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ACLU of Wisconsin  
Statement in support of  
resident tuition for the undocumented graduates  
of Wisconsin high schools.

Milwaukee, WI: On June 17, 2009 the ACLU of Wisconsin's executive director Christopher Ahmuty sent the following statement to members of the Wisconsin State Senate. He urged them to support a provision in the state budget which would charge some undocumented Wisconsin high school graduates resident tuition at the University of Wisconsin and the Wisconsin Technical College Systems.

"The failure of the federal government's handling of immigration (regardless of which party was in control) is evident in the inequitable situation facing undocumented children who are qualified to attend the University of Wisconsin," Ahmuty wrote.

Even though these children could not be denied access to elementary or secondary education on the basis of their immigration status, their chances of attending the University of Wisconsin are very small. Very few of the 400-600 students who graduate from Wisconsin high schools each year can attend the UW for a variety of reasons. First, most of them are poor despite their own hard work and the hard work of their tax paying parents. Second, these young students are not eligible for federal or state financial aid. And third, the University currently charges them nonresident tuition, which they cannot afford.

"There is a provision in the Assembly passed version of the state budget that would make a start at helping these students become productive Wisconsinites," Ahmuty continued.

It would exempt non-citizens from nonresident tuition if they meet three requirements: they graduate from a Wisconsin high school, they live in Wisconsin continuously for at least three years following their high school enrollment, and they apply for a permanent resident visa as soon as they are eligible.

The Wisconsin State Senate should adopt the same provision as the Assembly. On civil liberties and public policy grounds this is an important step. It will not solve all the problems raised by messy federal laws, but it will allow Wisconsin to join ten other states, including Illinois, that charge their state's undocumented high school graduates in-state tuition.

"From a civil liberties perspective it is difficult to flatly deny a group of otherwise qualified students a benefit afforded their high school classmates. This is particularly unfair considering that their undocumented status is almost always the result of their parents' actions," Ahmuty continued.

The fact that federal law denies them financial aid and other benefits says something about the failure of federal lawmakers who are denying these students their just desserts. Until federal law is fixed, it is still possible charge resident tuition based on the students' attendance at a Wisconsin high school.

From a public policy standpoint there is an additional reason to encourage these students. It is in our state's financial interest. For a very small outlay of funds, the state has an opportunity to address our impending shortage of highly skilled workers. Given the fact that eligible students will be applying for permanent resident status, it is likely that they will make their home in Wisconsin. We have a desperate need for young highly motivated and highly skilled university graduates. We cannot afford to deny a group of deserving students today, when tomorrow they will add to our workforce, pay taxes, and contribute to our society in a host of ways.

"The ACLU of Wisconsin urges the State Senate to be forward thinking and make this change for the benefit of the students and our state," Ahmuty concluded.

The ACLU of Wisconsin has nearly 9,000 members and is dedicated to defending the civil liberties and civil rights of all Wisconsin residents.