STATE OF NEW YORK

2778

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sens. STAVISKY, BIAGGI, KRUEGER, MYRIE, RAMOS, SERRANO -- 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 immigration status of registered students

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 section 355-e to read as follows:

§ 355-e. Immigration status of registered students. 1. Notwithstanding any provision of law to the contrary, no employee or officer of the university shall determine the specific details of a student's immigration status except when required by federal law, pursuant to a court order or as required in connection with tuition or financial aid eligibility.

2. The board of trustees shall promulgate standards for all colleges and universities within the system to ensure that a student shall not be asked any questions on immigration status other than any required determination as required by subdivision one of this section that the student is an immigrant. In no case shall a student be required to provide any information on a student's lawful immigration status, status as a refugee, or status as an immigrant from any specific nation.

§ 2. The education law is amended by adding a new section 6206-a to read as follows:

§ 6206-a. Immigration status of registered students. 1. Notwithstanding any provision of law to the contrary, no employee or officer of the university shall determine the specific details of a student's immigration status except when required by federal law, pursuant to a court order or as required in connection with tuition or financial aid eligibility.

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

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2. The board of regents shall promulgate standards for all colleges and universities within the system to ensure that a student shall not be asked any questions on immigration status other than any required determination as required by subdivision one of this section that the student is an immigrant. In no case shall a student be required to provide any information on a student's lawful immigration status, status as a refugee, or status as an immigrant from any specific nation.

§ 3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review the judgment shall not be deemed to affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgement shall have been rendered.

§ 4. This act shall take effect immediately.