

Update: Expanded Immigrant Eligibility for VA ● In-State Tuition

For more information

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Effective July 1, 2020, more students will be eligible to establish in-state domicile—and pay in-state tuition rates—at Virginia universities, regardless of immigration status.

Current In-State Eligibility

Under current law, undocumented students (and even some students with pending applications for legal status) do not qualify for in-state tuition. As a result, many immigrant students who have lived in Virginia most of their lives have been classified as out-of-state students and cannot afford college because of the high out-of-state tuition rates.

Expanded Eligibility Effective July 1, 2020

The Virginia Code section is changed so that, beginning July 1, 2020, students can establish domicile in Virginia *regardless of immigration status* (with exceptions only for international students on student visas or other temporary visas) if they show all of the following:

- The student attended a Virginia high school for at least two years;
- The student either graduated (public school, private school, or homeschool) from a Virginia high school, or got a Virginia GED, on or after July 1, 2008;
- Either the student or at least one parent/guardian has filed Virginia income taxes for the last two years;¹ and
- The student is enrolling in a public college or university in Virginia.

¹ An exception exists for parents who are not required to file Virginia income taxes, for example because their income is too low.

Frequently Asked Questions

- What should I do if I believe I have been **wrongly classified as an out-of-state student**?
 - If you have been misclassified, you must make an appeal directly to your school. Each school has a different appeals process, but a good place to look is on the school website on the admissions page or the registrar's office page. It is important to try to fix a misclassification as soon as you become aware of it, as schools often have extremely tight appeals deadlines.
- I have **already begun classes at a college or university and am currently classified as an out-of state student**. If I meet the new criteria, may I change my classification?
 - Yes, but you need to file new paperwork prior to the next semester. You should file well in advance of the start of classes, in case there are any problems. This means students who will be in class for Fall 2020 should take action **immediately after July 1** to make sure they meet the deadline. Check your school website or discuss with a counselor to determine your school's deadlines.
- I was previously classified as an out-of-state student but have just been re-classified as an in-state student under the new law. **Do I get a refund or credit for the difference** between in-state and out-of-state tuition that I have already paid?
 - No. The updated law creates a new category of eligibility starting on July 1, 2020, but being re-classified does not mean a student was "in-state" all along. This is why the update to the law does not give students access to any refund or credit. However, it is important to note that **the new law is not applied automatically**. This means that in order to be re-classified as an in-state student (and avoid paying out-of-state rates going forward), you **must** complete the school's appeals process.
- **What if my parents haven't paid Virginia state taxes?**
 - If neither of your parents have paid taxes, then unless you qualify as an "independent student" (usually because you have lived apart from both of them for years), one or both of your parents should go to a tax preparer to file and pay Virginia state taxes, and if they do not have a social security number, to apply for an Individual Taxpayer Identification Number (ITIN).
 - If the tax preparer tells them that they were not required to pay Virginia state taxes (for example if their income is too low), obtain a letter from the tax preparer and bring it to your registrar.
 - Again, this will need to be resolved before the start of the fall semester, so it is important to take action **immediately**—this step need not wait until July 1.
- **How can I find out if I qualify for in-state tuition** under the amended law, or if my situation falls under one of the exceptions to the amendment?
 - If you are unsure whether you are eligible to establish in-state domicile, or if you have any questions about the amended law, please call the Legal Aid Justice Center at (703) 778-3450 to discuss your circumstances with an attorney.