Department of Planning and Budget
2017 Fiscal Impact Statement

1. **Bill Number:** HB 1857

House of Origin	☒	Introduced	☐	Substitute	☐ Engrossed
Second House	☐	In Committee	☐	Substitute	☐ Enrolled

2. **Patron:** Delegate Lopez

3. **Committee:** Education

4. **Title:** Permit in-state tuition eligibility for certain individuals who have applied for permanent residency

5. **Summary:** This bill declares eligible for in-state tuition any individual who:
   - attended a public or private high school in the Commonwealth for at least three years;
   - graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education;
   - registers as an entering student or is enrolled in a public institution of higher education;
   - 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
   - submits evidence to the public institution of higher education 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.

   This bill also provides that any such individual will 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. Finally, this bill prohibits any 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 from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

6. **Budget Amendment Necessary**: No.

7. **Fiscal Impact Estimates:** Indeterminate (see Section 8)

8. **Fiscal Implications:** It is unknown how many individuals who have applied for permanent residency or have been approved under deferred action programs are either enrolled in or

plan to attend Virginia's public institutions of higher education. If these individuals currently pay or would pay out-of-state tuition, there could be a reduction in out-of-state tuition revenue. However, if students are paying or would pay in-state tuition, nothing should change. Furthermore, the public institutions of higher education could choose to admit additional out-of-state students to offset any potential revenue loss resulting from the acceptance of students covered by this proposed legislation.

9. **Specific Agency or Political Subdivisions Affected:** Virginia's public institutions of higher education especially those located in regions with high immigrant populations

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.

Date: 01/26/17
c: Secretary of Education