

## In-State Tuition Eligibility - House Bill 1403

Non-citizens **shall be** classified as a resident for tuition purposes if they have lived in Texas with a parent or guardian while attending high school, *and* (1) graduated from a public or private high school, or received a GED; *and* (2) lived in Texas for 3 years as of the date of graduation or receiving a GED; (3) anyone enrolled in college credit courses prior to Fall 2001 semester are not eligible, including students who were enrolled in dual credit courses while in high school. *Does not apply to anyone previously enrolled as an international student.*

(4) provides to the institution an affidavit (a sworn statement) stating that the individual will file an application to become a permanent resident as soon as they are eligible to do so.

*These requirements differentiate Texas graduates from foreign/exchange students who come to the state from their country of origin for the express purpose of higher education.*

Targets “undocumented”, anyone who has not filed INS petition to adjust status.

Foreign-born youth who have a petition pending with the INS that will eventually lead to permanent resident status and/or citizenship, are eligible for in-state tuition. I-130/I-140 is currently the earliest petition acceptable.

*This section applies to those with status to file and who are residing in the US while the petition is pending, but are not yet residents. Simplifies the determination process because the eligible populations and criteria for establishing domicile are constantly shifting due to Congressional and court changes. A cash receipt OR letter form receipt for petition from INS is acceptable documentation.*

Mexican nationals who have graduated from Mexican high schools, may pay in-state tuition at the University of Texas at San Antonio ( *adds UTSA to a statutory list of other institutions in the current “good neighbor” program*)