

SENATE, No. 748

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning tuition rates for certain students and
2 supplementing P.L.2013, c.170 (C.18A:62-4.4).

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

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill allows dependent students whose parents or guardians
21 that hold H-1B visas to qualify for in-State tuition at public
22 institutions of higher education provided they meet certain criteria.

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

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

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

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

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

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

47 According to the United States Citizenship and Immigration
48 Services, the H-1B visa category applies to people who wish to

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- 1 perform services in a specialty occupation, services of exceptional
- 2 merit and ability relating to a federal Department of Defense
- 3 cooperative research and development project, or services as a
- 4 fashion model of distinguished merit or ability.