

House Bill 72

By: Representatives Day of the 163rd, Horne of the 71st, and Neal of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to education, so as to create the "Georgia Homeland Security in
3 Education Act of 2007"; to provide that certain educational institutions shall be required to
4 maintain information regarding student visas and report those students who fail to enroll or
5 attend class or who withdraw from such school or who otherwise violate the terms of his or
6 her visa; to provide for legislative intent; to provide for definitions; to provide an effective
7 date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The General Assembly finds that the nation's security and the security of the citizens of this
11 state are compromised when foreign students violate federal student visa requirements and
12 the violation is not adequately reported. It is the declared purpose of this Act to facilitate the
13 state and federal governments' common interest in national security, while also ensuring that
14 the educational diversity offered by international education programs continues to flourish.
15 In order to safeguard the campuses of Georgia schools as well as prevent attacks against
16 United States citizens on American soil, certain data collection and reporting requirements
17 are needed. It is, therefore, the intent of the General Assembly to hereby establish provisions
18 which support and enhance the federal system for maintaining current information on
19 nonimmigrant students.

20 **SECTION 2.**

21 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general
22 provisions relative to education, is amended by inserting at the end thereof the following:

"ARTICLE 3

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20-1-40.

This article shall be known and may be cited as the 'Georgia Homeland Security in Education Act of 2007.'

20-1-41.

(a) As used in this article, the term:

(1) 'Educational institution' means any institution of higher education including any public or private university, college, junior college, postsecondary school, technical college, or flight school.

(2) 'Educational institution operator' means any governing board, president, director, chancellor, registrar, or other person or persons responsible for the overall operation of an educational institution.

(3) 'Nonimmigrant student' means a person enrolled in or attending an educational institution pursuant to a student visa and shall include students attending educational institutions pursuant to an F, F-2, J, J-2, M, or M-2 visa as designated and issued by the United States government or students who are otherwise monitored by the federal Student and Exchange Visitor Information System (SEVIS) or other similar data information system maintained by the United States government for the purpose of tracking foreign students.

(4) 'Student visa' means any visa issued by the United States government for the purpose of allowing a person who is not a United States citizen to attend an educational institution in the United States and shall include an F, F-2, J, J-2, M, or M-2 visa.

(b) Each educational institution shall collect and maintain copies of federal documents authorizing the admission of a nonimmigrant student into the United States including copies of the visa, the SEVIS I-20 record, or any other document required by state or federal law for foreign student admission. Copies shall be collected at or prior to the admission of a nonimmigrant student. The documents shall be maintained for a minimum of two years following the student's withdrawal, graduation, or other departure from the educational institution.

(c) The expiration of a student visa shall be recorded by the educational institution the student is attending. No nonimmigrant student shall be permitted to attend an educational institution following the expiration of his or her legally authorized stay in the United States.

(d) Each educational institution and the educational institution operator shall have a duty to report whenever a student who has been accepted for admission to such educational

1 institution pursuant to a student visa fails to enroll or appear or who has been attending
2 such educational institution pursuant to a student visa and withdraws from such institution,
3 fails to appear for classes for seven or more consecutively scheduled class days, has an
4 expired visa, or violates the terms of his or her visa. Notification shall be made to any
5 federally required authority, agency, or department, including the United States
6 Department of Homeland Security and the Department of State. Notification shall also be
7 made to the Georgia Bureau of Investigation, the Georgia Emergency Management
8 Agency, any state office designated for protection against terrorist activity, and to any local
9 law enforcement agency in Georgia requesting such notification. The notification shall
10 contain all available information regarding the nonimmigrant student including
11 information from any federal agency or department and shall be submitted not later than
12 ten business days after the discovery of the reportable event.

13 (e) Each educational institution and the educational institution operator shall adopt written
14 policies that set forth the manner in which the requirements of this article will be
15 implemented.

16 (f) Intentional or negligent failure of any educational institution operator to report
17 information regarding visa violations by a nonimmigrant student as required by federal or
18 state law shall be considered malfeasance of office. Educational institutions which fail to
19 comply with the requirements of this article are subject to the withholding of any state
20 funding or state administered federal funding.

21 (g) The Attorney General and the Georgia Bureau of Investigation shall be authorized to
22 inspect an educational institution's records, policies, and procedures to verify compliance
23 with the provisions of this article."

24 SECTION 3.

25 This Act shall become effective on July 1, 2007.

26 SECTION 4.

27 All laws and parts of laws in conflict with this Act are repealed.