

## DACA and In-State Tuition in Virginia: Frequently Asked Questions

*On April 29, 2014, Virginia Attorney General Mark Herring announced that Virginia law does not prohibit students with Deferred Action for Childhood Arrivals (DACA) from applying for in-state tuition at Virginia public colleges and universities. Now, students who have had DACA for one full year may apply for in-state tuition in Virginia.* (Document updated 5/28/2014)

Q: Who benefits from this announcement?

A: Any student **who has had DACA for a full year as of the start of a semester or term**, and who meets all of the other factors for Virginia domicile.

Q: Why do I have to wait a full year? What if I hit the one-year mark halfway through the term?

A: Virginia requires a student to be domiciled for one full year before the start of classes in order to receive in-state tuition. Each school has its own in-state tuition application deadline. You must file an in-state tuition application with your school before the deadline.

Q: I have DACA. Will my tuition status automatically be upgraded to in-state?

A: No. **You must apply directly to your school for in-state tuition.** Apply as soon as possible – in other words, one year after the date of approval of your DACA. If you have already had DACA for over a year, apply today! Keep a photocopy or printout of your application for in-state tuition.

Q: How can I tell when my DACA was granted? How can I prove this?

A: Review your DACA approval letter (I-797C Notice of Action, approval notice for I-821D form, under "Notice Date," near the top left corner) to determine the date that your DACA was granted. Provide a copy of your DACA approval letter along with your application for in-state tuition.

Q: How do I apply for in-state tuition at my school?

A: Each school has its own application form for in-state tuition. Go to your school's registrar's office to obtain the correct form – tell them you've had DACA for over a year, and want to apply for in-state tuition – and ask them what other documents you need to attach to the form. **Deadlines matter:** make sure to file the form, with a copy of your DACA approval, **prior to the deadline**, even if you don't have the other documents ready; you can always provide more documents after the deadline.

Q: What other types of documents should I attach to my application for in-state tuition?

A: Ask the registrar's office for a list of the documents they require. The two most important rules are:  
**Rule #1:** Give the registrar's office whatever documents they ask for.  
**Rule #2:** If you don't have a document they ask for, don't just ignore the request; instead, give them a different document, and explain in writing why you don't have what they asked for.

Q: Aside from my DACA approval letter, what documents can I provide to show my Virginia domicile?

A: Include as many of the following as you have: your Virginia high school transcript; copy of your Virginia drivers' license and Virginia car registration; copy of lease, utility bills, cell phone bills, paystubs, bank account statements, etc., with your name and Virginia address; Virginia state tax returns; etc. Make sure to include documents going back to the date you were first approved for DACA, and continuing on through the present date.

Q: What if I don't have a lot of the documents listed above?

A: Provide other documents, and a written explanation of why you don't have the documents the school requests. You may also wish to include a brief (one-page) personal statement, detailing your ties to Virginia and describing your plans to remain in Virginia after graduation. *(Some schools may ask for a notarized letter from your parents stating when you moved to Virginia. You don't need to pay a notario publico to prepare this: simply write the date you moved to Virginia, and your parents can notarize it at a bank or county office/courthouse, with valid home-country ID.)*

Q: **My parents don't have any legal status (are undocumented). Will this prevent me from obtaining in-state tuition in Virginia, even if I have DACA?**

A: Most students with DACA have undocumented parents. All this means is that you must provide evidence that you have Virginia domicile, even though your parents, due to their legal status, cannot. Make sure to do the following:

- Answer all questions on the form honestly, including questions about your parents' legal status. Schools will not report your parents to ICE or to law enforcement. These questions are only to determine whether you are a dependent of your parents.
- If you are even partly financially independent from your parents (for example, if you earn your own money through work), provide evidence of this (paystubs).

Q: What should I do if I do all of the above correctly, but my school denies me in-state tuition anyway?

A: If your application is denied, you must appeal. Each school has its own appeal form. The deadlines are usually short, and extremely strict. Make sure to submit the appeal form before the deadline. You may also call Legal Aid Justice Center at (703) 778-3450 (Northern Virginia), (804) 643-1086 (Richmond), or (434) 977-0553 (Charlottesville). However, **make sure to file your own appeal form before the deadline**, even if you are still waiting to hear back from LAJC.

Q: What if I lose my DACA status?

A: If you lose your DACA status, you will also lose your eligibility for in-state tuition. Make sure to file for DACA renewal as soon as you possibly can: four months before your DACA expires. Take copies of your renewal receipt and DACA renewal approval to your registrar's office when you receive them. For more information about DACA renewal, visit <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process>.

Q: If I have another immigration status or visa, can I change to DACA in order to qualify for in-state tuition? What other immigration statuses can qualify for in-state tuition in Virginia?

A: Generally, an individual with another immigration status cannot change to DACA. However, lots of other immigration statuses *already* qualify for in-state tuition in Virginia, including lawful permanent resident (green card); temporary protected status (TPS); A, E, G, H-1B and H-4, K, L, P, R, T and U visas; asylum or refugee status; withholding of removal/CAT; and pending application for adjustment of status (I-485). You must have had legal status for one full year prior to the start of the semester to qualify. Visit <http://www.schev.edu/students/vadomicileguidelines.asp>.

Q: I might be eligible for DACA, but I haven't applied yet. Is there still time? Who can help me apply?

A: There is still time to apply for DACA if you qualify, but you should apply as soon as possible. In Northern Virginia, call Just Neighbors at (703) 979-1240. Private immigration attorneys may also be willing to help. Students who are in middle or high school should apply for DACA as soon as they become eligible, which in some cases may be when they turn 15 years old.