

Your Question:

You asked which states currently offer state financial aid to undocumented students through legislation.

Our Response:

On November 20, 2014, President Obama introduced new executive actions on immigration that would, in part, expand the eligibility pool for Deferred Action for Childhood Arrivals (DACA) recipients. Under the new executive action, the Department of Homeland Security expands DACA to individuals who were brought to the U.S. as children before January 1, 2010, regardless of their current age and expands DACA relief to be granted for three years. This brought to light previous and new state action to provide in-state tuition and financial aid benefits to undocumented individuals. Below is a chart providing states currently offering in-state tuition and/or financial aid for undocumented individuals.

Additional Resources

[Policy analysis](#) on in-state tuition for undocumented students

[NASPA](#) update on in-state tuition policies

uLEAD policy environment [map](#)

State	Policy	Description
California	§ 68130.5 and § 69508.5	Allows all students, except nonimmigrant foreign nationals, to be eligible for in-state tuition if they meet specific requirements. Any student meeting requirements of section 68130.5 is eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law.
Colorado	§ 23-7-110	Creates in-state tuition benefits for undocumented students. The policy adds that institutions will not count these students as residents for any purpose other than tuition classification. Policy also states that this student population is eligible for the College Opportunity Fund program.
Connecticut	Sec. 10a-29 (9) and Public Act No. 18-2	A person, other than a nonimmigrant alien, shall be entitled to classification as an in-state student for tuition purpose when meeting certain eligibility requirements including if such person is without legal immigration status, such person files an affidavit with such institution of higher education stating that he or she has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. Extends eligibility for institutional financial aid to certain students if they (1) meet certain residency, age, and criminal history requirements and (2) file an affidavit about their intent to legalize their immigration status with the institution they are attending.

Florida	§ 1009.21 and § 1009.26	A dependent child who is a US citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. An institution may waive out-of-state fees for students, including, but no limited to, students who are undocumented for federal immigration purposes, meeting specific eligibility requirements.
Hawaii	RP 6.209	Undocumented students meeting specific requirements are considered residents of Hawaii for purposes of tuition, financial assistance and university program participation.
Idaho	§ 33-3717B	Any student who is a graduate of an accredited secondary school in the state and matriculates at an Idaho public institution within six years of graduation is considered a resident.
Illinois	Public Act 93-0007	In the case of an individual who is not a citizen or a permanent resident of the US, the individual provides an affidavit stating that they will file an application to become a permanent resident at the earliest opportunity.
Kansas	§ 76-731a	In the case of a person without lawful immigration status, has filed with the institution an affidavit stating the person has or will file an application to legalize immigration status.
Maryland	§ 15-106.8	Provides eligibility requirements for undocumented individuals to meet residency requirements for in-state tuition. Applies to students at community colleges and students at four-year institutions only if they started their postsecondary education at a community college.
Michigan		Several public universities and community colleges formally adopted in-state tuition for undocumented students.
Minnesota	§ 135A.043 and § 136A.121	In the case of a student without lawful immigration status: a) documentation that the student has complied with selective service registration requirements and b) if a federal process exists to obtain lawful immigration status, the student presents the institution with documentation from federal immigration authorities that the student has filed an application to obtain lawful status. Students are eligible for the state grant program if the applicant is a resident, a graduate of a secondary school or equivalent, has met financial need criteria, is not in default and is not more than 30 days in arrears in court-ordered child support. (MN Dream Act)
Nebraska	§ 85-502	Student has applied to or has a petition pending with the US Immigration and Naturalization Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least one hundred eighty days.
New Jersey	§ C.18A:62-4.4 and P.L.2018, c.12	Student files an affidavit with the institution stating that the student has filed an application to legalize his/her immigration status or will file and application as soon as

		he/she is eligible to do so. Allows certain students, including undocumented immigrants, who meet eligibility criteria to qualify for state student financial aid programs.
New Mexico	§ 21-1-4.6	Any tuition rate or state-funded financial aid that is granted to residents of New Mexico shall also be granted on the same terms to all persons, regardless of immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a high school equivalency credential in New Mexico.
New York	§ 355 , § 6206 and § 6301 (currently considering A 9605)	The payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien shall be paid at a rate or charge no greater than that imposed for students who are residents. In addition to specific resident requirements, a student without lawful immigration status shall also be required to file an affidavit with an institution stating that the student has filed or will file an application to legalize his or her immigration status.
Oklahoma	§ 70-3242	If a student cannot present valid documentation of US nationality or an immigration status permitting study at a postsecondary institution they must provide a copy of an application or petition filed to legalize their immigration status or file an affidavit with the institution that the student will fill an application to legalize their immigration status at the earliest opportunity they are eligible. However, § 70-3242.2 states otherwise provided in Section 3242, an individual who is not lawfully present in the US shall not be eligible on the basis of residents for postsecondary benefits or resident tuition.
Oregon	§ 352.287 and § 348.180	The governing board shall exempt a student who is not a citizen or lawful resident from paying nonresident tuition and fees if they meet specific requirements. An eligible student for state aid is now defined as any resident student, or student exempted from paying non-resident tuition.
Rhode Island	Residency Policy 5.0	A student who is neither a US citizen nor a permanent resident who meets the following requirements shall pay tuition and fees prescribed by the Board of Governors for in-state tuition: students who have been granted authorization by the US Dept of Homeland Security to remain in the US in any status that allows him or her to establish a domicile in the US and who present evidence of being domiciled in Rhode Island for at least one year. He or she must file an affidavit with the institution stating they filed or will file an application for lawful immigration status.
Texas	§ 54.052(a)(3)	A student provides the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. Students proving residency in the state are eligible for state financial aid. Non-citizens who cannot apply for

		federal financial aid should complete the TASFA if deemed a resident in § 54.053.
Utah	§ 53B-8-106	A student without lawful immigration status shall file an affidavit with the institution stating that the student has filed or will file an application to legalize his or her immigration status.
Washington	§ 28B.15.012 and § 28B.94.010 and § 28B.92.010	A student who completed a full senior year of high school and obtained a diploma or equivalent who has lived in the state for at least three years immediately prior to receiving the diploma who has continuously lived in the state after receiving the diploma and is admitted to an institution and provides the institution with an affidavit indicating the individual will file an application to become a permanent resident as soon as eligible. In addition to general requirements, the student has been granted deferred action for childhood arrival status pursuant to the rules and regulations adopted by the US citizenship and immigration services. Expands state financial aid eligibility to undocumented students meeting requirements.