



Legislation Text

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Res. No. 67

Resolution calling upon the New York State Legislature to adopt Assembly Bill A.9556, which amends Section 6206 of the Education Law, in relation to requiring that the Board of Trustees of the City University of New York charge the same rate of tuition that is charged to State residents to any person who is an immigrant alien, who attended a secondary or high school in the State and received a high school diploma within the State, or who obtained a general education diploma issued within the State.

By Council Members Martínez, Baez, Barron, Diaz, Jackson, Perkins, Reyna, Rivera, Rodriguez, Serrano, Vann, Brewer and Liu; also Council Members Felder, Monserrate, Seabrook, Stewart and Clarke

Whereas, Throughout the history of The City University of New York ("CUNY"), immigrants have played an important role in CUNY's student body and the development of the institutions comprising CUNY as well as in the building of the workforce of the City and State, and the nation's democratic institutions; and

Whereas, Immigrants from around the world have made and continue to make indispensable contributions to the strength and growth of these public institutions of higher education, the City and State workforce, and the economy through steadfast determination and commitment to bettering their lives and the lives of their children; and

Whereas, Many hardworking undocumented immigrant students who have attended elementary and secondary schools in this City and State for most of their lives, and who are likely to remain in this State, are now being precluded from obtaining an affordable college education because they are now required to pay nonresident tuition rates; and

Whereas, These students have already proven their academic eligibility and merit by having received a high school diploma from a secondary or high school within the State or having obtained a general education diploma issued within the State and by having been accepted into a CUNY community college, senior college, graduate or professional school; and

Whereas, A fair tuition policy for all high school students and general education degree graduates in the State ensures access to our City's public institution of higher education, and thereby increases the State's collective productivity and economic growth; and

Whereas, Assembly Bill A.9556, upon enactment, would allow any undocumented or out-of-status immigrant alien, with the exception of any person holding a valid student visa or an expired student visa, who is currently enrolled or has met the admissions requirements for enrollment in a CUNY community college, senior college, graduate or professional school, to be exempt from nonresident tuition; and

Whereas, Requiring CUNY to charge the same rate of tuition to all students within the State, except for any person holding a valid student visa or an expired student visa, would ensure a fair tuition policy that provides equal access and opportunity to higher education for all persons who attended a New York State secondary or high school and graduated, or obtained a general education diploma issued within the State; and

Whereas, Enactment of Assembly Bill A.9556 is necessary to remedy the unmitigated injustices caused by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the "IIRIRA"), which fails to adequately provide for alien immigrant students' expeditious resolution of their legal status because of the Immigration and Naturalization Service's (the "INS") backlog of over 800,000 applications for resident alien status, and which hinders the ability of students to be charged the resident tuition rate; and

Whereas, CUNY has maintained that it remains deeply committed to maintaining its tradition of welcoming and educating all immigrants based on a practice forged over many generations since its founding in the 1840's as the Free Academy; and

Whereas, CUNY has stated that it is constrained to comply with the federal statute, the IIRIRA, despite the University's previous policy of noncompliance due to the lack of federal implementing regulations since the law's passage in 1996; and

Whereas, Enactment of Assembly Bill A.9556 would ensure a fair tuition policy and uphold the intention of the New York Education Law Section 6201, which states that "the provision of equal access and opportunity" for students from "all ethnic and racial groups" is important to the CUNY system of higher education and that the "city university is of vital importance as a vehicle for the upward mobility of the disadvantaged in the city of New York"; and

Whereas, Assembly Bill A.9556 would avert the continuing injustice caused by the INS' bureaucracy and inability to process paperwork in a timely manner, as it has been estimated that over the next three years, 2.5 million green cards will need to be reprocessed and renewed, worsening the bureaucratic morass for New York's out-of-status or undocumented students, by including an additional 1.7 million legal immigrants in the INS backlog, with an average waiting time of two years to obtain citizenship; and

Whereas, The minor child of a lawful permanent resident, who attends or who has gained admission to a CUNY community or senior college, must wait a minimum of 54 to 66 months to obtain lawful permanent residency, which subjects these immigrant alien students to a grave injustice in that they are now ineligible for the lower resident tuition rate and, as a result, face an economic hardship and unfair burden that compromises the future of these bright and young students; and

Whereas, Education Law Section 6201 further states that activities at the CUNY campuses "must be undertaken in a spirit which recognizes and responds to the imperative need for affirmative action and the positive desire to have city university personnel reflect the diverse communities which comprise the people of the city and state of New York"; and

Whereas, Assembly Bill A.9556 furthers the spirit of this City and State's long standing tradition of fairness and opportunity to all persons who are willing to work hard, obtain greater knowledge and training through higher education, and contribute to the State's economy; now, therefore,

be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to adopt Assembly Bill A.9556, which amends Section 6206 of the Education Law, in relation to requiring that the Board of Trustees of the City University of New York charge the same rate of tuition that is charged to State residents, to any person who is an immigrant alien, who attended a secondary or high school in the State and received a high school diploma within the State, or who obtained a general education diploma issued within the State.

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