IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

foregoing her education or incur her ordinary costs in no money and the in order to obtain

her education de the to obtain her Florida residence as a fraction of the cost

3. Lenders do not to ring this action here born in the united states graduated

from Florida high schools and settled in Florida for many years or be settled in Florida

to of their lives they enjoy those same high schools and do not require preference or and

principles in these after school courses as her counterparts to required in state

tuition as the only difference between the plaintiffs and residents granted in state tuition

is that the plaintiffs cannot prove their *parents* wealth for it, grantons as Defendants

actions violate the fundamental constitution rights Plaintiffs resident seek declaratory injunctive

and equitable relief on behalf of themselves and others similarly situated

PARTIES

nfor on o er p ren s f , gr on s

Florida an account and other proof of her continuous residence in Florida, she aspires to study psychology and work for the Federal Bureau of Investigation.

9. On or around August, after Caroline was accepted to Miami Dade College, school officials informed her that she did not qualify for in-state tuition even though she had resided in Miami Dade County since birth, school officials explained to Caroline that her residency for tuition purposes was based on her father's legal residence. Because Caroline could not show proof of her father's legal immigration presence in the United States she could not qualify for in-state tuition rates in the so-called non-resident tuition rates. Caroline is now enrolled in college and is decided she wants to choose in the hope of one day being able to afford college.

Plaintiff **KASSASKA -E8-2.3941-O**

nd s ccep ed o M   D de Co ege   ere s e n ended o s dy o eco e n e r

sc ence e c er f   e o co p e e er ed c on nd eco e e c er   ne p ns o e c n

er o e s e of F or d

pon enro ng   M   D de Co ege   ne   s c ss f ed s n o   of s e

s den ec se s e   s n e o s o doc en on of er o er s   gr   on s   s

Bec se of   e g er cos s of o   of s e   on

n. ern. .on. .n. ers. y. ... e F. or. d Bo. rd of .o. ernors oper. .es reg. .es con. ro. s. nd .s f. .y respons. .e for. e. n. ge. en. of F. or. d. s en. re sys. e. of p. .c. n. ers. .es. ... e Bo. rd of .o. ernors. .s c. rged. .. dop. .ng r. .es. o. p. .e. en F. or. d. s. s. .es. s. o. e. ... e. n. ers. .y. ys. e. .nc. .d. ng r. .es. .o de. er. .ne. .e res. dency s. .s of s. .den. s for. .. .on p. .rposes. ... e C. nce. .or of. .e. .. e. n. ers. .y. ys. e. cons. .s. .. e Co. .ss. oner of Ed. .c. .on. .o es. .s. s. .e. .de. d. .sory gro. .ps. nd. e Ar. .c. .. on Coord. .n. .ng Co. .ee. .c. es reco. .end. .ons re. .. ed. .o s. .e. .de po. .c. es on. d. .ss. ons. r. .c. .. on. nd o. .er. .ers. ffec. .ng. .e. .e. n. ers. .y. ys. e. Defend. n. Brog. n. .s s. .ed. .n. .s off. c. .. c. p. c. .y.

JURISDICTION AND VENUE

... .s Co. .r. s. s. .ec. ... er. .r. sd. c. .on. o. er. .. s. c. .on. p. rs. .n. .o. C.
C. 4. .4. 3. 3. .e. .9. N. 3. ... 3. 9. 3. 3. 3. 3. 3. 3.

CLASS ACTION ALLEGATIONS

8. Plaintiffs bring this action on behalf of themselves and those similarly situated persons under Rule 23 and of the Federal Rules of Civil Procedure.

9. The class is defined as

All persons present and future named parties citizens who are here or will be the who does this Florida residency for purposes of determining in state education rates Florida policies construction of governing law for her prens migration states the of the application to or trication in such constitutions

The class meets the requirements of Rule 23 Although the precise size of the class cannot be determined as this is a special evidence so such the class is so numerous under of members is impracticable

roughly 4 million born citizens of naturalized immigrant prens the in the United States Pen Hispanic Center

34   These administrative rules require ... non ... United States citizen seeking to ... establish Florida residency for tuition purposes present evidence verifying ... he or she is ... legally present in the United States (FAC 6A ... 444 ... and ... of the student's dependent the parent ... present evidence of the parent's legal ... immigration status (FAC 6A ...

35   The rules further provide ... to ... the student and parent (if the student is dependent) ... present evidence of legal presence in the United States (FAC 6A ... 444 ... 3 ... and

36   Miami Dade College's policy for example provides ... a non ... citizen student and/or parent ... as ... provide evidence of eligible legal ... immigration status since the ... before being considered for Florida resident fees ... Miami Dade College Florida Residency for Tuition Classification ... required ... Documentation ... (p ... advised ... and residency classification sp ...

TUITION DIFFERENTIAL

37   Tuition rates for students classified as non-residents are drastically higher than ... those for students classified as Florida residents.

38   At Miami Dade College the cost per credit in the two year Associate degree programs is ... $ ... for residents compared to 4 ... 3 ... 4 for those classified as non-residents. The cost per credit in the four year 3 ... 9 f 3 ... 4 to 4 ... 4 ... to 4 ... 4 ... 9 ...

gher tuition rates than other Florida resident students. The increased tuition has forced Plaintiffs to delay their higher education or to forego it entirely.

43. Plaintiff Wendy Ruiz is enrolled in her second year at Miami Dade College. Wendy is classified as a non-resident student for tuition purposes because she could not establish her parents' Florida immigration status. Because of the drastic difference in tuition caused by this classification, Wendy is financially unable to take the credits necessary to

49   The Fourteen Amendment enforce named res Cons

Defendants also violate the Supremacy Clause by imposing burdens on United States citizens that are contrary to federal law. Defendants' policy and practice conflicts with federal law and seeks to regulate the field of immigration and citizenship.

Plaintiffs seek relief under the United States Constitution and section pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the United States Constitution.

<u>PRAYER FOR RELIEF</u>

WHEREFORE in light of the foregoing Plaintiffs request that the Court:

Assume jurisdiction over this matter,

Certify this matter as a class action pursuant to Federal Rules of Civil Procedure 23 and certify the class as defined to and name the below signed counsel appointed as class counsel,

c. Declare that the challenged policy and practice of

RESPECTFULLY SUBMITTED this 9 day of October

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forthcoming

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