



State of North Carolina

Department of Justice
PO Box 629
Raleigh, North Carolina
27602

July 24, 2008

ROY COOPER
ATTORNEY GENERAL

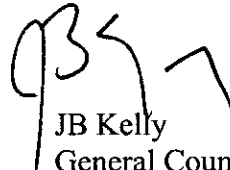
Ms. Shanté Martin, Esquire
General Counsel
North Carolina Community College System
5001 Mail Service Center
Raleigh, NC 27699-5001

Dear Shanté:

On July 21, 2008, our Office received the attached response from the United States Department of Homeland Security to our inquiry, on your behalf, regarding their interpretation of 8 USC § 1621(c) as it relates to community college admissions of undocumented aliens. As their response notes, Homeland Security does not consider admission of undocumented aliens to public post-secondary educational institutions to be prohibited by Federal law and "states must decide for themselves whether or not to admit illegal aliens into their public post-secondary institutions."

In accordance with the interpretation of Homeland Security and absent a State statute which addresses the enrollment of undocumented aliens in public institutions of higher education, the State Board of Community Colleges working with the North Carolina Community College System has authority to develop policies on whether or not undocumented aliens can be admitted to community colleges. See NCGS § 115D-5(a) (State Board of Community Colleges is authorized to establish admissions standards for individual institutions). Consistent with the directive from Homeland Security, however, "any state policy . . . on this issue must use federal immigration status standards to identify which applicants are illegal aliens."

Very truly yours,


JB Kelly
General Counsel

Enclosure