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## SENATE BILL NO. 1090

Offered January 9, 2013

Prefiled January 9, 2013

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

Patrons—McEachin and Ebbin

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. In-state tuition; undocumented persons.**

An undocumented person who is unlawfully present in the United States and 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, such undocumented person shall be eligible for 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 the Commonwealth or has received a General Education Development (GED) certificate in the Commonwealth;

3. He has registered as an entering student in a public institution of higher education in the Commonwealth;

4. He has resided in the Commonwealth for at least three years immediately preceding his registration as an entering student in an institution of higher education in the Commonwealth or for at least one year if he is a veteran or an active duty member of the United States armed forces;

5. He has provided an affidavit to the institution stating that he has been approved for Deferred Action for Childhood Arrivals by the U.S. Department of Homeland Security; 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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