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BANNING IN-STATE TUITION FOR ILLEGAL ALIENS



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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

CIVIL No. 7:25-cv-00055

**Proposed Order and Final Consent
Judgment**

ORDER AND FINAL JUDGMENT

Before the Court is the Parties' **Joint Motion for Entry of a Consent Judgment**. ECF No. 6. Having considered the Motion, the Complaint, and applicable law, the Court GRANTS the Motion. Accordingly, the Court hereby **DECLARES** that the challenged provisions, Texas Education Code §§ 54.051(m), 54.052(a), as applied to aliens who are not lawfully present in the United States, violate the Supremacy Clause and are unconstitutional and invalid.

The Court also hereby **PERMANENTLY ENJOINS** Defendant as well as its successors, agents, and employees, from enforcing Texas Education Code § 54.051(m) and § 54.052(a), as applied to aliens who are not lawfully present in the United States.

This final judgment is issued pursuant to Federal Rule of Civil Procedure 58(a). The Clerk of the Court shall transmit a true copy of this judgment to the Parties.

SO ORDERED on this 4th day of June 2025.

Reed O'Connor
Reed O'Connor
UNITED STATES DISTRICT JUDGE

Left: AG Ken Paxton's visit to Hudson Oaks

Right: [Order and Final Judgement](#) on in-state tuition for illegal aliens

My Fellow Texans,

One of my objectives this session was to introduce and pass bills that would cut off the magnet for illegal aliens to reside in Texas. One of the first bills that I filed was [HB 1324](#) which would ban in-state tuition for illegal aliens at Texas universities. Unfortunately, the chairman of the State Affairs Committee refused to give it a hearing so it ended up dying in the Committee thus denying the opportunity for the full Texas House to vote on it.

Fortunately, the US Department of Justice under the Trump Administration sued

Texas two days ago claiming that the Texas law ([HB 1403](#)) that passed the Texas legislature back in 2001 is unconstitutional. They argued that awarding illegal aliens resident tuition rates violates 8 U.S. Code §1623(a). Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits states from providing higher education benefits based on residency to illegal immigrants unless the same benefits are offered to all U.S. citizens.

Within hours of the DOJ filing suit, Attorney General Ken Paxton filed a [joint motion](#) with the US DOJ in the U.S. District Court for the Northern District of Texas asking the court to rule that the current Texas law favoring illegal aliens was unconstitutional. The judge agreed and entered a [final judgement](#) declaring that the law was unconstitutional and issued a permanent injunction against its application.

[Click here](#) to read the press release from AG Ken Paxton.

According to data from the Higher Ed Immigration portal and the Texas Higher Education Coordinating Board, there are more than 56,000 illegal aliens attending institutions of higher learning in Texas that costs Texas taxpayers more than \$150 million per year.

INTERVIEW WITH JACK FINK OF CBS NEWS



Now that the session is over, I will be spending most of my time back home in the district. I had the pleasure of being interviewed by Jack Fink from CBS News via zoom from our district office in Weatherford (212 Santa Fe Dr) yesterday afternoon regarding the in-state tuition ruling. A portion of the interview will be shown on his morning program “Eye on Politics” this Sunday.

Hoping you will have a great summer!



Mike Olcott
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PS. You can reach our office via phone number (512) 463-0656.

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