

ASSEMBLY, No. 3509

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 6, 2012

Sponsored by:

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District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

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District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblyman Schaer, Assemblywomen Jimenez, Mosquera, Assemblyman Diegnan, Assemblywoman Spencer, Assemblymen Fuentes, Ramos, Assemblywoman Lampitt, Assemblyman Giblin and Assemblywoman Riley

SYNOPSIS

Allows certain students including undocumented immigrants who meet certain criteria to qualify for in-State tuition at public institutions of higher education and State financial aid.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/13/2013)

1 AN ACT concerning tuition rates and financial aid for certain
2 students and supplementing chapter 62 and chapter 71B of Title
3 18A of the New Jersey Statutes.

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

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8 1. a. Notwithstanding the provisions of any law or regulation
9 to the contrary, a student, other than a nonimmigrant alien within
10 the meaning of section 101 (a)(15) of the "Immigration and
11 Nationality Act," (8 U.S.C. s.1101(a)(15)), shall be exempt from
12 paying nonresident tuition at a public institution of higher education
13 if the student:

14 (1) attended high school in this State for three or more years;

15 (2) graduated from a high school in this State or received the
16 equivalent of a high school diploma in this State;

17 (3) registers as an entering student or is currently enrolled in a
18 public institution of higher education not earlier than the fall
19 semester of the 2013-2014 academic year;

20 (4) in the case of a person without lawful immigration status,
21 files an affidavit with the institution of higher education stating that
22 the student has filed an application to legalize his immigration
23 status or will file an application as soon as he is eligible to do so;
24 and

25 (5) in the case of a person without lawful immigration status,
26 meets the eligibility criteria, and has submitted a request to the
27 United States Citizenship and Immigration Services, for
28 consideration of the United States Department of Homeland
29 Security's deferred action for childhood arrivals process.

30 b. Student information obtained in the implementation of this
31 section shall be confidential.

32 c. The Secretary of Higher Education shall adopt rules and
33 regulations pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
35 provisions of this section.

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37 2. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
38 any other law or regulation to the contrary, a student who meets the
39 requirements of section 1 of P.L. , c. (C.) (pending before
40 the Legislature as this bill) is eligible to apply for, and participate
41 in, any student financial aid program administered by the Higher
42 Education Student Assistance Authority to the full extent permitted
43 by federal law. The Legislature finds and declares that this section
44 is a state law within the meaning of section 411(d) of the "Personal
45 Responsibility and Work Opportunity Reconciliation Act of 1996"
46 (8 U.S.C. s.1621(d)).

47 b. The Higher Education Student Assistance Authority shall
48 establish procedures and forms that enable students who meet the

1 requirements of section 1 of P.L. , c. (C.) (pending before
2 the Legislature as this bill) to apply for, and participate in, all
3 student financial aid programs administered by the Higher
4 Education Student Assistance Authority to the full extent permitted
5 by federal law.

6 c. The Higher Education Student Assistance Authority shall
7 adopt rules and regulations pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to
9 effectuate the provisions of this section.

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11 3. This act shall take effect immediately.

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STATEMENT

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16 This bill allows a student, including a student without lawful
17 immigration status, to pay in-State tuition at the State's public
18 institutions of higher education if the student meets the following
19 requirements: (1) attended high school in this State for three or
20 more years; (2) graduated from a high school in this State or
21 attained the equivalent of a high school diploma in the State; (3)
22 registers as an entering student or is currently enrolled in a public
23 institution of higher education not earlier than the fall semester of
24 the 2013-2014 academic year; (4) in the case of a person without
25 lawful immigration status, files an affidavit with the institution of
26 higher education stating that the student has filed an application to
27 legalize his immigration status or will file an application as soon as
28 he is eligible to do so; and (5) in the case of a person without lawful
29 immigration status, meets the eligibility criteria, and has submitted
30 a request to the United States Citizenship and Immigration Services,
31 for consideration of the United States Department of Homeland
32 Security's deferred action for childhood arrivals process. The latter
33 requirement is based on a June 15, 2012 memorandum from the
34 Secretary of Homeland Security describing a process whereby
35 certain individuals who came to the United States as children and
36 meet several specified criteria could request consideration of
37 deferred action, a determination to defer removal action of an
38 individual as an act of prosecutorial discretion.

39 Under the bill, a student who meets the above requirements for
40 in-State tuition eligibility is also eligible to apply for, and
41 participate in, any student financial aid program administered by the
42 Higher Education Student Assistance Authority. The bill directs the
43 authority to establish procedures and forms that enable these
44 students to apply for, and participate in, the State student assistance
45 programs. Existing federal law, 8 U.S.C. s.1621(d), permits a state
46 to make an alien without lawful immigration status eligible for a
47 state or local public benefit for which the alien would otherwise be
48 ineligible under federal law only through the enactment of a state

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1 law that affirmatively provides for such eligibility. The bill
2 declares that the section concerning financial aid eligibility is a
3 state law within the meaning of this federal provision.