**ELECTION-YEAR SESSION**

**Tuition issue emerging as first flashpoint**

**Bill would deny in-state rate to some immigrants**

**BY MARKUS SCHMIDT**

Richmond Times-Dispatch

Every day last summer, Juan de la Rosa Diaz worked at a Mexican restaurant on Midlothian Turnpike, waiting tables to help pay for his education.

But the 19-year-old political science major at Virginia Tech said he could be forced to drop out if legislation pending in the General Assembly — that would deny in-state tuition to immigrants granted temporary protected status — becomes law.

“Right now, I can afford it, but just barely. I have to work really hard,” de la Rosa Diaz said.

“But if this bill passes, I wouldn’t be able to continue my education.”

Under Senate Bill 722, sponsored by Richard H. Black, R-Loudoun, de la Rosa Diaz’s current per-semester tuition rate would more than double, to $30,000 per year — unaffordable for the Chesterfield County resident.

Black said he disagrees with the DACA program, which he said gives “preferential treatment to aliens who are unlawfully in the country, especially in regards to in-state tuition.”

In June 2012, President Barack Obama announced that the United States would defer deportation for young people who came to this country illegally as children.

“The deferred action status is something that Obama did enact without lawful authority,” Black said. “That is interesting, because there seems to be some division in the federal government about that.”

About 11,000 young people in Virginia have had their applications for DACA approved to date.

Students applying for in-state tuition in Virginia must gain admission to an institution of higher education, maintain their DACA status and meet the same residency requirements as all other students. They must
also show permanent residency in the state by providing documents, such as tax, employment or property records, receipt of a driver’s license, or motor vehicle registration.

Black said he supports the “former rationale” that barred “students who are here unlawfully” from access to in-state tuition rates.

“Americans should receive as much consideration as people who are here illegally,” he said.

Democrats decried Black’s proposal.

Del. Kaye Kory, D-Fairfax, said on the House floor Friday that she was disappointed to see a bill progress that “in fact explicitly discriminates against one small section of Virginia college students by charging them nearly three times the amount that other Virginia college students are charged.”

Kory added that she hopes the bill “does not have a very long life.”

Kory has introduced House Bill 1478, which declares that, absent congressional intent to the contrary, anyone granted deferred action status “has the capacity to intend to remain in Virginia indefinitely” and is eligible for in-state tuition.

Until Herring declared in April that DACA children qualify for in-state college tuition in Virginia, legislative proposals that would have made these students eligible for in-state tuition had failed in the General Assembly in three consecutive years. The most recent effort stalled in both chambers in February 2014.

Del. Alfonso H. Lopez, D-Arlington, pledged when he was first elected in 2011 to introduce such legislation every year until it passes. He said Friday that he remains focused on “defending the dream against wrong-headed, shortsighted and ugly attacks.”

Localities in Virginia have long been required to pay for the K-12 education for these children, he said. “The kids graduate, and before the attorney general’s decision, we put up a big roadblock and said, ‘You can’t go further,’” Lopez said. “What about those kids who do incredibly well? We basically say we don’t want their talent, their ideas, and the jobs that they are going to create. So what are they going to do? They are going to a university outside of Virginia.

“Do you think they are ever going to come back? They are not. It makes no moral or business sense for Virginia to take this shortsighted and ugly decision.”

Jacqueline Cortes Nava, 20, who was born in Mexico but has lived in Alexandria for half of her life, was among a group of students protesting at the state Capitol on Friday against the in-state tuition proposal.

Cortes Nava said that DACA students consider Virginia their home. “We want to better ourselves and better the state,” she said. “We want to stay here; we don’t want to go anywhere else.”

A biology major at Northern Virginia Community College, Cortes Nava said she wants to move on to medical school and become a pediatrician. She currently pays in-state tuition rates and fears that might change.

Yanet Limon-Amado, 19, who has lived in Henrico County since coming to Virginia from Mexico 11 years ago, said the students are not asking for a handout.

“We’re not getting free education; we are still willing to pay for it. We are not taking anybody’s seat or money,” she said.

“Virginia is the only thing I know and where I am going to grow to become a professional. It’s about making Virginia a richer and better place, and all we want is the opportunity to go and do it.”

Lopez, the delegate from Arlington, hopes the Black and Ramadan proposals will fail in the legislature despite the Republican majority in both chambers.

“I have had conversations with several Republican lawmakers who say that they are not certain that the bill even gets out of the subcommittee” in the House, Lopez said.

In recent years, Del. Thomas Davis Rust, R-Fairfax, has sponsored legislation that would allow qualified students to receive in-state tuition rates.

On Friday, Del. Richard L. Anderson, R-Prince William, said that it is “hard to predict” how the measures will fare in the House. He said he is at least open to discussing the in-state tuition issue.

It’s an issue that “a lot of people on both sides have a lot of interest in, so I would like to see it be debated fully, so that way I can understand it,” he said.

“If you don’t understand a bill, I don’t think you can fairly render judgment on it when it comes time to vote.”

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On Friday, undocumented students (from left) Rolando Flores Santos of Falls Church, a student at George Mason University; Yanet Limon-Amado of Henrico County, a student at J. Sargeant Reynolds Community College; Jacqueline Cortes Nava of Alexandria, a student at Northern Virginia Community College; Juan de la Rosa Diaz of Chesterfield County, a student at Virginia Tech; and Jose J. Carceres of Arlington, a student at Northern Virginia Community College, traveled to the state Capitol to protest.