

19102521D

## HOUSE BILL NO. 2388

Offered January 9, 2019

Prefiled January 8, 2019

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.*

Patrons—Lopez, Adams, D.M., Aird, Ayala, Bagby, Bourne, Bulova, Carr, Carroll Foy, Carter, Convirs-Fowler, Delaney, Filler-Corn, Gooditis, Guzman, Hayes, Heretick, Herring, Hope, Hurst, James, Jones, J.C., Kory, Krizek, Levine, Lindsey, McQuinn, Mullin, Murphy, Plum, Price, Reid, Rodman, Roem, Sickles, Simon, Sullivan, Torian, Toscano, Tran, Turpin, Tyler, VanValkenburg, 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 23.1-506.1 as follows:**

**§ 23.1-506.1. Eligibility for in-state tuition; certain individuals who apply for permanent residency or asylum or are approved under deferred action programs.**

A. Notwithstanding any other provision of law, any individual is eligible for in-state tuition if he (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) provides an affidavit to the public institution of higher education at 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 (iv) 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 one year 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, any individual is eligible for in-state tuition if he (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he (a) has filed with U.S. Citizenship and Immigration Services an application for asylum or (b) is under the age of 27 and is the child of an individual who has filed with U.S. Citizenship and Immigration Services an application for asylum; and (iv) 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 one year 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 asylum or his parent's application for asylum, as applicable, has not been denied.

C. 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

HB2388