

INDIANA SENATE BILL 207 – EXCEPTIONS FOR RESIDENT TUITION

Questions and Answers

Background and Overview

Indiana Senate Bill 207, signed into law May 7 and effective as of July 1, 2013, states that the provisions in HB1402 and SB590 prohibiting resident tuition for students not in the country lawfully **do not apply** to individuals who were enrolled in a state educational institution on or before July 1, 2011. The new law, in effect, grandfathers the students who were enrolled and attending as residents when the law changed in 2011. The provisions for institutional aid are unchanged – non-U.S. citizen students in the U.S. without a lawful visa or immigration status cannot be granted institutional financial assistance.

Many admitted and enrolled Indiana University students were negatively affected by the 2011 law. We will proactively work to find those students who identified themselves as not in the country lawfully and determine whether or not they could be considered residents beginning July 2013 on the basis of previous attendance at a state institution. Each campus registrar will perform these evaluations for the students we have knowledge of, and any who self-identify in the future as qualifying for this benefit.

Students who have been granted ‘deferred action’ by the Department of Homeland Security who were not enrolled in a state institution prior to July 1, 2011, are not considered to be present in the U.S. with a lawful immigration status. These students are not eligible for resident tuition or institutional financial assistance.

Questions about the law

Q: Where can I read the law?

A: <http://www.in.gov/legislative/bills/2013/SB/SB0207.1.html>

Q: Does the law allow students who were enrolled in a state educational institution prior to July 1, 2011 to get institutional aid?

A: *No. This is only about tuition.*

Q: What do we mean by “enrolled?”

A: *This has been interpreted to mean more than being registered. The student had to be attending classes that were in session prior to July 1, 2011. This includes students who took college classes while they were in high school (ACP, dual credit, SPAN, etc.)*

Q: When does this take effect?

A: *A student who qualifies would be able to pay the resident rate beginning with any courses that start on or after July 1, 2013. There can be no retroactive changes to tuition charges incurred before that date.*

Q: Did the student have to be a resident while attending to be considered one now?

A: *The way the law was written, residency status during prior attendance is not relevant. However, a student who does not meet all of Indiana University’s other requirements for resident classification would not be allowed to pay resident rates solely on the basis of this law.*

Q: Does it matter how long ago the student attended a state institution?

A: *No. Any attendance prior to July 1, 2011 would enable a student to be considered for resident status.*

Q: Does a student coming back for graduate school get this special consideration?

A: *Yes. There is no distinction in the law that restricts to whom it applies. Attendance at any level prior to July 1, 2011 would enable a student meeting other IU requirements to be considered for resident status for future attendance at any level.*

Questions about implementing the change

Q: How will we identify current IU students who could be reclassified as residents?

A: *A little over 200 students have answered the questions in the “Citizenship Verification” process identifying themselves as not in the country lawfully. Those students are coded with an ‘R39’ Service Indicator and a reason code ‘INELG.’ They will be evaluated by the campus registrars to determine whether or not we have enough information in the SIS to determine whether or not their status could be changed effective July 1, 2013. If it can, a new reason code, ‘SB207’ will be added and residency status will be updated.*

Q: What about students who attended before we started verifying status or those who attended other state institutions?

A: *We will have to rely on students to self-identify. Verification of enrollment and dates of attendance will be collected and reviewed by the registrars who will make the residency determination.*

Q: The current residency policy says, “A non-U.S. citizen will not be considered for residence classification under this policy unless the Office of U.S. Citizenship and Immigration Services (USCIS) has granted the individual either lawful permanent resident status or an immigration status that would permit the non-U.S. citizen to establish a domicile in Indiana.” Doesn’t that mean our institutional policy precludes the University from granting the exception now allowed by the new state law?

A: *The current residency policy was re-written in 2011 to conform with HB1402 and SB590. The “Rules for Determining Resident and Nonresident Student Status for Indiana University Fee Purposes” will undergo a review in the coming months to incorporate the exception in the new legislation.*

Q: Where should questions be directed?

A: *Student questions about eligibility for resident status should be directed to your the campus Registrar. Campus questions regarding implementation of SB207 should be directed to Holly Hamilton, University Registrar, at hhamilt@indiana.edu.*

Questions about the Deferred Action program

Q: What is the Deferred Action program?

A: *On June 15, 2012, the Department of Homeland Security announced that certain young people brought to the US illegally as children, who do not pose a security risk could apply for relief from the threat of deportation for a period of two years, subject to renewal. Those accepted are also allowed to apply for work authorization. The full name of the program is, Deferred Action for Childhood Arrivals, or DACA. This DHS website has background, details about who may apply and a comprehensive FAQ - <http://www.dhs.gov/deferred-action>*

Q: Are students who’ve been granted Deferred Action considered by the state to be “lawfully present?”

A: *No. The language used by Homeland Security has caused great confusion. They make it clear that these students’ immigration status is unchanged, but go on to say a person granted deferred action “will not be considered to be accruing unlawful presence in the United States during the period deferred action*

is in effect...” A student with this status could only be considered for resident tuition if he attended a state educational institution prior to July 1, 2011. These students are not present in the US with a valid visa or immigration status.

Q: Many new students granted deferred action status are confused by the OneStart interrupt language used to verify whether or not non-citizens are in the country lawfully. Can we make that more clear to reduce confusion and minimize the chances that a student will answer the questions incorrectly?

A: *Yes. A re-write is under review with the Office of the General Counsel.*

Q: Are students with this status, who have obtained an employment authorization card, eligible to work at IU?

A: *Yes.*