

TONY PAYTON, JR., MEMBER

308 IRVIS OFFICE BUILDING
P.O. BOX 202179
HARRISBURG, PENNSYLVANIA 17120-2179
(717) 787-1354
FAX: (717) 780-4789

4509 FRANKFORD AVENUE
PHILADELPHIA, PENNSYLVANIA 19124
(215) 744-7901
FAX: (215) 744-7906

627 WEST ERIE AVENUE
PHILADELPHIA, PENNSYLVANIA 19140
(215) 227-2360
FAX: (215) 227-2364



House of Representatives
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Memorandum

TO: All Members of the House of Representatives

FROM: Representative Tony Payton, Jr.

DATE: May 24, 2011

SUBJECT: Co-sponsorship of Legislation – DREAM Act for Pennsylvania

In the near future, I will be introducing legislation that will amend the Public School Code of 1949 to allow undocumented individuals to pay in-state tuition at public institutions of higher education if they meet certain requirements. As you may know, Maryland recently became the eleventh state to pass legislation allowing long-term undocumented immigrant students the ability to qualify for in-state tuition at institutions of higher education. Other states with similar provisions include Texas, New Mexico, Illinois, and Utah.

Ensuring access to higher education for all Pennsylvanian students is crucial in terms of economic growth. Currently under state regulation, students attending any of the fourteen institutions that comprise the Pennsylvania State System of Higher Education (PASSHE) and are not United States citizens are presumed not to be domiciled in Pennsylvania, but may rebut this presumption by clear and convincing evidence. These instances are decided on a case by case basis, which may discourage countless numbers of students from attempting to be considered a resident for tuition purposes. Considering the significant cost difference between in-state and out-of-state tuition, as well as the fact that undocumented students are not eligible for federal financial aid, college is often extremely expensive and simply out of reach for many of these students.

Most undocumented students had no choice in entering the United States illegally, have lived in this country for most of their lives, and can make economic and social contributions to society if allowed to continue their studies on the college level. Under my legislation, an undocumented individual would be exempt from paying an out-of-state tuition rate at any PASSHE institution, community college, or state-related university, provided they meet a number of requirements. These requirements include, but are not limited to, attendance at a public or nonpublic secondary school in this state for at least three years, payment of state income taxes for at least three years prior to enrollment in college, and providing an affidavit to the institution of higher education that the student will file an application to become a permanent resident.

If you would like to co-sponsor this important piece of legislation, please contact Tajuanna Wallace in my Harrisburg office at 717-787-1354 or twallace@pahouse.net.