



The University of North Carolina
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Constituent Universities
Appalachian State
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East Carolina
University

Elizabeth City
State University

Fayetteville State
University

North Carolina
Agricultural and
Technical State
University

North Carolina
Central University

North Carolina
School of
the Arts

North Carolina
State University
at Raleigh

University of
North Carolina
at Asheville

University of
North Carolina
at Chapel Hill

University of
North Carolina
at Charlotte

University of
North Carolina
at Greensboro

University of
North Carolina
at Pembroke

University of
North Carolina
at Wilmington

Western Carolina
University

Winston-Salem
State University

Constituent High School
North Carolina
School of Science
and Mathematics

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TO: Members of the UNC Board of Governors
The Chancellors

FROM: Erskine Bowles *EBB*

RE: Admission of Undocumented Students

Last November, the North Carolina Community College System issued a directive that all 58 community colleges admit undocumented immigrants under the System's "open door" policy. Subsequently, the NCCCS asked the NC Attorney General to clarify the legality of this position.

In an advisory letter dated May 6, 2008, the Attorney General's Office advised the Community College System that restricting the admission of illegal immigrants "would more likely withstand judicial scrutiny." This advisory letter (not a formal Attorney General's opinion) was based on one lawyer's in the Attorney General's Office interpretation of federal statutes, the enforcement and administration of which rests with the Secretary of Homeland Security.

Subsequently, in response to an inquiry from the *Raleigh News & Observer* as to whether a public community college can enroll undocumented aliens, the Department of Homeland Security is reported to have issued a statement that "It is left for the school to decide whether or not to enroll out-of-status or undocumented nonimmigrants."

Earlier today, NCCCS President Scott Ralls announced that beginning immediately, the community colleges will no longer admit undocumented immigrants into curriculum degree programs. They will, however admit undocumented students into non-college level courses, and will allow students admitted under the earlier directive to continue their courses of study at out-of-state tuition rates.

The University of North Carolina certainly intends to abide by the law. In this instance, there sure seems to be considerable legal disagreement about what the relevant federal law really says. I am glad that the Attorney General will now seek further clarification of the federal statutes relating to the admission of undocumented students. We need and would welcome final clarification because we all want to obey the law. Until we receive that clarification, we will continue to operate under our current guidelines.

cc: General Administration Council