

Va. Republican Bill Would Bar Illegal Immigrants From College

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Body

Virginia Republicans announced legislation Wednesday that would prohibit public colleges and universities from accepting illegal immigrants even if they attended a public high school and were brought to the United States at an early age by their parents.

GOP leaders, who control both houses of the legislature, suggested that some Virginia residents are being denied access to college because too many illegal immigrants are taking available slots.

"If a legal Virginia resident is applying to schools, should they be admitted? Or should that slot be set aside for someone who has arrived here illegally?" asked James K. "Jay" O'Brien Jr. (R-Fairfax), the sponsor of the proposal.

The Republican proposal would also require city and county jails to check a defendant's immigration status and to have at least one person on duty who has been certified by the federal government to detain illegal immigrants until deportation proceedings. It would also routinely deny bail for illegal immigrants charged in a crime and suspend the business licenses of anyone convicted of hiring illegal immigrants.

All 140 seats in the General Assembly are on the ballot this fall, and illegal immigration has been a key issue statewide -- particularly in Northern Virginia, where Republicans have been losing ground in recent elections.

Immigrant-rights activists, who say illegal immigrants aren't being admitted to Virginia colleges anyway, accused the GOP of trying to needlessly scare voters.

Claire Guthrie Gastanaga, a lobbyist for immigrant organizations, said the GOP "is taking advantage of a public misconception about the facts" and "exploiting fear and ignorance."

"It's poll-driven. It's cynical, and it's just silly," Gastanaga said.

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The college admissions proposal, which comes as party leaders try to shift public attention from controversial abusive-driving fees, is part of a five-point plan presented by Republican legislators, including House Speaker William J. Howell (Stafford) and Senate Majority Leader Walter A. Stosch (Henrico).

"Allowing illegal aliens to circumvent the rule of law not only undermines the integrity and wellbeing of our society and stretches thin limited taxpayer resources at all levels of government, but is an injustice to those immigrants who followed the lawful path in coming to Virginia and the United States," Howell said.

The proposals are more restrained than past statewide efforts to deal with illegal immigration.

Last year, the House of Delegates approved a bill that would cut off state funding for any charity found to be assisting illegal immigrants. Some GOP delegates are pushing separate proposals this year to cut off state funding to local governments that provide services to illegal immigrants. Governments in Prince William, Loudoun and Culpeper counties are trying to curb illegal immigration, too.

Del. David B. Albo (R-Fairfax), chairman of the Courts of Justice Committee, said the House would focus on the proposal outlined Wednesday because the GOP leadership is confident it would be upheld in court.

But the issue of denying a public college education to an illegal immigrant will probably be controversial.

In past sessions, the House of Delegates and more moderate Senate have failed to agree on proposals to deny in-state tuition rates to illegal immigrants.

Howell and Stosch say they are ready to go much further.

Under the GOP proposal, a public college such as Virginia Tech or George Mason University would have to prove an applicant is a legal resident or has a valid student visa.

Northern Virginia Community College allows the admission of illegal immigrants, but they must pay out-of-state tuition.

But most four-year colleges prohibit illegal immigrants, advocates and college officials said. "We don't enroll illegal aliens," said Jeff Hanna, a spokesman for the University of Virginia. "A student who applies and is accepted must produce documentation." In 2004, a federal judge in Alexandria upheld the right of U-Va. and six other Virginia colleges and universities to deny admission to illegal immigrants. The suit was brought by illegal immigrants upset that they were being denied entry.

O'Brien couldn't present any evidence Wednesday that illegal immigrants are gaining access to Virginia's colleges.

But GOP leaders offered statistics showing that 36 percent of applicants to a four-year public college in Virginia were rejected last year. They couldn't say how many of those denials occurred because the applicants weren't academically qualified.

In some cases, students at Virginia public schools do not have legal status -- even though their younger siblings do -- because they were brought into the country at a young age by their parents. In those circumstances, O'Brien said, it would be up to "the parents of that child to seek legal presence for that child."

The proposal dealing with defendants in county jails would require that sheriffs have at least one person on duty at all times who is certified to check their immigration status.

A 1994 law asks sheriffs to check immigration status. But Albo said that the legislation is confusing and that many jails do not follow it.

"This will absolutely mandate them to do it and tells them how they should do it," Albo said.

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Gov. Timothy M. Kaine (D) said that he is eager to work with the **Republicans** to curtail **illegal** immigration but that he is waiting for the findings of a state commission studying the issue before he endorses a specific proposal. The commission is expected to complete its work in October.

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