

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 699

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Higher Education Committee reports favorably Senate Bill No. 699.

This bill provides that 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.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.