

STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1804

By: Terrill, Sullivan, Key,
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Liebmann, Martin (Scott),
Martin (Steve), McCullough,
McDaniel (Randy), Murphey,
Peterson (Ron), Proctor,
Sears, Tibbs and Worthen of
the House

and

Williamson, Sykes, Corn and
Ivester of the Senate

FLOOR SUBSTITUTE

An Act relating to illegal immigration; creating the
Oklahoma Taxpayer and Citizen Protection Act of 2007;
stating legislative purpose; making certain acts
unlawful; preserving provision of certain benefits
and services; providing penalties; amending 21 O.S.
2001, Section 1550.42, which relates to
identification documentation; requiring issuance of
identification documents to certain persons;
providing exceptions; stating period of validity;
providing for renewal under certain circumstances;
providing exception for certain document; providing
presumption of validity for renewal, duplication or
reissuance of driver license; requiring determination
of citizenship status for persons charged with
certain crime; requiring verification of persons
determined to be a foreign national; providing time
limitation for verification; requiring notification
to certain entities; providing rebuttable presumption

1 that certain persons are a flight risk; defining
2 terms; requiring participation in certain
3 verification system; prohibiting certain persons from
4 entering into contracts after certain dates;
5 providing exception; establishing certain
6 discriminatory practice; providing exception;
7 limiting certain cause of action; requiring agencies
8 and political subdivisions to verify lawful presence
9 of persons applying for certain benefits; providing
10 for nondiscriminatory treatment; excluding
11 verification under certain circumstances; requiring
12 execution of affidavit; requiring certain applicant
13 to be verified through the Systematic Alien
14 Verification for Entitlement Program; making certain
15 actions subject to certain criminal penalties;
16 authorizing adoption of variations to stated
17 requirements; requiring certain entities to submit an
18 annual compliance report; requiring certain entities
19 to monitor certain program; requiring publication of
20 annual report and certain recommendations; requiring
21 certain entities to submit a report of errors to
22 certain agency; requiring certain withholding of
23 state income tax under certain circumstances;
24 providing for tax liability for noncompliance;
preventing certain misinterpretation; directing
Attorney General to negotiate terms of certain
memorandum; requiring certain signatures; prohibiting
certain actions by government entities; authorizing
private right of action under certain circumstances;
requiring that certain persons be ineligible for
postsecondary education benefits or resident tuition;
providing exception for persons enrolled during or
before certain school year; establishing a Fraudulent
Documents Identification Unit within the Department
of Public Safety subject to availability of funding;
stating purpose; stating duties; providing for
employment of sufficient employees; amending Section
1, Chapter 210, O.S.L. 2003 (70 O.S. Supp. 2006,
Section 3242), which relates to eligibility for
enrollment and resident tuition; requiring graduation
from certain school; requiring certain period of
residence while attending certain school; requiring
satisfaction of certain admission standards;
requiring presentation of certain documentation or
filing of certain affidavit; requiring presentation
of certain documents after filing of certain
affidavit; requiring maintenance of documentation in

1 certain records; providing qualification for meeting
2 certain criteria; prohibiting certain additional
3 conditions for persons enrolled during or before
4 certain school year; providing for codification;
5 providing for noncodification; and providing an
6 effective date.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

8 SECTION 1. NEW LAW A new section of law not to be
9 codified in the Oklahoma Statutes reads as follows:

10 This act shall be known and may be cited as the "Oklahoma
11 Taxpayer and Citizen Protection Act of 2007".

12 SECTION 2. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 The State of Oklahoma finds that illegal immigration is causing
15 economic hardship and lawlessness in this state and that illegal
16 immigration is encouraged when public agencies within this state
17 provide public benefits without verifying immigration status. The
18 State of Oklahoma further finds that when illegal immigrants have
19 been harbored and sheltered in this state and encouraged to reside
20 in this state through the issuance of identification cards that are
21 issued without verifying immigration status, these practices impede
22 and obstruct the enforcement of federal immigration law, undermine
23 the security of our borders, and impermissibly restrict the
24 privileges and immunities of the citizens of Oklahoma. Therefore,
the people of the State of Oklahoma declare that it is a compelling

1 public interest of this state to discourage illegal immigration by
2 requiring all agencies within this state to fully cooperate with
3 federal immigration authorities in the enforcement of federal
4 immigration laws. The State of Oklahoma also finds that other
5 measures are necessary to ensure the integrity of various
6 governmental programs and services.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 446 of Title 21, unless there is
9 created a duplication in numbering, reads as follows:

10 A. It shall be unlawful for any person to transport, move, or
11 attempt to transport in the State of Oklahoma any alien knowing or
12 in reckless disregard of the fact that the alien has come to,
13 entered, or remained in the United States in violation of law, in
14 furtherance of the illegal presence of the alien in the United
15 States.

16 B. It shall be unlawful for any person to conceal, harbor, or
17 shelter from detection any alien in any place within the State of
18 Oklahoma, including any building or means of transportation, knowing
19 or in reckless disregard of the fact that the alien has come to,
20 entered, or remained in the United States in violation of law.

21 C. Nothing in this section shall be construed so as to prohibit
22 or restrict the provision of any state or local public benefit
23 described in 8 U.S.C., 1621(b), or regulated public health services
24 provided by a private charity using private funds.

1 D. Any person violating the provisions of subsections A or B of
2 this section shall, upon conviction, be guilty of a felony
3 punishable by imprisonment in the custody of the Department of
4 Corrections for not less than one (1) year, or by a fine of not less
5 than One Thousand Dollars (\$1,000.00), or by both such fine and
6 imprisonment.

7 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1550.42, is
8 amended to read as follows:

9 Section 1550.42 A. The following entities may create, publish
10 or otherwise manufacture an identification document, identification
11 card, or identification certificate and may possess an engraved
12 plate or other such ~~device~~ device for the printing of such
13 identification; provided, the name of the issuing entity shall be
14 clearly printed upon the face of the identification:

15 1. Businesses, companies, corporations, service organizations
16 and federal, state and local governmental agencies for employee
17 identification which is designed to identify the bearer as an
18 employee;

19 2. Businesses, companies, corporations and service
20 organizations for customer identification which is designed to
21 identify the bearer as a customer or member;

22 3. Federal, state and local government agencies for purposes
23 authorized or required by law or any legitimate purpose consistent
24 with the duties of such an agency, including, but not limited to,

1 voter identification cards, ~~driver's~~ driver licenses, ~~nondriver's~~
2 nondriver identification cards, passports, birth certificates and
3 social security cards;

4 4. Any public school or state or private educational
5 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
6 70 of the Oklahoma Statutes, to identify the bearer as an
7 administrator, faculty member, student or employee;

8 5. Any professional organization or labor union to identify the
9 bearer as a member of the professional organization or labor union;
10 and

11 6. Businesses, companies or corporations which manufacture
12 medical-alert identification for the wearer thereof.

13 B. All identification documents as provided for in paragraphs 3
14 or 4 of subsection A of this section shall be issued only to United
15 States citizens, nationals and legal permanent resident aliens.

16 C. The provisions of subsection B of this section shall not
17 apply when an applicant presents, in person, valid documentary
18 evidence of:

19 1. A valid, unexpired immigrant or nonimmigrant visa status for
20 admission into the United States;

21 2. A pending or approved application for asylum in the United
22 States;

23 3. Admission into the United States in refugee status;
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1 4. A pending or approved application for temporary protected
2 status in the United States;

3 5. Approved deferred action status; or

4 6. A pending application for adjustment of status to legal
5 permanent residence status or conditional resident status.

6 Upon approval, the applicant may be issued an identification
7 document provided for in paragraphs 3 or 4 of subsection A of this
8 section. Such identification document shall be valid only during
9 the period of time of the authorized stay of the applicant in the
10 United States or, if there is no definite end to the period of
11 authorized stay, a period of one (1) year. Any identification
12 document issued pursuant to the provisions of this subsection shall
13 clearly indicate that it is temporary and shall state the date that
14 the identification document expires. Such identification document
15 may be renewed only upon presentation of valid documentary evidence
16 that the status by which the applicant qualified for the
17 identification document has been extended by the United States
18 Citizenship and Immigration Services or other authorized agency of
19 the United States Department of Homeland Security.

20 D. The provisions of subsection B of this section shall not
21 apply to an identification document described in paragraph 4 of
22 subsection A of this Section that is only valid for use on the
23 campus or facility of that educational institution and includes a
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1 statement of such restricted validity clearly and conspicuously
2 printed upon the face of the identification document.

3 E. Any driver license issued to a person who is not a United
4 States citizen, national or legal permanent resident alien for which
5 an application has been made for renewal, duplication or reissuance
6 shall be presumed to have been issued in accordance with the
7 provisions of subsection C of this section; provided that, at the
8 time the application is made, the driver license has not expired, or
9 been cancelled, suspended or revoked. The requirements of
10 subsection C of this section shall apply, however, to a renewal,
11 duplication or reissuance if the Department of Public Safety is
12 notified by a local, state or federal government agency of
13 information in the possession of the agency indicating a reasonable
14 suspicion that the individual seeking such renewal, duplication or
15 reissuance is present in the United States in violation of law. The
16 provisions of this subsection shall not apply to United States
17 citizens, nationals or legal permanent resident aliens.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 171.2 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. When a person charged with a felony or with driving under
22 the influence pursuant to Section 11-902 of Title 47 of the Oklahoma
23 Statutes is confined, for any period, in the jail of the county, any
24 municipality or a jail operated by a regional jail authority, a

1 reasonable effort shall be made to determine the citizenship status
2 of the person so confined.

3 B. If the prisoner is a foreign national, the keeper of the
4 jail or other officer shall make a reasonable effort to verify that
5 the prisoner has been lawfully admitted to the United States and, if
6 lawfully admitted, that such lawful status has not expired. If
7 verification of lawful status cannot be made from documents in the
8 possession of the prisoner, verification shall be made within forty-
9 eight (48) hours through a query to the Law Enforcement Support
10 Center of the United States Department of Homeland Security or other
11 office or agency designated for that purpose by the United States
12 Department of Homeland Security. If the lawful immigration status
13 of the prisoner cannot be verified, the keeper of the jail or other
14 officer shall notify the United States Department of Homeland
15 Security.

16 C. For the purpose of determining the grant of or issuance of
17 bond, it shall be a rebuttable presumption that a person whose
18 citizenship status has been verified pursuant to subsection B of
19 this section to be a foreign national who has not been lawfully
20 admitted to the United States is at risk of flight.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1312 of Title 25, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in Sections 6 and 7 of this act:

1 1. "Status Verification System" means an electronic system
2 operated by the federal government, through which an authorized
3 official of an agency of the State of Oklahoma or of a political
4 subdivision therein may make an inquiry, by exercise of authority
5 delegated pursuant to Section 1373 of Title 8 of the United States
6 Code, to verify or ascertain the citizenship or immigration status
7 of any individual within the jurisdiction of the agency for any
8 purpose authorized by Section 7 of this act. The Status
9 Verification System shall be deemed to include:

- 10 a. the electronic verification of work authorization
11 program of the Illegal Immigration Reform and
12 Immigration Responsibility Act of 1996, P.L. 104-208,
13 Division C, Section 403(a); 8 U.S.C. 1324a, and
14 operated by the United States Department of Homeland
15 Security, known as the Basic Pilot Program,
16 b. any equivalent federal program designated by the
17 United States Department of Homeland Security or any
18 other federal agency authorized to verify the work
19 eligibility status of newly hired employees, pursuant
20 to the Immigration Reform and Control Act of 1986
21 (IRCA), D.L. 99-603,
22 c. any other independent, third-party system with an
23 equal or higher degree of reliability as the programs,
24 systems, or processes described in this paragraph, or

d. the Social Security Number Verification Service, or such similar online verification process implemented by the United States Social Security Administration;

2. "Public employer" means every department, agency, or instrumentality of the state or a political subdivision of the state;

3. "Subcontractor" means a subcontractor, contract employee, staffing agency, or any contractor regardless of its tier; and

4. "Unauthorized alien" means an alien as defined in Section 1324a(h)(3) of Title 8 of the United States Code.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1313 of Title 25, unless there is created a duplication in numbering, reads as follows:

A. Every public employer shall register with and utilize a Status Verification System as described in subparagraphs a or b of paragraph 1 of Section 6 of this act to verify the federal employment authorization status of all new employees.

B. 1. After July 1, 2008, no public employer shall enter into a contract for the physical performance of services within this state unless the contractor registers and participates in the Status Verification System to verify the work eligibility status of all new employees.

2. After July 1, 2008, no contractor or subcontractor who enters into a contract with a public employer shall enter into such

1 a contract or subcontract in connection with the physical
2 performance of services within this state unless the contractor or
3 subcontractor registers and participates in the Status Verification
4 System to verify information of all new employees.

5 3. The provisions of this subsection shall not apply to any
6 contracts entered into prior to the effective date of this section
7 even though such contracts may involve the physical performance of
8 services within this state after July 1, 2008.

9 C. 1. It shall be a discriminatory practice for an employing
10 entity to discharge an employee working in Oklahoma who is a United
11 States citizen or permanent resident alien while retaining an
12 employee who the employing entity knows, or reasonably should have
13 known, is an unauthorized alien hired after July 1, 2008, and who is
14 working in Oklahoma in a job category that requires equal skill,
15 effort, and responsibility, and which is performed under similar
16 working conditions, as defined by 29 U.S.C., Section 206(d)(1), as
17 the job category held by the discharged employee.

18 2. An employing entity which, on the date of the discharge in
19 question, was currently enrolled in and used a Status Verification
20 System to verify the employment eligibility of its employees in
21 Oklahoma hired after July 1, 2008, shall be exempt from liability,
22 investigation, or suit arising from any action under this section.
23
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1 3. No cause of action for a violation of this subsection shall
2 arise anywhere in Oklahoma law but from the provisions of this
3 subsection.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 71 of Title 56, unless there is
6 created a duplication in numbering, reads as follows:

7 A. Except as provided in subsection C of this section or where
8 exempted by federal law, every agency or a political subdivision of
9 this state shall verify the lawful presence in the United States of
10 any natural person fourteen (14) years of age or older who has
11 applied for state or local public benefits, as defined in 8 U.S.C.,
12 Section 1621, or for federal public benefits, as defined in 8
13 U.S.C., Section 1611, that is administered by an agency or a
14 political subdivision of this state.

15 B. The provisions of this section shall be enforced without
16 regard to race, religion, gender, ethnicity, or national origin.

17 C. Verification of lawful presence under the provisions of this
18 section shall not be required:

19 1. For any purpose for which lawful presence in the United
20 States is not restricted by law, ordinance, or regulation;

21 2. For assistance for health care items and services that are
22 necessary for the treatment of an emergency medical condition, as
23 defined in 42 U.S.C., Section 1396b(v)(3), of the alien involved and
24 are not related to an organ transplant procedure;

1 3. For short-term, noncash, in-kind emergency disaster relief;

2 4. For public health assistance for immunizations with respect
3 to diseases and for testing and treatment of symptoms of
4 communicable diseases whether or not such symptoms are caused by a
5 communicable disease; or

6 5. For programs, services, or assistance such as soup kitchens,
7 crisis counseling and intervention, and short-term shelter specified
8 by the United States Attorney General, in the sole and unreviewable
9 discretion of the United States Attorney General after consultation
10 with appropriate federal agencies and departments which:

11 a. deliver in-kind services at the community level,
12 including through public or private nonprofit
13 agencies,

14 b. do not condition the provision of assistance, the
15 amount of assistance provided, or the cost of
16 assistance provided on the income or resources of the
17 individual recipient, and

18 c. are necessary for the protection of life or safety.

19 D. Verification of lawful presence in the United States by the
20 agency or political subdivision required to make such verification
21 shall require that the applicant execute an affidavit under penalty
22 of perjury that:

23 1. He or she is a United States citizen; or
24

1 2. He or she is a qualified alien under the federal Immigration
2 and Nationality Act and is lawfully present in the United States.

3 The agency or political subdivision providing the state or local
4 public benefits shall provide notary public services at no cost to
5 the applicant.

6 E. For any applicant who has executed the affidavit described
7 in paragraph 2 of subsection D of this section, eligibility for
8 benefits shall be verified through the Systematic Alien Verification
9 for Entitlements (SAVE) Program operated by the United States
10 Department of Homeland Security or an equivalent program designated
11 by the United States Department of Homeland Security. Until such
12 eligibility verification is made, the affidavit may be presumed to
13 be proof of lawful presence for the purposes of this section.

14 F. Any person who knowingly and willfully makes a false,
15 fictitious, or fraudulent statement of representation in an
16 affidavit executed pursuant to subsection D of this section shall be
17 subject to criminal penalties applicable in this state for
18 fraudulently obtaining public assistance program benefits. If the
19 affidavit constitutes a false claim of U.S. citizenship under 18
20 U.S.C., Section 911, a complaint shall be filed by the agency
21 requiring the affidavit with the United States Attorney General for
22 the applicable district based upon the venue in which the affidavit
23 was executed.

1 G. Agencies or political subdivisions of this state may adopt
2 variations to the requirements of the provisions of this section
3 which demonstrably improve the efficiency or reduce delay in the
4 verification process, or to provide for adjudication of unique
5 individual circumstances where the verification procedures in this
6 section would impose unusual hardship on a legal resident of
7 Oklahoma.

8 H. It shall be unlawful for any agency or a political
9 subdivision of this state to provide any state, local, or federal
10 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section
11 1611, in violation of the provisions of this section.

12 I. Each state agency or department which administers any
13 program of state or local public benefits shall provide an annual
14 report to the Governor, the President Pro Tempore of the Senate and
15 the Speaker of the House of Representatives with respect to its
16 compliance with the provisions of this section. Each agency or
17 department shall monitor the Systematic Alien Verification for
18 Entitlements Program for application verification errors and
19 significant delays and shall provide an annual public report on such
20 errors and significant delays and recommendations to ensure that the
21 application of the Systematic Alien Verification of Entitlements
22 Program is not erroneously denying benefits to legal residents of
23 Oklahoma. Errors shall also be reported to the United States
24 Department of Homeland Security by each agency or department.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2385.32 of Title 68, unless
3 there is created a duplication in numbering, reads as follows:

4 A. If an individual independent contractor, contracting for the
5 physical performance of services in this state, fails to provide to
6 the contracting entity documentation to verify the independent
7 contractor's employment authorization, pursuant to the prohibition
8 against the use of unauthorized alien labor through contract set
9 forth in 8 U.S.C., Section 1324a(a)(4), the contracting entity shall
10 be required to withhold state income tax at the top marginal income
11 tax rate as provided in Section 2355 of Title 68 of the Oklahoma
12 Statutes as applied to compensation paid to such individual for the
13 performance of such services within this state which exceeds the
14 minimum amount of compensation the contracting entity is required to
15 report as income on United States Internal Revenue Service Form
16 1099.

17 B. Any contracting entity who fails to comply with the
18 withholding requirements of this subsection shall be liable for the
19 taxes required to have been withheld unless such contracting entity
20 is exempt from federal withholding with respect to such individual
21 pursuant to a properly filed Internal Revenue Service Form 8233 or
22 its equivalent.

1 C. Nothing in this section is intended to create, or should be
2 construed as creating, an employer-employee relationship between a
3 contracting entity and an individual independent contractor.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 20j of Title 74, unless there is
6 created a duplication in numbering, reads as follows:

7 A. The Attorney General is authorized and directed to negotiate
8 the terms of a Memorandum of Understanding between the State of
9 Oklahoma and the United States Department of Justice or the United
10 States Department of Homeland Security, as provided by Section
11 1357(g) of Title 8 of the United States Code, concerning the
12 enforcement of federal immigration and customs laws, detention and
13 removals, and investigations in the State of Oklahoma.

14 B. The Memorandum of Understanding negotiated pursuant to
15 subsection A of this section shall be signed on behalf of this state
16 by the Attorney General and the Governor or as otherwise required by
17 the appropriate federal agency.

18 C. No local government, whether acting through its governing
19 body or by an initiative, referendum, or any other process, shall
20 enact any ordinance or policy that limits or prohibits a law
21 enforcement officer, local official, or local government employee
22 from communicating or cooperating with federal officials with regard
23 to the immigration status of any person within this state.

1 D. Notwithstanding any other provision of law, no government
2 entity or official within the State of Oklahoma may prohibit, or in
3 any way restrict, any government entity or official from sending to,
4 or receiving from, the United States Department of Homeland
5 Security, information regarding the citizenship or immigration
6 status, lawful or unlawful, of any individual.

7 E. Notwithstanding any other provision of law, no person or
8 agency may prohibit, or in any way restrict, a public employee from
9 doing any of the following with respect to information regarding the
10 immigration status, lawful or unlawful, of any individual:

11 1. Sending such information to, or requesting or receiving such
12 information from, the United States Department of Homeland Security;

13 2. Maintaining such information; or

14 3. Exchanging such information with any other federal, state,
15 or local government entity.

16 F. The provisions of this section shall allow for a private
17 right of action by any natural or legal person lawfully domiciled in
18 this state to file for a writ of mandamus to compel any
19 noncooperating local or state governmental agency to comply with
20 such reporting laws.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3242.2 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided in Section 3242 of Title 70 of
2 the Oklahoma Statutes, an individual who is not lawfully present in
3 the United States shall not be eligible on the basis of residence
4 within the state for:

5 1. Any postsecondary education benefit, including, but not
6 limited to, scholarships or financial aid; or

7 2. Resident tuition.

8 B. The provisions of subsection A of this section shall not
9 apply to a student enrolled in a degree program at a postsecondary
10 educational institution within The Oklahoma State System of Higher
11 Education during the 2006-2007 school year or any prior year who
12 received a resident tuition benefit pursuant to Section 3242 of
13 Title 70 of the Oklahoma Statutes at that institution.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 151.2 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 Subject to the availability of funding, the Department of Public
18 Safety shall establish a Fraudulent Documents Identification (FDI)
19 Unit for the primary purpose of investigating and apprehending
20 persons or entities that participate in the sale or distribution of
21 fraudulent documents used for identification purposes. The unit
22 shall additionally specialize in fraudulent identification documents
23 created and prepared for persons who are unlawfully residing within
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1 the State of Oklahoma. The Department shall employ sufficient
2 employees to investigate and implement an FDI Unit.

3 SECTION 13. AMENDATORY Section 1, Chapter 210, O.S.L.
4 2003 (70 O.S. Supp. 2006, Section 3242), is amended to read as
5 follows:

6 Section 3242. A. The Oklahoma State Regents for Higher
7 Education ~~shall~~ may adopt a policy which allows a student to enroll
8 in an institution within The Oklahoma State System of Higher
9 Education and allows a student to be eligible for resident tuition
10 if the student:

11 1. Graduated from a public or private high school in this state
12 ~~or successfully completed the General Educational Development test~~
13 ~~in this state; and~~

14 2. Resided in this state with a parent or legal guardian while
15 attending classes at a public or private high school in this state
16 for at least two (2) years prior to:

17 a. ~~graduation from high school, or~~

18 b. ~~successful completion of the General Educational~~
19 ~~Development test.~~

20 B. To be eligible for the provisions of subsection A of this
21 section, an eligible student shall:

22 1. Satisfy admission standards as determined by the Oklahoma
23 State Regents for Higher Education for the appropriate type of
24 institution and have secured admission to, and enrolled in, an

1 institution within The Oklahoma State System of Higher Education;
2 and

3 2. If the student ~~is without lawful immigration status cannot~~
4 present to the institution valid documentation of United States
5 nationality or an immigration status permitting study at a
6 postsecondary institution:

7 a. ~~file an affidavit with the institution stating that~~
8 ~~the student has filed an~~ provide to the institution a
9 copy of a true and correct application or has a
10 petition pending filed with the Bureau of United
11 States Citizenship and Immigration Services to
12 legalize the student's immigration status, or

13 b. file an affidavit with the institution stating that
14 the student will file an application to legalize his
15 or her immigration status at the earliest opportunity
16 the student is eligible to do so. ~~High school~~
17 ~~counselors shall inform immigrant students that they~~
18 ~~should apply for legal status as soon as possible to~~
19 ~~enhance their opportunity for higher education in~~
20 ~~Oklahoma, but in no case later than:~~

21 (1) one year after the date on which the student
22 enrolls for study at the institution, or

23 (2) if there is no formal process to permit children
24 of parents without lawful immigration status to

apply for lawful status without risk of
deportation, one year after the date the United
States Citizenship and Immigration Services
provide such a formal process, and

c. if the student files an affidavit pursuant to
subparagraph b of this paragraph, present to the
institution a copy of a true and correct application
or petition filed with the United States Citizenship
and Immigration Services no later than:

(1) one year after the date on which the student
enrolls for study at the institution, or

(2) if there is no formal process to permit children
of parents without lawful immigration status to
apply for lawful status without risk of
deportation, one year after the date the United
States Citizenship and Immigration Services
provide such a formal process, which copy shall
be maintained in the institution's records for
that student.

C. Any student who ~~meets~~ completes the required criteria
prescribed in ~~subsections~~ subsection A ~~and B~~ of this section,
paragraph 1 of subsection B of this section, and subparagraph a of
paragraph 2 of subsection B of this section shall not be

1 disqualified on the basis of the student's immigration status from
2 any scholarships or financial aid provided by this state.

3 D. The provisions of this section shall not impose any
4 additional conditions to maintain resident tuition status at a
5 postsecondary educational institution within The Oklahoma State
6 System of Higher Education on a student who was enrolled in a degree
7 program and first received such resident tuition status at that
8 institution during the 2006-2007 school year or any prior year.

9 SECTION 14. This act shall become effective November 1, 2007.

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