

ASSEMBLY, No. 1352

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Removes exclusion of “nonimmigrant aliens” from qualifying for in-State tuition rates at public institutions of higher education under certain conditions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning tuition rates for certain students and amending
2 P.L.2013, c.170.

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

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7 1. Section 1 of P.L.2013, c. 170 (C.18A:62-4.4) is amended to
8 read as follows:

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

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

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

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

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

25 b. Student information obtained in the implementation of this
26 section shall be confidential.

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

31 (cf: P.L.2013, c.170, s.1)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 The provisions of P.L.2013, c.170 (C.18A:62-4.4) permit a
39 student, including a student without lawful immigration status, to
40 pay in-State tuition at New Jersey's public institutions of higher
41 education if the student meets certain requirements, including
42 attending high school in the State for at least 3 years; graduating
43 from a high school, or receiving the equivalent of a high school
44 diploma, in the State; and, if the student lacks lawful immigration
45 status, filing an affidavit stating that he has filed an application to

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.

1 legalize his immigration status or will file an application as soon as
2 he is eligible to do so. The law's provisions do not apply to a
3 student who meets the definition of a "nonimmigrant alien" within
4 the meaning of section 101(a)(15) of the federal "Immigration and
5 Nationality Act." In general terms, a "nonimmigrant alien" is a
6 person who has a permanent residence abroad and is admitted to the
7 United States on a temporary basis for a specific purpose, such as
8 education, business, employment, or pleasure. The classifications
9 of nonimmigrant aliens include students who maintain a residence
10 in a foreign country and seek to enter the United States temporarily
11 for the purpose of pursuing a course of study at an established
12 college, university, or other academic institution.

13 This bill would amend current law to remove the restriction that
14 excludes nonimmigrant aliens from the provisions of P.L.2013,
15 c.170. Under the bill, any student who meets the requirements
16 outlined in P.L.2013, c.170 (C.18A:62-4.4), including a student
17 who is a nonimmigrant alien, would be eligible for in-State tuition.