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# Washington Times, The (DC)

## Aliens' college suit in Virginia dismissed

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Christina Bellantoni, THE WASHINGTON TIMES

A federal judge has dismissed charges by a group of illegal aliens who claimed that state-sponsored colleges in Virginia were violating the Constitution by refusing to enroll them.

U.S. District Judge T.S. Ellis III, who has not yet issued his final opinion, ruled earlier this month that the illegal aliens who sued the colleges lacked legal standing, and that only a legal applicant could raise a claim. The lawsuit, filed last fall in federal court in Alexandria, challenged seven Virginia universities.

In February, Judge Ellis said colleges are within their rights to deny admission to illegal aliens. The judge said denying such "incentives" as college admission for illegal immigration should help to curb it.

The judge's most recent ruling, issued July 2, dismisses the suit entirely. His formal opinion is expected later this month.

In the lawsuit, five of the students identified themselves only as John or Jane Does. Earlier this year, Judge Ellis threw out their portion of the case because of the anonymity. One woman had said she would reveal her name, so the case moved forward. Tisha Tallman, an attorney with the Mexican American Legal Defense and Education Fund's Atlanta office who represented the plaintiffs, said the group would offer a complete comment once the judge issues his opinion.

Miss Tallman said that since the lawsuit was filed, two of the seven universities - George Mason University and Virginia Tech - have said they will not deny students based on their immigration status. The other colleges named as defendants in the case were the University of Virginia, Northern Virginia Community College, the College of William and Mary, Virginia Commonwealth University and James Madison University.

"These are great victories for our plaintiffs, for Virginia students and for the Commonwealth as a whole," Miss Tallman said. "We need to be committed to educating all our children so the children can realize their dreams."

Virginia officials, however, don't believe illegal aliens should be able to attend college.

The illegal immigrants filed the lawsuit in September, a year after state Attorney General Jerry W. Kilgore, a Republican, issued a memo advising Virginia colleges and universities that as a matter of policy they should not admit illegal aliens.

Mr. Kilgore yesterday applauded Judge Ellis' decision, saying it "upholds the ability of Virginia colleges and universities to deny admission to applicants who are unlawfully present in this country under federal law."

"I continue to believe that it is not too much to ask that people obey the laws of our society before they take advantage of what society has to offer," he said.

Groups representing Hispanics said yesterday denying illegal immigrants access to college punishes those who want to earn an education.

"There is a clear link between the denial of opportunity to attend colleges and universities and the despair and high drop-out rates among Latino youths," said Tim Freilich, managing lawyer at the Virginia Justice Center, a nonprofit legal-assistance program in Falls Church. "We should be providing opportunities to children instead of taking them away."

Mr. Freilich said he found it ironic that as the state is investing more than \$1 million in gang-prevention efforts, the state is denying a "huge" portion of the population the right to attend college.

There are an estimated 100,000 illegal immigrants in Virginia, according to the Urban Institute. Children who are here illegally are legally allowed to attend public schools through high school.

Earlier this year, Virginia lawmakers rejected a bill that would have banned illegal immigrants from attending public colleges and universities, requiring the schools to turn away illegal immigrants and expel those who are mistakenly enrolled.

The House approved the measure 71-29, but the Senate Education and Health Committee rejected it, saying it was discriminatory.

Bob Templin, president of Northern Virginia Community College (NVCC), said a number of illegal immigrants went through his school, went on to universities and are now local business owners.

"If they were not able to continue their education after high school, they would have been prevented from contributing to our society and to our quality of life," he said.

At NVCC, students do not have to verify their immigration status to enroll.

"We have a long-standing policy of admitting those individuals who have graduated from our local high schools and who are qualified to go to college," Mr. Templin said. "They are welcome to be admitted."

The students, however, must pay much higher out-of-state tuition rates.

In Mr. Kilgore's 2002 memo, he said if illegal aliens are admitted to public universities they are ineligible for in-state tuition rates. Several other states allow illegal immigrants to pay in-state tuition rates.

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