

# STATE OF NEW YORK

5904

2023-2024 Regular Sessions

## IN SENATE

March 22, 2023

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 para-  
2 graph of paragraph b of subdivision 5 of section 661 of the education  
3 law, as amended by chapter 26 of the laws of 2019, are amended to read  
4 as follows:

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

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

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

21 22. The board of trustees of the state university of New York shall  
22 establish a uniform affidavit to be provided in an online format to all  
23 students who are required to file an affidavit with an institution of  
24 the state university stating that such student has filed an application

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

LBD07716-01-3

1 to legalize his or her immigration status, or will file such an applica-  
2 tion as soon as he or she is eligible to do so.

3 § 3. The closing paragraph of paragraph (a) of subdivision 7 of  
4 section 6206 of the education law, as amended by chapter 669 of the laws  
5 of 2022, is amended to read as follows:

6 A student without lawful immigration status shall also be required to  
7 file an affidavit with such institution or educational unit stating that  
8 the student has filed an application to legalize his or her immigration  
9 status, or will file such an application as soon as he or she is eligi-  
10 ble to do so. Such affidavit shall be provided in a uniform online  
11 format for qualifying students to fill out and submit to the institution  
12 of higher education. The trustees shall not adopt changes in tuition  
13 charges prior to the enactment of the annual budget. The board of trus-  
14 tees may accept as partial reimbursement for the education of veterans  
15 of the armed forces of the United States who are otherwise qualified  
16 such sums as may be authorized by federal legislation to be paid for  
17 such education. The board of trustees may conduct on a fee basis exten-  
18 sion courses and courses for adult education appropriate to the field of  
19 higher education. In all courses and courses of study it may, in its  
20 discretion, require students to pay library, laboratory, locker, break-  
21 age and other instructional and non-instructional fees and meet the cost  
22 of books and consumable supplies. In addition to the foregoing fees and  
23 charges, the board of trustees may impose and collect fees and charges  
24 for student government and other student activities and receive and  
25 expend them as agent or trustee.

26 § 4. The closing paragraph of paragraph (a-1) of subdivision 7 of  
27 section 6206 of the education law, as amended by chapter 669 of the laws  
28 of 2022, is amended to read as follows:

29 A student without lawful immigration status shall also be required to  
30 file an affidavit with such institution or educational unit stating that  
31 the student has filed an application to legalize his or her immigration  
32 status, or will file such an application as soon as he or she is eligi-  
33 ble to do so. Such affidavit shall be provided in a uniform online  
34 format for qualifying students to fill out and submit to the institution  
35 of higher education. Except as otherwise authorized in paragraph (a) of  
36 this subdivision, the trustees shall not adopt changes in tuition charg-  
37 es prior to the enactment of the annual budget. The board of trustees  
38 may accept as partial reimbursement for the education of veterans of the  
39 armed forces of the United States who are otherwise qualified such sums  
40 as may be authorized by federal legislation to be paid for such educa-  
41 tion. The board of trustees may conduct on a fee basis extension courses  
42 and courses for adult education appropriate to the field of higher  
43 education. In all courses and courses of study it may, in its  
44 discretion, require students to pay library, laboratory, locker, break-  
45 age and other instructional and non-instructional fees and meet the cost  
46 of books and consumable supplies. In addition to the foregoing fees and  
47 charges, the board of trustees may impose and collect fees and charges  
48 for student government and other student activities and receive and  
49 expend them as agent or trustee.

50 § 5. The second undesignated paragraph of subdivision 5 of section  
51 6301 of the education law, as amended by chapter 327 of the laws of  
52 2002, is amended to read as follows:

53 Provided, further, that a student without lawful immigration status  
54 shall also be required to file an affidavit with such institution or  
55 educational unit stating that the student has filed an application to  
56 legalize his or her immigration status, or will file such an application

1 as soon as he or she is eligible to do so. Such affidavit shall be  
2 provided in a uniform online format for qualifying students to fill out  
3 and submit to the institution of higher education.

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

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

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

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