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SENATE BILL NO. 1640**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Education and Health
on January 17, 2019)

(Patrons Prior to Substitute—Senators Boysko and Marsden [SBs 1055 and 1148])

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.

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 have applied for permanent residency.

Notwithstanding any other provision of law, any individual is eligible for in-state tuition if he (i) graduated from a program of secondary instruction 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) 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 one year prior to the date of registration or enrollment; and (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.