



Re Informational Meeting on Tuition Equity for Students Seeking Asylum

House Interim Committee On Higher Education

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Testimony submitted by:

Balqees Mihirig

Senior Policy Advisor, Refugee Advocacy Lab

Senior Policy Counsel, International Refugee Assistance Project

Thank you to Chair Hudson and Members of the House Interim Committee on Higher Education for the opportunity to submit testimony on the issue of tuition equity for people seeking asylum. I am a senior policy attorney at the International Refugee Assistance Project (IRAP) and senior policy advisor to the Refugee Advocacy Lab. The [Refugee Advocacy Lab](#) (Lab) is a partnered initiative co-led by IRAP, Refugees International and Refugee Congress. The Lab's mission is to grow the movement for U.S. leadership on welcoming refugees and other forcibly displaced people (FDPs) by developing strategic communications resources, championing inclusive policies, and building capacity for the field.

In my role, I provide technical and strategic support to our local partners who undertake state-level advocacy in eight states, one of which is Oregon. The Lab has been actively supporting our partner, Ecumenical Ministries of Oregon (EMO), to advance policies and investments to support asylum seekers, immigrants and refugees. Most recently, we supported EMO in advocating for HB 4085A, championed by Representatives Reynolds, Ruiz and Scharf, which would improve access to immigration legal services. Though this bill did not advance, it represented an innovative bipartisan effort to help immigrant communities – including the same Oregonians seeking asylum who would benefit from an expanded tuition equity program we are discussing today. These pro-community efforts complement each other fully, and we look forward to working with the Chair and Members of this Committee on both efforts in 2025.

The issues we focus on at the Lab are carefully selected with direct input from refugees and forcibly displaced people themselves. Access to higher education comes up repeatedly as one of the top issues of concern for forcibly displaced communities in the United States. In

particular, FDPs often struggle to afford higher education and access financial aid due to their noncitizen status. As noncitizens, many FDP students are automatically classified as non-residents for tuition purposes regardless of how long they have lived in a state. As such, they are faced with tuition fees that are typically three times higher than what resident students pay – an insurmountable amount that many of them simply cannot afford.¹

Understanding access to in-state tuition based on immigration status can be a complex legal question in many states. In an effort to equip the field with information on tuition policies, our team at the Lab developed a [tracker](#) summarizing in-state tuition policies in all 50 states as they apply to refugees, Special Immigrant Visa holders (SIVs), Asylees (individuals granted asylum), asylum seekers (those with pending claims), humanitarian parolees, and temporary protected status holders (TPS). We are currently in the process of updating our tracker to reflect recent developments expanding access to in-state tuition and hope to have those updates available online in the coming weeks.

Our partners have been hard at work advocating for expanded access in several states, with the most notable success in Utah, which passed [HB 102](#) early last year creating an exception to the one year residency requirement for refugees, SIVs, humanitarian parolees, asylees, TPS holders and asylum seekers. To date, Utah's legislation is the most inclusive tuition policy of any state.

But following very closely behind is Oregon. In 2021 and 2022, this legislature passed [SB 553](#) and [SB 1522](#) respectively, which create an exception to the one-year residency requirement for refugees, Compact of Free Association (COFA) Islanders, Afghan and Iraqi SIVs, and individuals granted humanitarian parole, asylum, conditional permanent residency or temporary protected status, if Oregon is their first and only place of residence upon arriving to the United States. Several of you on this committee supported SB 553 and Representative Neron was a cosponsor. We applauded this development at the Lab, and invited Senator Dembrow, one of the prime sponsors of SB 553, to speak in public fora about these bills to inspire champions in other states to push for similar legislation. We are excited that this Committee is now considering expanding in-state tuition access to asylum seekers, similar to other categories of FDPs who currently have access. Once their asylum

¹ Tuition at the University of Oregon for the fall of 2024, for example, is \$16,137 for resident students and \$44,598 for non-residents. "Cost of Attendance," University of Oregon, https://financialaid.uoregon.edu/cost_of_attendance; See also Melanie Hanson, "Average In-State vs. Out-of-State Tuition" EducationData.org, April 28, 2022, <https://educationdata.org/average-in-state-vs-out-of-state-tuition>

claim is submitted asylum seekers are considered lawfully present,² and are eligible to apply for work authorization 150 days after submitting their asylum application.³

Asylum seekers can live, work and pay taxes in Oregon for years, but unlike other Oregonians, they will never qualify for in-state tuition until this legislature passes legislation granting them access. Wait times and backlogs for applications at asylum offices and immigration courts are excruciatingly long. As of April 1, 2024, 1,206,980 affirmative asylum applications were pending with the asylum offices run by the United States Citizenship and Immigration Services (USCIS).⁴ Thanks to these backlogs, applicants who apply for asylum with USCIS asylum offices can wait over six years for adjudication of their claims.⁵ With regard to asylum cases in immigration courts, the average wait time is 4.3 years.⁶ In Oregon specifically, as of April 1, 2024, there are 36,514 pending asylum cases before immigration courts, with 5,539 cases filed on behalf of college-aged individuals between the ages of 18-24.⁷ Overall, in the past two decades, approximately 64% of asylum applicants were successful in their cases before asylum offices.⁸

What these numbers mean is that asylum seekers must live in limbo for years before their asylum claims are adjudicated. That's a very long time, especially for a young person, to wait before they can afford to attend a post-secondary institution. We know from college enrollment numbers that 66.6% of college students are 24 years old or younger.⁹ College enrollment drops significantly after the age of 25 (7% or less for subsequent age groups).¹⁰ This is not only a devastating missed opportunity for young people who are seeking safety

² "Unlawful Presence and Admissibility," United States Citizenship and Immigration Services (USCIS), last modified June 6, 2022, <https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility>; See also 45 C.F.R. § 155.2; 77 FR 18310 which defines "lawfully present" categories for the purposes of the Affordable Care Act of 2010 (The Patient Protection and Affordable Care Act, Public Law 111–148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010 (Reconciliation Act), Public Law 111–152, enacted on March 30, 2010, collectively are referred to as the Affordable Care Act).

³ "Asylum," United States Citizenship and Immigration Services (USCIS), last modified February 12, 2024, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

⁴ "Asylum Division Monthly Statistics Report (Fiscal Year 2024, April 2024)," USCIS, last modified May 29, 2024, <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>

⁵ "Explainer: Asylum Backlogs," National Immigration Forum, January 23, 2024, <https://immigrationforum.org/article/explainer-asylum-backlogs/>

⁶ Id.

⁷ "Immigration Court Backlog," Transactional Records Access Clearinghouse (TRAC), last modified April 2024, <https://trac.syr.edu/phptools/immigration/backlog/>.

⁸ "The Impact of Nationality, Language, Gender and Age on Asylum Success," TRAC, April 2021, <https://trac.syr.edu/immigration/reports/668/>

⁹ Melanie Hanson, "College Enrollment & Student Demographic Statistics," EducationData.org, last modified January 10, 2024, <https://educationdata.org/college-enrollment-statistics>.

¹⁰ Id.

in this country, but a missed opportunity for the state of Oregon to reap the well-established social and economic benefits of a college-educated workforce.¹¹ We also know, for example, that refugees and asylees have contributed a positive net fiscal impact to the U.S. economy of over \$123.8 billion over the last 15 years according to a recent report from the U.S. Department of Health and Human Services.¹² Similarly for Oregon, immigrant households contribute \$4.7 billion in state and federal taxes, and have a combined spending power of \$13 billion.¹³

Should Oregon pass legislation allowing asylum seekers to access in-state tuition, it would not be alone in doing so, and would set yet another positive example of inclusivity for forcibly displaced students. Several state university systems explicitly mention and allow asylum seekers to access in-state tuition rates if they meet residency requirements, including California, Florida, Maine, New York, and Washington.¹⁴ Massachusetts also permits noncitizens with work authorization to access in-state tuition if they are residents.¹⁵ There may be other states and/or institutions with permissive policies but these states provide the clearest examples.¹⁶

There is scant justification for excluding asylum seekers from access to in-state tuition, especially when other similarly situated FDP students, such as TPS holders and humanitarian parolees, have access in Oregon. Expanding in-state tuition eligibility has little to no financial impact on institutions given the relatively small number of students who are asylum seekers. It also bears highlighting that in-state tuition is not free tuition, and for many institutions, expanded in-state tuition access represents an increase in revenues

¹¹Marisol Cuellar Mejia, Cesar Alesi Perez, Vicki Hsieh, and Hans Johnson, “Is College Worth It?” Public Policy Institute of California, March 2023, <https://www.ppic.org/publication/is-college-worth-it/>.

¹² Robin Ghertner, Suzanne Macartney and Meredith Dost, “The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019,” U.S. Department of Health and Human Services’ (HHS) Office of the Assistant Secretary for Planning and Evaluation (ASPE), February 15, 2024, <https://www.hhs.gov/about/news/2024/02/15/new-hhs-study-finds-nearly-124-billion-positive-fiscal-impact-refugees-and-asylees-on-american-economy-15-year-period.html#:~:text=Net%20Fiscal%20Impact%3A%20Refugees%20and.to%20state%20and%20local%20governments>

¹³ “Immigrants in Oregon,” American Immigration Council, 2021, <https://map.americanimmigrationcouncil.org/locations/oregon/>

¹⁴ “Resource: In-State Tuition Tracker,” Refugee Advocacy Lab, November 14, 2022, <https://www.refugeeadvocacylab.org/resources/in-state-tuition-tracker>; See also, Balqees Mihirig, “Analysis: Barriers to Accessing In-State Tuition,” Refugee Advocacy Lab, November 17, 2022, <https://www.refugeeadvocacylab.org/resources/state-by-state-tracker>

¹⁵ Id.

¹⁶ Id.

because it generates income from students who otherwise would not attend.¹⁷ Expanded access also reduces high school dropout rates by as much as 14 percent.¹⁸

Access to affordable higher education is key to successful integration and economic stability for newcomers and the communities they call home. As states across the country, including Oregon, struggle with aging populations and labor shortages, improved access to higher education should figure centrally within this state's policy priorities. If allowed to thrive, displaced students can enrich our classrooms, invigorate our economies, and make our communities stronger through their contributions to our public life and cultural institutions.

Thank you again for this opportunity, and on behalf of the Refugee Advocacy Lab, IRAP and EMO, we look forward to supporting the Chair and the Members of this Committee in advancing inclusive tuition equity policies in the state of Oregon.

¹⁷ Basic Facts About In-State Tuition for Undocumented Immigrant Students” National Immigration Law Center, (July 2022), accessed on November 15, 2022, <https://www.nilc.org/issues/education/basic-facts-instate/>

¹⁸ Id.