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:

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:

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.**

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.**

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

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

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

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to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit 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.** The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

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

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit 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.** Except as otherwise authorized in paragraph (a) of this subdivision, the trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

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

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit 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.**

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

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.**

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.**

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