

Texas Republicans strip immigrant college students of eligibility for in-state tuition

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On Wednesday June 4, the Republican-led state government of Texas Governor Greg Abbott, in coordination with the federal government, ended the state policy of allowing undocumented immigrant college students to pay in-state residency tuition rates. The policy, based on legislation called the Texas Dream Act, had been in place since 2001.

The striking down of the law, which provided undocumented immigrant students residing in the state the right to pay the same tuition as their US citizen counterparts, is completely anti-democratic. Up to 250,000 students, including 57,000 current undocumented college students and some 197,000 high school students, will face increased tuition due to the law's repeal.

The cost of higher education is already out of reach for millions of students, regardless of documentation. In Texas, the statewide average for in-state tuition is about \$11,000 a year, while out-of-state is more than double, at roughly \$25,000 per year. Major universities such as the University of Texas at Austin and Texas A&M charge upwards of \$40,000 per year for out-of-state tuition.

The program was passed in a bipartisan fashion by the state legislature and signed into law by then-Governor Rick Perry in 2001. The Texas Legislature did not repeal the law. Instead, in a thoroughly undemocratic maneuver, it was nullified by a federal court last week following the intervention of the US Department of Justice, which was supported by Texas Republicans.

The scrapping of the law came after the Department of Justice announced it was filing a lawsuit against Texas demanding that the state end the practice. Trump Attorney General Pam Bondi declared in a statement on Wednesday:

Under federal law, schools cannot provide benefits to illegal aliens that they do not provide to US citizens. The Justice Department will relentlessly fight to vindicate federal law and ensure that U.S. citizens are not treated like second-class citizens anywhere in the country.

Bondi's attempt to divide the working class and frame the Texas Dream Act as providing benefits to immigrants that are unavailable to US citizens is a lie. The legislation demanded far stricter standards for undocumented persons to access in-state tuition than for citizens.

In order to be eligible, immigrant students had to provide substantial documentation to establish residency. This included proof that they had graduated from a high school in Texas and had lived in the state for three years. US citizens who receive Texas in-state tuition are required to provide proof of only one year of residency in the state.

Additionally, immigrants applying for the program were forced to sign an affidavit stating their intent to pursue citizenship at the first opportunity.

Following the termination of the program, Texas Attorney General Ken Paxton released a statement on Wednesday evening declaring that "ending this discriminatory and un-American provision is a major victory for Texas."

It is clear that Paxton, in collusion with the Trump administration, used the courts to conduct an end-run around the legislative process.

After Bondi challenged the Texas Dream Act, Paxton quickly filed a petition requesting that the US district

court affirm Bondi's lawsuit and declare the 24-year-old law unconstitutional. The federal court then ruled in agreement.

Underlining the collaborative effort between the Trump administration and the Texas state government, Bondi, following the court's ruling, expressed her gratitude to Paxton, thanking him for "swiftly working with us."

On June 2, only two days before Paxton petitioned the district court, Republicans in the state legislature tried and failed to strike down the law. According to the *Texas Tribune*, after the attempt stalled in the House, Republican Lt. Governor Dan Patrick admitted that he "did not have the votes in the upper chamber" to repeal the law.

Had the legislation proposed by Republicans (SB 1798) passed into law, it would have required undocumented immigrant students to pay the difference between in-state and out-of-state tuition rates. It also would have directed universities to withhold diplomas of students who did not pay within 30 days of notification.

In the aftermath of the US district court's ruling, Cesar Espinoza, executive director of the immigrant advocacy group Immigrant Families and Students in the Fight, estimated that the ruling will affect 1.5 percent of Texas' student population, or approximately 57,000 students, the majority of whom cannot afford to pay the exorbitant out-of-state tuition rates.

The abrogation of in-state tuition for undocumented immigrant students by the government of Trump-aligned Governor Greg Abbott must be seen as part of the anti-democratic attack on immigrants nationwide directed by the fascists in the White House.

Last week's ruling effectively bypassed any legislative debate and nullified a state law by judicial fiat. The Texas law did not conflict with federal immigration law and had been upheld for over two decades under both Democratic and Republican administrations.

The Democratic Party has remained passive in the face of the Trump administration's anti-democratic attack on immigrants, offering tepid condemnation or outright collaboration. In California, Democratic Governor Gavin Newsom and Los Angeles Democratic Mayor Karen Bass have deployed thousands of police

officers to assault and detain overwhelmingly peaceful protesters objecting to federal Immigration and Customs Enforcement (ICE) thugs kidnapping workers and their family members without due process.

Indeed, the Democrats have played a major role in attacking the rights of immigrants. Bill Clinton pioneered the militarization of the border and, under the guise of "immigration reform," oversaw the criminalization of immigrants. Barack Obama deported more people than any other US president in history, and then-Vice President Kamala Harris infamously told migrants in 2021, "Do not come."



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