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**The Latin American  
Legal Defense and Education Fund**

**SUPPORT  
EDUCATION  
JUSTICE**

March 4, 2011

**IMPORTANT ADVISORY!** State Financial aid eligibility of children of immigrants

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We have been made aware by a number of college financial aid counselors of what appears to be a new policy of the NJ Higher Education Student Assistance Agency .

It appears that NJ residents who are dependent children of immigrants without Social Security numbers are being deemed ineligible on the basis of their parents' lack of residency status. All applicants for state financial aid are required to complete a FAFSA (Free Application for Federal Student Aid) form online. This form asks for parents' social security numbers and other financial information from the parents. The data is shared by the federal government with the student's state of residence, which in turn determines the student's eligibility for state assistance. If the parents enter zeros or a Tax Payer Number (ITIN) the state will reject the application and deny financial aid to the student. The student would not be denied federal financial aid as long as he/she is a citizen or legal permanent resident, regardless of his/her parents status, but the state of NJ determines eligibility based on the parents' "domicile".

The denial of state aid should be appealed within 60 day of the denial letter by the student, submitting any available documentation as to the parents domicile in NJ (tax returns, lease/mortgage papers, bank statements, utility bills, etc). Feel free to refer any such students to us, or Legal Services of New Jersey at 1-888-576-5529, for assistance.

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Since this is a relatively new policy, it is unclear how the student financial aid offices of the various state institutions are handling these applications and if they are properly advising these students as to their right to appeal, and assisting them with the process. We are aware of cases where the student was not notified that he would not receive the estimated NJ state financial aid until the conclusion of the semester. At this point the school would expect the family to pay for the aid withdrawn, which can amount to several thousands of dollars. This is clearly a distressful situation for families who typically have very limited economic resources.

Feel free to reach out to us for any additional information or refer students to us for assistance in filing an appeal.

Maria (Charo) Juega  
Executive Director

**Maria R. Juega, Executive Director**