

# House Bill 2586

Sponsored by Representative HUDSON, Senator CAMPOS (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows for in-state higher learning costs for students who are seeking asylum in the U.S. (Flesch Readability Score: 65.1).

Permits an asylum seeker who is a student at a public university in this state to receive an exemption from nonresident tuition and fees.

## A BILL FOR AN ACT

1  
2 Relating to nonresident tuition exemption for asylum seekers; amending ORS 352.287.

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

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

5 352.287. (1) The governing board of a public university listed in ORS 352.002 shall exempt a  
6 student who is not a citizen or a lawful permanent resident of the United States from paying non-  
7 resident tuition and fees for enrollment as an undergraduate student and as a graduate student in  
8 a degree program at a public university listed in ORS 352.002 if the student:

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

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

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

18 (d) Shows intention to become a citizen or a lawful permanent resident of the United States by  
19 submitting to the public university the student attends or plans to attend an official copy of the  
20 student's application to register with a federal immigration program or federal deportation deferral  
21 program or a statement of intent that the student will seek to obtain citizenship as permitted under  
22 federal law.

23 (2) The governing board shall exempt a student who is financially dependent upon a person who  
24 is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition  
25 and fees for enrollment as an undergraduate student and as a graduate student in a degree program  
26 at a public university listed in ORS 352.002 if the student:

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) During each of the five years immediately prior to receiving a high school diploma or a  
2 modified diploma or leaving school before receiving a high school diploma or a modified diploma,  
3 attended an elementary or a secondary school in any state or territory of the United States, the  
4 District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom  
5 the student is dependent;

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

8 (d) For a student who is not already a citizen or lawful permanent resident of the United States,  
9 shows intention to become a citizen or a lawful permanent resident of the United States by submit-  
10 ting to the public university the student attends or plans to attend an official copy of the student's  
11 application to register with a federal immigration program or federal deportation deferral program  
12 or a statement of intent that the student will seek to obtain citizenship as permitted under federal  
13 law.

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

20 (4) A student who is a COFA islander and who has not previously established residence in any  
21 state or territory of the United States or the District of Columbia other than Oregon shall qualify  
22 for exemption from nonresident tuition and fees for enrollment as an undergraduate student and a  
23 graduate student in a degree program at a public university listed in ORS 352.002.

24 (5) A student who is a refugee, **asylum seeker** or special immigrant visa holder and who has  
25 not previously established residence in any state or territory of the United States or the District  
26 of Columbia other than Oregon shall qualify for exemption from nonresident tuition and fees for  
27 enrollment as an undergraduate student and a graduate student in a degree program at a public  
28 university listed in ORS 352.002.

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

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

34 (a) The number of students that applied and were accepted into public universities under sub-  
35 sections (1) to (5) of this section; and

36 (b) The financial impact of subsections (1) to (5) of this section on public universities listed in  
37 ORS 352.002.

38 (8) A student who is not a citizen or a lawful permanent resident of the United States, or who  
39 is a refugee, special immigrant visa holder or COFA islander, is eligible to receive scholarships and  
40 other financial aid from public universities listed in ORS 352.002.

41 (9) As used in this section:

42 (a) **"Asylum seeker" means an individual admitted to the United States under 8 U.S.C.**  
43 **1158;**

44 [(a)] (b) "COFA islander" means an individual who legally entered the United States under a  
45 Compact of Free Association treaty between the United States and any of the following countries:

1 (A) The Republic of Palau;

2 (B) The Republic of the Marshall Islands; or

3 (C) The Federated States of Micronesia.

4 [(b)] (c) "Refugee" means an individual who is granted refugee status for admission to the  
5 United States by the United States Citizenship and Immigration Services.

6 [(c)] (d) "Special immigrant visa holder" means:

7 (A) An individual from Iraq or Afghanistan who was provided with the status of special immi-  
8 grant by the United States Department of Homeland Security under:

9 (i) Section 1059(a) of the National Defense Authorization Act for Fiscal Year 2006, P.L. 109-163,  
10 119 Stat. 3444;

11 (ii) Section 1244(b) of the Refugee Crisis in Iraq Act of 2007, P.L. 110-181, 122 Stat. 397; or

12 (iii) Section 602(b) of the Afghan Allies Protection Act of 2009, P.L. 111-8, 123 Stat. 807; or

13 (B) An individual who is granted humanitarian parole, asylum, conditional permanent residency  
14 or temporary protected status by the United States Department of Homeland Security or other fed-  
15 eral agency.

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