S T A T E O F N E W Y O R K

3991

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CROUCH, KOLB -- Multi-Sponsored by -- M. of A. BURLING, CALHOUN, FINCH -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the exclusion of illegal aliens from attending public post-secondary educational institutions

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 article 14-B to read as follows:

ARTICLE 14-B

EXCLUSION OF ILLEGAL ALIENS FROM PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS

SECTION 695-N. EXCLUSION OF ILLEGAL ALIENS FROM PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS.

S 695-N. EXCLUSION OF ILLEGAL ALIENS FROM PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS. 1. NO PUBLIC INSTITUTION OF POST-SECONDARY EDUCATION SHALL ADMIT, ENROLL OR PERMIT THE ATTENDANCE OF ANY PERSON WHO IS NOT ONE OF THE FOLLOWING:

(A) A CITIZEN OF THE UNITED STATES;

(B) AN ALIEN LAWFULLY ADMITTED AS A PERMANENT RESIDENT;

(C) AN ALIEN LAWFULLY ADMITTED FOR A TEMPORARY PERIOD OF TIME; OR

(D) A PERSON WHO IS OTHERWISE AUTHORIZED UNDER FEDERAL LAW TO BE PRESENT IN THE UNITED STATES.

2. COMMENCING WITH THE FIRST TERM OR SEMESTER THAT BEGINS AFTER JANUARY FIRST, TWO THOUSAND TEN, AND ON THE COMMENCEMENT OF EACH TERM OR SEMESTER THEREAFTER, EACH PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION SHALL VERIFY THE STATUS OF EACH PERSON ENROLLED OR IN ATTENDANCE AT THAT INSTITUTION IN ORDER TO ENSURE THE ENROLLMENT OR ATTENDANCE ONLY OF UNITED STATES CITIZENS, ALIENS LAWFULLY ADMITTED AS PERMANENT RESIDENTS IN THE UNITED STATES, ALIENS LAWFULLY ADMITTED FOR A TEMPORARY PERIOD OF

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

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TIME AND PERSONS WHO ARE OTHERWISE AUTHORIZED UNDER FEDERAL LAW TO BE PRESENT IN THE UNITED STATES.

3. NO LATER THAN FORTY-FIVE DAYS AFTER THE ADMISSIONS OFFICER OF A PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION BECOMES AWARE OF THE APPLICATION, ENROLLMENT OR ATTENDANCE OF A PERSON DETERMINED TO BE, OR WHO IS UNDER REASONABLE SUSPICION OF BEING, IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS, THAT OFFICER SHALL PROVIDE SUCH INFORMATION TO THE COMMISSIONER, THE ATTORNEY GENERAL AND THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT. SUCH INFORMATION SHALL ALSO BE PROVIDED TO THE APPLICANT, ENROLLEE OR PERSON ADMITTED.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the foregoing section of this act on its effective date is authorized to be made on or before such effective date.