

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35184-MD-17A (11/18)

Short Title: Ensure College Access/High School Graduates.

(Public)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT GRADUATES OF NORTH CAROLINA HIGH SCHOOLS
HAVE ACCESS TO HIGHER EDUCATION.

Whereas, immigration is principally the responsibility of our federal government, but immigration activity has a significant effect on the government and economy of the various states; and

Whereas, in recent years federal inaction on immigration law has forced states to grapple with impacts from the presence of undocumented immigrants in many areas, including the economy, social services, education services, the criminal justice system, and health services; and

Whereas, a nation that values and depends upon immigration should have rational and humane laws that serve the American economy, reflect the American dream, and address the many undocumented immigrants currently living in the United States; and

Whereas, education is principally the responsibility of our State government, and an educated workforce is vital to a vibrant economy; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-5.2. Admission of aliens who are not lawfully present in the United States.

(a) Aliens who are not lawfully present in the United States are eligible for admission to an institution subject to the following conditions and limitations. An alien applicant who is not lawfully present in the United States shall:

(1) Have graduated from a high school in this State. Nothing in this subdivision prevents the State Board of Community Colleges and individual institutions from considering the admission of aliens who graduated from a high school elsewhere in the United States.

(2) Not receive State or federal financial aid in the form of a grant or loan.

(3) Not be considered a North Carolina resident for tuition purposes under G.S. 115-143.1 and shall in all cases be charged out-of-state tuition.

(b) In determining whether or not to admit a particular alien applicant who is not lawfully present in the United States to a special curriculum course of study, the State Board of Community Colleges and individual institutions may, where appropriate, consider any federal law prohibitions which prevent the State from granting a professional license to the alien on account of the alien's immigration status."



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1 **SECTION 2.** Chapter 116 of the General Statutes is amended by adding a new
2 section to read:

3 **"§ 116-11.3. Admission of aliens who are not lawfully present in the United States.**

4 (a) Aliens who are not lawfully present in the United States are eligible for admission
5 as undergraduates at constituent institutions based on their individual qualifications and subject
6 to the following conditions and limitations. An alien applicant who is not lawfully present in
7 the United States shall:

8 (1) Have graduated from a high school in this State. Nothing in this subdivision
9 prevents The Board of Governors and constituent institutions of The
10 University of North Carolina from considering the admission of aliens who
11 graduated from a high school elsewhere in the United States.

12 (2) Not receive State or federal financial aid in the form of a grant or loan.

13 (3) Not be considered a North Carolina resident for tuition purposes under
14 G.S. 115-143.1 and shall in all cases be charged out-of-state tuition.

15 (4) Be considered out-of-state for purposes of calculating the cap on out-of-state
16 freshmen pursuant to University policy, regardless of whether or not the
17 alien resides in North Carolina or graduated from a North Carolina high
18 school.

19 (b) In determining whether or not to admit a particular alien applicant who is not
20 lawfully present in the United States to a special curriculum course of study, the University and
21 its constituent institutions may, where appropriate, consider any federal law prohibitions which
22 prevent the State from granting a professional license to the alien on account of the alien's
23 immigration status."

24 **SECTION 3.** This act is effective when it becomes law.