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Utah tuition law helping hundreds of students

By Wendy Leonard

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Without the help of in-state tuition, Silvia Salguero likely would have spent her days cleaning houses. Instead, the University of Utah alumna and daughter of undocumented parents was able to earn a nursing degree and finish school on a full-ride scholarship.

It has been almost eight years since the children of undocumented immigrants have been permitted to pay in-state tuition to attend colleges and universities in Utah. The law, which has been duplicated by several other states, has been challenged nearly every year since it passed, but it remains unchanged and is currently benefiting 644 students, who contribute to Utah's rising enrollment numbers in these trying times.

"These kids want to be doctors, lawyers and public servants. They have overcome tremendous obstacles — language barriers, poverty, abuse at work, public anger — to earn the privilege of sitting in overcrowded lecture halls, and they are fully, painfully aware of what a privilege it is," said Karen Crompton, executive director of Voices for Utah Children, which released a report last week examining the state's experience in dealing with the status of undocumented students since HB144, Exemption from Nonresident Tuition, passed during the 2002 Legislature.

"Even though this program affects only a few hundred students throughout the state, we're supportive of anything that helps students get a higher education who wouldn't otherwise have that opportunity," said William Sederburg, Utah's commissioner of higher education. He said he believes the provision to be "sound policy."

Through the years since the bill passed, lawmakers have turned down multiple repeals, even some including additional stipulations that would have required students to promise not to work while going to school. The hundreds of students who currently pay in-state tuition don't necessarily cost the state any more to teach, as the Utah System of Higher Education isn't funded on a per-pupil basis.

However, the law saves those students several thousand dollars each year, from \$2,800 to more than \$19,000, depending on which school they choose to attend. After enrolling at the U., Salguero discovered her legal right to an education ended at high school. She returned her books and dropped her classes and went back to shift work before the 2002 bill was passed, but said she "wanted a good education."

While she may have lost her scholarships, Salguero never lost hope, "even while working as a housekeeper in Park City to help her mother pay the bills," according to a U. alumni newsletter published after Salguero received a new scholarship and was able to realize her dreams.

"Meeting the demands of today's knowledge-based, technology-driven economy will require that greater numbers of today's young people go on to higher education," the report states. It says that it is in "Utah's economic self-interest to encourage and support all of its ambitious, academically strong students by providing every possible incentive to complete university training."

It seemed likely in 2002 that pending federal legislation — the DREAM Act — would pass in the next year or so and provide a legal higher education path to individuals who were brought to the U.S. as children and had lived most of their lives here. Utah became the fourth state, after Texas,

California and New York, to pass its own legislation to admit undocumented students to enroll as state residents. Six additional states passed bills between 2003 and 2006 offering in-state tuition to children of undocumented parents, and on March 26 of this year, Sen. Richard Durbin, D-Ill., again introduced the DREAM Act in Congress.

Ricardo, who asked that his last name be withheld, a West High School senior whose parents brought him to Utah from Mexico when he was a child, said if passed, the act would help him and his younger brothers go to college.

"Most of us know no other home, this is our home, and we would like to make significant contributions to our economy and our society," he said, adding that he believes anyone who lives in America is entitled to reach for "the American dream of prosperity, success and equality."

The College Board has said that undocumented students "are currently trapped in a legal paradox. They have the right to a primary and secondary education and are generally allowed to go on to college, but their economic and social mobility is severely restricted due to their undocumented status."

Crompton and the Voices organization believe that without the DREAM Act, students continue to graduate from high school without being able to plan for the future, "and some may even be removed from their homes to countries they barely know," she said. "Every year that Congress fails to act, there will likely continue to be efforts to repeal Utah's law that opened the way for some undocumented students to attend state institutions of higher education."

e-mail: wleonard@desnews.com

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