

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 18-2—sSB 4**

*Higher Education and Employment Advancement Committee*

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

**SUMMARY:** Under federal law, a student who lacks legal immigration status is ineligible for state benefits, including institutional financial aid, unless a state law affirmatively confers eligibility (8 U.S.C. § 1621(d)). This act affirmatively extends eligibility for institutional financial aid to attend a state public institution of higher education (i.e., UConn and the Connecticut State Colleges and Universities) to certain students and honorably discharged veterans who lack legal immigration status, 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 act, veterans are eligible for institutional financial aid to attend a public institution of higher education upon the act's passage, while non-veterans are eligible for such aid on the earlier of January 1, 2020, or upon the effective date of a federal law that provides a "pathway to citizenship" for students without legal immigration status. The act does not define "pathway to citizenship."

The act 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 act 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 act.

**EFFECTIVE DATE:** Upon passage

**DEFINITION OF INSTITUTIONAL FINANCIAL AID**

Under the act, institutional financial aid consists of funds a higher education institution sets aside from anticipated tuition revenue to fund (1) tuition waivers and remissions, (2) grants for educational expenses, and (3) student employment. The institution must provide this aid to 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**

Under the act, to be eligible for institutional financial aid to attend a public higher education institution, an individual must:

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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

#### *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)).