

2009 SESSION

INTRODUCED

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SENATE BILL NO. 1037

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend the Code of Virginia by adding a section numbered 23-7.4:01, relating to denial of in-state tuition for illegal aliens.

Patron—Hanger

Referred to Committee on Education and Health

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.

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 in-state tuition. For the purposes of this section, in addition to any other lawful status under federal and state law, a student shall be considered lawfully present for purposes of in-state tuition if he meets all of the following criteria:

1. He has resided with his parent, guardian, or other person standing in loco parentis while attending a public or private high school in this state;

2. He has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia;

3. He has resided in the Commonwealth for at least three years as of the date he graduated from high school, or one year of residency if a veteran or an active duty member of the U.S. Armed Forces;

4. He has registered as an entering student in an institution of higher education;

5. He has provided evidence to the institution establishing that he is not currently in removal proceedings and is a direct or derivative beneficiary of a petition to become a permanent resident of the United States that has been filed with the United States Citizenship and Immigration Services, and that he is actively pursuing such permanent residency; and

6. He has submitted evidence that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

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