



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

November 9, 1981

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ATTORNEY GENERAL

Ms. Sharon M. Wheeler
Assistant Director for Research
Arizona State Board of Directors
for Community Colleges
1937 West Jefferson, Bldg A.
Phoenix, Arizona 85009

Re: I81- 116 (R81-122)

Dear Ms. Wheeler:

This is in response to your request for an opinion dated August 28, 1981, wherein you asked whether aliens who have been granted parole refugee status pursuant to A.R.S. § 15-1803 prior to June 30, 1981, may retain that status after June 30th, the expiration date indicated in the statute.^{1/} Stated another way, your question is whether the expiration of the statutory provision applies to all students classified as in-state refugee students or only precludes a student from obtaining that status after June 30, 1981.

A.R.S. § 15-1803 reads as follows:

A. An alien is entitled to classification as an in-state refugee student if such person has been granted parole refugee status in accordance with all applicable laws of the United States and has met all of the requirements for domicile.

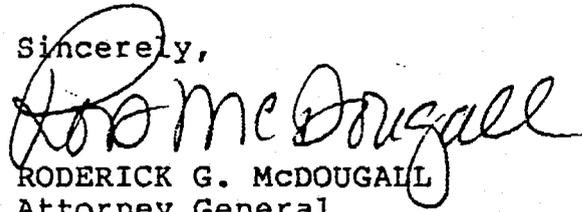
1. Parole refugee status refers to that status conferred upon persons who are allowed into the United States for certain emergency reasons under the Immigration and Nationality Act of 1960 as amended, 20 U.S.C. 1101, et. seq.

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B. The provisions of this section shall expire from and after June 30, 1981.

The above language is the only statutory reference to in-state refugee status. A.R.S. § 15-1803 by its own terms is a temporary statute, and as such, the rights accrued thereunder become nullified upon expiration. See Sutherland on Statutory Construction (4th Ed. 1973) § 34.04. The State Board of Directors for Community Colleges adopted A.C.R.R. 7-1-23.F to implement A.R.S. § 15-1803. That rule provides for an in-state refugee exemption from paying out-of-state tuition until June 30, 1981, consistent with the expiration date of the statute.^{2/} We therefore conclude that the in-state refugee status expired on June 30, 1981, and that any student holding that status prior to that date must achieve in-state status under some other provision.

Sincerely,


RODERICK G. McDOUGALL
Attorney General

RGM:LPS:ta

2. We note that the Arizona Board of Regents, to which A.R.S. § 15-1803 also applies, has not adopted by rule and regulation a provision relating to in-state refugee status.