



Statement
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Contact : Sarah Harper, 602-229-2542, 602-402-1341 Sarah.K.Harper@azregents.edu
Julie Newberg, 602-2292534, 602-686-1803, Julie.Newberg@azregents.edu

**Statement from ABOR Chair Bill Ridenour Regarding
Arizona Supreme Court Decision in MCCCDCase
Prohibiting In-State Tuition for DACA Students**

With the Arizona Supreme Court decision today prohibiting Maricopa County Community College District from granting in-state tuition to Deferred Action for Childhood Arrivals (DACA) students, the Arizona Board of Regents, effective immediately, will no longer interpret its policies to offer in-state tuition to DACA students.

Last June, [the board announced](#) that until a decision was reached by the Supreme Court in the State of Arizona v. Maricopa County Community College District case, it would interpret its policies to allow eligible DACA students to pay in-state tuition.

Without a doubt, the Arizona Supreme Court's decision today is a setback for DACA students. The Arizona Board of Regents has consistently called on Congress and President Trump to work together to design and provide relief for these students within the overall approach to immigration enforcement and reform.

The board has a strong interest in facilitating access to higher education for all students, within the limits of applicable state and federal law. The board continues to hope that soon, a congressional enactment will establish the lawful status and presence of those who were brought to this country unlawfully as children and have remained here as law-abiding members of our communities. The board recognizes and appreciates the efforts of the Arizona congressional delegation to provide students with certainty regarding their immigration status.

Our universities will work with currently enrolled DACA students to help them understand the implications for tuition. DACA students enrolling for summer or fall who are eligible can take advantage of the board's [Non-Resident Tuition Rate for Arizona High School Graduates](#). Students who attended an Arizona high school for at least three years, graduated from an Arizona high school and are lawfully present in Arizona, but are not currently eligible for in-state tuition could be eligible for the non-resident rate of 150 percent of resident undergraduate tuition.

Background information:

In May 2015, Maricopa County Superior Court ruled that a DACA recipient who presents an Employment Authorization Document and who meets Arizona law residency requirements was eligible for resident tuition. (State of Arizona v. Maricopa County Community College District).

At that time, in accordance with the law, DACA students with an EAD who met the statutory and policy requirements for residency were able to establish in-state residency for tuition purposes at Arizona's public universities.

In 2015, the board enacted a new policy to provide non-resident tuition at 150 percent of base tuition for graduates of Arizona high schools who otherwise are not eligible for resident tuition. The rate is open to all students, not just DACA students, who meet the eligibility requirements.

In December 2016, the board sent a [letter to then President-elect Donald Trump](#), citing the board's concern for DACA students, requesting that he and his administration work with Congress to design and provide relief for these students within the overall approach to immigration enforcement and reform. Last September, following President Trump's action to rescind the executive order that established the DACA program, the board again sought the advocacy of Arizona's congressional delegation, [urging their support of an immediate and practical solution for DACA students](#).

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