

Presidents and Chancellors:

It has come to the attention of the Arkansas Department of Higher Education that some institutions may be offering in-state tuition to students without attempting to verify their status as being legally present in the United States.

According to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Omnibus Consolidated Appropriation Act, 1997 (8 U.S.C. § 1623):

“Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.”

If your institution does in fact grant in-state tuition benefits to any student not legally present in the United States, under federal law, the same in-state tuition benefits must be granted to any student who is a citizen of the United States, without regard to the state of residency. Otherwise, you are in violation of Federal law.

The Arkansas Department of Higher Education requests that in the future, all admissions forms for your institution include the question of residency, U.S. citizenship, and require a valid Social Security number or student visa number, in a good faith effort to comply with federal law. Please provide copies of the revised applications to ADHE to have on file.

Henceforth, students who are admitted to a publicly supported college or university that do not have such information on file will not be considered as legally enrolled students for the purpose of determining the biennial funding by ADHE.

I appreciate your assistance in this matter.

- Jim