

SENATE, No. 3052

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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.

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

7
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 dependent student whose parent or guardian holds an H-1B, O-1,
13 O-2, T, or U visa shall be exempt from paying out-of-State tuition
14 at a public institution of higher education provided the student
15 meets the conditions set forth in paragraphs (1) through (4) of
16 subsection a. of section 1 of P.L.2013, c.170 (C.18A:62-4.4).

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

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

29
30 3. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 Under section 1 of P.L.2013, c.170 (C.18A:62-4.4), a student,
36 including a student without lawful immigration status, is permitted
37 to pay in-State tuition at the State's public institutions of higher
38 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;

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

45 (4) in the case of a person without lawful immigration status,

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 files an affidavit with the institution of higher education stating that
2 the student has filed an application to legalize his immigration
3 status or will file an application as soon as he is eligible to do so.

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

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

14 The bill also 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 who is the dependent of a holder of a T or U visa, is
17 eligible to participate in any student financial aid, grant, or
18 scholarship program under chapter 71B of Title 18A of the New
19 Jersey Statutes.

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

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

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