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HOUSE BILL NO. 779

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 23-7.4:01, relating to in-state tuition; undocumented persons.*

Patron—Lopez

Referred to Committee for Courts of Justice

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. Undocumented persons; in-state tuition.

An undocumented person 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 the Commonwealth;

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 since the date he graduated from high school, or for at least one year if a veteran or an active duty member of the United States armed forces;

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

5. He has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; 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.

INTRODUCED

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