

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40232-MM-82

Short Title: Verification of Immigration Status - SAVE. (Public)

Sponsors: Representatives Cleveland, Hurley, Yarborough, and Presnell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ALL STATE AGENCIES AND LICENSING BOARDS
3 VERIFY THE IMMIGRATION STATUS OF APPLICANTS FOR PUBLIC BENEFITS
4 AND USE THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE)
5 TO OBTAIN THAT VERIFICATION.

6 Whereas, federal law provides that an alien who is not lawfully present in the United
7 States is not eligible for any State or local public benefit; and

8 Whereas, federal law defines a State or local public benefit (public benefit) as any
9 grant, contract, loan, professional license, or commercial license provided by an agency of a State
10 or local government or by appropriated funds of a State or local government as well as any
11 retirement, welfare, health, disability, public or assisted housing, postsecondary education, food
12 assistance, unemployment benefit, or any other similar benefit for which payment or assistance
13 are provided to an individual, household, or family eligibility unit by an agency of a State or local
14 government or by appropriated funds of a State or local government; and

15 Whereas, the Department of Homeland Security provides a web-based service known
16 as the Systematic Alien Verification for Entitlements (SAVE) Program to assist State agencies
17 and licensing board verify the immigration status of applicants for public benefits; and

18 Whereas, very few State agencies and licensing boards currently use the SAVE
19 Program to verify the immigration status of applicants for public benefits; Now, therefore,
20 The General Assembly of North Carolina enacts:

21 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

22 **"Chapter 64A.**

23 **"Verification of Eligibility for Receipt of Public Benefits.**

24 **"§ 64A-1. Definitions.**

25 As used in this Chapter, the following shall mean:

- 26 (1) Alien. – As defined in 8 U.S.C. § 1101(a)(3).
27 (2) License. – Any evidence of qualification which an individual is required to
28 obtain before he may engage in or represent himself to be a member of a
29 particular profession or occupation.
30 (3) Licensing board. – Any board, committee, commission, or other agency in
31 North Carolina which is established for the primary purpose of regulating the
32 entry of persons into, and the conduct of persons within, a particular
33 profession or occupation, and which is authorized to issue licenses.
34 (4) Public benefit. – As defined in 8 U.S.C. § 1621.



1 (5) State agency. – A unit of the executive, legislative, or judicial branch of State
2 government, such as a department, an institution, a division, a commission, a
3 board, a council, or The University of North Carolina.

4 **"§ 64A-2. Duty to verify immigration status; eligibility for public benefits.**

5 Beginning January 1, 2020, no State agency or licensing board may provide a public benefit
6 to any applicant unless the State agency or licensing board has verified the immigration status of
7 the applicant. No State agency or licensing board shall provide a public benefit to an alien who
8 is not (i) a qualified alien under 8 U.S.C. § 1641, (ii) a nonimmigrant under 8 U.S.C. § 1101, et
9 seq., or (iii) an alien who is paroled into the United States under 8 U.S.C. § 1182(d)(5) for less
10 than one year.

11 **"§ 64A-3. Implementation.**

12 (a) All State agencies and all licensing boards shall enter into a memorandum of
13 agreement or computer matching agreement with the Department of Homeland Security to use
14 the Systematic Alien Verification for Entitlements (SAVE) Program to verify the immigration
15 status of applicants for public benefits.

16 (b) No later than December 1, 2019, and annually thereafter, each State agency and each
17 licensing board shall report to the Joint Legislative Oversight Committee on General Government
18 on the implementation of this Article.

19 **"§ 64A-4. Private enforcement.**

20 In addition to any other remedies at law or in equity, any person who resides within this State
21 has reason to believe a State agency or licensing board is not in compliance with this Chapter
22 may bring an action for declaratory and injunctive relief. Such action shall be filed in the superior
23 court of any county in which the defendant State agency or licensing board is located or has
24 jurisdiction. The court shall award the prevailing party in an action brought under this section
25 reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil
26 penalty against any State agency or licensing board that fails to comply with an order issued as a
27 result of an action pursuant to this section in an amount up to ten thousand dollars (\$10,000) per
28 day for each day the State agency or licensing board fails to comply with the order."

29 **SECTION 2.** This act is effective when it becomes law.