

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40019-NB-7

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

Sponsors: Representative Cleveland.

Referred to:

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

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

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

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

19 Whereas, very few State agencies, State agency licensing boards, and occupational
20 licensing boards currently use the SAVE Program to verify the immigration status of applicants
21 for public benefits; Now, therefore,

22 The General Assembly of North Carolina enacts:

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

24 **"Chapter 64A.**

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

26 **"§ 64A-1. Definitions.**

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

- 28 (1) Alien. – As defined in 8 U.S.C. § 1101(a)(3).
29 (2) License. – Any evidence of qualification which an individual is required to
30 obtain before he may engage in or represent himself to be a member of a
31 particular profession or occupation.
32 (3) Occupational licensing board. – As defined in G.S. 93B-1(2).
33 (4) Public benefit. – As defined in 8 U.S.C. § 1621.
34 (5) State agency. – A unit of the executive, legislative, or judicial branch of State
35 government, such as a department, an institution, a division, a commission, a
36 board, a council, or The University of North Carolina.



1 (6) State agency licensing board. – As defined in G.S. 93B-1(3).

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

3 Beginning January 1, 2022, no State agency, State agency licensing board, or occupational
4 licensing board may provide a public benefit to any applicant unless the State agency, State
5 agency licensing board, or occupational licensing board has verified the immigration status of
6 the applicant. No State agency, State agency licensing board, or occupational licensing board
7 shall provide a public benefit to an alien who is not (i) a qualified alien under 8 U.S.C. § 1641,
8 (ii) a nonimmigrant under 8 U.S.C. § 1101, et seq., or (iii) an alien who is paroled into the United
9 States under 8 U.S.C. § 1182(d)(5) for less than one year.

10 "**§ 64A-3. Implementation.**

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

15 (b) No later than December 1, 2021, and annually thereafter, each State agency, each
16 State agency licensing board, and each occupational licensing board shall report to the Joint
17 Legislative Oversight Committee on General Government on the implementation of this Article.

18 "**§ 64A-4. Private enforcement.**

19 In addition to any other remedies at law or in equity, any person who resides within this State
20 and has reason to believe a State agency, State agency licensing board, or occupational licensing
21 board is not in compliance with this Chapter may bring an action for declaratory and injunctive
22 relief. Such action shall be filed in the superior court of any county in which the defendant State
23 agency, State agency licensing board, or occupational 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, State agency licensing board, or occupational licensing board
27 that fails to comply with an order issued as a result of an action pursuant to this section in an
28 amount up to ten thousand dollars (\$10,000) per day for each day the State agency, State agency
29 licensing board, or occupational licensing board fails to comply with the order."

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