

Court: NJ student wrongfully denied tuition help due to mother's immigration status

SAMANTHA HENRY Associated Press August 08, 2012 - 3:18 pm EDT

NEWARK, N.J. — An American-born high school student was wrongfully denied state tuition assistance based on the fact her mother is an illegal immigrant, a New Jersey appeals court ruled Wednesday.

The appellate division of New Jersey Superior Court determined that residency requirements pertained only to the student, finding that the applicant, identified by her initials A.Z., was a U.S. citizen who had spent most of her life in New Jersey.

The [American Civil Liberties Union](#) and a [Rutgers University](#) legal clinic, which filed the appeal on A.Z.'s behalf, said the ruling could affect hundreds, and potentially thousands of American-born New Jersey high school students who were wrongfully denied tuition aid based on their parents' immigration status.

"A hardworking U.S.-born citizen at the top of her class should be the future of the American dream, not have her dreams stunted by discrimination," said Alexander Shalom, policy counsel for the ACLU's New Jersey chapter.

As a high school senior, A.Z. applied for a tuition aid grant from the state's Higher Education Student Assistance Authority. Her state aid application was rejected with the explanation that "her parents are not legal New Jersey residents."

The three-judge panel Wednesday determined the authority was wrong in its argument that the student lived with her mother, and by extension, could not be considered legally "domiciled" in New Jersey, because her mother, as an illegal immigrant, was not.

A message left for authority officials for comment was not immediately returned.

The appeals court took issue with the agency's definition of "domiciled" and voided a 2005 regulation it argued was beyond the agency's authority: a rule that had said a dependent student's legal residence was automatically determined to be that of his or her parents.

The ACLU declined to provide A.Z.'s full name, hometown or her mother's nationality, saying it wished to protect the family's identity.

Shalom said he wasn't sure how the ruling would affect A.Z., saying she had taken a full-time job and enrolled in community college since filing the appeal because, without tuition assistance, she was unable to afford one of the four-year colleges where she was accepted.

<http://www.therepublic.com/view/story/fc9367e9013645559e2a45fd79b86cc5/NJ--Tuition-Aid-Immigration>