



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

August 16, 2000

MEMO TO: Vice Presidents/Deans of Student Development
Directors of Admissions
Registrars
Business Officers

FROM: Kenneth L. Whitehurst
Director, Student Development Services

RE: **Community College Tuition/Legal Immigrants**

The 2000 session of the North Carolina General Assembly enacted the following provision that amends G.S. 115D-39:

Also, a nonresident of the United States who has resided in North Carolina for a 12-month qualifying period and has filed an immigrant petition with the United States Immigration and Naturalization Service shall be considered a State resident for community college tuition purposes.

A legal immigrant is defined as an alien who has been lawfully admitted to the United States for permanent residence (NAFSA: Advisor's Manual of Federal Regulations Affecting Foreign Students and Scholars). To implement the provision, colleges must:

1. obtain documentation of the filing of an immigrant petition (Form I-797, Notice of Action) provided to the petitioner from the Immigration and Naturalization Service,
2. document residence in North Carolina for a 12-month **qualifying** period as defined in G.S. 116-143.1(c).

For purposes of implementing this provision, Part III, section C of the Guide to Residency Assessment of Alien Documentation (CC99-122) does not apply to immigrants who provide the Form I-797. Note that this provision applies to NC community colleges only.

KLW/jw

c: Presidents

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