

Student Guide to Navigating Texas Dream Act Changes

This guide is for Texas students and families impacted by recent changes to the *Texas Dream Act* and state financial aid rules. The guide explains what changed, what your options are and how to protect yourself while planning for college.

Background

In 2001, Texas became the first state to offer in-state tuition to undocumented students through the *Texas Dream Act*. This was a bipartisan victory that opened doors for thousands of Texas students. Since then, 24 states and Washington, D.C., have followed Texas's lead.

Efforts to repeal this law in Texas have failed for over two decades. However, in June 2025, following the legislative session, the U.S. Department of Justice colluded with the Texas Attorney General and filed a lawsuit challenging the law. Within hours, the state declined to defend the law and instead [agreed to overturn it](#). No students or organizations were allowed to intervene in the case.

In-state tuition is under attack across the country.

California, Illinois, Minnesota and Virginia are defending their laws against U.S. Department of Justice challenges, while Florida repealed its law. The U.S. Department of Justice moved to end the laws in Kentucky and Oklahoma, with Kentucky's consent decree still pending.

Get the latest information about tuition and financial aid equity for undocumented students in all 50 states at the [Higher Ed Immigration Portal](#).

In Texas, at present:

- ✦ **Undocumented students are still allowed to attend** Texas colleges.
- ✦ However, many must now pay **out-of-state (nonresident) tuition rates**.
- ✦ Only students considered **"lawfully present"** are eligible for in-state tuition and state financial aid.

What is the Texas Higher Education Coordinating Board?

The Texas Higher Education Coordinating Board (THECB) is the state agency that oversees public colleges and universities in Texas. It makes sure that higher education rules and policies are applied across the state. If a court issues a decision affecting in-state tuition, the board's job is to help schools understand and follow the law. It does not decide who qualifies for federal immigration status, and it cannot override state or federal law.

Update on State-Adopted Rules

The THECB adopted rules effective November 7, 2025, regarding the repeal of the *Texas Dream Act* and determined changes state universities must make. Below are concerns.

No definition of "lawful presence"

- THECB did not define *lawful presence*, leaving each college to interpret it independently.
- This continues the inconsistent and chaotic implementation that began in June 2025, erroneously denying in-state tuition to students who are lawfully present and still qualify for in-state tuition.

Misstatement about DACA

THECB's explanation of its rules suggests that DACA (Deferred Action for Childhood Arrivals*) students may not have lawful presence. Important: This reasoning is not the law and not part of the final rule. THECB does not decide on federal immigration status.

Why this is confusing. And why we disagree.

Right now, different agencies are saying different things:

- **DACA is still recognized by the federal government.** The U.S. Citizenship and Immigration Services (USCIS) and the Department of Homeland Security (DHS) continue to treat DACA as lawful presence.
- The **Texas Department of Public Safety (DPS) still recognizes DACA**, including for driver's licenses.
- **DACA is still in court**, and there is [no final decision](#) ending it.
- **The Texas Attorney General has said DACA students qualify for in-state tuition – for now.**

Because of this, THECB's comments do not match what federal and state agencies are currently doing.

*Deferred Action for Childhood Arrivals (DACA) allows young immigrants who grew up in the United States to seek temporary protection from deportation and have the ability to attend college and legally work. See FAQ by [National Immigration Law Center](#).



What this Means for Students

Right now, it is unclear how each college or university will respond. Some schools may incorrectly reclassify DACA students. If you are a DACA recipient and your school says you no longer qualify for in-state tuition...



You can tell your school that DACA is still recognized by the federal government.



You can share that Texas DPS and the Texas Attorney General still recognize DACA for now.



You can explain that THECB comments are not law and should not change your classification.

What you can do next.



Do NOT assume your school's decision is final.



Ask questions and request a review of your classification.



Securely share your story with IDRA.



Reach out for support if you need help at instateTX@gmail.com.

You are not alone – and this situation is still developing!

Important Notes

Risky Guidance to Contact USCIS

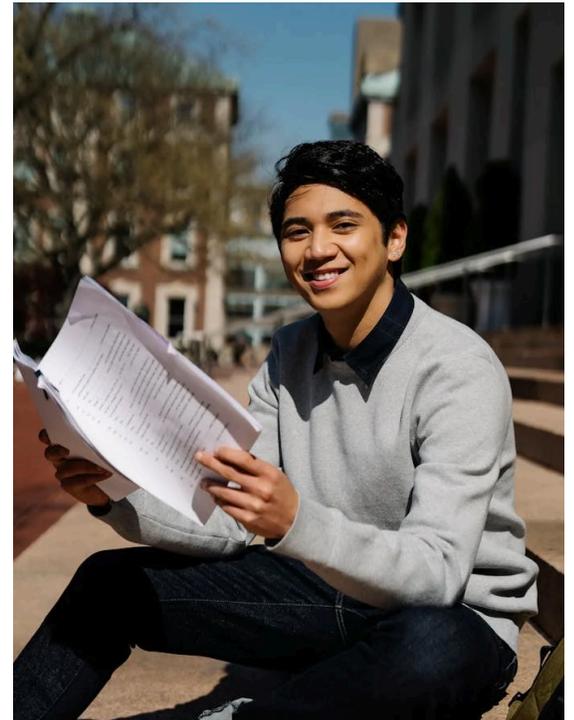
THECB leaves open the possibility for colleges to contact USCIS with questions about a student's lawful presence. This is a direct threat to student privacy and safety and a likely **violation of the *Family Educational Rights and Privacy Act (FERPA)***.

No Changes to the Core Residency Questionnaire

- The THECB core residency questionnaire remains **outdated** and does not help students demonstrate lawful presence.
- Colleges are still required to collect it, despite its limitations. The new version has an updated affidavit that includes a statement about the student's ability to provide proof of lawful presence.

Tuition Waivers Are Limited

- A tuition waiver grants Dreamer students in-state tuition.
- Tuition waivers are now limited to students who can **provide proof of lawful presence. This is an example of overcompliance with the June 2025 court order.**
- Merit scholarships are still available to students.



Your Rights – Protecting Your Privacy and Safety

Your personal and family information is protected under FERPA. Get details via the [Presidents' Alliance](#).

Schools should not contact USCIS or share your immigration information without your written consent, except in some cases. When served with a lawfully-issued subpoena, a school must disclose the information requested by the subpoena, even if the student has not consented to disclosure.

If the school requests immigration documentation of any kind, you can request the following:



Ask the school to rely on Texas DPS or DHS guidance.



Ask to speak with the financial aid director or office of general counsel.



Reach out for support if you need help at instateTX@gmail.com.

Applying to College and Tuition Classification

Admissions

All students, regardless of status, **can apply and be admitted** to Texas colleges.

If you cannot prove lawful presence, you will likely be classified as a **nonresident for tuition rates and financial aid**.

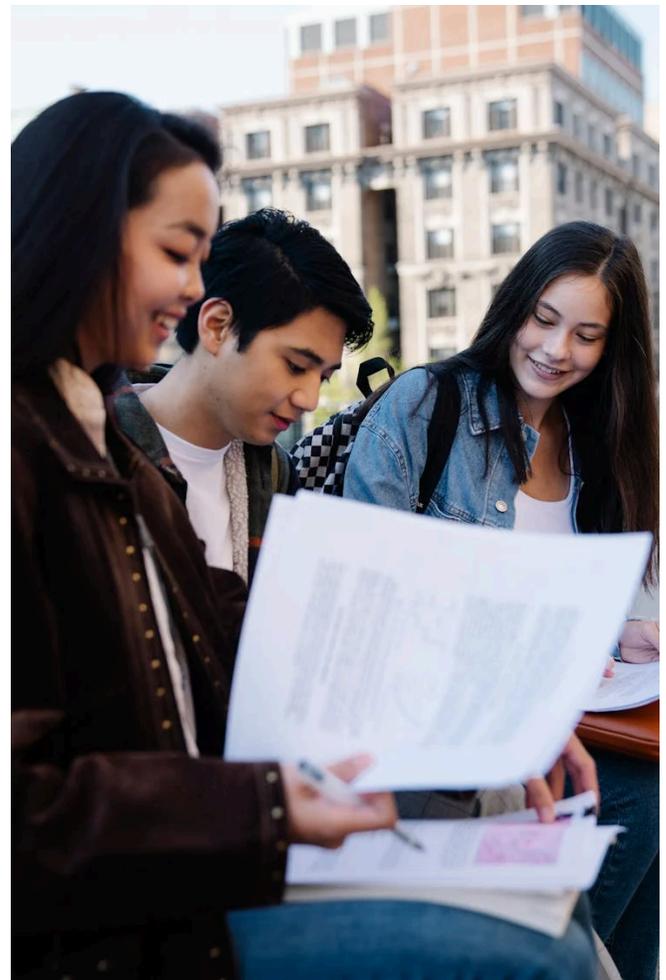
It is important to note that undocumented students are *not international students* for the purposes of tuition billing or visa requirements. International students are required to register via the [SEVIS](#) database on a student visa, known as an F-1 or J-1.

Some schools may ask you this question directly, and you should respond accordingly with either documents that can prove your lawful presence or indicate you are a nonresident.

Core Residency Questionnaire

All students are still required to complete the core residency questionnaire.

Do not sign or notarize the residency affidavit unless you are confident you have proof of lawful presence.



Financial Aid Options (TASFA Explained)

What Is TASFA?

The **Texas Application for State Financial Aid (TASFA)** is for students who are not eligible to complete the FAFSA. Colleges use it to determine financial need and to award **state and institutional aid**.

Starting October 1, 2025 (for the 2026-27 aid year), the TASFA reflects the new lawful presence rules. Therefore, you must be lawfully present to qualify for state financial aid.

If You **CAN** Prove Lawful Presence

You are likely eligible for state aid. Follow these steps:

- 1 Complete the **TASFA** on paper (recommended).
- 2 Submit TASFA **directly to each college** you plan to attend.
- 3 Include all required documents (tax transcripts, etc.).
- 4 Meet the school's **priority deadline**.

If You **CANNOT** Prove Lawful Presence

- ✓ Contact the college's financial aid office before completing the TASFA. You can state that you are a previous TASFA filer or a former beneficiary of the *Texas Dream Act* without disclosing your status.
- ✓ Many schools are still accepting TASFA forms for undocumented Texas students who cannot prove lawful presence to determine financial need and award institutional aid or scholarships funded by private donors.
- ✓ If the school does not request a TASFA, do not submit it.
- ✓ If the school requests e-TASFA completion via [THECB's website](#), it is OK to submit via this portal.
- ✓ You may choose not to submit any financial aid application and to pay your tuition from your personal funds.

If You Are **UNSURE** About Your Lawful Presence

Do not guess. Before submitting...

- ➡ Get a **legal screening** to determine lawful presence.
- ➡ Visit [ailalawyer.com](#) to find a trusted immigration attorney.
- ➡ Ensure the immigration attorney you choose is a Board of Immigration Appeals (BIA) **certified lawyer**.
- ➡ **Be wary** of "notarios" who may be notaries in their countries of origin but are not BIA-certified lawyers in the United States.

Tips for Staying Safe & Supported

- ✓ Only share personal information with trusted counselors and financial aid staff.
- ✓ Ask questions. You have the right to clarity.
- ✓ Use paper forms when possible.
- ✓ Keep copies of everything you submit.
- ✓ Ask schools how they determine lawful presence.
- ✓ Connect with community organizations and coalitions for updates.

Key Takeaways

The *Texas Dream Act* no longer provides in-state tuition for undocumented students.

Lawful presence now determines access to:

- In-state tuition
- State financial aid (TASFA)

You still have the right to attend college.

Your privacy matters. Schools should not involve USCIS.

When unsure, pause and seek trusted immigration legal guidance.