

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 63

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

Sponsors: Representatives Cleveland, Moss, Wheatley, and Sossamon (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Commerce, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations  
of the House

February 8, 2023

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

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

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

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

19 Whereas, very few State agencies, State agency licensing boards, and occupational  
20 licensing boards currently use the SAVE Program to verify the immigration status of applicants  
21 for public benefits; Now, therefore,

22 The General Assembly of North Carolina enacts:

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

24 **"Chapter 64A.**

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

26 **"§ 64A-1. Definitions.**

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

- 28 (1) Alien. – As defined in 8 U.S.C. § 1101(a)(3).  
29 (2) License. – Any evidence of qualification which an individual is required to  
30 obtain before he may engage in or represent himself to be a member of a  
31 particular profession or occupation.  
32 (3) Occupational licensing board. – As defined in G.S. 93B-1(2).  
33 (4) Public benefit. – As defined in 8 U.S.C. § 1621.



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

4           (6)     State agency licensing board. – As defined in G.S. 93B-1(3).

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

6           Beginning January 1, 2024, no State agency, State agency licensing board, or occupational  
7     licensing board may provide a public benefit to any applicant unless the State agency, State  
8     agency licensing board, or occupational licensing board has verified the immigration status of  
9     the applicant. Except as allowed under 8 U.S.C. § 1621(b), no State agency, State agency  
10    licensing board, or occupational licensing board shall provide a public benefit to an alien who is  
11    not (i) a qualified alien under 8 U.S.C. § 1641, (ii) a nonimmigrant under 8 U.S.C. § 1101, et  
12    seq., or (iii) an alien who is paroled into the United States under 8 U.S.C. § 1182(d)(5) for less  
13    than one year.

14    **"§ 64A-3. Implementation.**

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

19           (b)     No later than December 1, 2023, and annually thereafter, each State agency, each  
20    State agency licensing board, and each occupational licensing board shall report to the Joint  
21    Legislative Oversight Committee on General Government on the implementation of this Chapter.

22    **"§ 64A-4. Private enforcement.**

23           In addition to any other remedies at law or in equity, any person who resides within this State  
24    and has reason to believe a State agency, State agency licensing board, or occupational licensing  
25    board is not in compliance with this Chapter may bring an action for declaratory and injunctive  
26    relief. Such action shall be filed in the superior court of any county in which the defendant State  
27    agency, State agency licensing board, or occupational licensing board is located or has  
28    jurisdiction. The court shall award the prevailing party in an action brought under this section  
29    reasonable attorneys' fees and court costs as authorized by law. The court shall impose a civil  
30    penalty against any State agency, State agency licensing board, or occupational licensing board  
31    that fails to comply with an order issued as a result of an action pursuant to this section in an  
32    amount up to ten thousand dollars (\$10,000). The clear proceeds of any civil penalty assessed  
33    under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with  
34    G.S. 115C-457.2."

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