STATE OF NEW YORK

3064

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. SEPULVEDA, GOUNARDES -- 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:

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

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

§ 2. Subdivision 6 of section 6524 of the education law, as amended by chapter 379 of the laws of 2008, 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 physician to practice in an area which has been designated by the department as medically underserved, except that the board of regents may grant an additional extension not to exceed six years to an alien physician to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued; and provided further that the board of regents may grant an additional three year waiver, and at its expiration, an extension for a period not to exceed six additional years, for the holder of an H-1b visa, an O-1 visa, or an equivalent or successor visa thereto;

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

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

LBD03626-01-1

(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;

§ 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:

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.

§ 10. Paragraph 6 of subdivision 1 of section 7206 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;

§ 11. Paragraph 6 of subdivision 1 of section 7206-a 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;

§ 11-a. Paragraph 6 of subdivision 1 of section 7206-a of the education law, as amended by chapter 322 of the laws of 2019, 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;

§ 12. Paragraph 6 of subdivision 1 of section 7324 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;

§ 13. Paragraph 6 of subdivision 1 of section 7504 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;

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

(5) 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;

§ 15. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that section eleven-a of this act shall take effect on the same date and in the same manner as chapter 322 of the laws of 2019, takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.