

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 29

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

Sponsors: Representatives Cleveland, Warren, Yarborough, and Clampitt (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 3, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

February 1, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ALL STATE AGENCIES, STATE AGENCY LICENSING BOARDS, AND OCCUPATIONAL LICENSING BOARDS VERIFY THE IMMIGRATION STATUS OF APPLICANTS FOR PUBLIC BENEFITS AND USE THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) TO OBTAIN THAT VERIFICATION.

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

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

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

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

The General Assembly of North Carolina enacts:

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

**"Chapter 64A.**

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

**"§ 64A-1. Definitions.**

As used in this Chapter, the following shall mean:

- (1) Alien. – As defined in 8 U.S.C. § 1101(a)(3).
- (2) License. – Any evidence of qualification which an individual is required to obtain before he may engage in or represent himself to be a member of a particular profession or occupation.
- (3) Occupational licensing board. – As defined in G.S. 93B-1(2).
- (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           (6)     State agency licensing board. – As defined in G.S. 93B-1(3).

5     "**§ 64A-2. Duty to verify immigration status; eligibility for public benefits.**

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

13    "**§ 64A-3. Implementation.**

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

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

21    "**§ 64A-4. Private enforcement.**

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

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