

# STATE OF NEW YORK

6281

2023-2024 Regular Sessions

## IN SENATE

April 11, 2023

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 669 of the laws of 2022, 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 a noncitizen lawfully admitted for permanent resi-  
12 dence in the United States; provided, however that the board of regents  
13 may grant a three year waiver for a noncitizen physician to practice in  
14 an area which has been designated by the department as medically under-  
15 served, except that the board of regents may grant an additional exten-  
16 sion not to exceed six years to a noncitizen physician to enable him or  
17 her to secure citizenship or permanent resident status, provided such  
18 status is being actively pursued; and provided further that the board of  
19 regents may grant an additional three year waiver, and at its expira-  
20 tion, an extension for a period not to exceed six additional years, for  
21 the holder of an H-1b visa, an O-1 visa, or an equivalent or successor  
22 visa thereto;

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

LBD07996-01-3

§ 3. Subdivision 6 of section 6554 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

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

§ 4. Subdivision 6 of section 6604 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or a noncitizen lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for a noncitizen to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to a noncitizen to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued;

§ 5. Subdivision 6 of section 6609 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen, an individual enrolled in the federal deferred action for childhood arrivals program, or a noncitizen lawfully admitted for permanent residence in the United States; provided, however, that the board of regents may grant a three year waiver for a noncitizen to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to a noncitizen to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued;

§ 6. Subdivision 6 of section 6704 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

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

§ 7. Subdivision 6 of section 6711 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

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

§ 8. Paragraph 6 of subdivision 1 of section 6805 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

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 a noncitizen lawfully admitted for permanent resi-  
4 dence in the United States;

5 § 9. Subdivision 6 of section 6955 of the education law, as added by  
6 chapter 669 of the laws of 2022, 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 a noncitizen lawfully admitted for permanent resi-  
10 dence in the United States.

11 § 10. Paragraph 6 of subdivision 1 of section 7206 of the education  
12 law, as amended by chapter 669 of the laws of 2022, is amended to read  
13 as follows:

14 (6) Citizenship or immigration status: be a United States citizen, an  
15 individual enrolled in the federal deferred action for childhood  
16 arrivals program, or a noncitizen lawfully admitted for permanent resi-  
17 dence in the United States;

18 § 11. Paragraph 6 of subdivision 1 of section 7206-a of the education  
19 law, as amended by chapter 669 of the laws of 2022, is amended to read  
20 as follows:

21 (6) Citizenship or immigration status: be a United States citizen, an  
22 individual enrolled in the federal deferred action for childhood  
23 arrivals program, or a noncitizen lawfully admitted for permanent resi-  
24 dence in the United States;

25 § 12. Paragraph 6 of subdivision 1 of section 7324 of the education  
26 law, as amended by chapter 669 of the laws of 2022, is amended to read  
27 as follows:

28 (6) Citizenship or immigration status: be a United States citizen, an  
29 individual enrolled in the federal deferred action for childhood  
30 arrivals program, or a noncitizen lawfully admitted for permanent resi-  
31 dence in the United States;

32 § 13. Paragraph 6 of subdivision 1 of section 7504 of the education  
33 law, as amended by chapter 669 of the laws of 2022, is amended to read  
34 as follows:

35 (6) Citizenship or immigration status: be a United States citizen, an  
36 individual enrolled in the federal deferred action for childhood  
37 arrivals program, or a noncitizen lawfully admitted for permanent resi-  
38 dence in the United States;

39 § 14. Subdivision 5 of section 7804 of the education law, as amended  
40 by chapter 669 of the laws of 2022, is amended to read as follows:

41 (5) Citizenship or immigration status: be a United States citizen, an  
42 individual enrolled in the federal deferred action for childhood  
43 arrivals program, or a noncitizen lawfully admitted for permanent resi-  
44 dence in the United States;

45 § 15. This act shall take effect on the sixtieth day after it shall  
46 have become a law. Effective immediately, the addition, amendment and/or  
47 repeal of any rule or regulation necessary for the implementation of  
48 this act on its effective date are authorized to be made and completed  
49 on or before such effective date.