

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB2122

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Eisenberg

3. Committee Education

4. Title In-state tuition for persons seeking asylum or refugee status

5. Summary/Purpose: The proposed legislation grants in-state tuition to any person who has applied with the federal Immigration and Naturalization Service for admission or classification as a refugee or asylum status, as the case may be, on the basis of fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion. These persons shall be entitled to in-state tuition charges under the following conditions:

- (i) if the student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, and if the parent of such student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full-time, and paid individual income taxes to Virginia; or
- (ii) in the case of a student who is an emancipated minor has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed on a full- or part-time basis, and paid individual income taxes to Virginia.

6. Fiscal Impact Estimates are. Not Available. See Line 8.

7. Budget amendment necessary: No.

8. Fiscal implications: Currently, under the Virginia Administrative Code (8VAC40-120-110 H), refugees and asylees are generally admitted into the United States for an indefinite period without domiciliary restriction. The Virginia Administrative Code states: "Like immigrants, such political refugees and asylees are eligible for in-state tuition rates upon clear and convincing evidence that for the period of at least one year prior to the date alleged entitlement, they were domiciled in Virginia and abandoned any previous domicile." The proposed legislation addresses those persons that have applied for refugee or asylum status in the United States as opposed to those that have already been granted status. It is not possible to determine the number of individuals impacted by the bill.

The bill also requires the State Council of Higher Education to issue and revise guidelines for all institutions of higher education for determination of eligibility for in-state tuition.

9. Specific agency or political subdivisions affected:

Public institutions of higher education
State Council of Higher Education

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 01/25/05/aps

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cc: Secretary of Education