



State of North Carolina
Office of the Lieutenant Governor

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Ms. Hilda Pinnix-Ragland, Chair
State Board of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

Dear Chairman Pinnix-Ragland and Members of the Community College Board:

I am writing to urge the State Board of Community Colleges to hold in place the current ban on admitting undocumented students.

I want to again make clear my opposition to any ultimate change in policy. However, the thrust of my letter today is to urge against any approach that will change current policy in the interim while the board decides what to do.

As you know, the System advised the colleges not to admit undocumented students in May of 2008, the third different policy in less than 8 months. I strongly oppose any action that will change the policy yet again and reverse the present ban on admission. Doing so will result in likely violations of federal law by our colleges and an expected legislative reversal.

I want to emphasize my understanding that the law does not compel the State to revert to a policy in which local colleges may turn a blind eye to the admission of undocumented immigrants. There are sound arguments for maintaining the System's current directive to the colleges and doing so is the most prudent course when all the risks and benefits are weighed. If there is uncertainty on this point, I recommend you seek the formal opinion of Attorney General Cooper as to the legal options available and their relative merits, and not rely simply on the recommendation of the Board's staff attorney.

The July 9th letter from the US Immigration and Customs Enforcement office emphasizes that states "must use federal immigration status standards to identify illegal alien applicants" to ensure that no benefits are bestowed upon illegal immigrants in violation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Any move away from the System's current directive requires that a process be in place to ensure undocumented students do not receive public benefits.

In addition to my legal concerns, I think such an approach is both inconsistent and unwise in a practical sense. I simply do not understand the policy rationale for moving from a position of banning admissions altogether to one of opening them up in a largely unrestricted fashion for a brief period while the board decides on what would be the best policy. Such an approach exacerbates the pattern of inconsistent and changing positions that has plagued the System's approach to the problem for the past several years. Compound that with the near certainty that the General Assembly will reject the entire effort when they reconvene in February and I cannot see how we, as a Board, can justify such erratic policy-making to the people of this State.

As a member of the State Board of Community Colleges and as the state's Lieutenant Governor, I urge the State Board to maintain our current position. I ask the System office to conduct a process review assessing how colleges should determine immigration status and to prepare a fiscal note documenting the resources they need to make such determinations in a timely and accurate manner. I do not see how this Board can responsibly consider a policy change without fully understanding the infrastructure and resources needed to be federally compliant.

As I noted above, at a minimum, this issue should be referred to the State Board's Policy Committee to receive careful study in light of the July 9th letter from the US Immigration and Customs Enforcement office. Finally, in my estimation moving away from current policy in the interim makes no legal, policy or practical sense.

Thank you for your time and attention as you discuss this very important issue.

Regards,



Beverly E. Perdue

Cc: Attorney General Roy Cooper