

# ASSEMBLY, No. 4677

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

**Sponsored by:**

**Assemblywoman SADAF F. JAFFER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**SYNOPSIS**

Allows certain students holding TN visa or TD visa to qualify for in-State tuition rate and State student financial aid.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 9/29/2022)

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 holds a TN visa, or has  
13 otherwise established eligibility for TN nonimmigrant status, under  
14 section 214 (e) of the “Immigration and Nationality Act” (8 U.S.C.  
15 s.1184(e)) or a dependent student who holds a TD visa, or has  
16 otherwise established eligibility for TD nonimmigrant status, under  
17 section 214 (e) of the “Immigration and Nationality Act” (8 U.S.C.  
18 s.1184(e)) or whose parent or guardian holds an H-1B, O-1 or O-2  
19 visa shall be exempt from paying out-of-State tuition at a public  
20 institution of higher education provided the student meets the  
21 conditions set forth in paragraphs (1) through (4) of subsection a. of  
22 section 1 of P.L.2013, c.170 (C.18A:62-4.4).  
23 (cf: P.L.2021, c.341, s.1)

24  
25 2. (New section) Notwithstanding the provisions of any other  
26 law, rule, or regulation to the contrary, a student who holds a TN  
27 visa or a TD visa, or who has otherwise established eligibility for  
28 TN nonimmigrant status or TD nonimmigrant status, under section  
29 214 (e) of the “Immigration and Nationality Act” (8 U.S.C.  
30 s.1184(e)) shall be eligible to participate in any student financial  
31 aid, grant, or scholarship program under chapter 71B of Title 18A  
32 of the New Jersey Statutes, provided the student meets the  
33 conditions set forth in paragraphs (1) through (4) of subsection a. of  
34 section 1 of P.L.2013, c.170 (C.18A:62-4.4).

35  
36 3. This act shall take effect immediately and shall first apply to  
37 the first full academic year following the date of enactment.

38  
39  
40 STATEMENT

41  
42 This bill expands eligibility for in-State tuition rates at public  
43 institutions of higher education and State student financial aid to  
44 individuals holding TN visas and TD visas.

**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       The federal North American Free Trade Agreement (NAFTA)  
2       and the subsequent United States-Mexico-Canada Agreement  
3       (USMCA) create special economic and trade relationships for the  
4       United States, Canada, and Mexico. NAFTA established, and the  
5       USMCA continued, the TN and TD nonimmigrant classifications.  
6       The TN nonimmigrant classification permits qualified Canadian and  
7       Mexican citizens to seek temporary entry into the United States to  
8       engage in business activities at a professional level. Meanwhile, an  
9       accompanying or “following to join” spouse or child under the age  
10      of 21 may be eligible for TD nonimmigrant status. These  
11      nonimmigrant classifications are codified in federal law under the  
12      federal “Immigration and Nationality Act.”

13      Under current State law at N.J.S.A.18A:62-4.4, a student,  
14      including a student without lawful immigration status, is permitted  
15      to pay in-State tuition at the State’s public institutions of higher  
16      education if the student meets the following criteria:

- 17      (1) attended high school in this State for three or more years;  
18      (2) graduated from a high school in this State or received the  
19      equivalent of a high school diploma in this State;  
20      (3) registers as an entering student or is currently enrolled in a  
21      public institution of higher education not earlier than the fall  
22      semester of the 2013-2014 academic year; and  
23      (4) in the case of a person without lawful immigration status,  
24      files an affidavit with the institution of higher education stating that  
25      the student has filed an application to legalize the student’s  
26      immigration status or will file an application as soon as the student  
27      is eligible to do so.

28      This provision of law also provides, however, that students who  
29      are nonimmigrant aliens under the federal “Immigration and  
30      Nationality Act,” are not permitted to pay in-State tuition. A  
31      separate provision of State law at N.J.S.A.18A:62-4.6 permits a  
32      student holding a T or U visa, or a dependent student whose parent  
33      or guardian holds an H1-B, O-1 or O-2 visa, to be eligible for in-  
34      State tuition at public institutions of higher education, provided that  
35      they meet the other criteria for in-State tuition established under  
36      N.J.S.A.18A:62-4.4.

37      This bill provides that if the criteria provided under  
38      N.J.S.A.18A:62-4.4 are met, a student who holds a TN visa or a  
39      dependent student who holds a TD visa will be eligible for in-State  
40      tuition at public institutions of higher education. The bill also  
41      provides that if the criteria provided in current law are met, a  
42      student who holds a TN visa or a TD visa is eligible to participate in  
43      any State student financial aid, grant, or scholarship program.