STATE OF NEW YORK

1674

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to eligibility of certain Afghan and Iraqi immigrants for education benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 669-i to read as follows:

§ 669-i. Afghan and Iraqi special immigrant tuition awards program. 1. As used in this section, the following terms shall have the following meanings:

a. "Afghan with special immigrant status" means an Afghan citizen or national with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) granted under the Afghan Allies Protection Act of 2009 (Public Law 111-8; U.S.C. 1101 note). Such term includes Afghan immigrants who enter the United States under a P1 or P2 visa.

b. "Iraqi with special immigrant status" means a citizen or national of Iraq who has gained special immigrant status under section 101(a)(27) of the Immigration and Nationality Act by establishing they have provided faithful and valuable service to the U.S. government, while employed by or on behalf of the U.S. government in Iraq, for not less than one year beginning on or after March twentieth, two thousand three, and who have experienced or are experiencing an ongoing serious threat as a consequence of that employment. Such term shall include those immigrants who enter the United States under a P1 or P2 visa.

c. "Part-time study" means enrollment for at least three but less than twelve semester hours per semester, or the equivalent, in an approved undergraduate or graduate program.

d. "Approved vocational training programs" means programs offered by agencies approved by the commissioner for funding pursuant to this

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05702-01-3

section. The commissioner shall approve only such non-credit programs which are at least three hundred twenty clock hours in length, and which meet standards of instructional quality established in regulations by the commissioner. These standards shall include, but not be limited to, qualifications of administrative and instructional personnel, quality of facilities and equipment, recordkeeping, admission, grading, attendance, and record of placement of completers which meets standards of acceptability as established by the commissioner.

2. a. Tuition awards are available for persons with Afghan or Iraqi special immigrant status or pending status, as defined in subdivision one of this section, who are enrolled, pursuant to paragraph a of subdivision four of section six hundred sixty-one of this part, in approved undergraduate or graduate programs at degree granting institutions or enrolled in approved vocational training programs and who apply for a tuition assistance program award pursuant to section six hundred sixty-seven of this subpart.

b. Eligibility for awards under this section shall be established as of the date the application is received by the corporation. All eligible recipients shall receive an award in an amount as set forth in subdivision four of this section.

3. a. No recipient shall receive awards for more than eight semesters of full-time undergraduate study, or the equivalent of four academic years, or, if an undergraduate program normally requires five academic years of full-time study, for more than ten semesters of full-time study, or the equivalent of five academic years. Recipients enrolled in a program of remedial study conforming to the provisions of this article, approved by the commissioner in a degree granting institution, and intended to culminate in an undergraduate degree shall be considered as enrolled in a program normally requiring five years. No recipient enrolled in an approved vocational training program shall receive awards for more than four semesters of full-time study or the equivalent of two academic years of full-time study.

b. No recipient shall receive awards for more than sixteen semesters of part-time undergraduate study as defined in subdivision one of this section, or the equivalent of eight academic years of part-time study, or, if an undergraduate program normally requires five academic years of full-time study, for more than twenty semesters of part-time study, or the equivalent of ten academic years. Recipients enrolled in a program of remedial study conforming to the provisions of this article, approved by the commissioner in a degree granting institution, and intended to culminate in an undergraduate degree shall be considered as enrolled in a program normally requiring five years. No recipient enrolled in an approved vocational training program shall receive awards for more than eight semesters of part-time study or the equivalent of four academic years of part-time study.

c. No recipient shall receive awards for more than six semesters of full-time study, or the equivalent of three academic years, for graduate study. No recipient shall receive awards for more than twelve semesters of part-time graduate study as defined in subdivision one of this section, or the equivalent of six academic years of part-time graduate study.

4. Every recipient shall receive an award equal to the amount of undergraduate tuition for residents of New York state charged by the state university of New York or actual tuition charged, whichever is less, for each semester, or the equivalent, of full-time study, or a pro-rated amount for part-time study; provided, however, that such award

shall not be reduced by any benefits available under the federal Pell grant program pursuant to section one thousand seventy-a of title twenty of the United States code.

§ 2. This act shall take effect immediately.