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IDRA Denounces Court Ruling Jeopardizing Texas' Dream Act

(April 13, 2022) On Friday, a federal judge appointed by President Trump ruled that federal immigration law preempts Texas' in-state tuition statute and bars Texas colleges from charging out-of-state tuition to out-of-state U.S. citizens. In the case, *Young Conservatives of Texas vs. University of North Texas*, the court sided with the plaintiffs, represented by the Texas Public Policy Foundation, in finding that all U.S. citizens, regardless of their connections to Texas, must be eligible for Texas' in-state tuition rate at UNT.

Under longstanding Texas law, out-of-state U.S. citizens must only live in Texas one year for in-state tuition eligibility. On the other hand, Texas Dreamers – many of whom have lived here most of their lives and whose parents pay taxes in Texas – must meet a much higher bar. To qualify for in-state tuition rates, Texas Dreamers must have graduated from local high schools, lived in the state for at least three years including the year before enrolling in college, and sign an affidavit vowing to become a permanent resident as soon as they are eligible to do so.

Although the order does not eliminate access to in-state tuition for Dreamers, the injunction eliminates out-of-state tuition for non-resident citizens at UNT as long as the *Texas Dream Act* (which provides a path for Dreamers to become

eligible for in-state tuition) is in effect. The order could pressure UNT to discontinue providing in-state tuition eligibility for Dreamers, undermining the *Texas Dream Act* and raising the bar even higher that Dreamers must meet to access college compared to out-of-state citizens.

“Since Gov. Rick Perry signed the *Texas Dream Act* in 2001, a broad coalition of Texas business, community, university and student leaders have come together to protect it in recognition that Texas high school graduates, regardless of their immigration status, deserve an equal opportunity to go to college and that they contribute significantly to our state's economy,” said IDRA President and CEO Celina Moreno, J.D. “Those who have tried and failed repeatedly to repeal the law in the legislature once again have turned to the courts to limit opportunities for Texas Dreamers.”

The more than 13,600 Texas Dreamers attending college in Texas already face greater barriers to higher education because they cannot access federal financial aid or many other types of aid. There is a clear need for major reforms to how we support students and ensure *all* are prepared and able to access higher education, regardless of their racial or ethnic background or immigration status.

“While the decision in this case is wrong on the law and ignores the facts, it highlights the need for Congress to step up and pass a law now to protect these students,” Moreno said. “In the absence of a federal Dream Act, educational opportunities for Texas Dreamers will continue to be at risk by overreaching and hyperpolitical court decisions like this one that will have a devastating impact on equity in college access and affordability for Texans.”

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IDRA is an independent, non-profit organization whose mission is to achieve equal educational opportunity through strong public schools that prepare all students to access and succeed in college.

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