

# SENATE HIGHER EDUCATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2555

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 6, 2019

The Senate Higher Education Committee reports favorably Senate Bill No. 2555 with committee amendments.

Under section 1 of P.L.2013, c.170 (C.18A:62-4.4), a student, including a student without lawful immigration status, is permitted to pay in-State tuition at the State's public institutions of higher education if the student meets the following criteria:

- (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 this 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.

The law specifically states, however, that students who are nonimmigrant aliens within the meaning of section 101(a)(15) of the "Immigration and Nationality Act," 8 U.S.C. s.1101(a)(15), are not permitted to pay in-State tuition under the provisions of the law. Among those who fall under this nonimmigrant alien category are persons holding an H-1B visa. As amended, this bill provides that if the criteria provided in section 1 of P.L.2013, c.170 (C.18A:62-4.4) are met, a dependent student whose parent or guardian holds an H-1B visa will be eligible for in-State tuition at public institutions of higher education.

According to the United States Citizenship and Immigration Services, the H-1B visa category applies to people who wish to perform services in a specialty occupation, services of exceptional merit and ability relating to a federal Department of Defense cooperative research and development project, or services as a fashion model of distinguished merit or ability.

The committee amended the bill to delete reference to "H1 visa" and insert reference to "H-1B visa."