



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

March 9, 2015

Hon. Raul Grijalva
Hon. Ann Kirkpatrick
Hon. Ruben Gallego
1218 Longworth House Office Building
Washington, D.C. 20515

To Raul Grijalva, Ann Kirkpatrick, and Ruben Gallego, members of congress:

Thank you for your letter dated March 3rd, 2015, concerning in-state tuition for those without lawful status in the United States. In November of 2006, Proposition 300 was approved with more than 70% of the vote, reserving certain taxpayer funded benefits to citizens, legal residents, and persons who otherwise have lawful immigration status. The voters were clear on this subject:

“A person who is not a citizen of the United States, who is without lawful immigration status and who is enrolled as a student at any university under the jurisdiction of the Arizona board of regents or at any community college under the jurisdiction of a community college district in this state is not entitled to tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance that is subsidized or paid in whole or in part with state monies.” (A.R.S. §15-1825(A)).

The United States Citizenship and Immigration Service, which you cite with authority, makes clear that “[D]eferred Action does not confer lawful status upon an individual.” In *Arizona Dream Act Coalition v. Brewer* the 9th Circuit Court of Appeals ruled that “DACA recipients enjoy no formal immigration status.” Indeed, the Constitution reserves this power for Congress.

("The Congress shall have the power to...establish a uniform rule of naturalization." Article I, Section 8, Clause 4).

As the Attorney General I have taken an oath to uphold and enforce the law and to defend the Constitutions of Arizona and of the United States. Here, the people of Arizona have spoken unambiguously and their elected and appointed representatives, including the community colleges and my office, are bound to follow.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is stylized, with the first letters of the first and last names being prominent and the middle letters being more fluid and connected.

Mark Brnovich
Attorney General of Arizona