in taxes, and utilize public assistance less throughout their lives. In addition, the Commonwealth currently loses out on talented, dedicated, and accomplished students. MA invests in these children from K-12 only for this investment to hit a wall when they are denied access to higher education. This legislation allows these high-achieving students to pay into the system to continue the investment the Commonwealth has already made in their knowledge and skills.

### **3. Do undocumented immigrants and their families pay taxes?**

Yes. According to the IRS, 70-75% of undocumented immigrants pay Social Security taxes resulting in a net benefit of \$7 billion annually, since they are ineligible for Social Security benefits. Moreover, a 2009 report by Professors Alan Clayton-Mathews and Paul Watanabe of UMASS-Boston found that all immigrants, including the undocumented, pay a higher proportion of sales and excise taxes than their native-born counterparts. A provision in the Senate version of the bill ensures that these high-achieving students will register for an Individual Taxpayer Identification Number (ITIN), so that the Commonwealth will benefit from its investment in their education through tax revenue.

### **4. Would this legislation impact U.S. citizen students' ability to get into school?**

Education opportunity legislation does not impact who applies to and is accepted by state and community colleges. Undocumented students are already eligible to enter the pool of state college applicants, since all students, regardless of status, have the right to be admitted to public colleges by federal law. Because the state colleges receive most of their funds through the budget and tuition and fees (and not on a per student basis), the legislation would only be bringing in new revenue and should not increase competition. It is also important to remember that this will only impact a small number of students each year (300-400)—this represents .001% - .002% of all enrollment in the 29 public colleges in MA, according to 2006-2007 figures (MA Board of Higher Education).

### **5. Why does this bill seem to be so controversial?**

No doubt, any issue involving immigration is considered controversial and even more so when it involves undocumented immigrants. However, the last time Education Opportunity legislation was in the news in 2006, a survey by the UMASS McCormack Graduate School of Policy Studies that asked the question, "There are

several hundred undocumented immigrant students in Massachusetts who have lived here for at least three years and have graduated from a high school in Massachusetts. Would you favor or oppose charging them the same in-state tuition at public colleges and universities that other high school graduates pay?" 72% of respondents favored in-state tuition rates. In addition, not a single legislator who voted in favor of the bill in 2006 lost their seat in the following election and ten states have already passed similar legislation.

**6. Have any other states passed similar legislation?**

Yes. New York, Illinois, Michigan, California, New Mexico, Texas, Utah, Kansas, Nebraska, and now Wisconsin have all passed Education Opportunity legislation. Both Blue and Red states and Democrats and Republicans in other states have realized the opportunities presented by ensuring access to an affordable higher education for talented students. It is time now for MA, the higher education capitol of the world, to catch up.

**7. If undocumented immigrants are not supposed to work, how will this benefit the Commonwealth in the long-term?**

While undocumented immigrants are not work authorized, the fact is that undocumented immigrants represent 5% of the nation's workforce and have high labor force participation rates. Limiting higher education access will not change this fact, but it will have a positive impact on the revenue generated by the state when undocumented immigrants do garner employment. If the IRS used the same logic as this argument, it would have never developed the ITIN program to allow people without social security numbers to pay taxes and would have lost billions of dollars in additional taxes. Moreover, when comprehensive immigration reform fixes our broken immigration system on the federal level, each class of students that is denied access to a higher education will represent a missed opportunity for the Commonwealth to invest in its future tax base.

**8. Would this bill reward undocumented immigrant parents for not following laws and procedures?**

No. Most of the high-achieving undocumented students who would benefit from the bill were small children when their families made the decision to come to the U.S. and Massachusetts is the only home they know. Instead of punishing the choices of the parents, this law not only punishes good kids for actions that are outside their control but starves the Commonwealth by leaving the potential of these high-achieving students untapped. Moreover, extensive research has shown that undocumented immigrants do not make decisions based on access to in-state tuition rates, but instead on economic opportunities and ties to family members.

**9. What is the capacity of the state college system to handle these new students?**

As a result of the economic downturn, applications are up across the state and community college system. Still, Education Opportunity legislation does not impact the applicant pool applying to the state and community college system, since all residents are already eligible to apply. Despite the increase in capacity, many schools still have additional slots and also support the legislation. It is important to remember that these students would represent one-half of 1% of all students in the public college system.

**10. What about legislation at the federal level (DREAM Act and Immigration Reform) that would solve this problem?**

Education Opportunity legislation in MA would dovetail with federal legislation such as the DREAM Act to give young students a concrete and affordable path to becoming a US Citizen. As it stands, the Dream Act would allow undocumented children to earn a path to citizenship through education, but it would not require that individual states offer qualifying students in-state tuition rates. By passing Education Opportunity legislation, MA would ensure that high-achieving students have a chance at living the American Dream by becoming well-educated, contributing members of the Commonwealth.

For more information or to get involved contact:

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