

# STATE OF NEW YORK

8374

## IN SENATE

May 3, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to permitting individuals enrolled in the federal deferred action for childhood arrivals program to apply for professional licenses

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

1 Section 1. Section 6501 of the education law is amended by adding a  
2 new subdivision 3 to read as follows:

3 3. Notwithstanding any provision of law to the contrary, a qualified  
4 applicant shall include individuals enrolled in the federal deferred  
5 action for childhood arrivals program who meets all additional require-  
6 ments prescribed for in the article for such particular profession.

7 § 2. Subdivision 6 of section 6524 of the education law, as amended by  
8 chapter 379 of the laws of 2008, is amended to read as follows:

9 (6) Citizenship or immigration status: be a United States citizen, an  
10 individual enrolled in the federal deferred action for childhood  
11 arrivals program, or an alien lawfully admitted for permanent residence  
12 in the United States; provided, however that the board of regents may  
13 grant a three year waiver for an alien physician to practice in an area  
14 which has been designated by the department as medically underserved,  
15 except that the board of regents may grant an additional extension not  
16 to exceed six years to an alien physician to enable him or her to secure  
17 citizenship or permanent resident status, provided such status is being  
18 actively pursued; and provided further that the board of regents may  
19 grant an additional three year waiver, and at its expiration, an exten-  
20 sion for a period not to exceed six additional years, for the holder of  
21 an H-1b visa, an O-1 visa, or an equivalent or successor visa thereto;

22 § 3. Subdivision 6 of section 6554 of the education law, as amended by  
23 chapter 133 of the laws of 1982, is amended to read as follows:

24 (6) Citizenship or immigration status: be a United States citizen, an  
25 individual enrolled in the federal deferred action for childhood  
26 arrivals program, or an alien lawfully admitted for permanent residence  
27 in the United States;

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

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§ 4. Subdivision 6 of section 6604 of the education law, as amended by chapter 403 of the laws of 2002, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or an alien lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued;

§ 5. Subdivision 6 of section 6609 of the education law, as amended by chapter 403 of the laws of 2002, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or an alien lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued;

§ 6. Subdivision 6 of section 6704 of the education law, as amended by chapter 201 of the laws of 2007, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a one-time three-year waiver for a veterinarian who otherwise meets the requirements of this article and who has accepted an offer to practice veterinary medicine in a county in the state which the department has certified as having a shortage of qualified applicants to fill existing vacancies in veterinary medicine, and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year;

§ 7. Subdivision 6 of section 6711 of the education law, as amended by chapter 80 of the laws of 2000, is amended to read as follows:

6. Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a one-time three-year waiver for an animal health technician who otherwise meets the requirements of this article and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year;

§ 8. Paragraph 6 of subdivision 1 of section 6805 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or an alien lawfully admitted for permanent residence in the United States;

§ 9. Subdivision 6 of section 6955 of the education law, as added by chapter 327 of the laws of 1992, is amended to read as follows:

1     6. Citizenship or immigration status: be a United States citizen, an  
2 individual enrolled in the federal deferred action for childhood  
3 arrivals program, or an alien lawfully admitted for permanent residence  
4 in the United States.

5     § 10. Paragraph 6 of subdivision 1 of section 7206 of the education  
6 law, as amended by chapter 133 of the laws of 1982, is amended to read  
7 as follows:

8     (6) Citizenship or immigration status: be a United States citizen, an  
9 individual enrolled in the federal deferred action for childhood  
10 arrivals program, or an alien lawfully admitted for permanent residence  
11 in the United States;

12     § 11. Paragraph 6 of subdivision 1 of section 7206-a of the education  
13 law, as amended by chapter 133 of the laws of 1982, is amended to read  
14 as follows:

15     (6) Citizenship or immigration status: be a United States citizen, an  
16 individual enrolled in the federal deferred action for childhood  
17 arrivals program, or an alien lawfully admitted for permanent residence  
18 in the United States;

19     § 12. Paragraph 6 of subdivision 1 of section 7324 of the education  
20 law, as amended by chapter 133 of the laws of 1982, is amended to read  
21 as follows:

22     (6) Citizenship or immigration status: be a United States citizen, an  
23 individual enrolled in the federal deferred action for childhood  
24 arrivals program, or an alien lawfully admitted for permanent residence  
25 in the United States;

26     § 13. Paragraph 6 of subdivision 1 of section 7504 of the education  
27 law, as amended by chapter 133 of the laws of 1982, is amended to read  
28 as follows:

29     (6) Citizenship or immigration status: be a United States citizen, an  
30 individual enrolled in the federal deferred action for childhood  
31 arrivals program, or an alien lawfully admitted for permanent residence  
32 in the United States;

33     § 14. Subdivision 5 of section 7804 of the education law, as amended  
34 by chapter 230 of the laws of 1997, is amended to read as follows:

35     (5) Citizenship or immigration status: be a United States citizen, an  
36 individual enrolled in the federal deferred action for childhood  
37 arrivals program, or an alien lawfully admitted for permanent residence  
38 in the United States;

39     § 15. This act shall take effect on the sixtieth day after it shall  
40 have become a law. Effective immediately, the addition, amendment and/or  
41 repeal of any rule or regulation necessary for the implementation of  
42 this act on its effective date are authorized and directed to be made  
43 and completed on or before such effective date.