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**POLICY ON TUITION AND FEES FOR
NONTRADITIONAL DOCUMENTED IMMIGRANTS**

Background

Act 844 of 2019 amended Arkansas Code Ann. § 6-60-215 to give a state-supported institution of higher education the discretion to classify students with nontraditional documented immigration status as in-state for purposes of tuition and fees under limited circumstances. Under the Act, a student may be classified in-state for purposes of tuition and fees if the student satisfies one (1) of the following requirements:

- (a) The student personally holds or is the child of a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a work permit;
- (b) The student has verified that he or she is a resident legally present in Arkansas and has immigrated from the Republic of the Marshall Islands; or
- (c)(i) The student's request for an exemption under Deferred Action for Childhood Arrivals has been approved by the United States Department of Homeland Security. (ii) The student's exemption shall not be expired, or shall have been renewed.

In addition, the student must satisfy the following requirements:

- (a) Resided in this state for at least three (3) years at the time the student applies for admission to a state-supported institution of higher education; and
- (b) Either: (i) Graduated from a public or private high school in this state; or (ii) Received a high school equivalency diploma in this state.

Resolution

In accordance with A.C.A. §6-60-215, all state-supported institutions of higher education wishing to provide in-state tuition to nontraditional documented immigrants under Arkansas Code Ann. § 6-60-215 shall establish a policy in accordance with the Act and submit the policy to the Division of Higher Education.

1 State of Arkansas As Engrossed: H3/18/19 S4/2/19
2 92nd General Assembly **A Bill**
3 Regular Session, 2019

HOUSE BILL 1684

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5 By: Representatives D. Douglas, Godfrey

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7 **For An Act To Be Entitled**

8 AN ACT CONCERNING IN-STATE TUITION AT A STATE-
9 SUPPORTED INSTITUTION OF HIGHER EDUCATION; TO ALLOW A
10 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION TO
11 CLASSIFY CERTAIN STUDENTS AS IN-STATE FOR PURPOSES OF
12 TUITION AND FEES AT A STATE-SUPPORTED INSTITUTION OF
13 HIGHER EDUCATION; AND FOR OTHER PURPOSES.

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16 **Subtitle**

17 TO ALLOW A STATE-SUPPORTED INSTITUTION OF
18 HIGHER EDUCATION TO CLASSIFY CERTAIN
19 STUDENTS AS IN-STATE FOR PURPOSES OF
20 TUITION AND FEES AT A STATE-SUPPORTED
21 INSTITUTION OF HIGHER EDUCATION.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 2, is amended
27 to add an additional section to read as follows:

28 6-60-215. Nontraditional documented immigration status.

29 (a)(1) A state-supported institution of higher education may classify
30 a student as in-state, limited to the terms and purpose of tuition and fees
31 applicable to all programs of study at the state-supported institution of
32 higher education, if the student satisfies one (1) of the following
33 requirements:

34 (A) The student personally holds or is the child of a
35 person who holds a Federal Form I-766 United States Citizenship and
36 Immigration Services-issued Employment Authorization Document, known



1 popularly as a work permit;

2 (B) The student has verified that he or she is a resident
3 legally present in Arkansas and has immigrated from the Republic of the
4 Marshall Islands; or

5 (C)(i) The student's request for an exemption under
6 Deferred Action for Childhood Arrivals has been approved by the United States
7 Department of Homeland Security.

8 (ii) The student's exemption shall not be expired,
9 or shall have been renewed.

10 (2) A student who satisfies one (1) of the requirements under
11 subdivision (a)(1) of this section shall have:

12 (A) Resided in this state for at least three (3) years at
13 the time the student applies for admission to a state-supported institution
14 of higher education; and

15 (B) Either:

16 (i) Graduated from a public or private high school
17 in this state; or

18 (ii) Received a high school equivalency diploma in
19 this state.

20 (b)(1) The Department of Higher Education shall promulgate rules
21 necessary to implement this section.

22 (2)(A) When adopting the initial rules to implement this
23 section, the final rule shall be filed with the Secretary of State for
24 adoption under § 25-15-204(f):

25 (i) On or before January 1, 2020; or

26 (ii) If approval under § 10-3-309 has not occurred
27 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

28 (B) The Department of Higher Education shall file the
29 proposed rule with the Legislative Council under § 10-3-309(c) sufficiently
30 in advance of January 1, 2020, so that the Legislative Council may consider
31 the rule for approval before January 1, 2020.

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34 /s/D. Douglas

35 **APPROVED: 4/10/19**

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