ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3119

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Assembly Higher Education Committee reports favorably Senate Bill No. 3119.

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 a T, U, O-1, or O-2 visa.

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 student who holds a T or U visa or a dependent student whose parent or guardian holds an O-1 or O-2 visa will be eligible for in-State tuition at public institutions of higher education.

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

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

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

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

As reported by the committee, this bill is identical to Assembly Bill No. 5740, which also was reported by the committee on this same date.