



Arizona State Senate

1700 W. Washington Street
Phoenix, AZ 85007-2890

June 11, 2025

Sent via Email

The Honorable Kris Mayes
Attorney General
Arizona Attorney General's Office
2005 North Central Avenue
Phoenix, AZ 85004

Re: Request for an Attorney General Opinion

Dear Attorney General Mayes:

I am writing your office to request an Attorney General Opinion. In 2022, the Arizona Legislature passed Senate Concurrent Resolution 1044, sending a statutory referendum to the ballot so that Arizona voters could decide whether, under certain circumstances, non-citizen students and persons without a legal immigration status could qualify for in-state tuition at any university under the jurisdiction of the Arizona Board of Regents or at any community college as defined in A.R.S. § 15-1401. The voters passed the measure, known as Proposition 308, with 51.24% of the vote.

On February 19, 2025, President Donald Trump signed an Executive Order entitled, "Ending Taxpayer Subsidization of Open Borders," wherein the President attempted to prevent undocumented immigrants from accessing any government assistance or services. This order was blocked by a District Court on April 24th. A second Executive Order was also signed by President Trump, entitled "Protecting American Communities from Criminal Aliens." This order directs the Attorney General to "take appropriate action to stop the enforcement of State and local laws, regulations, policies, and practices favoring aliens over any groups of American citizens that are unlawful, preempted by Federal law, or otherwise unenforceable, including State laws that provide in-State higher education tuition to aliens but not to out-of-State American citizens."

The Issue:

With the Trump Administration executing numerous Executive Orders affecting immigration and both documented and undocumented individuals living in the United States, there may be some confusion as to whether Proposition 308 is still intact. Therefore, I would ask that you provide an opinion as to whether Proposition 308, as passed by voters, is consistent with federal law.

Relevant Legal Authority:

[A.R.S. § 1-502\(I\)](#). *Eligibility for state or local public benefits; documentation; violations; classification; citizen suits; court costs and attorney fees; definition*

[A.R.S. § 15-1803](#). *Alien in-state student status; nonresident tuition exemption*

[8 U.S.C. § 1101\(a\)\(15\)](#). *Definitions*

[8 U.S.C. § 1621\(c\)](#). *"State or local public benefit" defined*

[8 U.S.C. § 1621\(d\)](#). *State authority to provide for eligibility of illegal aliens for State and local public benefits*

[8 U.S.C. § 1623](#). *Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits*

[Executive Order](#): *Ending Taxpayer Subsidization of Open Borders*

[Executive Order](#): *Protecting American Communities from Criminal Aliens*

Conclusion:

With the fall semester upcoming at our state community colleges and universities, it is imperative that your office issue this opinion as soon as possible. We would respectfully ask that a response be issued within 60 days of the receipt of this letter. If there is any additional information needed from our offices, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Flavio G. Bravo". The signature is stylized with a large, sweeping "F" and "B".

Flavio Bravo
State Senator
District 26