

MEMORANDUM

TO: Tuition Classification Officers
FROM: Emily Burns, Lead Finance Analyst
DATE: November 1, 2018
SUBJECT: Clarifying Senate Bill 18-087

Colorado Revised Statute § 23-7-103(o)(I) states, “a foreign national, notwithstanding an intention to return to his or her country of origin or ineligibility to establish domicile in the United States pursuant to federal law, shall be eligible for classification as an in-state student subject to all other provisions of this section if the primary purpose of this section if the primary purpose of the foreign national’s residence in Colorado, pursuant to federal immigration regulations, is other than for his or her education or for the education of a family member.” The statute requires the Colorado Commission on Higher Education (CCHE) to “designate those nonimmigrant classifications under which such foreign nationals may qualify as in-state students.” C.R.S. § 23-7-103(o)(I). CCHE has designated such nonimmigrant classifications eligible for in-state tuition classification in Policy VI, Part B, “In-State Tuition Classification,” and provides further information in the tuition classification guidelines:

<https://highered.colorado.gov/Publications/Policies/Current/vi-partb.pdf>
<https://highered.colorado.gov/finance/residency/guidelines.html>

The language added to C.R.S. § 23-7-103(o)(II) after the passage of SB 18-087 is limited in scope. SB 18-087 provides in-state tuition eligibility for very specific classifications of foreign nationals who have settled in Colorado. Those groups include: foreign nationals admitted to the United States as refugees pursuant to [8 U.S.C. SEC. 1157](#) and foreign nationals admitted to the United States as special immigrants pursuant to [PUB.L. 110-181, SEC. 1244](#) (special immigrant status for certain Iraqis), [PUB.L. 109-163, SEC. 1059](#) (special immigrant status for persons serving as translators with United States Armed Forces), or [PUB.L. 111-8, Division F, Title VI, SEC. 602](#) (special immigrant status for certain Afghans).

The Department recommends the following types of documentation be used to verify whether a person is eligible for in-state tuition classification pursuant to C.R.S. § 23-7-103(o)(II). The recommended documentation differs based on whether a person is classified as a refugee or a special immigrant:

- For persons classified as refugees the establishing document is the [I-94](#).
For refugee derivative (Visa 93) beneficiaries, the establishing document is the I-590 stamp.
- For Special Immigrant Visa holders (SIVs), the establishing documentation is an Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under Immigrant Visa category SI1 or SQ1 (for principal applicants), SI2 or SQ2 (for spouses), or SI3 or SQ3 (for unmarried children under 21). This must be accompanied by a stamp from DHS or an I-94 form that notes the date of admission to the U.S. (see detail below).

Lastly, tuition classification officers may also find the [SAVE](#) (Systematic Alien Verification for Entitlements) program to be a useful tool.



Iraqi and Afghan Special Immigrants

Acceptable documents for Iraqi and Afghan Special Immigrants

Applicant	Documentation
Principal Applicant Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI1 or SQ1 <i>and</i> DHS stamp or notation on passport or I-94 showing date of admission
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI2 or SQ2 <i>and</i> DHS stamp or notation on passport or I-94 showing date of admission
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been classified under IV (Immigrant Visa) Category SI3 or SQ3 <i>and</i> DHS stamp or notation on passport or I-94 showing date of admission
Principal Applicant Iraqi or Afghan Special Immigrant Principal Adjusting Status in the United States	DHS Form I-551 (“green card”) with an IV (immigrant visa) code for category SI6 or SQ6
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant Principal Applicant Adjusting Status in the United States	DHS Form I-551 (“green card”) with an IV (immigrant visa) code for category SI7 or SQ7
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant Principal Applicant Adjusting Status in the United States	DHS Form I-551 (“green card”) with an IV (“immigrant visa”) code for category SI9 or SQ9

<https://www.acf.hhs.gov/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#iraqi>

