

# STATE OF NEW YORK

9180

## IN SENATE

May 12, 2022

Introduced by Sen. BRISPORT -- 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 affidavits of the lawful immigration status of certain students

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

1 Section 1. The closing paragraph of paragraph a and the closing paragraph of paragraph b of subdivision 5 of section 661 of the education law, as amended by chapter 26 of the laws of 2019, are amended to read as follows:

2 Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. Such affidavit shall be provided in a uniform online format for qualifying students to fill out and submit to the institution of higher education.

3 Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. Such affidavit shall be provided in a uniform online format for qualifying students to fill out and submit to the institution of higher education.

4 § 2. Section 355 of the education law is amended by adding a new subdivision 22 to read as follows:

5 22. The board of trustees of the state university of New York shall establish a uniform affidavit to be provided in an online format to all students who are required to file an affidavit with an institution of the state university stating that such student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

LBD11719-03-2

1     § 3. The closing paragraph of paragraph (a) of subdivision 7 of  
2 section 6206 of the education law, as amended by chapter 327 of the laws  
3 of 2002, is amended to read as follows:

4     A student without lawful immigration status shall also be required to  
5 file an affidavit with such institution or educational unit stating that  
6 the student has filed an application to legalize his or her immigration  
7 status, or will file such an application as soon as he or she is eligi-  
8 ble to do so. Such affidavit shall be provided in a uniform online

9 format for qualifying students to fill out and submit to the institution  
10 of higher education. The trustees shall not adopt changes in tuition  
11 charges prior to the enactment of the annual budget. The board of trus-  
12 tees may accept as partial reimbursement for the education of veterans  
13 of the armed forces of the United States who are otherwise qualified  
14 such sums as may be authorized by federal legislation to be paid for  
15 such education. The board of trustees may conduct on a fee basis exten-  
16 sion courses and courses for adult education appropriate to the field of  
17 higher education. In all courses and courses of study it may, in its  
18 discretion, require students to pay library, laboratory, locker, break-  
19 age and other instructional and non-instructional fees and meet the cost  
20 of books and consumable supplies. In addition to the foregoing fees and  
21 charges, the board of trustees may impose and collect fees and charges  
22 for student government and other student activities and receive and  
23 expend them as agent or trustee.

24     § 4. The closing paragraph of paragraph (a-1) of subdivision 7 of  
25 section 6206 of the education law, as amended by chapter 260 of the laws  
26 of 2011, is amended to read as follows:

27     A student without lawful immigration status shall also be required to  
28 file an affidavit with such institution or educational unit stating that  
29 the student has filed an application to legalize his or her immigration  
30 status, or will file such an application as soon as he or she is eligi-  
31 ble to do so. Such affidavit shall be provided in a uniform online

32 format for qualifying students to fill out and submit to the institution  
33 of higher education. Except as otherwise authorized in paragraph (a) of  
34 this subdivision, the trustees shall not adopt changes in tuition charg-  
35 es prior to the enactment of the annual budget. The board of trustees  
36 may accept as partial reimbursement for the education of veterans of the  
37 armed forces of the United States who are otherwise qualified such sums  
38 as may be authorized by federal legislation to be paid for such educa-  
39 tion. The board of trustees may conduct on a fee basis extension courses  
40 and courses for adult education appropriate to the field of higher  
41 education. In all courses and courses of study it may, in its  
42 discretion, require students to pay library, laboratory, locker, break-  
43 age and other instructional and non-instructional fees and meet the cost  
44 of books and consumable supplies. In addition to the foregoing fees and  
45 charges, the board of trustees may impose and collect fees and charges  
46 for student government and other student activities and receive and  
47 expend them as agent or trustee.

48     § 5. The second undesignated paragraph of subdivision 5 of section  
49 6301 of the education law, as amended by chapter 327 of the laws of  
50 2002, is amended to read as follows:

51     Provided, further, that a student without lawful immigration status  
52 shall also be required to file an affidavit with such institution or  
53 educational unit stating that the student has filed an application to  
54 legalize his or her immigration status, or will file such an application  
55 as soon as he or she is eligible to do so. Such affidavit shall be

1 provided in a uniform online format for qualifying students to fill out  
2 and submit to the institution of higher education.

3 § 6. The closing paragraph of paragraph (a) of subdivision 2 and the  
4 closing paragraph of paragraph (a) of subdivision 3 of section 6455 of  
5 the education law, as amended by chapter 26 of the laws of 2019, are  
6 amended to read as follows:

7 Provided, further, that a student without lawful immigration status  
8 shall also be required to file an affidavit with such institution of  
9 higher education stating that the student has filed an application to  
10 legalize his or her immigration status, or will file such an application  
11 as soon as he or she is eligible to do so. Such affidavit shall be  
12 provided in a uniform online format for qualifying students to fill out  
13 and submit to the institution of higher education.

14 Provided, further, that a student without lawful immigration status  
15 shall also be required to file an affidavit with such institution of  
16 higher education stating that the student has filed an application to  
17 legalize his or her immigration status, or will file such an application  
18 as soon as he or she is eligible to do so. Such affidavit shall be  
19 provided in a uniform online format for qualifying students to fill out  
20 and submit to the institution of higher education.

21 § 7. This act shall take effect on the sixtieth day after it shall  
22 have become a law; provided, however, that section three of this act  
23 shall take effect on the same date as the reversion of paragraph (a) of  
24 subdivision 7 of section 6206 of the education law as provided in  
25 section 16 of chapter 260 of the laws of 2011, as amended; provided  
26 further, however, that the amendments to paragraph (a-1) of subdivision  
27 7 of section 6206 of the education law made by section four of this act  
28 shall not affect the repeal of such paragraph and shall be deemed  
29 repealed therewith.