

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 Assem-
bly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 355-e
2 to read as follows:

3 § 355-e. Immigration status of registered students. 1. Notwithstand-
4 ing any provision of law to the contrary, no employee or officer of the
5 university shall determine the specific details of a student's immi-
6 gration status except when required by federal law, pursuant to a court
7 order or as required in connection with tuition or financial aid eligi-
8 bility.

9 2. The board of trustees shall promulgate standards for all colleges
10 and universities within the system to ensure that a student shall not be
11 asked any questions on immigration status other than any required deter-
12 mination as required by subdivision one of this section that the student
13 is an immigrant. In no case shall a student be required to provide any
14 information on a student's lawful immigration status, status as a refu-
15 gee, or status as an immigrant from any specific nation.

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

18 § 6206-a. Immigration status of registered students. 1. Notwithstand-
19 ing any provision of law to the contrary, no employee or officer of the
20 university shall determine the specific details of a student's immi-
21 gration status except when required by federal law, pursuant to a court
22 order or as required in connection with tuition or financial aid eligi-
23 bility.

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

LBD03296-01-1

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

8 § 3. Severability. If any clause, sentence, paragraph, section or part
9 of this act shall be adjudged by any court of competent jurisdiction to
10 be invalid and after exhaustion of all further judicial review the judg-
11 ment shall not be deemed to affect, impair or invalidate the remainder
12 thereof, but shall be confined in its operation to the clause, sentence,
13 paragraph, section or part of this act directly involved in the contro-
14 versy in which the judgement shall have been rendered.

15 § 4. This act shall take effect immediately.