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HOUSE BILL NO. 1857

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend the Code of Virginia by adding a section numbered 23.1-506.1, relating to eligibility for in-state tuition; certain individuals who have applied for permanent residency; certain individuals approved under deferred action programs.*

Patrons—Lopez, Aird, Bagby, Bell, John J., Boysko, Bulova, Filler-Corn, Hayes, Heretick, Herring, Hester, Hope, James, Keam, Kory, Krizek, Levine, Lindsey, McQuinn, Murphy, Plum, Price, Rasoul, Sickles, Simon, Sullivan, Torian, Toscano, Ward and Watts

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 231-506.1 as follows:

§ 23.1-506.1. Eligibility for in-state tuition; certain individuals who have applied for permanent residency; certain individuals approved under deferred action programs.

A. *Notwithstanding any other provision of law, any individual is eligible for in-state tuition if he (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled 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 becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled 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 registration as an entering student or enrollment. Such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied.*

B. *Notwithstanding any other provision of law, no student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program shall be deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.*

INTRODUCED

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