



MEMORANDUM

DATE: December 21, 2001

TO: Community College Instructional Officers
Community College Student Development Administrators

FROM: Clay T. Hines;
Assistant to the President for Legal Affairs

SUBJECT: Admission or Enrollment of Undocumented or Illegal Aliens

This memorandum is intended to provide guidance to college administrators concerning admission or enrollment of undocumented or illegal aliens in programs or courses at community colleges.

Federal Law, 8 USC Section 1621 makes most undocumented or illegal aliens ineligible for most state or local public benefits. Post secondary education is one of those benefits that undocumented or illegal aliens are not eligible to receive. Federal Law, 8 USC Section 1641 makes an exception for some illegal aliens who have been subjected to extreme cruelty or battered and who meet other conditions set forth in this section. Any undocumented or illegal aliens who are eligible to receive post secondary education (other than high school students taking Huskins or concurrent enrollment courses) should have written documentation of their eligibility based on one of the exceptions set forth in Federal Law, 8 USC Section 1641.

Therefore, colleges should admit or enroll undocumented or illegal aliens only as follows:

1. Undocumented or illegal aliens who are high school students may enroll in college level courses consistent with the concurrent enrollment policy and the cooperative program agreement (Huskins Bill courses) policy. Undocumented or illegal aliens may take college level courses pursuant to these policies because eligibility for participation in these programs is not based on legal residence but on attendance in a North Carolina high school. These courses are open to all high school students attending a high school (public, private, or home school) located in the State who meet the eligibility criteria. This position appears to be consistent with the federal policy regulating provision of state or local public benefits to undocumented or illegal aliens.
2. Undocumented or illegal aliens may enroll in non-college level courses or programs including GED preparation courses, Adult Basic Education, Adult High School, English as a Second Language and other continuing education courses less than college level. These courses do not appear to violate the general prohibition against providing post-secondary education to undocumented or illegal aliens.

3. Undocumented or battered illegal aliens who have been determined to meet one of the qualifying conditions set forth in Federal Law, 8 USC Section 1641 are eligible for college level courses. It is the applicant's responsibility to produce sufficient documentation to satisfy the college that the applicant is eligible for post secondary education benefits.

cc: Dr. Stephen C. Scott
Dr. Delores Parker
Mr. Ken Whitehurst
Community College Presidents

CC01-271
Paper Copy