

**Testimony Regarding:
Proposed Bill No. 5329, An Act Concerning Access to Postsecondary Education.**

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Committee on Higher Education and Employment Advancement
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Senator Hartley, Representative Willis, and distinguished Members of the Committee on Higher Education and Employment Advancement:

We testify on behalf of Advocates for Connecticut's Children and Youth (ACCY), a statewide, independent, research-based organization dedicated to speaking up for children and youth in the policy-making process that has such a great impact on their lives. ACCY is the sister lobbying organization of Connecticut Voices for Children, on whose behalf we also testify.

We strongly support **Proposed Bill No. 5329, An Act Concerning Access to Postsecondary Education.** This bill would provide in-state tuition status to certain immigrants who qualify by having (1) attended any educational institution in Connecticut for at least two years, (2) graduated from a high school in this state or the equivalent thereof, and (3) (A) registered as an entering student, or (B) enrolled at a public institution of higher education in this state. Students who are not legal immigrants shall file an affidavit with the institution of higher education stating that he or she has or will file an application to legalize his or her immigration status. We support all provisions of this bill, as we believe the bill provides an opportunity for students to receive a higher education they might otherwise not receive, contribute to a stronger state economy and provide safeguards for qualification for in-state tuition consistent with legislation adopted in other states.

We urge the Committee to adopt Proposed Bill 5329 because the education of immigrant youth in Connecticut is vital to the state's current and future economic vitality. This bill presents an opportunity for the state to keep in Connecticut and educate promising young adults, improving our state's workforce without amassing substantial costs.

Legislation in Other States

Since 2001 ten other states have enacted legislation extending in-state tuition to undocumented students at public institutions of higher education. These states include neighboring New York,

¹ Ms. Kurren and Ms. Rumsey are Yale Law students participating in the Yale Legislative Services program and have prepared this testimony under the supervision of Attorney Shelley Geballe (President, CT Voices for Children), Attorney Mary Glassman (Director, Advocates for Connecticut's Children and Youth) and Professor J.L. Pottenger, Jr. (Legislative Advocacy Clinic, Yale Law School). Ryan McAuliffe is a Policy Fellow at CT Voices for Children.

Midwestern states such as Kansas and Nebraska, and states with large immigrant populations such as California, Texas, and New Mexico.² Although there is some variation, the proposed bill is typical in adopting three requirements for in-state tuition: (1) in-state school attendance for a set period of time, usually two to three years; (2) graduation or the equivalent from a high school in the state; and (3) a signed affidavit from undocumented students affirming that the student has filed an application to legalize his or her immigration status, or will do so when eligible. These requirements are generally stricter than the requirements for out-of-state students to become residents and gain in-state tuition.

Connecticut's Education and Workforce Needs

Youth are crucial to the future of Connecticut's workforce as the state's population ages. In 2003, Connecticut was the eighth oldest state in the nation, with a median age of 38.5 years.³ The size of the elderly population in Connecticut is projected to grow by 44% (an additional 204,000) between 1995 and 2025 as the Baby Boom generation reaches retirement age. Connecticut's dependency ratio (the number of youth under age 20 and adults ages 65 and over compared to every 100 people of working ages) is projected to rise from the already high 69.2 to 76.4 by 2025.⁴

Not only is Connecticut's population aging, its growth in total population is sluggish. Between 1990 and 2000, Connecticut ranked 47th in the nation in terms of population growth. The 18- to 34-year age group was particularly affected; in the 1990s this age group in Connecticut declined by 23 percent, the greatest relative loss of any state in the nation. This demographic shift has serious implications for Connecticut's economic growth, as the population Connecticut is losing is of prime working age.⁵

Given the state's urgent need for well-educated workers, immigrants are becoming increasingly important to our maintaining a well-educated workforce. The Connecticut Business and Industry Association stated in a 2006 press release that Connecticut manufacturers are having difficulty filling job openings due to the lack of skilled workers seeking employment.⁶ Currently, immigrants in Connecticut are just as likely as native-born residents to be in the workforce (63% vs. 64%), and slightly more likely to work full-time, year-round (46.1% vs. 43.5%). By educating immigrant youth, the number of skilled workers in the state can increase.

According to the 2000 Census, 11% (367,967) of Connecticut's total population was born outside the United States—the 13th highest percentage in the nation.⁷ Between 1995 and 2025, Connecticut is expected to gain 337,000 people through international migration, doubling the foreign born population in the state (the 12th greatest international migration gain among the fifty states and

² National Conference of State Legislatures, *In-State Tuition and Unauthorized Immigrant Students*, July 26, 2006. http://www.ncsl.org/programs/immig/Immig_InStateTuition0706.htm. Texas, California, Utah, and New York passed legislation in 2001-2002; Oklahoma, Washington, and Illinois in 2003; Kansas in 2004; New Mexico in 2005; and Nebraska in April of 2006.

³ Connecticut Economic Resource Center, Inc., *Benchmarking Connecticut's Economy*, September 2005. http://www.cerc.com/pdfs/bmkfullrpt_final.pdf.

⁴ United States Bureau of the Census, *Connecticut's Population Projections: 1995-2025*, 1996.

⁵ Connecticut Economic Resource Center, Inc., *Benchmarking Connecticut's Economy*, September 2005.

⁶ Connecticut Business and Industry Association Press Release, January 4, 2006. <http://www.cbia.com/newsroom/pastreleases/2006%20releases/10406manufjobssurvey.htm>.

⁷ United States Bureau of the Census, *Census 2000*. We have defined "immigrants" as those who are foreign born.

Washington DC).⁸ Furthermore, according to the most recent Census update, Connecticut has lost more people than moved to the state between 2005 and 2006, a trend that has occurred for a number of years now. While the overall net migration was negative for Connecticut, net international migration rose to 14,292 persons, signaling the growth of the immigrant population in relation to the native-born population.⁹

Connecticut also continues to be a net exporter of college freshmen. The Connecticut Department of Higher Education (DHE) noted in a 2005 study that the number of Connecticut high school graduates is expected to peak in 2008 and decline thereafter.¹⁰ This means that the number of Connecticut residents at state higher education institutions will decrease unless the state increases its in-state retention of these students or increases the college-participation rate of high school graduates. Additionally, the DHE noted that almost 10% of the highest performers on the state CAPT exam do not attend college at all.¹¹ By supporting the education of immigrants, this figure may decrease as some of these missing students may be undocumented immigrants. Because research shows that students educated in a state are more likely to remain in that state after graduation than to leave, increasing the number of Connecticut students who attend Connecticut colleges will help us retain our young adult population

Supporting the education of immigrant youth in Connecticut is therefore imperative to the economic future of the state. Immigration brings children and young working families to Connecticut, slowing the “graying” of the state. Providing higher education opportunities for this immigrant population will help assure that these new residents become the skilled workers needed by the state’s business and industry.

Expected Fiscal Impact

This bill will allow Connecticut the opportunity to educate and improve the state’s workforce without having a negative fiscal impact on the state or the state’s non-immigrant residents. Undocumented students will continue to remain ineligible for state or federal financial aid and will not compete with non-immigrant residents for these funds. Additionally, the university system will not lose tuition money, for most undocumented students are not in a position to pay full out-of-state tuition without financial aid and so would simply not attend at all. (Therefore, few, if any, immigrant students will end up paying lower tuition than they otherwise would have paid as a result of this legislation.) This bill will expand the pool of students able to pay tuition to attend a public college in Connecticut.

According to an analysis by the Massachusetts Taxpayers Foundation, extending in-state tuition to undocumented immigrants could lead to an increase in state public college revenues.¹² Basing its

⁸ United States Bureau of the Census, *Connecticut’s Population Projections: 1995-2025*, 1996.
<http://www.census.gov/population/projections/state/9525rank/ctprsrel.txt>.

⁹ United States Bureau of the Census, *Census 2005*.

¹⁰ Connecticut Department of Higher Education Report, August 2005.
<http://www.ctdhe.org/info/pdfs/2005/2005MigrationReport.pdf>.

¹¹ Connecticut Department of Higher Education Report, January 2006.
<http://www.ctdhe.org/pdfs/2006/FirstSteps.pdf>.

¹² Massachusetts Taxpayers Foundation, *Massachusetts Public Colleges Would Gain Millions of Dollars from Undocumented Immigrants*, January 5, 2006.

analysis on the experience of Texas, the Foundation determined that undocumented student enrollment at public colleges would increase as undocumented students become aware of the program and prepare for college, providing new net revenue to the state. The report also draws attention to the positive long-term effects of higher levels of education among undocumented immigrants. Immigrants who attend college are better able to secure professional jobs, decreasing pressure on social service and criminal justice budgets while increasing state income and tax revenues.

As most undocumented students will remain unable to pay for tuition without financial assistance, enrollment numbers for undocumented students are expected to remain low. A 2005 Pew Hispanic Center study states that out of the 11 million undocumented immigrants in the United States, 55,000 to 85,000 are estimated to reside in Connecticut.¹³ Kansas, estimated in the Pew study to have roughly the same number of undocumented immigrants as Connecticut, had only 221 undocumented students enroll in fall 2005.¹⁴ Advocates in Connecticut estimate that the number of students who could take advantage of this bill would be fewer than 250 students a year.¹⁵ Thus competition for admission to top schools is not expected to increase significantly for non-immigrant state residents, but exceptional undocumented students will have a better opportunity to develop their talents and pursue a profession.

Currently, undocumented students would have to pay the out-of-state tuition rate, which is \$20,760 at the University of Connecticut, compared to \$6,816 for residents. At state universities, the tuition is \$7,727, compared to \$3,367, and at Gateway Community College the tuition is \$1,064 per class compared to \$358. Allowing talented undocumented immigrants to pay these reduced rates will allow them access to greater educational opportunities, benefiting both the students and the state's economic future.

Legality of Proposed Bill No. 5329

Federal law does not prohibit states from providing in-state tuition to undocumented immigrants. To date, there have been two unsuccessful legal challenges to like statutes, one decided on the merits (California) and one on procedural grounds (Kansas).¹⁶ In California, the court held that extending in-state tuition to undocumented students does not discriminate against citizens; instead, it puts forth requirements for in-state tuition that could be met by residents of any immigration status. The federal district court in Kansas dismissed the suit, holding that the plaintiffs did not have standing because they were not residents of Kansas and were not affected by the statute. The Kansas case is currently under appeal, however, the National Immigration Law Center states that it is unlikely that the decision will be overruled.¹⁷ We have not located any legal challenges to the legislation in other states, though some of the statutes have existed since 2001.

<http://www.masstaxpayers.org/data/pdf/bulletins/MTF%20News%20Release%20Undocumented%20Immigrants.PDF>

¹³ Jeffrey S. Passel, Pew Hispanic Center Report, *Estimates of the Size and Characteristics of the Undocumented Population*, March 21, 2005.

¹⁴ Raphael Lewis, "In-state tuition not a draw for many immigrants," *Boston Globe*, November 9, 2005.

¹⁵ Mary E. O'Leary, "Tuition break for illegals?" *New Haven Register*, February 11, 2007.

¹⁶ See *Day v. Sebelius*, 376 F. Supp. 2d 1022 (D.Kan. 2005) and *Martinez v. Regents*, No. CV 05-2064 (Cal. Super. Ct. Oct. 6, 2006).

¹⁷ National Immigration Law Center, *Court Upholds California In-State Tuition Law*, October 10, 2006.