

## CHAPTER 122

AN ACT

SB 1563

Relating to state benefits for undocumented individuals; creating new provisions; amending ORS 352.287; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 352.287 is amended to read:

352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a student who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in this state;

(b) During each of the five years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico;

(c) Received a high school diploma or a modified diploma from a secondary school in this state or received the equivalent of a high school diploma; and

(d) Shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend[:]

[*(A)*] an official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law.[:; and]

[*(B)*] *An affidavit stating that the student has applied for a federal individual taxpayer identification number or other official federal identification document.*

(2) The governing board shall exempt a student who is financially dependent upon a person who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in this state and resided in this state with the person upon whom the student is dependent;

(b) During each of the five years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in any state or

territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom the student is dependent;

(c) Received a high school diploma or a modified diploma from a secondary school in this state or received the equivalent of a high school diploma; and

(d) For a student who is not already a citizen or lawful permanent resident of the United States, shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend[:]

[*(A)*] an official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law.[:; and]

[*(B)*] *An affidavit stating that the student has applied for a federal individual taxpayer identification number or other official federal identification document.*

(3) A student who is a citizen or a lawful permanent resident of the United States and who has resided outside of Oregon for more than three years while serving in the Armed Forces of the United States, but who otherwise meets the requirements of subsection (1) or (2) of this section, shall qualify for exemption from nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 without having to reestablish residency in Oregon.

(4) The governing board shall adopt standards to implement the provisions of this section.

(5) Not later than July 1 of each year, the Higher Education Coordinating Commission shall report to the Speaker of the House of Representatives, the President of the Senate and the interim committees of the Legislative Assembly with subject matter authority over higher education, for the preceding academic year:

(a) The number of students that applied and were accepted into public universities under **subsections (1) to (3) of this section**; and

(b) The financial impact **of subsections (1) to (3) of this section** on public universities listed in ORS 352.002.

**(6) A student who is not a citizen or a lawful permanent resident of the United States is eligible to receive scholarships and other financial aid from public universities listed in ORS 352.002.**

**SECTION 2.** Section 3 of this 2018 Act is added to and made a part of ORS chapter 353.

**SECTION 3.** (1) The Oregon Health and Science University Board of Directors may exempt a student who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment at Oregon Health and Science University consistent with policies adopted by the board or by

university officials acting under authority of the board.

(2) A student who is not a citizen or a lawful permanent resident of the United States is eligible to receive scholarships and other financial aid from the university consistent with policies adopted by the board or university officials acting under the authority of the board.

**SECTION 4.** A student at a post-secondary institution of education in this state who is not a citizen or a lawful permanent resident of the

United States is eligible to receive scholarships, grants and other financial aid from the Higher Education Coordinating Commission.

**SECTION 5.** This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.

Approved by the Governor April 13, 2018  
Filed in the office of Secretary of State April 13, 2018  
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