

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:

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:

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

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

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

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

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

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

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

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

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

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

55 (6) Citizenship or immigration status: be a United States citizen, an
56 individual enrolled in the federal deferred action for childhood

1 arrivals program, or an alien lawfully admitted for permanent residence
2 in the United States;

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

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

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

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

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

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

23 § 11-a. Paragraph 6 of subdivision 1 of section 7206-a of the educa-
24 tion law, as amended by chapter 322 of the laws of 2019, is amended to
25 read as follows:

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

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

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

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

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

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

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

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