

# SENATE, No. 699

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/9/2018)**

1 AN ACT concerning eligibility for State student financial assistance  
2 programs and supplementing chapter 71B of Title 18A of the  
3 New Jersey Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or  
9 any other law or regulation to the contrary, a student who meets the  
10 requirements of P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply  
11 for, and participate in, any student financial aid program  
12 administered by the Higher Education Student Assistance Authority  
13 or the Secretary of Higher Education to the full extent permitted by  
14 federal law. The Legislature finds and declares that this section is a  
15 state law within the meaning of section 411(d) of the “Personal  
16 Responsibility and Work Opportunity Reconciliation Act of 1996”  
17 (8 U.S.C. s.1621(d)).

18 b. The Higher Education Student Assistance Authority and the  
19 Secretary of Higher Education shall establish procedures and forms  
20 that enable students who meet the requirements of P.L.2013, c.170  
21 (C.18A:62-4.4) to apply for, and participate in, all student financial  
22 aid programs administered by the Higher Education Student  
23 Assistance Authority and the Secretary of Higher Education to the  
24 full extent permitted by federal law. The procedures and forms shall  
25 be posted on the websites of the Higher Education Student  
26 Assistance Authority and the Office of the Secretary of Higher  
27 Education.

28 c. The Higher Education Student Assistance Authority and the  
29 Secretary of Higher Education shall adopt rules and regulations  
30 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
31 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this  
32 act.  
33

34 2. This act shall take effect immediately and first apply to the  
35 2017-2018 academic year.  
36  
37

38 STATEMENT  
39

40 Under the bill, a student who meets the requirements established  
41 under P.L.2013, c.170 (C.18A:62-4.4), which was approved on  
42 December 20, 2013, is eligible to apply for, and participate in, any  
43 student financial aid program administered by the Higher Education  
44 Student Assistance Authority or the Secretary of Higher Education.  
45 Under P.L.2013, c.170, a student, including a student without  
46 lawful immigration status, is allowed to pay the resident tuition rate  
47 at the State’s public institutions of higher education if the student  
48 meets the following requirements: (1) attended high school in this

1 State for three or more years; (2) graduated from a high school in  
2 this State or received the equivalent of a high school diploma in the  
3 State; (3) registers as an entering student or is currently enrolled in  
4 a public institution of higher education not earlier than the fall  
5 semester of the 2013-2014 academic year; and (4) in the case of a  
6 person without lawful immigration status, files an affidavit with the  
7 institution of higher education stating that the student has filed an  
8 application to legalize his immigration status or will file an  
9 application as soon as he is eligible to do so.

10 This bill directs the authority and the secretary to establish  
11 procedures and forms that enable these students to apply for, and  
12 participate in, the State student financial assistance programs. These  
13 procedures and forms will be posted on the websites of the Higher  
14 Education Student Assistance Authority and the Office of the  
15 Secretary of Higher Education.

16 Existing federal law at 8 U.S.C. s.1621(d) permits a state to  
17 make an alien without lawful immigration status eligible for a state  
18 or local public benefit for which the alien would otherwise be  
19 ineligible under federal law only through the enactment of a state  
20 law that affirmatively provides for such eligibility. The bill declares  
21 that this section concerning financial aid eligibility is a state law  
22 within the meaning of this federal provision.