

[Third Reprint]

**SENATE, No. 2479**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JANUARY 14, 2013

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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended on December 19, 2013 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 12/20/2013)

1 AN ACT concerning tuition rates <sup>3</sup>**[and financial aid]**<sup>3</sup> for certain  
2 students and supplementing chapter 62 <sup>3</sup>**[and chapter 71B]**<sup>3</sup> of  
3 Title 18A of the 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 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 <sup>2</sup>**[nonresident]** out-of-State<sup>2</sup> tuition at a public institution of  
13 higher education 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; <sup>1</sup>and<sup>1</sup>

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 <sup>1</sup>**;**  
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<sup>1</sup>.

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.

36  
37 <sup>3</sup>**[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 <sup>1</sup>or the Secretary of Higher

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SHI committee amendments adopted June 27, 2013.

<sup>2</sup>Senate SBA committee amendments adopted November 14, 2013.

<sup>3</sup>Senate amendments adopted in accordance with Governor's recommendations December 19, 2013.

1 Education<sup>1</sup> to the full extent permitted by federal law. The  
2 Legislature finds and declares that this section is a state law within  
3 the meaning of section 411(d) of the “Personal Responsibility and  
4 Work Opportunity Reconciliation Act of 1996” (8 U.S.C.  
5 s.1621(d)).

6 b. The Higher Education Student Assistance Authority <sup>1</sup>and the  
7 Secretary of Higher Education<sup>1</sup> shall establish procedures and forms  
8 that enable students who meet the requirements of section 1 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
10 apply for, and participate in, all student financial aid programs  
11 administered by the Higher Education Student Assistance Authority  
12 <sup>1</sup> and the Secretary of Higher Education<sup>1</sup> to the full extent permitted  
13 by federal law.

14 c. The Higher Education Student Assistance Authority <sup>1</sup>and the  
15 Secretary of Higher Education<sup>1</sup> shall adopt rules and regulations  
16 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
17 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this  
18 section.】<sup>3</sup>

19

20 <sup>3</sup>【3. <sup>2</sup>【This】 Section 1 of this<sup>2</sup> act shall take effect immediately  
21 <sup>2</sup>and section 2 of this act shall take effect in the 2014-2015  
22 academic year<sup>2</sup>.】 2. This act shall take effect immediately.<sup>3</sup>