



Senate

General Assembly

File No. 206

February Session, 2018

Substitute Senate Bill No. 4

Senate, April 4, 2018

The Committee on Higher Education and Employment Advancement reported through SEN. BYE of the 5th Dist. and SEN. LINARES of the 33rd Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2018*) (a) As used in this section:
- 2 (1) "Eligible student without legal immigration status" means any
3 person who (A) is entitled to classification as an in-state student for
4 tuition purposes pursuant to subdivision (9) of section 10a-29 of the
5 general statutes or is an honorably discharged veteran of the armed
6 forces of the United States, (B) was thirty years of age or younger on
7 June 15, 2012, (C) was fifteen years of age or younger when he or she
8 arrived in the United States and has continuously resided in the
9 United States since such arrival, and (D) has not been convicted of a
10 felony in this state or in another state;
- 11 (2) "Institutional financial aid" means funds set aside from the

12 anticipated tuition revenue of an institution of higher education for the
13 purposes of providing tuition waivers, tuition remissions, grants for
14 educational expenses and student employment for full-time or part-
15 time students who are enrolled in a degree-granting program or a
16 precollege remedial program and who demonstrate substantial
17 financial need; and

18 (3) "Public institution of higher education" means those institutions
19 of higher education identified in subdivisions (1) and (2) of section 10a-
20 1 of the general statutes.

21 (b) Beginning in the fall semester of 2019, and for each semester
22 thereafter, in accordance with 8 USC 1621(d), any eligible student
23 without legal immigration status who files an affidavit with an
24 institution of higher education pursuant to subdivision (9) of section
25 10a-29 of the general statutes, stating that such eligible student has
26 filed an application to legalize his or her immigration status, or will file
27 such application as soon as he or she is eligible, shall be eligible to
28 apply for and receive, to the extent permitted by federal law,
29 institutional financial aid to attend a public institution of higher
30 education in the state.

31 (c) Not later than January 1, 2019, the Board of Regents for Higher
32 Education and the Board of Trustees for The University of Connecticut
33 shall establish procedures and develop forms to enable persons who
34 are eligible for institutional financial aid under subsection (b) of this
35 section to apply for and receive, to the extent permitted by federal law,
36 such institutional financial aid.

37 (d) Nothing in this section is intended to require or compel a public
38 institution of higher education to match the amount of federal student
39 financial aid a person eligible for institutional financial aid under
40 subsection (a) of this section would receive if such person was eligible
41 for such federal student financial aid.

42 (e) The Board of Regents for Higher Education and the Board of
43 Trustees for The University of Connecticut may adopt policies as are

44 necessary to carry out the purposes of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	New section

Statement of Legislative Commissioners:

In Subsec. (b), provisions were rephrased for clarity.

HED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact to the higher education constituent units as it does not alter the total amount provided for institutional financial aid. The bill does result in a potential redistribution of such aid among recipients.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 4*****AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE.*****SUMMARY**

Beginning with the fall 2019 semester, this bill extends, to certain students who lack legal immigration status, eligibility for institutional financial aid to attend an in-state, public higher education institution (i.e., UConn and the Connecticut State Colleges and Universities). 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.

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 January 1, 2019, 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.

EFFECTIVE DATE: July 1, 2018

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 undocumented students 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 30 years old or younger as of June 15, 2012;
3. have been 15 years old or younger 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)