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HOUSE BILL NO. 2339

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Saslaw
on February 19, 2003)

(Patron Prior to Substitute—Delegate Drake)

A BILL to amend the Code of Virginia by adding a section numbered 23-7.4:01, relating to in-state tuition and certain other postsecondary educational benefits for aliens.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-7.4:01 as follows:

§ 23-7.4:01. Alien in-state tuition.

A. An alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents.

B. However, subsection A shall not apply if such alien has:

1. Graduated from a public or private high school or received the equivalent of a high school diploma in Virginia;

2. Resided in the Commonwealth for at least five years as of the date the individual graduated from high school or received the equivalent of a high school diploma;

3. Registered as an entering student in an institution of higher education; and

4. Provided an affidavit to the institution stating that he has already filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency.