
OLR Bill Analysis

sSB 4 (File 206, as amended by Senate "A")*

AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE.

SUMMARY

This bill extends eligibility for institutional financial aid to attend a state public higher education institution (i.e., UConn and the Connecticut State Colleges and Universities) to certain students, including honorably discharged veterans, who lack legal immigration status. The bill extends eligibility for the aid to these students, to the extent allowed by federal law, if they (1) meet certain residency, age, and criminal history requirements and (2) file an affidavit about their intent to legalize their immigration status with the institution they are attending. Under the bill, veterans are eligible for institutional financial aid upon the bill's passage, while non-veterans are eligible on the earlier of January 1, 2020 or when Congress provides a "pathway to citizenship" for students without legal immigration status. The bill does not define "pathway to citizenship."

The bill specifies that it does not require or compel an institution to match the amount of federal student aid that such students would receive if they were eligible for federal student aid.

The bill requires UConn and the Board of Regents for Higher Education (BOR), by July 1, 2018, to establish procedures and develop forms to enable the newly eligible students to apply for and receive institutional financial aid. It allows UConn and BOR to adopt any policies necessary to implement the bill.

*Senate Amendment "A" (1) makes honorably discharged veterans eligible for aid on the bill's effective date; (2) raises the age by which non-veteran students must have arrived in the United States from 15 to 16; (3) changes the date by which non-veteran students are eligible for

aid from Fall 2019 to the earlier of January 1, 2020, or when Congress provides a pathway to citizenship; (4) makes a corresponding change that requires UConn and BOR to establish procedures and forms by July 1, 2018, instead of January 1, 2019; and (5) changes the effective date from July 1, 2018, to upon passage.

EFFECTIVE DATE: Upon passage

DEFINITION OF INSTITUTIONAL FINANCIAL AID

Under the bill, institutional financial aid consists of (1) tuition waivers and remissions, (2) grants for educational expenses, and (3) student employment. The aid is funded by tuition revenue set aside by the public higher education institutions for full- or part-time students who are enrolled in a degree-granting program or a precollege remedial program and demonstrate substantial financial need.

ELIGIBILITY REQUIREMENTS

The bill requires students without legal immigration status to fulfill the following eligibility requirements to receive institutional aid:

1. meet the requirements for in-state student classification (see BACKGROUND) or be an honorably discharged veteran of the United States armed forces;
2. be age 30 or younger as of June 15, 2012;
3. have been age 16 or younger, or age 15 for veterans, upon arrival in the United States and have continuously lived in the country since that time;
4. be free of felony convictions in all states; and
5. have filed an affidavit with the institution they are attending stating that they have either filed an application to legalize their immigration status or will file one as soon as they are eligible.

Students who lack legal immigration status already must file such an affidavit in order to qualify for in-state tuition (see BACKGROUND).

BACKGROUND

Federal Law on Benefits for Undocumented Individuals

Under federal law, a person who lacks legal immigration status is ineligible for most state and local public benefits, including postsecondary education benefits, unless a state law affirmatively provides for such eligibility (8 U.S.C. § 1621(d)).

In-state Student Classification

By law, with limited exceptions, eligibility for in-state student classification is based on an applicant's domicile, which is his or her “true, fixed and permanent home” and the place where he or she intends to remain and return to when he or she leaves (CGS §§ 10a-28 & 10a-29). One exception allows a person, except for certain nonimmigrant aliens (i.e., people with a visa permitting temporary entrance to the country for a specific purpose), to qualify for in-state tuition if he or she meets the following criteria:

1. resides in Connecticut (i.e., maintains a continuous and permanent physical presence, except for short, temporary absences);
2. attended an in-state educational institution and completed at least two years of high school in Connecticut;
3. graduated from a high school or the equivalent in Connecticut; and
4. is registered as an entering student, or is a student, at UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

Students without legal immigration status who meet the above criteria must file an affidavit with the institution stating that they have applied to legalize their immigration status or will do so as soon as they are eligible (CGS § 10a-29(9)).

Related Bill

sHB 5031, reported favorably by the Higher Education and

Employment Advancement Committee, is identical to this bill.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 17 Nay 3 (03/15/2018)