

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 484

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

Sponsors: Representatives Cleveland, Hurley, Yarborough, and Presnell (Primary Sponsors).

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

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

March 28, 2019

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

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

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

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

18 Whereas, very few State agencies and licensing boards currently use the SAVE  
19 Program to verify the immigration status of applicants for public benefits; Now, therefore,  
20 The General Assembly of North Carolina enacts:

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

22 **"Chapter 64A.**

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

24 **"§ 64A-1. Definitions.**

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

- 26 (1) Alien. – As defined in 8 U.S.C. § 1101(a)(3).  
27 (2) License. – Any evidence of qualification which an individual is required to  
28 obtain before he may engage in or represent himself to be a member of a  
29 particular profession or occupation.  
30 (3) Licensing board. – Any board, committee, commission, or other agency in  
31 North Carolina which is established for the primary purpose of regulating the  
32 entry of persons into, and the conduct of persons within, a particular  
33 profession or occupation, and which is authorized to issue licenses.



1           (4)     Public benefit. – As defined in 8 U.S.C. § 1621.

2           (5)     State agency. – A unit of the executive, legislative, or judicial branch of State  
3                 government, such as a department, an institution, a division, a commission, a  
4                 board, a council, or The University of North Carolina.

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

6           Beginning January 1, 2020, no State agency or licensing board may provide a public benefit  
7     to any applicant unless the State agency or licensing board has verified the immigration status of  
8     the applicant. No State agency or licensing board shall provide a public benefit to an alien who  
9     is not (i) a qualified alien under 8 U.S.C. § 1641, (ii) a nonimmigrant under 8 U.S.C. § 1101, et  
10    seq., or (iii) an alien who is paroled into the United States under 8 U.S.C. § 1182(d)(5) for less  
11    than one year.

12    **"§ 64A-3. Implementation.**

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

17           (b)     No later than December 1, 2019, and annually thereafter, each State agency and each  
18     licensing board shall report to the Joint Legislative Oversight Committee on General Government  
19     on the implementation of this Article.

20    **"§ 64A-4. Private enforcement.**

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

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