
A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that students who do not
2 hold a lawful immigration status encounter extreme hardship
3 attending public institutions of higher education in the State,
4 as they must pay a nonresident tuition and fee differential and
5 are not eligible for financial assistance. Many of these
6 students have lived in the State for the majority of their lives
7 and have thrived socially and academically. In addition, many
8 are unaware of their immigration status until they apply for
9 admission to institutions of higher education.

10 The legislature further finds that permitting these
11 students to access higher education with the same benefits as
12 resident citizens is in the public interest as it will allow
13 them to fully realize their potential as productive members of
14 society.

15 Under the federal Immigration and Nationality Act, states
16 have the authority to grant state and local public benefits to
17 residents who do not have lawful immigration status. The
18 purpose of this Act, therefore, is to assist students who do not



1 have lawful immigration status with accessing higher education
2 by extending eligibility to allow for their participation in
3 state financial aid programs and by exempting them from the
4 nonresident tuition and fee differential students under certain
5 circumstances.

6 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§304A- Resident noncitizens; tuition; financial aid.

10 (a) Students who are exempt from the nonresident tuition and
11 fee differential under section 304A-502(c) shall be eligible to
12 apply for and participate in all student financial aid and
13 university programs administered by the university to the full
14 extent permitted under federal law.

15 (b) The board of regents shall adopt rules and procedures
16 to implement subsection (a).

17 (c) If a state court finds that subsection (a), or any
18 similar rule adopted by the board of regents, is unlawful, the
19 court may order, as equitable relief, that the administering
20 entity that is the subject of the lawsuit terminate any waiver
21 awarded under that statute or rule, but no money damages,
22 tuition refund or waiver, or other retroactive relief may be



1 awarded. In any action in which the court finds that subsection
2 (a), or any similar rule adopted by the board of regents is
3 unlawful, the university shall be immune from the imposition of
4 any award of money damages, tuition refund or waiver, or other
5 retroactive relief."

6 SECTION 3. Section 304A-502, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§304A-502[+] **Power of regents to grant tuition**

9 **waivers.** (a) The board of regents, or its designated
10 representatives, is authorized to grant, modify, or suspend
11 tuition waivers.

12 (b) The board may:

13 (1) Waive entirely or reduce the tuition fee or any of the
14 other fees for graduate teaching and research
15 assistants;

16 (2) Enter into agreements with government and university
17 officials of any other state or foreign country to
18 provide for reciprocal waiver of the nonresident
19 tuition and fee differential;

20 (3) Waive the nonresident tuition and fee differential for
21 selected students from Pacific and Asian jurisdictions



1 when their presence would be beneficial to the
2 university or the State;

3 (4) Waive entirely or reduce the tuition fee or any of the
4 other fees for students, resident or nonresident; and

5 (5) Waive the nonresident tuition and fee differential for
6 members in good standing of the following military
7 units, regardless of their actual state of residence:

8 (A) The Hawaii national guard; and

9 (B) The federal reserve components of the Army, Navy,
10 Air Force, Marine Corps, and Coast Guard who
11 attend drills with units located within the
12 State.

13 (c) The board shall waive the nonresident tuition and fee
14 differential for any resident noncitizen student who has:

15 (1) Attended a public or private high school in Hawaii for
16 three or more years;

17 (2) Graduated from a public or private high school in
18 Hawaii or has attained the equivalent thereof;

19 (3) Registered at or attends a campus within the
20 University of Hawaii system; and

21 (4) Filed an affidavit with the university stating that
22 the student has filed an application to legalize the



1 student's immigration status or will file such
2 application as soon as the student is able to do so.

3 For purposes of this subsection, "resident noncitizen"
4 means an individual domiciled in the State who does not have a
5 lawful immigration status.

6 (d) The board shall determine the percentage of allowable
7 tuition and fee waivers for financial need and other university
8 priorities. These tuition waivers and waivers of the
9 nonresident tuition and fee differential shall be awarded in
10 accordance with guidelines established by the board."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.



Report Title:

University of Hawaii; Immigration; Tuition; Financial Assistance

Description:

Extends eligibility for state financial aid and resident tuition to students of the University of Hawaii without lawful immigration status who meet certain specified criteria.

(Proposed SD1)

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