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

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

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

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

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

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

STATEMENT

Under the bill, a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4), which was approved on December 20, 2013, is eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education. Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State’s public institutions of higher education if the student meets the following requirements: (1) attended high school in this
State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State; (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

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

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