

P.L. 2021, CHAPTER 341, *approved January 10, 2022*

Senate, No. 3119

1 **AN ACT** concerning tuition rates and eligibility for student financial
2 aid, amending P.L.2019, c.411 and supplementing chapter 71B
3 of Title 18A of the New Jersey Statutes.

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

8 1. Section 1 of P.L.2019, c.411 (C.18A:62-4.6) is amended to
9 read as follows:

10 1. Notwithstanding any provision of section 1 of P.L.2013,
11 c.170 (C.18A:62-4.4) or any other section of law to the contrary, a
12 student who holds a T or U visa or a dependent student whose
13 parent or guardian holds an H-1B, O-1 or O-2 visa shall be exempt
14 from paying out-of-State tuition at a public institution of higher
15 education provided the student meets the conditions set forth in
16 paragraphs (1) through (4) of subsection a. of section 1 of P.L.2013,
17 c.170 (C.18A:62-4.4).

18 (cf: P.L.2019, c.411, s.1)

2. (New section) Notwithstanding the provisions of any other section of law to the contrary, a student who is a victim of trafficking, domestic violence, or other serious crime who has been granted a status under 8 U.S.C. s.1101 (a)(15)(T) or 8 U.S.C. s.1101 (a)(15)(U) shall be eligible to participate in any student financial aid, grant, or scholarship program under chapter 71B of Title 18A of the New Jersey Statutes, provided the student meets the conditions set forth in paragraphs (1) through (4) of subsection a. of section 1 of P.L.2013, c.170 (C.18A:62-4.4).

30 3. This act shall take effect immediately.

STATEMENT

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:

- 39 (1) attended high school in this State for three or more years;
40 (2) graduated from a high school in this State or received the
41 equivalent of a high school diploma in this State;

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

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

8 The law specifically states, however, that students who are
9 nonimmigrant aliens within the meaning of section 101(a)(15) of
10 the "Immigration and Nationality Act," 8 U.S.C. s.1101(a)(15), are
11 not permitted to pay in-State tuition under the provisions of the law.
12 Among those who fall under this nonimmigrant alien category are
13 persons holding a T, U, O-1, or O-2 visa.

14 This bill provides that if the criteria provided in section 1 of
15 P.L.2013, c.170 (C.18A:62-4.4) are met, a student who holds a T or
16 U visa or a dependent student whose parent or guardian holds an O-
17 1 or O-2 visa will be eligible for in-State tuition at public
18 institutions of higher education.

19 The bill also provides that if the criteria provided in section 1 of
20 P.L.2013, c.170 (C.18A:62-4.4) are met, a student who holds a T or
21 U visa is eligible to participate in any student financial aid, grant,
22 or scholarship program under chapter 71B of Title 18A of the New
23 Jersey Statutes.

24 A T visa is issued to a person who the Secretary of Homeland
25 Security determines is or has been a victim of human trafficking, is
26 physically present in the United States or a port of entry thereto, has
27 complied with any reasonable request for assistance in the federal,
28 state, or local investigation or prosecution of acts of trafficking, and
29 who would suffer extreme hardship upon removal.

30 A U visa is issued to a person who the Secretary of Homeland
31 Security determines has suffered substantial physical or mental
32 abuse as a result of having been a victim of criminal activity and
33 has been or will be helpful to law enforcement investigating or
34 prosecuting the criminal activity, and the criminal activity violated
35 the laws of the United States or occurred in the United States or the
36 territories and possessions of the United States.

37 An O-1 visa is issued to individuals with an extraordinary ability
38 in the sciences, education, business, athletics, the arts, motion pictures,
39 or television industry. An O-2 visa is issued to individuals who assist
40 individuals with an O-1 visa in a specific event or performance.

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45 Allows certain students who hold T, U, or O visa to qualify for
46 in-State tuition and allows students who hold T or U visa to qualify
47 for student financial aid.