

Appropriations

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

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.
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 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)
19

20 2. (New section) Notwithstanding the provisions of any other
21 section of law to the contrary, a student who is a victim of
22 trafficking, domestic violence, or other serious crime who has been
23 granted a status under 8 U.S.C. s.1101 (a)(15)(T) or 8 U.S.C. s.1101
24 (a)(15)(U) shall be eligible to participate in any student financial
25 aid, grant, or scholarship program under chapter 71B of Title 18A
26 of the New Jersey Statutes, provided the student meets the
27 conditions set forth in paragraphs (1) through (4) of subsection a. of
28 section 1 of P.L.2013, c.170 (C.18A:62-4.4).
29

30 3. This act shall take effect immediately.
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34 STATEMENT

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

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

41 (2) graduated from a high school in this State or received the
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 _____
46 Allows certain students who hold T, U, or O visa to qualify for
47 in-State tuition and allows students who hold T or U visa to qualify
for student financial aid.

CHAPTER 341
(CORRECTED COPY)

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

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

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

C.18A:62-4.6 Certain students qualified for in-State tuition at public institutions of higher education.

1. Notwithstanding any provision of section 1 of P.L.2013, c.170 (C.18A:62-4.4) or any other section of law to the contrary, a student who holds a T or U visa or a dependent student whose parent or guardian holds an H-1B, O-1 or O-2 visa shall be exempt from paying out-of-State tuition at a public institution of higher education, 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).

C.18A:71B-2.6 Certain students qualified for student financial aid, grant, scholarship program.

2. 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).

3. This act shall take effect immediately.

Approved January 10, 2022.

SENATE, No. 3119

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

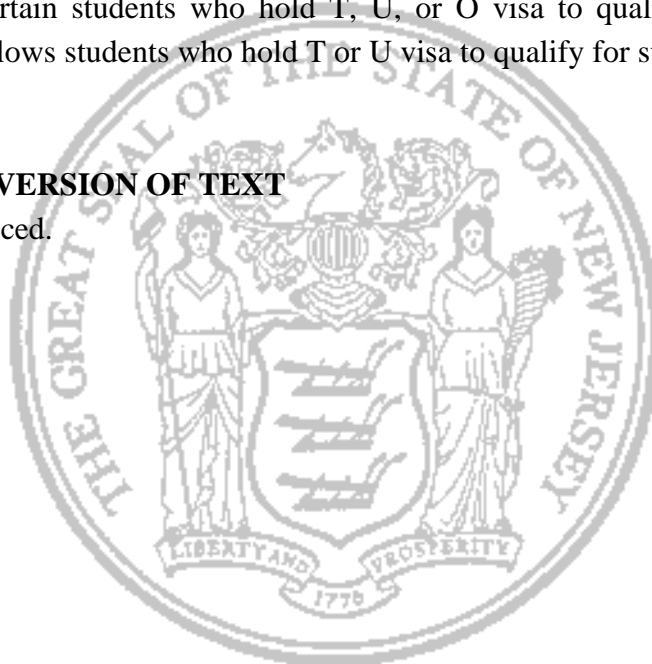
Assemblywoman Vainieri Huttle and Assemblyman Benson

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.



(Sponsorship Updated As Of: 12/20/2021)

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 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)

19

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

29

30 3. This act shall take effect immediately.

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STATEMENT

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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:

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

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

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

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

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

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

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

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.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3119

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations 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, Senate Bill No. 3119 is identical to, Assembly Bill No. 5740 which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would result in an indeterminate annual increase in State expenditures under student financial aid programs administered by the Office of the Secretary of Higher Education (OSHE) and the Higher Education Student Assistance Authority (HESAA).

The OLS also determines that the bill would lead to an annual indeterminate impact on tuition revenue for public institutions of higher education.

The magnitude of these effects cannot be definitively ascertained because the OLS has insufficient information to determine the number of students who would become newly eligible for in-State tuition rates or State student financial aid as a result of enactment of the bill.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3119

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2020

The Senate 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.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3119

STATE OF NEW JERSEY

DATED: MAY 20, 2021

The Senate Budget and Appropriations 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.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would result in an indeterminate annual increase in State expenditures under student financial aid programs administered by the Office of the Secretary of Higher Education (OSHE) and the Higher Education Student Assistance Authority (HESAA). The OLS also determines that the bill would lead to an annual indeterminate impact on tuition revenue for public institutions of higher education. The magnitude of these effects cannot be definitively ascertained because the OLS has insufficient information to determine the number of students who would become newly eligible for in-State tuition rates or State student financial aid as a result of enactment of the bill.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3119
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: FEBRUARY 18, 2021

SUMMARY

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.

Type of Impact: Annual State expenditure increase from the General Fund; Annual revenue impact on public institutions of higher education.

Agencies Affected: Office of the Secretary of Higher Education; Higher Education Student Assistance Authority; Public Institutions of Higher Education.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
Public Institutions of Higher Education Revenue Impact	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill would result in an indeterminate annual increase in State expenditures under student financial aid programs administered by the Office of the Secretary of Higher Education (OSHE) and the Higher Education Student Assistance Authority (HESAA).
- The OLS also determines that the bill would lead to an annual indeterminate impact on tuition revenue for public institutions of higher education.
- The magnitude of these effects cannot be definitively ascertained because the OLS has insufficient information to determine the number of students who would become newly eligible for in-State tuition rates or State student financial aid as a result of enactment of the bill.

BILL DESCRIPTION

This bill provides that a student who holds a T or U visa or who is a dependent student whose parent or guardian holds an O-1 or O-2 visa and meets certain requirements under existing law is exempt from paying the out-of-State tuition at public institutions of higher education. The bill

also provides that a student who holds a T or U visa is eligible to participate in any State student financial aid, grant, or scholarship program if the these same requirements are met.

Under current law, 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 the student's immigration status or will file an application as soon as the student is eligible to do so. The law specifically states, however, that students who are nonimmigrant aliens within the meaning of the Immigration and Nationality Act 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.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill would result in an indeterminate increase in State expenditures under student financial aid programs administered by the OSHE and the HESAA. The magnitude of the increase would be determined by the form and amount of State student financial aid for which students would become eligible and the extent to which the availability of financial aid causes additional students to enroll in institutions of higher education. The OLS cannot quantify the magnitude of this increase because there is insufficient information as to the number of students who currently hold T or U visas and are attending or will attend institutions of higher education. The OLS estimates, however, that the increase in State student financial aid expenditures would be minimal because the number of affected students would likely be small. Given the likely low number of students who would newly qualify for State financial aid under this bill, the increase in State expenditures would likely be minimal relative to current appropriations for student financial aid programs, which the OLS calculates as \$526 million for the 12-month FY 2021 timeframe.

The OLS does note that funding for State financial aid programs is, in part, contingent upon the amount appropriated to the programs. If appropriations for State student financial aid programs remain level over time, an increase in the number of students eligible for State financial aid programs under this bill would mean that the amount of financial aid awarded to each student would be reduced.

The OLS also determines that the bill would lead to an annual indeterminate tuition revenue impact on public institutions of higher education. Higher education tuition revenues are not part of State budgeted expenditures; therefore, any changes in tuition revenues as a result of this bill would only impact the public institutions and would have no impact on State revenues or expenditures. While providing in-State tuition rates for T and U visa holders and the dependents of parents or guardians who hold O-1 or O-2 visas may reduce tuition revenue provided by those students (who may otherwise be paying higher nonresident tuition rates), a public institution may

make adjustments to their tuition rates to offset any potential reductions in tuition revenue that may result from the bill's enactment. Moreover, longer-term tuition revenues may increase or decrease relative to where they would have been absent this bill to the extent that students, who may not have otherwise attended a public institution of higher education, would enroll in the institutions because of the lower tuition price created by the bill.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5740

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

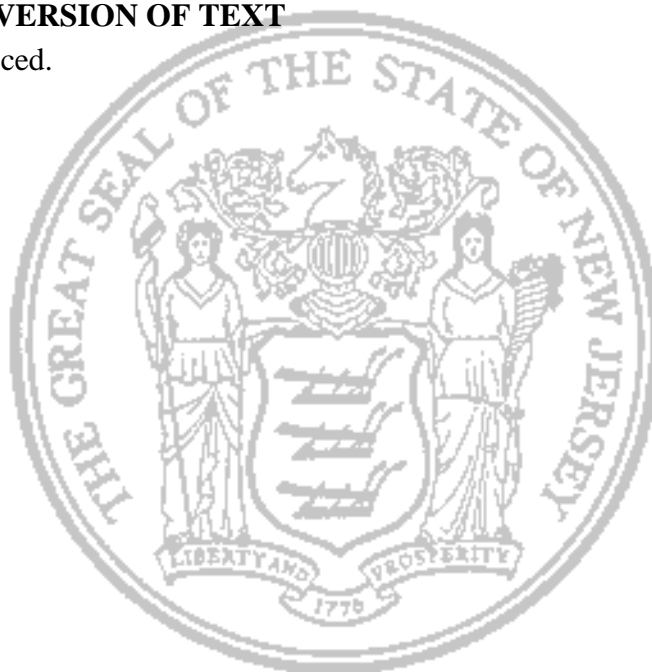
Assemblywoman Vainieri Huttle and Assemblyman Benson

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.



(Sponsorship Updated As Of: 12/9/2021)

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 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)

19

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

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

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

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

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

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

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

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

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5740

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Assembly Higher Education Committee reports favorably Assembly Bill No. 5740.

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 Senate Bill No. 3119, which also was reported by the committee on this same date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5740

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5740.

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, Assembly Bill No. 5740 is identical to, Senate Bill No. 3119 which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill may lead to an indeterminate annual increase in State expenditures under student financial aid programs administered by the Office of the Secretary of Higher Education (OSHE) and the Higher Education Student Assistance Authority (HESAA).

The OLS determines that, due to the limited extent of the issuance of federal T and U visas, any increase in State student financial aid expenditures would likely be minimal.

The OLS also determines that the bill would lead to an annual indeterminate, albeit small, impact on tuition revenue for public institutions of higher education.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5740
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 16, 2021

SUMMARY

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.

Type of Impact: Potential annual State expenditure increase from the General Fund; Annual revenue impact on public institutions of higher education.

Agencies Affected: Office of the Secretary of Higher Education; Higher Education Student Assistance Authority; Public Institutions of Higher Education.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Potential State Expenditure Increase	Indeterminate
Public Institutions of Higher Education Revenue Impact	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill may lead to an indeterminate annual increase in State expenditures under student financial aid programs administered by the Office of the Secretary of Higher Education (OSHE) and the Higher Education Student Assistance Authority (HESAA).
- The OLS determines that, due to the limited extent of the issuance of federal T and U visas, any increase in State student financial aid expenditures would likely be minimal.
- The OLS also determines that the bill would lead to an annual indeterminate, albeit small, impact on tuition revenue for public institutions of higher education.

BILL DESCRIPTION

This bill provides that a student who holds a T or U visa or who is a dependent student whose parent or guardian holds an O-1 or O-2 visa and meets certain requirements under existing law is exempt from paying the out-of-State tuition at public institutions of higher education. The bill

also provides that a student who holds a T or U visa is eligible to participate in any State student financial aid, grant, or scholarship program if the these same requirements are met.

Under current law, 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 the student's immigration status or will file an application as soon as the student is eligible to do so. The law specifically states, however, that students who are nonimmigrant aliens within the meaning of the Immigration and Nationality Act 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.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill would potentially result in an indeterminate increase in State expenditures under student financial aid programs administered by the OSHE and the HESAA. The magnitude of any increase would be determined by the form and amount of State student financial aid for which students would become eligible and the extent to which the availability of financial aid causes additional students to enroll in institutions of higher education. The OLS cannot quantify with certainty the magnitude of an increase because there is insufficient information as to the number of students who currently hold T or U visas and are attending or will attend institutions of higher education.

The OLS determines, however, that the increase in State student financial aid expenditures would be minimal because the number of affected students would likely be small. The basis for this assertion comes from the fact that the extent of the issuance T and U visas is rather limited in scope and number. The T nonimmigrant status (or T visa) is a temporary immigration benefit that enables certain victims of a severe form of trafficking in persons to remain in the United States for an initial period of up to four years if they have complied with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking or qualify for an exemption or exception. Meanwhile, the U nonimmigrant status (or U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Certain family members of T and U visa holders may also qualify for the T and U nonimmigrant status. Federal law limits the total number of available T visas at 5,000 per fiscal year and the number of available U visas at 10,000 per fiscal year.

In addition to the limited number of available T and U visas that may be issued on an annual basis, evidence from other states suggests that the budgetary impact of expanding student financial aid to holders of T and U visas will likely be small. For example, during the California

Legislature's consideration of substantially similar legislation in 2012, a fiscal analysis conducted by the California Student Aid Commission estimated that between 75 and 100 students annually would become newly eligible for aid under the CalGrants Program (California's primary student financial aid program) as a result of the legislation and that yearly costs to the program resulting from the bill would be up to \$159,000.

Given the likely low number of students who would newly qualify for State financial aid under this bill, the increase in State expenditures would likely be marginal relative to current appropriations for student financial aid programs, which the OLS calculates as \$577.6 million in fiscal year 2022.

The OLS also determines that the bill would lead to an annual indeterminate tuition revenue impact on public institutions of higher education. For reasons similar to those noted above, this revenue impact would likely be small given the limited number of students who would be covered under the bill. Higher education tuition revenues are not part of State budgeted expenditures; therefore, any changes in tuition revenues as a result of this bill would only impact the public institutions and would have no impact on State revenues or expenditures. While providing in-State tuition rates for T and U visa holders and the dependents of parents or guardians who hold O-1 or O-2 visas may reduce tuition revenue provided by those students (who may otherwise be paying higher nonresident tuition rates), a public institution may make adjustments to their tuition rates to offset any potential reductions in tuition revenue that may result from the bill's enactment. Moreover, longer-term tuition revenues may increase or decrease relative to where they would have been absent this bill to the extent that students, who may not have otherwise attended a public institution of higher education, would enroll in the institutions because of the lower tuition price created by the bill.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

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