

LB 239 — Undocumented Student Bill

Since July 13, 2006, LB 239 allows undocumented students to pay in-state tuition at any Nebraska state-sponsored college if the student files an affidavit stating their intention to become a resident.

Requirements

Undocumented students must:

- Reside in Nebraska for at least three years prior to high school graduation/GED.
- Graduate from a Nebraska public or private high school or obtain a GED.
- Live with a parent or guardian while attending high school.
- Be registered as an entering college student not earlier than the 2006 fall semester.
- Provide an affidavit stating their intention to become a permanent resident at their earliest opportunity. If the parent ceases to reside in Nebraska, the student can retain resident status if the student has a bona fide intention to reside in Nebraska.

Notary Requirements

- Student must sign the affidavit in the presence of Nebraska authorized notary.
- Notary is disqualified if they are related to the student.
- Notary must identify the student through one of the following:
 - *Current government photo ID with signature and physical description of student.
 - *Stamped passport without physical description.
 - *Notarized affirmation from one credible witness unaffected by the transaction who knows the notary or the student.
 - *Notarized affirmation of two witnesses unaffected by the transaction who each personally knows the student and shows the notary proper identification of themselves.

Privacy Issues

The Family Educational Privacy Act protects student data and requires a subpoena to release the information. Violators will lose federal funding. State Law allows only the student, parent or school administrator to access student records unless the information is needed for a government audit. Qualified undocumented students should not be entered into the Student & Exchange Visitor Information System (SEVIS) database.

Websites

National Immigration Law Center: www.nilc.org

Link to the actual law: www.unicam.state.ne.us/legal/SLIP_LB239.pdf