



Governor's Commission on Immigration

**Final Report
January 2009**

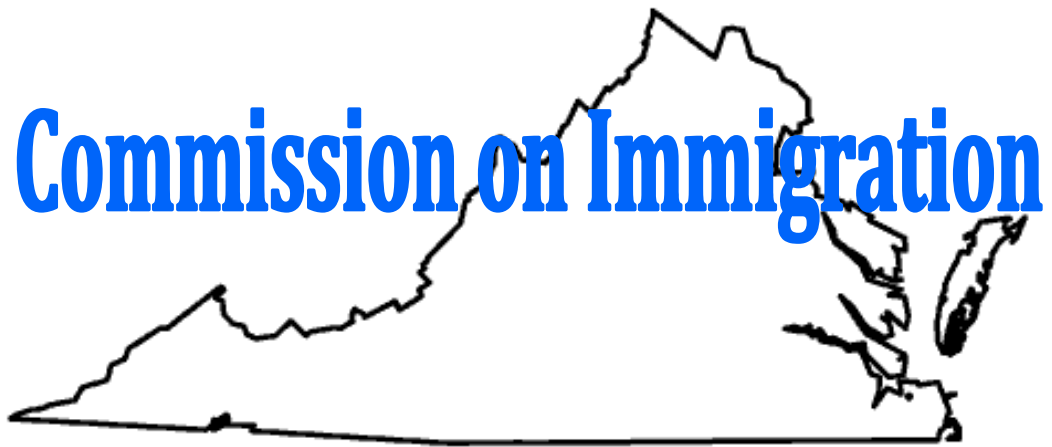


Table of Contents

INTRODUCTION..... 1

The Virginia Perspective on Immigration..... 2

The National Perspective on Immigration..... 2

Defining Immigrants..... 4

MEETINGS..... 5

IMMIGRATION LEGISLATION IN OTHER STATES..... 5

CHALLENGES IN VIRGINIA..... 6

Federal Preemption..... 6

Employment..... 6

Health Care..... 7

Education..... 8

Transition..... 9

Public Safety and Identification..... 9

Tax Contributions..... 10

Data Collection..... 11

PUBLIC HEARINGS..... 13

Employment and Economy..... 14

Effects on the U.S. Economy..... 14

Global Economy and NAFTA..... 14

Penalties for Businesses with Employ Undocumented Workers..... 15

E-Verify..... 15

Taxes..... 15

Human Services..... 15

Health Care..... 15

Cost for Government Services..... 16

Education..... 16

Access to Higher Education..... 16

Transition..... 16

Acclimation to Society..... 16

Increasing Diversity..... 17

Governor's Commission on Immigration
Final Report
January 2009



Public Safety	17
<i>Profiling</i>	17
287(g).....	18
<i>Criminal Activity</i>	18
<i>Prince William County Initiatives</i>	19
Federal Responsibilities	19
<i>Reform Federal Immigration Policy</i>	19
<i>Birthright Citizenship</i>	20
<i>Border Security</i>	20
FINAL RECOMMENDATIONS	20
Employment	20
Health Care	22
Education	23
Transition	24
Data Collection	25
Public Safety and Identification	26
APPENDIX A: Members of the Governor’s Commission on Immigration	27
APPENDIX B: Recommendations Proposed to the Commission	28
APPENDIX C: Review of Presentations	34
APPENDIX D: List of 31 Federal Public Benefits	60
APPENDIX E: NCSL Review of 2008 Immigration Legislation in State Legislatures	61

Governor's Commission on Immigration

Final Report
January 2009



INTRODUCTION

The Virginia Commission on Immigration was established in [Chapter 849](#) of the 2007 *Acts of Assembly*. It was tasked with studying, reporting, and making recommendations to address the costs and benefits of immigration on the Commonwealth. Specifically, the Commission was directed to examine the impact of immigration on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The 20-member Commission was comprised of eight members of the House of Delegates and three members of the Senate, as well as broad and diverse citizen representation (See Appendix A for a list of members).

In accordance with the *Acts of Assembly* the Commission needed to be specifically funded by the Appropriation Act of 2008. This did not occur, thus causing the Commission to expire on June 30, 2008. To complete the work of the Virginia Commission on Immigration, the Governor's Commission on Immigration was established by [Executive Order Number 73](#). The Governor's Commission on Immigration has the same objective, members, leadership, and staff as the defunct Virginia Commission on Immigration. Although technically a new commission, the Governor's Commission on Immigration is a continuation of the Virginia Commission on Immigration.

Since its inception two over-arching principles guided the Commission. The first was to ensure its review was objective and that any findings would be based on factual information. The second is that the Commission's review would address impacts both in the context of legal as well as undocumented immigrant populations. The second principle is particularly important. The timing for establishment of the Commission coincided with a broad ranging nationwide debate about immigration which predominately focused on undocumented immigrants. This category of immigrants amounts to less than one third of the total national immigrant population¹. Consequently, opportunities were missed about how to better assimilate and serve the needs of the majority of immigrants living in the US legally.

The failure of the federal government to comprehensively reform immigration policy since 1986 impacts the ability of states and communities across the Nation, including Virginia, to address a myriad of short-term immigration related issues. It also inhibits state and local long-term planning and program implementation needed to adjust to the projected demographic changes resulting from immigration. Together these create significant difficulties for Virginia and its communities to develop consistent policies regarding the delivery of services to growing immigrant populations.

¹ Passel, Jeffrey S. (2006). *The size and characteristics of the unauthorized migrant population in the U.S.* Pew Hispanic Center. Retrieved January 6, 2009: <http://pewhispanic.org/files/reports/61.pdf>

Governor's Commission on Immigration

Final Report
January 2009



Accordingly, state leaders in the Commonwealth from both the Legislative and Executive branches agreed on the need for facts to guide the development of policy, as well as the need to create greater consistency across state and local efforts in Virginia. The resulting Immigration Commission, along with other study efforts in the Commonwealth, has attempted to provide the foundation for clarity and consistency to support good public policy and government service delivery relative to immigrant populations.

The Virginia Perspective on Immigration

The foreign-born population in Virginia has been growing significantly for the past two decades. Between 1990 and 2000 there was an 83 percent increase in the foreign-born population living in Virginia. As of 2005, the Commonwealth's foreign-born population reached 677,400 people, accounting for 8.95 percent of Virginia's total population. Virginia ranks eleventh in the nation for the size of their foreign-born population². It is estimated that between 250,000 and 300,000 immigrants who reside in the Commonwealth are undocumented.³

There has been much debate on the positive and negative effects of immigration on the Commonwealth. To date, most of the debate has been based on anecdotal evidence. The influx of immigrants to Virginia has undeniably changed the demographics of the Commonwealth. While the immigrant population has created new challenges that must be addressed, immigrants have clearly had a positive impact on the Commonwealth. They have helped fill jobs that are needed to keep the Commonwealth viable and contributed to the tax base and diverse culture of Virginia.

The National Perspectives on Immigration

According to the 2000 census, US population growth was the largest ever between 1990 and 2000, increasing by 32.6 million people. Much of this growth has been attributed to increased immigrant population, which the Census Bureau estimates now accounts for 45 percent of annual increases in the US⁴.

Hispanics make up nearly 15.5 percent of the US population, up from 3.5 percent in 1960. According to 2005 Census data Hispanics are now the largest ethnic minority

² Joint Legislative Audit and Review Commission. (2007). *Immigration policy and Virginia's foreign-born population*. Retrieved June 26, 2008:

<http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/9-25%20immigration%20commission%20final.ppt>

³ Pew Hispanic Center (2006). *Estimated of the unauthorized migrant population for states based on the March 2005 CPS*. Retrieved November 3, 2008: <http://pewhispanic.org/files/factsheets/17.pdf>

⁴ U.S. Census Bureau (2002). *Population profile of the United States: 2000*. Retrieved January 5, 2009: <http://www.census.gov/population/www/pop-profile/files/2000/profile2000.pdf>

Governor's Commission on Immigration

Final Report
January 2009



outnumbering African Americans by more than 5 million⁵. The Pew Research Center estimates that immigrants arriving after 2005 may account for as much as 82 percent of US population growth between 2005 and 2050. Pew estimates that by 2050 immigrants will make up 19 percent of the total US population with Hispanics constituting 29 percent and they will be the majority ethnic group.⁶

The Pew Hispanic Center compiled estimates regarding the status of all immigrants (non US born persons) within the US as of 2005⁷:

- Legal Permanent Resident Aliens – 10.5 million or 28 percent of the immigrant population
- Naturalized Citizens – 11.5 million or 31 percent of the immigrant population
- Temporary Legal Residents 1.3 million or 3 percent of the immigrant population
- Refugee Arrivals (post 1980) – 2.6 million or 7 percent of the immigrant population
- Undocumented Migrants -11.1 million or 30 percent of immigrant population

Roughly 70 percent of the estimated US immigrant population possesses legal status. As noted much of the recent national debate focused on the minority of US immigrant population not in possession of legal status. Pew estimates that Undocumented Immigrants comprise the following percentages of US labor categories⁸:

- 24 percent of farm workers
- 17 percent of cleaning industry workers
- 14 percent of construction workers
- 12 percent of food preparation workers
- 36 percent of insulation workers
- 29 percent of roofers and drywall installers
- 27 percent of butchers and other food processing workers
- 21 percent of household industry workers

It is evident that labor demand for undocumented immigrants is high and their presence, rightly or wrongly, is essential for many industries. With the overall national economy being supported by immigrant labor, both legal and illegal, it is particularly vexing that federal immigration reform debate singularly centered on legal status of immigrant populations. The current characteristics of our society demand broad discussions about how to balance the necessity of remaining a nation of laws while

⁵ Passel, Jeffrey S., Cohn, D'Vera (2008) *U.S. population projections:2005-2050*. Pew Hispanic Center. Retrieved January 6, 2009: <http://pewhispanic.org/files/reports/85.pdf>

⁶Ibid 5

⁷ Ibid 5

⁸Ibid 1

Governor's Commission on Immigration

**Final Report
January 2009**



simultaneously addressing the broader implications of immigration to our national security and our national success.

The tragedy associated with the September 11, 2001, attacks resulted in major restructuring of US policy and programs for border security and immigration enforcement. The immediate post 9-11 federal efforts on border and security issues were, appropriately, almost exclusively driven by security concerns. It was not until 2004 that serious national discussions occurred regarding the economic and social implications of the growing “first generation” immigrant populations on the US. These discussions underscored just how significantly existing federal immigration law had become antiquated in the context of the current national security, social, health, and economic considerations.

This broad understanding informed the work of the Commission. Most notably, meeting the security challenges in the post 9-11 environment brought immigration issues to the forefront of many local and state public policy debates as well as to the awareness of the citizenry at large. As a result, officials are now confronted with demands to address the need to serve immigrant populations. Yet these same state and local officials must attempt to address immigrant population needs under the umbrella of a broken federal immigration system.

The Commission would underscore that better enabling legal immigrants to assimilate into Virginia will require added attention, especially given projections for growth. Additionally, meaningful federal immigration reform is needed sooner rather than later. Such reform must adequately balance security requirements with economic and social realities. Failure on either of these fronts will only serve to continue and exacerbate current problems for state and local officials as they provide services to immigrant populations.

Defining Immigrants

It should be noted that there are numerous definitions for defining the legal status of individuals. Citizens are individuals who were either born in the United States or immigrated to the U.S. and successfully were granted for citizenship. Asylees and refugees are individuals who are not citizens, but are legally present in the U.S. because they are seeking asylum from their home country for fear of persecution. Legal Permanent Residents (LPRs) are legally present, but have not applied for citizenship. Temporary Workers are legally present on one of a variety of visas which have time restrictions in addition to work requirements. Undocumented immigrants, also referred to as illegal immigrants, illegal aliens, or unlawful aliens are individuals who do not currently have permission to be present in the United States. Many undocumented

Governor's Commission on Immigration
Final Report
January 2009



immigrants were at one time documented as temporary workers, but have overstayed the length of their visas⁹.

MEETINGS

The Commission held 11 meetings during 2007 and 2008. These meetings addressed a wide variety of topics. The Commission Meetings consisted of presentations from a variety of experts and state agencies. (See Appendix C for a summary of the topics covered in each meeting). The Commission also held a series of public hearings. Each speaker at the public hearings was allotted three minutes to present his or her viewpoint on immigration. The meeting schedule was as follows:

Date	Type of Meeting	Location
September 25, 2007	Commission Meeting	Richmond
November 13, 2007	Commission Meeting	Richmond
December 13, 2007	Commission Meeting	Richmond
January 4, 2008	Commission Meeting	Richmond
April 1, 2008	Commission Meeting	Richmond
May 22, 2008	Public Hearing	Fairfax
June 17, 2008	Public Hearing	Roanoke
July 16, 2008	Public Hearing	Norfolk
August 14, 2008	Public Hearing	Harrisonburg
September 23, 2008	Commission Meeting and Public Hearing	Richmond
November 18, 2008	Commission Meeting	Richmond

IMMIGRATION LEGISLATION IN OTHER STATES

Immigration is an issue that is being tackled by virtually every state. As of June 30th, legislators in 45 states have introduced 1,267 bills. Of these, 175 laws and resolutions were enacted in 39 states. In 2007, 1,404 bills were considered in all 50 states, with 182 laws enacted in 43 states.¹⁰ While the enacted legislation addressed a variety of topics, some themes emerged. Driver's licenses and other forms of identification received the most attention with 30 bills passed in 15 states. Employment was the next most popular topic with 18 bills enacted in 12 states. Education was third

⁹ United States General Accounting Office (October 16, 2008) *Homeland Security: overstay tracking is a key component of a layered defense*. Retrieved November 10, 2008: <http://www.gao.gov/new.items/d04170t.pdf>

¹⁰ National Conference of State Legislatures (2008). *State laws related to immigrants and immigration*. Retrieved November 10, 2008: <http://www.ncsl.org/print/immig/immigreportjuly2008.pdf>

with 12 bills enacted in eight states.¹¹ See Appendix E for the full report from the National Conference of State Legislatures.

CHALLENGES IN VIRGINIA

Federal Preemption

The first challenge identified by the Commission is federal preemption. Article 7 of the U.S. Constitution contains the Supremacy Clause which prevents or preempts the creation of a state or local law that conflicts with existing federal law. The regulation of immigration was upheld as an exclusively federal power by the U.S. Supreme Court in *DeCanas v. Bica* (1973). In this case, the Court created a three-part test for state laws regarding immigration. First, a state law must not specifically regulate immigration. For example, who may enter the country and under what condition they may stay. Second, it must be determined that it is not Congress' intent to oust state power in the area being legislated. Third, the state law cannot conflict or prevent an objective of the federal law¹². This third prong resonated across all areas of the Commission's study. It has been widely recognized that immigration policy is generally a federal issue. However, in response to the federal government's lack of action, some states and localities are taking their own action.

Employment

Employment is one policy area where the Commonwealth is significantly restricted by federal preemption. The Commission heard testimony from the Virginia Employment Commission (VEC) and Virginia Employers for Sensible Immigration Policy (VESIP). VEC representatives discussed which of the agency's employment services are specifically available to the immigrant population. They also discussed difficulties they have experienced with the federal government's response to reported mismatched Social Security Numbers. VESIP outlined a coalition of businesses and trade associations in favor of policies that support the employment of legal immigrants.

The Commission heard testimony from VEC regarding the lack of availability of temporary and seasonal work visas. The VEC specifically covered the lack of availability of H-2A Farmworker, H-2B Temporary Nonagricultural Worker, and Non H-2A Migrant and Seasonal Farmworker visas. The VEC indicated that the numbers of these visas available each year falls drastically short of Virginia's agricultural industry employment needs.

One area related to visas and employment that could be addressed through legislation by states is the use of E-Verify, a free web-based system that allows

¹¹ Ibid 10

¹² Benos, William J. (2007). *Federal immigration law*. Retrieved July 14, 2008:

http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/Federal_Immigration_Law.ppt

Governor's Commission on Immigration

Final Report
January 2009



employers to electronically verify the eligibility of new employees. The program is a partnership between the Department of Homeland Security, Social Security Administration, and U.S. Citizenship and Immigration Services. It was created in 1997 and was originally called the Basic Pilot/Employment Eligibility Verification Program. President Bush has requested \$100 million for FY 2009 to expand and improve the program¹³.

One of the recommendations referred to the Commission from the Virginia State Crime Commission Illegal Immigration Task Force is to mandate the verification of legal status of new employees through the use of E-Verify. VESIP cautioned against mandating the use of the service at this time. According to VESIP, E-Verify is still a pilot program and research indicates up to 10 percent of foreign-born U.S. Citizens would not be authorized to work when in reality they are¹⁴. VESIP stated that E-Verify is not a bad idea for the future, but errors in the system need to be worked out before it is mandated for use in Virginia.

Health Care

The Commission heard testimony from numerous organizations regarding health care. The Virginia Department of Health (VDH) presented on the services the agency provides to the immigrant population, and the federal statutes that guide those services. The Department of Medical Assistance Services (DMAS) gave a presentation on Medicaid and the coverage eligibility of non-citizens. The Virginia Hospital and Healthcare Association discussed the positive impacts of legal immigration on the health care workforce and the impacts of illegal immigration on hospital clientele. The Virginia Association for Home Care and Hospice also testified about the workforce needs in their industry and how the immigrant population could address this need. In addition to the topics covered by the previous two associations, The Virginia Health Care Association described language and communication obstacles for both employees and clients.

Another health care concern for the immigrant population relates to access to Medicaid. This issue was also one that surfaced at many of the public hearings. According to DMAS, federal law prohibits Medicaid eligibility for LPRs for a five year period. After the five year period, states have the option of requiring 40 quarters of employment (10 years) or a connection to the military to become Medicaid eligible. Virginia is one of nine states to enforce these optional requirements. However, LPRs are eligible for and receive costly emergency room medical care. Public health policy officials have asked for the additional requirements to be lifted, in order for LPRs to receive less costly preventative care. Additionally, if the restrictions are lifted, the Commonwealth would get additional Medicaid federal match dollars.

¹³ U.S. Citizenship and Immigration Services. (2007). *Fact sheet: E-Verify*. Retrieved July 14, 2008: <http://www.uscis.gov/files/pressrelease/factsheeteverify12022008.pdf>

¹⁴ Westat. (2007). *Findings of the web basic pilot evaluation*. Retrieved July 1, 2008: <http://www.uscis.gov/files/article/WebBasicPilotRprtSept2007.pdf>

Governor's Commission on Immigration

Final Report
January 2009



Senate Bill 340 was referred by the General Assembly to the Commission for study in the 2008 Regular Session. S.B. 340 would make it a Class 6 felony to give a false name, address, social security number, or other form of identification to avoid payment of medical services. Additionally, S.B. 340 would require that hospitals post signs stating anyone convicted of defrauding a health care provider shall be prosecuted to the fullest extent of the law. Finally, S.B. 340 would allow hospitals to fingerprint any individual who receives medical services but cannot show the ability to pay for the services. The Virginia Hospital and Healthcare Association (VHHA) stated their belief that the legislation would create more of a burden than a substantive relief. VHHA is concerned with the language in S.B. 340 that would make defrauding a hospital a Class 6 felony. This language closely follows current Code language which makes defrauding a hotel or motel owner a Class 5 felony. However, the owner of a motel may turn away any potential customers, whereas a hospital must provide care under federal law. Additionally, VHHA feels the posting of signs stating one will be prosecuted for defrauding a health care provider will be costly, but ineffective. Finally, VHHA strongly opposes fingerprinting individuals who cannot show the ability to pay for services for the fear that this will discourage people from obtaining timely and necessary medical treatment. VHHA feels the issue of fraud is secondary to the issue of providing adequate care to those who are in need.

Representatives from the health care industry expressed concerns about gaps in the healthcare workforce and the opportunity that immigrants present in filling these vital roles. According to VHHA there is a predicted shortage of 1,500 physicians and 26,000 registered nurses (RNs) in Virginia by 2020. Currently, providers are having difficulty obtaining foreign nurses because of insufficient H-1C Visas.¹⁵ Additionally, the Virginia Association for Home Care and Hospice predicts a 45 percent increase in demand for long-term care services in Virginia between 2006 and 2010. Research has found that 24 percent of home care aides and 14 percent of nursing home aides are foreign-born¹⁶. The groups that presented stated they expect the need for more foreign-born workers will increase, but with current federal limits, there will be no way to meet these demands.

Education

The Commission examined the impact of immigration on education in Virginia. The federal government has preemptive power regarding access to education. The Commission heard testimony from the Virginia Department of Education (DOE) on school enrollment requirements for Virginia students.

¹⁵ Virginia Hospital and Healthcare Association. (2008). *Presentation to the Virginia Commission on Immigration*. Retrieved July 2, 2008: <http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/04-01-08/VHHAPresentation.ppt>

¹⁶ Barsness, Sonya. (2008). *Home care: what it is and how it relates to immigration*. Retrieved July 3, 2008: <http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/04-01-08/HomeCareAndImmigrationCommission.ppt>

Governor's Commission on Immigration

Final Report
January 2009



DOE shared data on the English as a Second Language (ESL) program and the success of their Limited English Proficiency (LEP) students. In the 2006-2007 school year, 69 percent of LEP students scored proficient in reading on the Standards of Learning (SOL) tests as opposed to 85 percent of all students. Additionally, 69 percent of LEP students were proficient in mathematics as compared to 80 percent of all students¹⁷. The United States Department of Education's 2002-2004 annual report listed Virginia as one of 33 states where LEP students met the defined benchmarks for learning English.

Transition

The Commission discussed easing the transition process for immigrants. Staff from the Virginia Department of Social Services (VDSS) presented information on the services and public benefits offered by the agency. VDSS runs the Office of Newcomer Services (ONS) which is a 100 percent federally funded program created out of the Refugee Act of 1980. The Office serves refugees, asylees, Cuban/Haitian entrants, unaccompanied refugee minors, Iraqis/Afghans with special immigrant visas, and victims of human trafficking. The services provided include employment, English language, outreach, transportation, and translation¹⁸. These services only apply to the specified groups, not all immigrants.

House Bill 1174 proposed creation of an Office of Immigrant Assistance within VDSS. Under the bill, this office would provide assistance with the citizenship application process, finding and securing employment and housing, and obtaining services¹⁹. The bill was referred to the Commission because of the concern that it would overlap with the services already provided by ONS. VDSS stated the Office of Immigrant Assistance would compliment rather than duplicate ONS because it would serve the general immigrant population as opposed to the specific populations currently served by ONS.

Public Safety and Identification

Public safety and identification were the final policy areas that received attention from the Commission. As stated above, the Virginia State Crime Commission Illegal Immigration Task Force has already studied the issue of public safety. The Governor's

¹⁷ Virginia Department of Education. (2007). *Responses to questions from the Commission on Immigration*. Retrieved July 1, 2008: http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/12-13-07/Responses_to_Questions.pdf

¹⁸ Conyers, Anthony. (2008). *Overview of services and benefits available to immigrants and refugees*. Retrieved June 30, 2008: <http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/04-01-08/VDSSImmigrationPresentation.ppt>

¹⁹ Gross, Matt. (2008). *Immigration legislation: 2008 General Assembly session*. Retrieved June 30, 2008: <http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/04-01-08/ImmigrationLegislationSummary.ppt>

Governor's Commission on Immigration

Final Report
January 2009



Commission on Immigration heard testimony from the Crime Commission regarding their findings and three recommendations that were referred to the Commission because they were outside the scope of the Crime Commission. Additionally, the Commission heard testimony from the Virginia State Police regarding their interactions with the immigrant population.

The Virginia Department of Motor Vehicles (DMV) made a presentation to the Commission on the requirements for obtaining identification in the Commonwealth. DMV requires proof of U.S. citizenship or federal authorization to be in the country in order to obtain a first-time license, ID card, reinstate driving privileges, or renewing a license or ID card after expiration. If DMV receives notification from another government entity that an individual's authorized stay in the U.S. has been terminated, the license or ID card will not be renewed or re-issued²⁰.

Current DMV regulations for obtaining identification do not allow those without legal presence in Virginia a method for proving their identity. The Crime Commission recommended the issuance of an identification card designed to assist police to identify individuals not legally present in the United States. This card would be issued only to those not legally present in the U.S., and would not provide legal status²¹.

Tax Contributions

Much of the Commission's discussion focused on the impact of undocumented workers on Virginia's economy. While most of the concerns centered on the cost of providing services to undocumented immigrants, a study by the Commonwealth Institute for Fiscal Analysis focused on the fiscal contribution of Virginia's undocumented population to the economy. The Commonwealth Institute estimates that the total income of Virginia's undocumented population falls between \$2.99 billion and \$3.59 billion.²²

The Commonwealth Institute, using a model developed by the Institute on Taxation and Economic Policy, estimated that Virginia's undocumented population pays a total of between \$145 and \$174 million in state income taxes, sales and excise tax, and property tax. The Commonwealth Institute calculated their numbers with the assumption that roughly half of undocumented workers pay state income taxes. In addition to state income tax, undocumented workers pay an additional \$114 million to \$137 million in Social Security and Medicare contributions. Employers of undocumented workers are

²⁰ Smit, D.B. (2007). *Immigration policy and DMV services*. Retrieved July, 7 2008: <http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/12-13-07/DMV.pdf>

²¹ Ibid 19

²² Cassidy, Michael., Okos, Sara. (2008). Fiscal facts: Tax contributions of Virginia's undocumented immigrants. Retrieved October 10, 2008: http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/09-23-08/Comm_Institute_Imm_Study.pdf.

Governor's Commission on Immigration

Final Report
January 2009



estimated to pay \$4 to \$5 million in state unemployment insurance taxes and match \$114 to \$137 million in Social Security and Medicare taxes.²³

Data Collection

The Commission determined that the greatest challenge in determining the cost and benefits of immigration to the Commonwealth is the lack of available data. This makes it virtually impossible to place a dollar figure on the cost to the state in providing services. Even determining the undocumented population in the Commonwealth is a rough estimate at best. The Census Bureau inquires about country of origin and citizen status but does not address legal status. There is no distinction of legal status among non citizens which can include legal permanent residents, refugees, asylees, individuals on any type of visa, or individuals who are undocumented.

The Department of Homeland Security's Office of Immigration Statistics uses U.S. Census data to estimate the number of undocumented individuals residing in the ten states with the highest immigration populations. Because Virginia's sample size is too small, they do not publish estimates of the undocumented population because the statistics would be unreliable based on the methodology. The best estimate available is from a 2005 Pew Hispanic Center study which estimated Virginia's undocumented population to be between 250,000 and 300,000.²⁴ Even this number is somewhat unreliable as estimates include the undocumented as well as persons on temporary visas or those whose immigration status is unresolved.

In regard to public education, the United States Supreme Court Case of *Plyer v Doe* (1982) states that free education must be accessible to all school aged youth regardless of legal status. Because of this, the Department of Education (DOE) does not have data on how many students are undocumented. When parents cannot present a birth certificate, an affidavit containing the child's age and an explanation as to why a birth record is unavailable can be accepted²⁵. However, DOE does not collect data on the number of affidavits presented in lieu of a birth certificate. While the cost of providing ESL classes can be calculated, there is no way of determining what percentage of those classes contains undocumented students.

With reference to health care, federal law states that no one shall be denied emergency care.²⁶ The Emergency Medical Treatment and Active Labor Act of 1986 states; "No patient who presents with an emergency medical condition and who is unable to pay may be treated differently than patients who are covered by health insurance." There is

²³ Ibid 22

²⁴ Ibid 3

²⁵ Vucci, Michelle (2007). *School enrollment requirements for all Virginia students*. Virginia Department of Education. Retrieved July 14, 2008:

<http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/DOE-11-13-07.ppt>

²⁶ 42 U.S.C. § 435.406

Governor's Commission on Immigration

Final Report
January 2009



significant anecdotal evidence that undocumented immigrants are receiving all medical care, including non-emergency care, at emergency rooms where they cannot be refused service²⁷.

None of the groups that testified before the Commission could provide data on the exact costs of treating undocumented immigrants in emergency rooms because they are federally prohibited from inquiring about immigration status. Additionally, programs administered by the VDH are not among the 31 programs deemed federal public benefits which require proof of legal status (See Appendix D for a complete list of the 31 federal public benefits). Therefore, citizenship and immigration status is not included in factoring for VDH eligibility. Additionally, local health departments cannot inquire as to the immigration status of clients²⁸.

No data was provided to the Commission on the cost of undocumented immigrants to the criminal justice system. The Virginia State Crime Commission's Illegal Immigration Task Force report included figures on the number of undocumented immigrants housed in Virginia prisons, but their numbers were estimated.²⁹ In the 2008 General Assembly session S.B. 609 and H.B. 820 were passed to require an officer in charge of a jail or correctional facility to inquire into the immigration status of all detainees. With the implementation of this legislation on July 1, 2008, it will be possible to better calculate the cost of undocumented immigrants to the criminal justice system for future fiscal years.

According to the *Code of Virginia* §63.2-503.1, to receive any state or local public benefit an individual must be legally present in the United States. However, some social services are available regardless of immigration status. For example, 8 U.S.C. §1611(b)(1)(D) mandates that Child Protective Services (CPS) shall be provided regardless of the parent or child's immigration status. Therefore, CPS investigators are not permitted to inquire about the legal status of clients rendering data collection impossible. Additionally, all Violence Against Women Act funding shall be used regardless of legal status. However, this money is a federal pass through and not generated by state revenue.

To develop more effective data collection methodologies Virginia can look to other states that have experienced significant increases in immigrant populations over longer periods of time. A recent Texas Comptroller Report on the fiscal impact of undocumented immigrants in Texas used a variety of methodologies to examine the fiscal impact of

²⁷ Ibid 15

²⁸ Remley, Karen. (2008). *Impact of immigration status on public health Services in Virginia*. Virginia Department of Health. Retrieved November 3, 2008:
<http://www.hhr.virginia.gov/Initiatives/ImmigrationCommission/04-01-08/VDH-ImmigrationPresentation04-01.ppt>

²⁹ Virginia State Crime Commission (2008). *Final report of the illegal immigration task force*. Richmond, VA.

Governor's Commission on Immigration

**Final Report
January 2009**



immigration on education, health care, incarceration, and economic benefits/impact. The report estimates on cost are based on population estimates from the Pew Hispanic Center. Similar data could be produced for Virginia using the 2005 Pew Hispanic Center estimates. Unfortunately, the resources and time restrictions of the Commission were not conducive to a data analysis of this scope. In 2003, the Joint Legislative Audit and Review Commission (JLARC) released a study on the acclimation of Virginia's foreign born population. This study contained information on the cost of Virginias' foreign born population on services but did not focus specifically on the undocumented population.

PUBLIC HEARINGS

The Commission held five public hearings across the Commonwealth during the spring and summer of 2008. The hearings were held in Northern Virginia, Roanoke, Norfolk, Harrisonburg, and Richmond. Individuals were required to limit their comments to three minutes, but were permitted to leave supplemental materials and submit written comments via mail or email.

No direction was given to the public as to which topics they should comment other than the topic of immigration. The Commission members chose to leave the format as open as possible to gain a greater understanding of how people are viewing immigration differently in different parts of Virginia. There was concern that too much direction regarding topics may inadvertently cause some issues to be excluded from the discussion.

The public comment is organized into the following categories and subcategories

- I. Employment and Economy
 - a. Effects on the U.S. Economy
 - b. Global Economy and NAFTA
 - c. Penalties for Businesses That Employ Undocumented Workers'
 - d. E-Verify
 - e. Taxes
- II. Human Services
 - a. Health Care
 - b. Cost for Government Services
- III. Education
- IV. Transition
 - a. Acclimation to Society
 - b. Increasing Diversity
- V. Public Safety
 - a. Profiling
 - b. 287(g)
 - c. Criminal Activity
 - d. Prince William County Initiatives



- VI. Federal Responsibility
 - a. Reform Federal Immigration Policy
 - b. Birthright Citizenship
 - c. Border Security

I. EMPLOYMENT AND ECONOMY

Effects on the U.S. Economy

There were 65 comments stating that the immigrant population, both legal and illegal, is good for business and the economy. Many of the comments illustrated that the immigrant community is filling a workforce need. Specifically, the leaders from many agricultural fields discussed the inability to recruit non-immigrant workers despite offering full benefits and wages well over minimum wage. Additionally, many comments focused on the good work ethic of most immigrant workers, and the benefits that American companies reap from that workforce.

Many of the comments also focused on the negative consequences of suddenly removing the immigrant population from the workforce. People testified that the immigrant population has become such an important fixture in the economy that businesses would struggle for workers, prices would increase, and the tax base would be significantly reduced without the immigrant population.

There were 12 comments stating that the immigrant population, specifically the undocumented population, is bad for the economy. Many of these comments centered on immigrants taking jobs from American citizens because of their willingness to work at low wages. Similarly, some of the comments stated that poor Americans who are employed also suffer from depressed wages because of the immigrant population. Some of the remaining comments in this category challenged the notion that the immigrant population helps the economy because their costs are greater than the benefits they bring.

Global Economy and NAFTA

There were 22 comments related to the global economy. Speakers noted that individuals would not voluntarily leave their homes to illegally cross the boarder unless they were struggling to survive. Many comments stated that the North American Free Trade Agreement (NAFTA) has had the largest affect on the increase on immigration. They cite the economy of Mexico which has been adversely affected by NAFTA as the driving force behind the recent influx of undocumented immigrants entering the U.S. Furthermore, they noted the dramatic increase in illegal immigration since NAFTA has been implemented. Additionally, many called for the federal government to review the effects of NAFTA and to make significant changes as the foundation for any change in immigration policy.



Penalties for Businesses that Employ Undocumented Workers

There were 10 comments supporting punishing businesses that employ undocumented workers. The comments reflected the notion that undocumented immigrants would not be entering the country if it were significantly more difficult to find work. A few of the comments specifically suggested implementing policies that punished bad actors, but do not target businesses which unknowingly employ undocumented workers who are using false documentation. Their argument is small businesses without a human resources department will have a more difficult time identifying false documents and should not be punished if they are acting in good faith.

E-Verify

There were 7 comments in favor of mandating the use of E-Verify. Most of these comments also called for improvements to the current E-Verify system in regards to the accuracy of the database and mismatches. Some of the comments specifically stated that E-Verify should only be mandated when or if improvements are made to the current system.

Taxes

There were 20 comments indicating that all immigrants, including undocumented immigrants, do pay taxes. Testimony indicated on average at least 50 percent of undocumented immigrants are employed with false documents and therefore contributing to federal and state taxes, including Social Security. Of the immigrants being paid under the table, they still pay sales tax on the goods they purchase. Many people testifying cited the study on the tax contributions of Virginia's undocumented population released by The Commonwealth Institute.

There were 3 comments indicating that undocumented immigrants do not pay taxes because they are being paid under the table by employers.

II. HUMAN SERVICES

Health Care

There were 10 comments discussing the need for health care for immigrants. Many of the comments focused on the health risks the general public would face if the immigrant population did not have access to vaccinations and other preventative care. A few comments specifically addressed reducing our Medicaid requirement from 40 working quarters to 20 which is inline with 41 other states.

There were 9 comments that addressed the increased cost immigrants pose to the health care system. Most of these comments focused on the cost to hospitals for uninsured patients who do not pay for emergency room services. Some comments addressed the overcrowding of emergency rooms for basic health care. This occurs because emergency rooms must treat all patients regardless of legal status or ability to pay for services.

Cost for Government Services

There were 35 comments raising concerns of the cost of undocumented immigrants on state and local governments. Many commented on the additional costs the children of undocumented immigrants create for the public school system, especially with the need for English as a Second Language courses. Additionally, some comments stated concerns that undocumented immigrants, because they typically are on the low end of the pay scale, are placing additional burden on public services such as welfare and social security. However, it should be noted that undocumented immigrants are not eligible for food stamps, Temporary Assistance for Needy Families, or Social Security benefits.

There were 7 comments that cited studies indicating the foreign-born population is less likely to use government services than the native born population.

III. EDUCATION

Access to Higher Education

There were 33 comments in favor of access to high education regardless of immigration status. Most of the comments noted that children who have come to the U.S. and been successful enough in school to get in college were likely brought here at a young age. These children did not choose to come to the U.S., they were simply brought by their parents, and they should not be punished for their parents' crime. Additionally, many stated that having a higher educated population is always beneficial for society. Finally, a few comments specifically supported the DREAM Act. The DREAM Act (Development, Relief, and Education for Alien Minors Act) is a federal act which if passed would offer high achieving undocumented minors the ability to obtain permanent residency if they plan to attend college or serve in the armed forces.

IV. TRANSITION

Acclimation to Society

There were 66 comments advocating for policies that help immigrants acclimate to society. Numerous sub-themes occurred within this category. The first theme is that of social justice for the immigrant population. Many comments focused on the need for outreach to the immigrant community to educate them on their rights, responsibilities,

Governor's Commission on Immigration

**Final Report
January 2009**



and available services. Additionally, numerous comments addressed the need to prevent exploitation of the immigrant population.

Another theme that appeared is the general desire of the immigrant population to assimilate with preexisting United States culture, and to learn English. Many members of the immigrant population discussed their understanding that learning English is vital, but very difficult for immigrants who are not school aged due to a lack of educational options.

Some spoke in favor of access to driver's licenses regardless of legal status, stating that this would ensure drivers have proper training thus improving public safety. People who advocated for this also spoke about the need for driver's licenses to help immigrants get to work. Finally, a few individuals specifically spoke in favor of Delegate Lingamfelter's HB 1174 which would create the Office of Immigrant Assistance.

There were 12 comments stating that the current group of recent immigrants to the U.S. appears to have little desire to assimilate to society or learn English. Many of these comments cited signs and phone menus being in both English and Spanish as evidence that many new immigrants are not learning English. These comments centered on the theme that people who want to come to the U.S. need to learn English and assimilate into society.

Increasing Diversity

There were 28 comments addressing the benefits of increasing diversity. These comments included the benefits for native children learning in a multi-cultural and bilingual environment. Many spoke of enjoying participating in a culture of growing diversity that they considered to be worldlier. Finally, individuals commented on the positive effect of increased diversity on creativity, ingenuity, and America's ability to be a front runner developing new technology.

There were 21 comments specifically stating that legal immigration is fine, but illegal immigration is the problem. These comments focused on others ethnic groups that have immigrated to the U.S. throughout history, and noted that anyone is welcome, as long as they immigrate legally. These individuals making these comments generally stated that the problems being caused in society are not because of legal immigrants, but rather undocumented ones who have no respect for the rule of law.

V. PUBLIC SAFETY

Profiling

There were 24 comments related to racial profiling. Many of these comments were personal stories either from victims of profiling, or from friends and family members of

Governor's Commission on Immigration

Final Report
January 2009



victims. Many who spoke were life-long citizens who now have their citizenship status questioned during daily activities because of their ethnicity. Quite a few of these comments discussed the historical pattern of discrimination in America that many groups have suffered and point out that the Hispanic population is the latest group to fall victim to this tendency. It should be noted that these comments are separate from the comments opposing Prince William County's new enforcement measures.

287(g)

Background:

287(g) is a memorandum of understanding (MOU) that state and local governments can enter into with Immigration and Customs Enforcement (ICE). The terms of the MOU vary by locality, but generally police officers are trained and deputized to begin the deportation process.

Comments:

There were 9 comments in favor of 287(g). Most of the comments centered on the effectiveness of the program. Speakers stated that the Commonwealth should use all available resources to enforce immigration law, and this is a large resource from the federal government. Some also noted that the local demand for 287(g) is on the verge of outgrowing the room in the program, so the Commonwealth should act quickly to join.

There were 19 comments opposed to 287(g). The main concern people had with 287(g) is it would undermine the immigrant community's trust in the police. These comments noted that this relationship is important for public safety, and the communities that work well with the police tend to have lower crime rates. Concerns were expressed over the cost of implementing a 287(g) agreement, and questions were raised as to why the Commonwealth should pay to perform a task that is the responsibility of the federal government. Finally, some comments doubted the effectiveness of 287(g) agreements because the immigration status of criminals is already checked when they are brought to jail. The concern is that a 287(g) agreement may shift the focus of police officers from preventing violent crime to immigration enforcement. Finally, people testified that 287(g) would fill up jail space with individuals who committed civil crimes, not violent criminal acts.

Criminal Activity

There were 18 comments describing the fear U.S. citizens have living with the undocumented immigrant population. Many of these comments described being afraid of drunk drivers and drive by shootings that are perpetrated by undocumented immigrants. Others spoke of civil offenses such as loud music, overcrowding, and too many cars

Governor's Commission on Immigration

**Final Report
January 2009**



parked in front of houses. A few comments described the undocumented immigrant population as lowering the standard of living in their neighborhoods.

There were 16 comments calling for deportations to focus on undocumented aliens who committed crimes above and beyond illegally entering the country. Most of these comments indicated the need to deport individuals who are committing crimes, especially violent crimes, but those individuals who are working hard and contributing to society should not be arrested and deported for being illegally present.

There were 16 comments calling for deportations of anyone who enters the country illegally. Most of these comments centered on the notion that the U.S. is a nation of laws, and if someone's first act upon arriving breaks the law, they cannot be trusted to follow any other laws that govern society.

There were 10 comments that associated gang activity and vandalism with the undocumented immigrant population. Most of these comments centered on the MS-13 gang, which has a large base in Northern Virginia. One individual submitted pictures of graffiti in Prince William County that is attributed to gang activity.

Prince William County Initiatives

There were 8 comments in favor of the new enforcement measures in Prince William County. These comments focused on the success of the program in pushing undocumented immigrants to leave the county. People testified that the measures have resulted in decreased loitering, overcrowding, and crime. Many advocated for expanding the Prince William policies statewide.

There were 20 comments opposing the new enforcement measures in Prince William County. Many spoke about an increase in racial profiling, fear in the community, children being pulled from schools, and general discrimination due to the new policies. Some people testified that the measures do nothing to actually address the problems of their community such as foreclosures on houses and gang activity, but rather shifts the blame to the immigrant community.

VI. FEDERAL RESPONSIBILITIES

Reform Federal Immigration Policy

There were 54 comments calling for comprehensive reform to federal immigration policy. Many of the comments were not specific on what should be reformed; simply stating that comprehensive reform was necessary. Of the specific comments, many focused on increasing work visas, including tying them to business needs, having private migrant sponsorship programs, and having a grandfather clause allowing seasonal

workers to return to employers. Others commented that immigration is a federal issue that should not be legislated on a state-by-state or locality-by-locality basis. A few comments called for an end to all immigration raids and deportation of non-criminal aliens. Finally, many sympathized with undocumented immigrants, businesses, and state and local governments attempt to work within a broken federal immigration system.

There were 3 comments that specifically called for the federal government to not have amnesty for undocumented immigrants already in the U.S.

One comment said the immigration quota needs to be based on an overall goal for population size.

Birthright Citizenship

There were 5 comments regarding birthright citizenship. All five comments expressed a desire for the federal government to redefine birthright citizenship to require at least one parent to be a citizen for the child to have citizenship status.

Border Security

There were 10 comments requesting the federal government increase border security. Most of the comments were general, but a few specifically stated the need for increased funding for the U.S. Border Patrol to increase their number of officers.

FINAL RECOMMENDATIONS

Below are the final recommendations of the Governor's Commission on Immigration. These were based on the deliberations of the Commission, activities in other states, federal immigration policies, public input, and presentations from organizations who work with immigrant populations (Appendix B). The Commission made these recommendations at its final meeting on November 18, 2008 after reviewing this report and the input over the past 15 months.

The recommendations are organized into the topic areas of employment, health care, education, transition, data collection, and public safety. Within each category there are federal and state recommendations.

EMPLOYMENT

Federal Recommendations

1. Increase the Number of H-1B, H-2A, and H-2B Visas allotted each year. The H-1B Visa is for non-seasonal highly skilled foreign workers working in a specialty occupation. A specialty occupation requires theoretical and practical application

Governor's Commission on Immigration

Final Report
January 2009



of a body of specialized knowledge along with at least a bachelor's degree or its equivalent. For example, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts are specialty occupations. This visa is currently capped at 65,000 a year. Increasing these visas will help fill workforce shortages in technology businesses which have recently addressed labor shortages by moving jobs overseas.

The H-2A Visa is for temporary agricultural workers and is capped at 50,000 per year. The H-2B is for seasonal non-agricultural workers and is capped at 66,000 per year. Increasing these visas will help decrease the number of undocumented workers currently filling unskilled labor jobs.

2. Require the Department of Labor to be more responsive to reported Social Security Number (SSN) discrepancies. During the VEC presentation Commission members heard testimony about the federal government's inaction on reports of SSNs being used by multiple individuals. Generally speaking, the federal government only acted in cases where tax evasion was associated with the SSN discrepancies. A federal policy that monitors use of multiple SSNs may limit the ability of undocumented immigrants to remain in the U.S. illegally.
3. Exempt immigration caps for those working in a shortage occupation. According to the Virginia Hospital & Healthcare Association, Congressman Eric Cantor proposed H.R. 1930, a portion of which would remove immigration caps for those working in a shortage occupation. The Commission supports initiatives similar to that portion of H.R. 1930 as a method for addressing workforce shortages. The Commission specifically notes that any federal legislation needs to define a shortage occupation, and have provisions for re-capping immigration for those occupations when a shortage no longer occurs.
4. Approve grandfather clause to allow H-2B workers to return to annual employers. This recommendation specifically allowing annual workers to return to the same employers will save costs for the employers, help employees and employers develop better working relationships, and should reduce the number of individuals who reside in the country illegally because their visa expired.
5. Review the impacts of the North American Free Trade Agreement (NAFTA) on the employment of foreign-born people. During the public hearings, Commission members heard testimony from numerous individuals on the impact of NAFTA on the economy of Mexico and the subsequent increases in illegal immigration. Congress should review NAFTA and make any necessary revisions to benefit the economies of all parties involved.

Governor's Commission on Immigration

Final Report
January 2009



6. Work with federal government on how to create additional visas targeted to US workforce needs. The Commission heard testimony from numerous organizations and individuals addressing the need for better immigration policies to address workforce needs in the US. The federal government should work with states to compile data on where there are workforce needs, and develop new, or expand existing visa programs to address these needs.

State Recommendations

1. Support the use of E-Verify for state employees and contractors when it is fully functional and properly funded. During the presentation from Virginia Employers for Sensible Immigration Policy the Commission heard testimony on the current flaws of the E-Verify system. President Bush's budget for FY2009 specifically requests \$100 million to expand and improve E-Verify. While some policy makers feel the program has the potential to be a valuable tool for employers to verify the legal status of their employees, reports have the false positive rate currently as high as 10 percent.

HEALTH CARE

Federal Recommendations

1. Lengthen the work periods for RNs. According to the Virginia Hospital & Healthcare Association, it is expected that the Commonwealth of Virginia will experience a shortage of 22,600 RNs over the next decade. Lengthening the work periods for RNs will help address this work shortage. Additionally, lengthening the work periods should reduce the number of individuals overstaying the length of their visa and decrease workforce shortages in the health care sector.
2. Increase the number of foreign nurses by expanding the number of H-1C Visas. The H-1C program has an annual national cap of 500 nurses. This program needs to be expanded significantly. Expanding the number of H-1C visas will help health care providers address the growing nursing shortage. Additionally, the sponsoring facility restrictions are so restrictive that only 14 hospitals qualify, none of which are in Virginia. Currently, the only qualifying hospitals must be in Health Professional Shortage Areas, with at least 190 acute care beds, 35 percent of acute care patients on Medicare, and 28 percent on Medicaid. The Commission recommends loosening on the restrictions so Virginia hospitals may apply for H-1C visas in addition to expansion of the number allotted each year.

State Recommendations

1. Remove 40 quarters or connection to military requirement for qualifying Legal Permanent Residents (LPRs) to obtain Medicaid after the 5 year ban. This

recommendation would expand Medicaid eligibility to LPRs after 5 years as opposed to the current 10 year requirement in Virginia, thus joining 41 other states. The recommendation is estimated to cost \$9.2 million in state GF, and would draw down a \$9.2 million federal match. Currently, the Indigent Care Fund helps with medical expenses for this population. The Indigent Care Fund is 100 percent state funded, whereas moving these individuals to Medicaid would drawdown a 50 percent federal match. This expansion would only apply to LPRs, therefore no one who is illegally present, or on a temporary visa will be eligible.

2. Encourage the use of free clinics, community health centers, and local health departments for basic health care. The use of free clinics, community health center, and local health departments for basic health care can reduce the number of individuals currently using hospital emergency rooms inappropriately. In addition to reducing waiting times in hospitals, the use of these facilities will help reduce the financial burden individuals place on hospitals. The Commission recommends additional funding for the facilities and closer partnerships between hospitals and these facilities to divert individuals who are going to emergency departments for non-emergent care.

EDUCATION

Federal Recommendations

None

State Recommendations

1. Partner with private English as a Second Language (ESL) providers to make more English classes available. One of the most common themes of the public hearings was the need for newly arriving immigrants to assimilate and learn English. In 2007 there were 84,343 Limited English Proficiency learners in the Commonwealth. This is an increase of 350 percent since 1997³⁰. Additional resources are required to meet growing needs. The Commonwealth should partner with private ESL providers to help the immigrant population, especially those who are not school age, to learn English. The Commission's position is that these partnerships should only occur if it is determined to provide a cost savings for the Commonwealth.
2. Identify successful approaches to improve Limited English Proficiency (LEP) students academic success. A concern was raised regarding the success of LEP students, especially in the higher grade levels. Data shall be gathered to identify

³⁰ Virginia Department of Education (2007). *Report of limited English proficient students*. Retrieved Nov 24, 2008: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/LEPEnrollment.pdf>

Governor's Commission on Immigration

Final Report
January 2009



which approaches promote the highest levels of success among LEP students. Once this data is collected a best practices method of education can be developed and adopted by localities.

3. Require public schools to indicate to the postal service to not forward mailed items, thus preventing false residency claims. This recommendation addresses concerns that individuals are listing a false address for residency purposes for school. Currently mailed items can be forwarded to different addresses, therefore the school systems only have record of an address for children where in reality they may not reside.
4. Include percentage of ESL students when calculating the composite index. The composite index is calculated for each locality in Virginia to determine state funding eligibility for public education. Currently, the number of ESL students residing in the locality is not a factor. The number of ESL students has an impact on the number of ESL teachers needed. Including the percentage of ESL students in the composite index will help localities with large populations of ESL students get more funding for ESL instruction. The recommendation is estimated to cost \$11,900,000 in FY10. Legislation to this effect was introduced in by Delegate Jackson Miller during the 2008 General Assembly session.
5. Offer the in-state tuition rate to students who meet specific requirements. Legislation should be crafted which would offer in-state tuition to a small group of students who have attended and graduated from Virginia schools, paid taxes, and are in the process of obtaining legal documentation. Any legislation addressing this topic shall be crafted in such a manner that it would not prevent institutions from charging out-of-state tuition.

TRANSITION

Federal Recommendations

1. It is the sense of the commission to enact comprehensive immigration reform to ensure an adequate workforce and permit certain persons already residing in the U.S. and Virginia who are undocumented or lack legal presence to obtain legal presence. This is the Commission's recommendation to Congress for comprehensive immigration reform.

State Recommendations

1. Create the Office of Immigrant Assistance Services. In the 2008 General Assembly session Delegate Lingamfelter introduced H.B. 1174 which would create the Office of Immigrant Assistance Services within the Virginia Department of Social Services (VDSS). This office will provide assistance to

Governor's Commission on Immigration

Final Report
January 2009



help individuals obtain proper documentation. Additionally, in compliance with the 2003 Joint Legislative Audit and Review Commission (JLARC) report on the Acclimation of Virginia's Foreign-Born Population report, this new office shall develop a comprehensive plan to address the needs of Virginia's foreign-born population and better inform the immigrant communities of available services and basic rights. It is estimated that this office will cost \$401,774 in state GF for FY10, \$238,774 in each addition year, and will employ two people full-time.

2. The Commonwealth shall develop a comprehensive plan to address the needs of the foreign-born in a consistent/uniform manner. Virginia does not have a comprehensive plan to address the needs of the foreign-born population. Such a plan shall be developed. If created, the Office of Immigrant Assistance Services may develop and implement the plan.

DATA COLLECTION

Federal Recommendations

1. More accurate data, or proxy data, on the number of individuals present without proper legal documentation. The Commission struggled with the lack of data surrounding the undocumented population. The U.S. Census Bureau does not inquire into legal status. Additionally, United States Citizenship and Immigration Services only provides estimated on the 10 states with the highest immigration populations. The only estimates from Virginia are provided by the Pew Hispanic Center, and have a 50,000 person range.
2. Collect data on the number of foreign born individuals who are Legal Permanent Residents (LPRs), and how many of those become citizens. The Commission was unable to find data on the number of LPRs residing in the United States, or on the percentage of LPRs who eventually become full citizens.

State Recommendations

1. The Virginia Employment Commission should work with agriculture groups to collect better data to assess workforce needs. Currently there is a lack of data regarding this issue. Gathering this information would provide greater support for increasing current visa programs and ensuring any expansion properly targets labor needs.
2. Collect data on how many affidavits are collected in lieu of birth certificates. The Department of Education does not collect data on how many affidavits declaring legal residence are collected by local schools in lieu of birth certificates when children are enrolled. The Department of Education should coordinate with local schools to collect this data.

Governor's Commission on Immigration

Final Report
January 2009



3. JLARC should conduct a new study specifically determining the cost and benefits of Virginia's undocumented population. JLARC should revisit their 2003 study on the acclimation of Virginia's foreign born population. Following the methodology of the Texas Comptroller report, the 2005 population estimates from the Pew Hispanic Center could be used to calculate the estimated costs of Virginia's undocumented population. Additionally, the report should determine what, if any state administered public benefits do not currently require documentation of legal presence, and if it would be appropriate to require documentation.
4. Collect data on the cost of undocumented immigrants to the criminal justice system. With the implementation of S.B.609 and H.B. 820 from the 2008 General Assembly session, officers in charge of jails or correctional facilities must inquire into the immigration status of all detainees. Since status will be checked, more accurate data should be compiled on the numbers and subsequent cost of undocumented immigrants to the criminal justice system.

PUBLIC SAFETY AND IDENTIFICATION

Federal Recommendations

1. Enforcement of federal immigration law should be the responsibility of the federal government. If localities are enforcing federal immigration laws, they should be fully reimbursed by the federal government. The Commission heard much debate on the responsibility of immigration enforcement. The general consensus is immigration enforcement is a federal responsibility. The Commission has determined that if a locality is to enforce federal immigration law, the cost should be reimbursed by the federal government.

State Recommendations

None – Issues were addressed by the Virginia State Crime Commission Illegal Immigration Task Force.

Appendix A

Members of the Governor's Commission on Immigration

The Honorable John C. Watkins, Chair	Senate of Virginia
The Honorable Jackson H. Miller, Co-Chair	Virginia House of Delegates
Mr. Satya Akula	Small Business Owner
The Honorable George Barker	Senate of Virginia
Ms. Carmen Alicia Bernal	Naturalized Citizen
Dr. Yasmin Cheema	Health Care Provider
Reverend Gerry Creedon	Faith-based Organization
Mr. George W. Foresman	Former Dept of Homeland Security
The Honorable C. Todd Gilbert	Virginia House of Delegates
Mr. Charles T. Griffith	Citizen Appointee of the House
Ms. Wanda Hamilton	ESL School Division Representative
The Honorable Dwight C. Jones	Virginia House of Delegates
Dr. Rajul Malik	Permanent Resident
The Honorable Robert G. Marshall	Virginia House of Delegates
Dr. Venita Newby-Owens	Local Health Department
Mr. Eliot Norman	Immigration Expert
Captain Eddie Reyes	Local Law Enforcement
The Honorable Pranas A. Rimeikis	Citizen Appointee of the Senate
The Honorable Richard L. Saslaw	Senate of Virginia
The Honorable Roslyn C. Tyler	Virginia House of Delegates

Appendix B

Recommendations Proposed to the Commission

Numerous recommendations or items have been referred to the Commission regarding the issues discussed above. Some of the recommendations can be implemented by the Commonwealth, while others are restricted to the federal government. The chart below lists the recommendations made to the Commission as they relate to the topics of health, public safety, education, employment, and transition. It should be noted that these recommendations are not the recommendation of the Commission, but rather proposed recommendations that have been brought before the Commission. The source listed to right of the recommendation is where it originated. All of these recommendations were taken into consideration when preparing final recommendations, but placement on the list does not mean the recommendation was supported by the Commission.

Governor's Commission on Immigration
Final Report
January 2009



Topic Area	Federal Recommendations	Source	State Recommendations	Source
Employment	Increase the number H-1B, H-2A, H-2B Visas allotted each year	Virginia Employment Commission	Support the use of E-Verify when it is fully functional and properly funded – <i>Minimal Fiscal Impact on Virginia</i>	Senator Watkins
	Require the Department of Labor to be more responsive to reported SSN discrepancies	Virginia Employment Commission	Verify new employees through E-Verify as it currently operates – <i>Minimal fiscal impact</i>	Virginia State Crime Commission
	Exempt immigration caps for those working in a shortage occupation (H.R. 1930 – Cantor)	Virginia Hospital & Healthcare Association	E-Verify should not be mandated because it is unreliable and limited in its capacity – <i>Minimal fiscal impact</i>	Virginia Employers for Sensible Immigration Policy
	Approve grandfather clause to allow H2-B workers to return to annual employers	Virginia Employment Commission		
	Request a review of the impacts of NAFTA on the employment of foreign-born people	Public Comment		
Health Care	Lengthen the work periods for RNs	Virginia Health Care Association	Make it illegal to give false identifying information to avoid payment for medical services, and require hospitals to post signs indicating prosecution for false identification – <i>Fiscal impact undermined</i>	Senator Cuccinelli S.B. 340

Governor's Commission on Immigration
Final Report
January 2009



Topic Area	Federal Recommendations	Source	State Recommendations	Source
Health Care	Increase the number of foreign nurses with more H-1C Visas	Virginia Hospital & Healthcare Association	Allow hospitals to fingerprint anyone who receives services but cannot pay <i>–Fiscal impact undetermined</i>	Senator Cuccinelli S.B. 340
			Document legal presence for any state administered public benefit program – <i>Fiscal impact undetermined</i>	Virginia State Crime Commission
			Remove 40 quarters of employment or connection to military requirements for qualifying Legal Permanent Residents to obtain Medicaid after the 5 year bar period – <i>Fiscal impact of \$9.2 million GF plus \$9.2 million federal match</i>	Public Comment with input from the Department of Medical Assistance Services
			Continue preventative services for undocumented immigrants that are provided by free clinics and encourage the use of free clinics for basic health care as opposed to emergency rooms. Provide additional funding for free clinics and closer partnerships between hospitals and free clinics to divert individuals who are going to emergency departments for non-emergent care. – <i>Fiscal impact undetermined</i>	Virginia Hospital & Healthcare Association Dr. Newby-Owens

Governor's Commission on Immigration
Final Report
January 2009



Topic Area	Federal Recommendations	Source	State Recommendations	Source
Education			Partner with private ESL providers to make English classes more available – <i>Fiscal impact undetermined</i>	Joint Legislative Audit and Review Commission
			Identify successful approaches to improve LEP students academic success – <i>Fiscal impact undetermined</i>	Joint Legislative Audit and Review Commission
			Require public schools to indicate to the postal service to not forward mailed items, thus preventing false residency claims – <i>Fiscal impact minimal</i>	Delegate B. Marshall
			Include percentage of students for whom English is a second language when calculating the composite index – <i>Fiscal impact of \$11,900,000 in 2010</i>	Public Comment
			Offer in-state tuition to students who meet specific requirements that have been vetted by the Attorney General's Office – <i>Fiscal impact undetermined</i>	Public Comment
Transition	Work with federal government on how to create additional visas targeted to US workforce needs	Virginia Employers for Sensible Immigration Policy	Create Office of Immigrant Assistant Services within DSS to provide assistance to help immigrants obtain proper documentation <i>Fiscal impact of \$401,774 in first year, \$238,774 in each following year</i>	Delegate Lingamfelter H.B. 1174

Governor's Commission on Immigration

**Final Report
January 2009**



Topic Area	Federal Recommendations	Source	State Recommendations	Source
Transition	Give undocumented immigrants a chance to pay a fine to obtain provisional legal status, and eventual citizenship. Individuals must be working and not have been convicted of criminal activity.	Satya Akula	The Commonwealth shall develop a comprehensive plan to address the needs of the foreign-born in a consistent/uniform manner <i>–Minimal fiscal impact</i>	Joint Legislative Audit and Review Commission
			The Commonwealth shall better inform immigrant communities about available services and basic rights – <i>Fiscal impact undetermined</i>	Joint Legislative Audit and Review Commission
Data Collection	More accurate data, or proxy data, on the number of individuals present without proper legal documentation	Delegate B. Marshall	VEC should work with agriculture groups to collect data comparing labor needed/requested with workers placed – <i>Minimal fiscal impact</i>	Senator Watkins
	Data on the number of foreign born individuals who are Legal Permanent Residents, and how many of those become citizens	Delegate B. Marshall	Collect data on how many affidavits are collected in lieu of birth certificates – <i>Fiscal impact undetermined</i>	Delegate B. Marshall
			JLARC should revisit their 2003 study on the acclimation of Virginia’s foreign born population. Following the methodology of the Texas Comptroller report, the 2005 population estimates from the Pew Hispanic Center could be used to calculate the estimated costs of Virginia’s undocumented population. <i>–Fiscal impact undetermined</i>	Secretary Tavenner

Governor's Commission on Immigration
Final Report
January 2009



Topic Area	Federal Recommendations	Source	State Recommendations	Source
Data Collection			Improve data collection by the Department of Corrections regarding country of birth and citizenship of inmates – <i>Fiscal impact undetermined</i>	Joint Legislative Audit and Review Commission
Public Safety and Identification	Federal funds should accompany any 287(g) agreement to cover additional cost to the Commonwealth	Senator Watkins	Verification cards for purpose of showing identity issued by DMV – <i>Fiscal impact undetermined</i>	Virginia State Crime Commission
			Add funding to DMV to handle additional customers and REAL ID – <i>Fiscal impact undetermined</i>	Department of Motor Vehicles
			Prohibit the inquiry of immigration status of crime victims and witnesses unless the immigration status is essential to the investigation. – <i>Minimal fiscal impact</i>	Public Comment

Appendix C

Review of Presentations

The below chart summarizes the main topics covered by all of the presentations heard by the Commission.

Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Joint Legislative Audit and Review Commission (JLARC) <i>Immigration Policy and Virginia's Foreign-Born Population</i>	How does the Census Bureau determine legal status?	The Census Bureau does not inquire about legal status, just place of birth and citizenship. This will not change for the 2010 census unless Congress decides to pursue legislation to amend census data requirements	None	None
	What services can the foreign-born population access?	Title VI of the Civil Rights Act of 1964 mandates meaningful access of information and services Welfare Reform Act of 1996 limits TANF and Food Stamps to foreign-born	See the presentation from Attorney Generals Office for more information	Local governments use their resources to provide translation and interpreter services
	How large is the foreign-born inmate population?	Not Addressed	Foreign-born represented 10% of the State inmate population in 2003	Not Addressed
	What is the prevalence of a foreign-born population in agriculture?	Not Addressed	About 90 percent of migrant farm workers are foreign-born	Not Addressed

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
William J. Benos <u>Federal Immigration Law</u>	Federal Immigration Law Overview	Congress may “regulate commerce with foreign nations” according to U.S. Constitution Article I, § 8 Cl. 3 Congress may “establish an uniform Rule of Naturalization” according to U.S. Constitution Article I, § 8 Cl. 4	None	None
	Federal Preemption of Immigration Laws	Article 7 of the U.S. Constitution contains the Supremacy Clause which prevents the creation of existing state or local laws that conflict with existing federal law Preemption applies in three ways: 1. Explicit preemption 2. Field Preemption 3. Implied Conflict States are expressly preempted from creating laws that penalize employers who hire undocumented immigrants.	States may enact immigration-related legislation if it passes the three part DeCanas test: 1. Does the state law specifically regulate immigration? 2. Was it Congress’ intent to limit state power in the area? 3. Does the state law conflict with or prevent an objective federal law?	Not addressed

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
William J. Benos	State and Local Law Enforcement Authority to Enforce Immigration Law	<p>According to U.S. Code §1252(c) state law enforcement can arrest and detain an immigrant who is:</p> <ol style="list-style-type: none"> 1. Illegally present in the U.S. 2. Previously convicted of a felony in the U.S. 3. Previously deported because of a conviction <ul style="list-style-type: none"> • Law enforcement must obtain confirmation from Immigration and Customs Enforcement (ICE) • Detention can only last until the offender can be transferred into Federal custody • U.S. Code §1324(c) permits state officers to make arrests under the anti harboring statute • U.S. Code §1357 creates the 287(g) program. (<i>See Virginia State Police section for more information on 287(g)</i>) 	State law enforcement can enter into a 287(g) MOU with ICE to deputize officers as “immigration officers”	Local law enforcement can enter into a 287(g) MOU with ICE to deputize officers as “immigration officers”

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Department of Medical Assistance Services</p> <p><u>Coverage of Non-Citizens in the Virginia Medicaid Program</u></p>	<p>Qualifying for Medicaid Services</p>	<p>The Welfare Reform Act of 1996 defines “qualified aliens”:</p> <ul style="list-style-type: none"> • Lawfully admitted immigrants who entered the U.S. after August 22, 1996 are barred five years from the program • Asylees and Refugees are eligible their first seven years in the country, but are barred after that time is up (Naturalization could eliminate the bar period) • Undocumented immigrants are unqualified and do not qualify for Medicaid 	<p>Qualified immigrants must be lawfully admitted to the U.S.</p> <p>Qualified immigrants are entitled to the same benefits as citizens in the program</p>	<p>None</p>
	<p>Emergency Services</p>	<p>42 U.S.C. § 435.406 mandates coverage of emergency services</p> <p>The Federal Government provides a 50 percent match for emergency services</p>	<p>Less than 1 percent of payments made in FY 2006 (\$14.4 million in State funding) were for people only eligible for emergency services</p>	<p>Not Addressed</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Department of Medical Assistance Services	Medicaid Citizenship Identification Requirements	None	To be eligible for Medicaid individuals: Must provide documentation when applying for Medicaid and at first re-designation on or after June 1, 2006	None
Virginia Department of Education <u>School Enrollment Requirements for all Virginia Students</u>	Enrollment Requirements for Virginia Students	U.S. Supreme Court decision Plyler v. Doe (1982) requires public schools to accept children who are undocumented immigrants without charge	According to the Code of Virginia §22.1-3.1: <ul style="list-style-type: none"> • A birth certificate or affidavit is required to enroll in public school • When a school receives the affidavit they must immediately notify local law enforcement • The Virginia Department of Education does not collect data on how many affidavits are collected in lieu of birth certificates • 	Must follow Federal and Virginia education laws
	Residency Requirements for Virginia Students	Public schools in each school division must be free and available for each school age child residing within the division	Code of Virginia §22.1-3 states that each school division shall be free to each person of school age who resides within the school division	Must provide free education to each school age child in accordance with Federal and Virginia laws

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Department of Education <u>Overview of Programs for Limited English Proficient Students</u>	English as a Second Language Programs (ESL)	No Child Left Behind Act of 2001 requires states to increase English proficiency for Limited English Proficiency (LEP) students.	Code of Virginia §22.1-212.1 states that school boards must provide instruction in the English language that will promote the education of students for whom English is a second language	Local Governments provide majority of the funding
Virginia Employment Commission <u>VEC Services for Immigrants and Foreign Workers</u>	Federal Employment Classifications	<ul style="list-style-type: none"> • H-2A farm workers • H-2B temporary non-agricultural workers • Migrant farm workers (non H-2A) • Seasonal farm workers (non H-2A) 	None	None
	Verifying Social Security Numbers or Work Authorization Numbers	Employers must: <ul style="list-style-type: none"> • Verify social security number with SSA • Verify work authorization number with Department of Homeland Security's (DHS) Systematic Alien Verification for Entitlement (SAVE) program • Report every new hire to a national database 	Since March 2006, the number of "no matches" from Virginia that have been filed and verified with Social Security Administration (SSA) is negligible	None

Governor's Commission on Immigration

**Final Report
January 2009**



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Office of the Attorney General</p> <p><u>Aliens, Criminal Law and Public Benefits</u></p>	<p>Qualified Aliens</p>	<p>As defined in 8 U.S.C. §1641 qualified aliens are any of the following:</p> <ol style="list-style-type: none"> 1. Legal Permanent Resident 2. Asylee 3. Refugee 4. Alien paroled in the United States for at least one year 5. Alien whose deportations are being withheld 6. Alien granted conditional entry prior to April 1, 1980 7. Battered alien spouses, children, the alien parents of battered children, and alien children of battered parents 8. Cuban and Haitian entrants Victims of a severe form of trafficking 	<p>Follow Federal definition of qualified alien</p>	<p>Follow Federal definition of qualified alien</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Office of the Attorney General	Required Services	<p>According to 8 U.S.C. §1621, the following services must be available to everyone regardless of immigration status:</p> <ol style="list-style-type: none"> 1. Medical assistance for an emergency medical condition 2. Short-term, non-cash, in-kind emergency disaster relief 3. Public health assistance for immunizations 4. Housing or community development programs administered by the Secretary of Housing and Urban Development 	Must provide services required by the Federal Government	Must provide services required by the Federal Government
	Discretionary Services	<p>“Qualified Aliens” entering the country after August 22, 1996 do not qualify for “Federal means-tested public benefits.”</p> <p>States have the authority to determine eligibility for TANF, Social Services Block Grant, and Medicaid</p>	<p>With a few exceptions, “Qualified Aliens” are not eligible for Food Stamps and SSI</p> <p>Virginia Code §32.1-325 and §63.2-503.1 require that no person who is not a U.S. citizen or legally present in the United States is eligible for State and Local Public Benefits</p>	Not Addressed

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Office of the Attorney General	Attorney General's Opinions	Massie Opinion (July 24, 2006) states that Federal and State law prohibit the issuance of local business licenses to people who are not legally present	Stolle-Albo Opinion (October 15, 2007) states: 1. Virginia law enforcement can make arrests for violations of laws of sister states in addition to federal laws 2. It is unclear with respect to enforcement of civil violations of federal immigration law	Rust Opinion (May 10, 2007) states that Virginia local law enforcement officials can enter into memorandums of agreement with the Department of Homeland Security to enforce federal immigration laws
Department of Motor Vehicles <u>Immigration Policy and DMV Services</u>	Proof of Legal Presence to obtain a license	None	For temporary authorization in the U.S., expiration of the license matches length of legal presence document Unknown length of legal authorization licenses expire in one year If DMV receives notification from another government agency that an individual's authorized stay in the U.S. has been terminated, DMV will not renew or re-issue that license or ID	None

Governor's Commission on Immigration

**Final Report
January 2009**



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Department of Motor Vehicles</p>	<p>REAL ID</p>	<ul style="list-style-type: none"> • Affects all driver's license and ID card applicants (first-time and renewal) • Must visit DMV, no internet, phone, or mail renewal • Proof of identification, social security or ineligibility number, legal presence and address • Verification of all proof documents • Scanning and storage of documents 	<p>State must become REAL ID compliant</p>	<p>None</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of State Police</p> <p><u>Immigration Commission Presentation: VSP</u></p>	<p>Immigration Enforcement</p>	<p>Residential status is a Federal civil offense</p> <p>Only the U.S. Bureau of Immigration and Customs Enforcement (ICE) can deport individuals</p>	<p>Virginia law enforcement can detain undocumented aliens until ICE takes custody</p> <p>As defined by the Code of Virginia §19.2-81.6, to be arrested and detained, and undocumented individual must:</p> <ol style="list-style-type: none"> 1. Commit a crime 2. Be confirmed by ICE as in the U.S. illegally 3. Previously convicted of a felony 4. Return to the U.S. after being previously deported <p>As authorized by the Code of Virginia §19.2-194.2, in 2007 approximately 37,307 records have been submitted to ICE of which 400 individuals were arrested</p>	<p>Local law enforcement follow Federal and Virginia guidelines regarding immigration enforcement</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Department of State Police	287(g) Program	<p>Open to state and local law enforcement via a memorandum of understanding (MOU) with ICE</p> <p>Five week training program completed at Augusta, GA facility or local law enforcement facility if training makes sense logistically and fiscally for both ICE and the locality.</p> <p>Approximately 40 state and local law enforcement agencies currently participate</p>	<p>2004 VSP had ICE train members of the multi-jurisdictional gang, drug, and counter-terrorism task forces. The agreement allows “deputized” members to detain and do paperwork for undocumented immigrants.</p> <p>VSP decided against deputizing additional officers because it would just add to their paperwork and keep them off the roads for an additional 3-4 hours per person arrested.</p>	Can participate in the 287(g) Program via MOU with ICE
	Virginia Fusion Center	Joint effort with ICE, state, and local police	<p>Statewide gang intelligence sharing with ICE</p> <p>Criminal Intelligence Division leads ICE to critical infrastructure sites and threats.</p> <p>Aides ICE in DMV database access for photo capabilities</p> <p>Sends sex offender and crimes against minors registry updates to ICE</p>	Provide information for and use database

Governor's Commission on Immigration

**Final Report
January 2009**



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of State Police</p>	<p>Community Outreach</p>	<p>None</p>	<p>Survival Spanish training for officers</p> <p>Survival Spanish reference guide for officers</p> <p>Minority recruitment</p> <p>Safe driving practices video in partnership with the Hispanic Chamber of Commerce</p> <p>Over 3,300 community presentations and safety talks in 2006</p> <p>Media Outreach: Public Service Announcements, Press Releases, Interviews, Trooper Live Q & A.</p>	<p>Not Addressed</p>
<p>Virginia State Crime Commission</p> <p><u>Overview & Recommendations of the Illegal Immigration Task Force</u></p>	<p>Crime Commission Recommendations Referred to the Virginia Commission on Immigration</p>	<p>The Crime Commission report will be available Assembly on January 9, 2008. Please visit <u>http://vscc.virginia.gov/IITF_Main.html</u> for more information.</p>	<ol style="list-style-type: none"> 1. Verification Cards for Purpose of Showing Identity 2. Verification of New Employees Through “Basic Pilot Program”; Loss/Suspension of License for Knowing Employment of Undocumented Immigrants 3. Documentation Required for Certain Benefits 	<p>Not Addressed</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Weldon Cooper Center for Public Service <i>Hispanic Immigrants and Citizens in Virginia</i>	Virginia Statistics on Hispanic Immigrants	Not addressed	Please see presentation for statistics on population size, English proficiency, educational attainment, occupations, poverty level, health insurance, median household income, and household size	Not addressed
Virginia Employers for Sensible Immigration Policy (VESIP)	Mission	None	A coalition of businesses and their trade association that support a business climate that facilitates the legal employment of immigrant workers	None
	Concerns	None	Increasing the regulatory burden on Virginia's businesses Imposing penalties on employers who may not have knowingly and willingly violated immigration law could destroy businesses and greatly weaken Virginia's economy	None
Virginia Municipal League/Virginia Association of Counties	Survey Questions	None	None	Please see presentation for city and county level results to the following survey questions: 1. Has your locality undertaken a cost-benefit analysis of immigration?

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<u>Local Government Response to Immigration Actions Survey</u>				2. Has your locality undertaken a service responsibility analysis? 3. Has your locality prepared any other documents related to immigration?
Local Government Attorneys of Virginia <u>Selected Legal Issues for Local Government Attorneys Related to Immigration Status</u>	Equal Protection	Not Addressed	Plyler v. Doe (1982) states that the equal protection clause applies to all within the boundaries of the state, including aliens unlawfully present. State law violates the equal protection clause if it denies benefits to certain persons without showing an advanced a substantial state interest	Must be in accordance with Plyler v. Doe in regards to equal protection
	Issues Confronting Local Law Enforcement	None	None	Need to maintain trust in all communities Need to avoid the perception that officers are acting unconstitutionally and that they are engaging in racial profiling or other illegal discrimination

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Local Government Attorneys of Virginia				<p>Need to protect victims and witnesses who may themselves be undocumented immigrants, and encourage them to cooperate with the police in the effort</p> <p>Need to avoid dangerously overcrowding local jail</p>
Virginia Department of Social Services <u>Overview of Services and Benefits Available to Immigrants and Refugees</u>	Overview of the Office of Newcomer Services	<p>Housed in the Virginia Department of Social Services (VDSS) but is 100% federally funded.</p> <p>Created by the Refugee Act of 1980</p> <p>Federal Partners:</p> <ol style="list-style-type: none"> 1. U.S. Department of Health & Human Services 2. U.S. Department of State 3. U.S. Department of Homeland Security 	<p>Serves the following groups:</p> <ol style="list-style-type: none"> 1. Refugees 2. Asylees 3. Cuban/Haitian entrants 4. Unaccompanied Refugee Minors 5. Iraqis/Afghans with special immigrant visas 6. Victims of human trafficking <p>Provides;</p> <ol style="list-style-type: none"> 1. Employment services 2. English language services 3. Support services (i.e. outreach, transportation, and translation) 	<p>Works with local departments of health, social services, and school systems to:</p> <ol style="list-style-type: none"> 1. Provide health screenings 2. Determine eligibility for benefits and/or services 3. Offer resources to help educate refugee children

Governor's Commission on Immigration

**Final Report
January 2009**



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of Social Services</p>	<p>Office of Newcomer Services goals and outcomes</p>	<p>None</p>	<p>Goals:</p> <ol style="list-style-type: none"> 1. Economic self-sufficiency for refugees and their families 2. Integration into communities 3. Application for citizenship after 5 years <p>Outcomes:</p> <ol style="list-style-type: none"> 1. Job placements 2. Employment with benefits 3. Average employee wage 4. Avoidance of public assistance 	<p>None</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of Social Services</p>	<p>Public Assistance Programs</p>	<p>Personal Responsibility and Work Opportunity Act of 1996 states:</p> <ol style="list-style-type: none"> 1. Aliens that are not qualified are ineligible for federal public benefits 2. Certain qualified aliens are eligible for at least 5 years from the date they enter the U.S. 3. Other qualified aliens are not eligible until five years from the date they enter the U.S. 4. Undocumented aliens are not eligible for any federal public benefit except emergency Medicaid 	<p><i>Code of Virginia</i> §63.2-503.1 states:</p> <p>As a condition of eligibility for any state or local public benefit, an individual must be:</p> <ol style="list-style-type: none"> 1. A U.S. citizen 2. Be legally present in the U.S. 	<p>Follow all federal and state eligibility requirements.</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of Social Services</p>	<p>Child Protective Services</p>	<p>8 U.S.C. §1611(b)(1)(D) states CPS services shall be provided without regard to a parent or child's immigration status, including:</p> <ol style="list-style-type: none"> 1. Investigations and family assessments 2. Ongoing services for 3. Founded investigations and completed family assessments with high or moderate risk of occurrence <p>According to the Vienna Convention on Consular Relations 21 U.S.T. 77, Art. 37 (b) if CPS obtains legal custody of a child who is a foreign national, the foreign consulate shall be given notice</p>	<p>Funding for investigations and ongoing services:</p> <ol style="list-style-type: none"> 1. Mix of federal, state, and local 2. Money funds administrative process, not the provision of service <p>Funding for prevention services:</p> <ol style="list-style-type: none"> 1. State and local 2. Regulations for goods and services provided are determined by the funding stream 	<p>Follow all federal and state policies.</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Department of Social Services</p>	<p>Foster Care</p>	<p>8 U.S.C. §1613 states agencies providing federal foster care benefits are required to verify the immigration status of recipients</p> <p>8 U.S.C. §1641 states federal foster care payments (IV-E) can only be provided to U.S. Citizens and qualified aliens which include:</p> <ol style="list-style-type: none"> 1. Permanent Residents 2. Refugees 3. Asylees 	<p>Any funds used for foster care services for undocumented children are state and local</p>	<p>Any funds used for foster care services for undocumented children are state and local</p>

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Department of Social Services	Adoption	<p>8 U.S.C. §1613 states agencies providing federal adoption subsidy payments are required to verify the immigration status of recipients</p> <p>Undocumented youth are eligible for services, but not direct payments</p> <p>8 U.S.C. §1641 states federal adoption subsidy payments can only be provided to U.S. Citizens and qualified aliens which include:</p> <ol style="list-style-type: none"> 1. Permanent Residents 2. Refugees 3. Asylees 	Follow federal guidelines	Follow federal guidelines
	Domestic Violence	<p>Violence Against Women Act (VAWA) funding shall be used regardless of legal status</p> <p>VAWA Immigration Protection provides relief to immigrant victims of sexual assault, human trafficking, and other violent crimes if they participate in investigations and/or prosecutions.</p>	Follow VAWA	Follow VAWA

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Department of Health <i>Impact of Immigration Status on Public Health Services in Virginia</i>	Federal Public Benefits	1996 Welfare Reform Act denies public benefits to unqualified aliens. 31 programs are considered federal public benefits including (see Appendix D for full list): <ol style="list-style-type: none"> 1. Medicare 2. Medicaid 3. State Child Health Insurance Program 4. Temporary Assistance for Needy Families 	Follow Federal Regulations	Follow Federal Regulations
	Benefits not Considered Federal Public Benefits	U.S. Attorney General Guidance: If a program is not on the federal public benefit list, the provider should not attempt to verify the applicant's immigration status because all individuals regardless of status are eligible	Virginia Department of Health (VDH) programs are not federal public benefits Citizenship and immigration status shall not be included as factors for VDH eligibility	Local health departments cannot inquire as to immigration status
Virginia Hospital & Healthcare Association <i>Immigration Impact on Virginia's Hospitals and Health Systems</i>	Workforce	Difficulties obtaining nurses through H-1C Visas due to shortages Congressman Cantor's H.R. 1930 would exempt worldwide immigration caps on aliens who will work in work shortage occupations	1,500 physician and 26,000 Registered Nurse shortages projected by 2020.	None

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Hospital & Healthcare Association	Increasing Costs	<p>Emergency Medical Treatment and Active Labor Act (EMTALA) of 1986 states, “No patient who presents with an emergency medical condition and who is unable to pay may be treated differently than patients who are covered by health insurance”</p> <p>Immigration status cannot be checked by emergency room staff</p>	Costs covering services that are not paid for are passed along to other consumers	When hospitals cannot cost shift they reduce services or close
Virginia Association for Home Care and Hospice <i>Homecare: What it is and how it relates to immigration</i>	Workforce	<p>U.S. Bureau of Labor Statistics: 24% of home care aides and 14% of nursing home aides are foreign born</p> <p>45% increase in demand for long-term care by 2010, greatest demand will be in home care</p>	None	None
Virginia Health Care Association <i>Immigration Issues and Challenges for Long Term Care Providers</i>	Communication Obstacles	None	<p>Language barrier increasing</p> <p>Increasing risk for errors between physicians and nurses in verbal and written communication</p> <p>Lack of bi-lingual staff</p>	None

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
Virginia Health Care Association	Workforce Challenges	H-1C Vistas which is a sponsored program for RN/LPNs to work in U.S. has a limited time period	<p>Majority of nurses and nurse aides are foreign born in Northern Virginia area</p> <p>Number of foreign born nurses and nurse aides are increasing statewide</p>	Keeping track of foreign born employees adds to administrative burden
<p>The Commonwealth Institute</p> <p><u>Tax Contributions of Virginia's Undocumented Immigrants</u></p>	Tax Contributions of Undocumented Workers	Virginia's undocumented population pays between \$114 and \$137 million in Social Security and Medicaid taxes	<p>Virginia's undocumented population estimated between 250,000 and 300,000</p> <p>Combined income of undocumented workers estimated between \$2.99 and \$3.59 billion</p> <p>Estimates indicate 50% of Virginia's undocumented population pays federal or state income taxes</p> <p>Virginia's undocumented population pays:</p> <p>Between \$145 and \$174 million in income, sales and excise, and property taxes</p> <p>Total contribution of \$260 to \$311 million in state and federal taxes</p>	No Data Provided

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
The Commonwealth Institute	Tax Contributions of Employers on Behalf of Undocumented Workers	Contribution of \$114 to \$137 million to Social Security and Medicaid	Contribution of \$4 to \$5 million to state unemployment insurance	No Data Provided
Virginia Asian Chamber of Commerce <u>Asian Immigration: Selected Economic Impacts on the U.S. Economy</u>	Fiscal Impact	<p>Asian Americans make up 15% of the workforce</p> <p>According to the Social Security Administration Asian immigrants engage in lower participation in entitlement programs such as Social Security and Medicaid than other immigrant groups.</p> <p>National Research Council estimates that immigrants and their decedents contribute about \$80,000 more in taxes than they receive in public benefits</p>	None	None

Governor's Commission on Immigration
Final Report
January 2009



Presentation	Question/Issue	Federal Responsibility	State Responsibility	Local Government Responsibility
<p>Virginia Hispanic Chamber of Commerce</p> <p><i>Hispanic Immigration and Hispanic Business Development</i></p>	Hispanic Owned Businesses	Hispanic-owned businesses have increased by 67% in the past 9 years	<p>Hispanic-owned Tech/Professional services are higher in Northern Virginia and Washington DC than anywhere in the country at 12.6%</p> <p>The Hispanic-owned business growth rate is 20% higher in Virginia than the nationwide rate</p>	None
	Hispanic Citizens	None	<p>Hispanic citizens have higher household income than Virginia citizens overall</p> <p>Hispanic citizen labor force participation is at 74%. The general population in Virginia is at 68%</p> <p>66% of Hispanic citizens in Virginia have an education level of some college or higher, the general population in Virginia is at 57%</p>	None

Appendix D

Department of Health and Human Services Interpretation of “Federal Public Benefit” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

The HHS programs that provide “Federal public benefits” and are not otherwise excluded from the definition by the exceptions provided in section 401(b) are:

- Adoption Assistance
- Administration on Developmental Disabilities (ADD)--State Developmental Disabilities Councils (direct services only)
- ADD--Special Projects (direct services only)
- ADD--University Affiliated Programs (clinical disability assessment services only)
- Adult Programs/Payments to Territories
- Agency for Health Care Policy and Research Dissertation Grants
- Child Care and Development Fund
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse
- Foster Care
- Health Profession Education and Training Assistance
- Independent Living Program
- Job Opportunities for Low Income Individuals (JOLI)
- Low Income Home Energy Assistance Program (LIHEAP)
- Medicare
- Medicaid (except assistance for an emergency medical condition)
- Mental Health Clinical Training Grants
- Native Hawaiian Loan Program
- Refugee Cash Assistance
- Refugee Medical Assistance
- Refugee Preventive Health Services Program
- Refugee Social Services Formula Program
- Refugee Social Services Discretionary Program
- Refugee Targeted Assistance Formula Program
- Refugee Targeted Assistance Discretionary Program
- Refugee Unaccompanied Minors Program
- Refugee Voluntary Agency Matching Grant Program
- Repatriation Program
- Residential Energy Assistance Challenge Option (REACH)
- Social Services Block Grant (SSBG)
- State Child Health Insurance Program (CHIP)
- Temporary Assistance for Needy Families (TANF)

Governor's Commission on Immigration
Final Report
January 2009



Appendix E

Attached is the 2008 report on Immigration Legislation proposed in each state. This report was produced by the Immigration Policy Project of the National Conference on State Legislatures. Immigration legislation introduced in 2008 is listed by both state and topic.



Immigrant Policy Project

July 24, 2008

State Laws Related to Immigrants and Immigration

January 1 – June 30, 2008

State legislatures continue tackling immigration in a variety of policy arenas at an unprecedented rate. So far this year, 1267 bills have been considered in 45 state legislatures and at least 175 laws and resolutions have been enacted in 39 states. A total of 190 bills and resolutions have passed legislatures, 12 bills are pending Governor's approval and three bills were vetoed.

The 2008 level of activity is comparable to the same time last year, when 1404 bills and resolutions were considered in all fifty states, and 182 laws were enacted in 43 states. As in recent years, the top three areas of interest are identification/driver's license (203 bills introduced – 30 laws enacted), employment (198 bills introduced – 18 laws enacted), and law enforcement (214 bills introduced - 10 laws enacted).

States continue to employ a range of enforcement and integration approaches. For example, one state created a pilot guest worker program to expedite the approval of foreign workers under the federal H-2A visa program and another state revisited employment-related legislation passed last year. One state makes legal immigrant children and pregnant women eligible for SCHIP. Another aims to address the needs of the Asian Pacific American community through English language instruction, health access and economic development. One state expanded its definition of smuggling of human beings to include the use of so-called "drop houses." Several states commissioned studies to investigate the economic and fiscal impacts of immigration, including state remedies to recover money owed to the state by the federal government. Three states passed omnibus legislation addressing issues such as employment, law enforcement, public benefits, legal services and identification/licensing.

Six states did not conduct regular sessions in 2008: Arkansas, Montana, Nevada, North Dakota, Oregon and Texas. However, Arkansas, Nevada and Oregon held special sessions to address gas taxes and gubernatorial appointments (in Arkansas) and budgets (in Nevada and Oregon). Oregon passed legislation related to immigrants during special session.

State laws related to immigration have increased dramatically in recent years:
In 2005, 300 bills were introduced and 38 laws were enacted.
In 2006, activity doubled: 570 bills were introduced and 84 laws were enacted.
In 2007, activity tripled: 1,562 bills were introduced and 240 laws were enacted.

This report provides brief summaries of state laws enacted in 2008 that address legal immigrants, migrant and seasonal workers, refugees or unauthorized immigrants.*

**Terms used in this report by and large reflect the terms used in state legislation. In some state legislative language, unauthorized immigrants are also described as illegal or undocumented immigrants or aliens.*

NCSL Immigrant Policy Project

State Immigration Laws and Resolutions, by Policy Arena
As of June 30, 2008

A total of 190 bills have passed in 39 state legislatures. Of these, 175 were enacted, 12 are pending Governors' approval and three bills were vetoed.

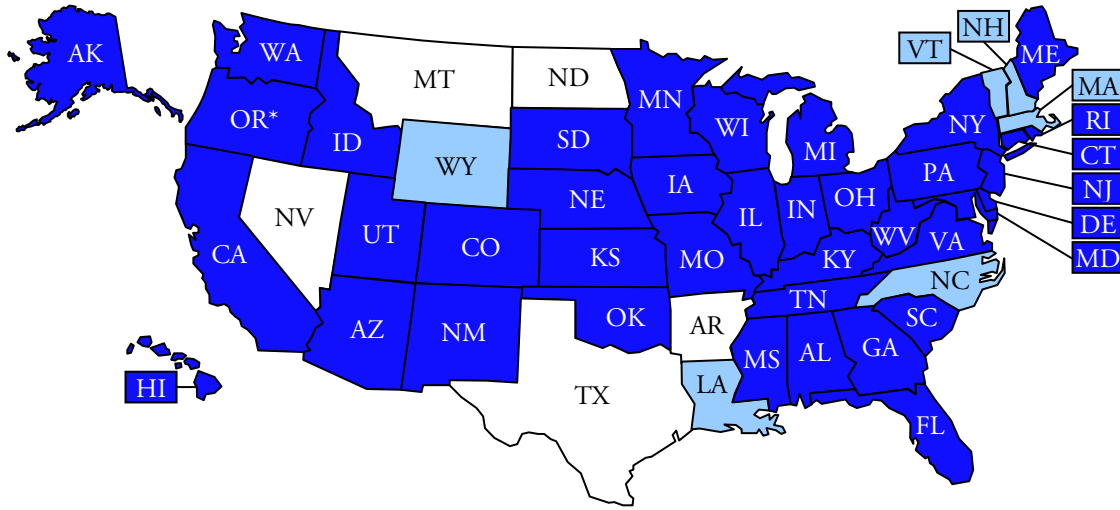
Main Topics	Number of Laws Enacted	States
Education	12	8
EMPLOYMENT	18	12
Health	7	6
Human Trafficking	4	4
ID/DRIVER'S LICENSES AND OTHER LICENSES	30	15
LAW ENFORCEMENT	10	8
Legal Services	2	2
Miscellaneous	28	17
Omnibus/Multi-Issue Measures	2	2
Public Benefits	4	4
Voting	1	1
Resolutions	57	19
TOTAL	175	39

Source: NCSL, Immigrant Policy Project, 2008

NCSL Immigrant Policy Project

2008 Immigration-Related Laws and Resolutions, by State

As of June 30, 2008



States With Enacted Laws AL, AK, AZ, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MI, MN, MS, MO, NE, NJ, NM, NY, OH, OK, OR*, PA, RI, SC, SD, TN, UT, VA, WA, WV, WI

States With Introduced Legislation LA, MA, NH, NC, VT, WY

States not in Regular 2008 Session AR, MT, NV, ND, TX

**Oregon was not in regular session in 2008 but passed relevant legislation in special session.*

Source: NCSL, Immigrant Policy Project, 2008

EDUCATION (12)

Twelve laws were enacted in eight states: Arizona, Georgia, Hawaii, Maryland, Minnesota, Oklahoma, Utah and Washington.

These laws generally address in-state tuition eligibility, student loans, English language acquisition and access, as well as English as a Second Language (ESL) programs. Some laws establish commissions and task forces.

Arizona SB 1096 (Became law without Governor signature 4/14/2008)

This law appropriates \$40.7 million towards English language immersion programs.

Georgia SB 169 (Signed 5/13/2008)

This law defines eligibility for postsecondary education student loans, including general loans for need and merit, an Educational Public Service Student Loan, and a Graduate On Time Student

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Loan. If a student is not a U.S. citizen or permanent resident alien who meets the definition of an eligible non-citizen under federal Title IV requirements, he or she is ineligible for these loans.

Georgia SB 492 (Signed 5/14/2008)

This law states that non-citizen students shall not be classified as in-state for tuition purposes unless the student is legally in the state and the Board of Regents determines their in-state classification. Lawful permanent residents, refugees, and asylees can receive equal consideration for in-state tuition as U.S. citizens. International students who reside in the United States under nonimmigrant status who do not abandon a foreign domicile shall not be eligible for in-state classification.

Hawaii SB 2395 (Signed 4/8/2008)

This law expands the language access advisory council within the Department of Labor and Industrial Relations to include several county representatives with an interest in language access. The law clarifies the definition of "written language services" as free provision of written information that allows limited English proficient persons to access services.

Maryland HB 610 (Signed 5/13/2008)

This law establishes a Task Force on the Preservation of Heritage Language Skills, which will compile data on the number of heritage speakers in the state and focus on innovative ways to encourage heritage language learning while also encouraging new citizens of the United States to learn and master English.

Maryland SB 203 (Signed 4/24/2008)

This law establishes a Workforce Creation and Adult Education Transition Council to coordinate adult education and literacy services with the Division of Workforce Development. The Council will include ten members appointed by the governor, one of whom will represent ESL providers.

Minnesota SB 2942 (Signed 5/12/2008)

This Act establishes enrollment requirements for the Achieve Scholarship Program for students including those who are U.S. citizens, refugees, or eligible non-citizens.

Oklahoma HB 2229 (Signed 4/29/2008)

This law clarifies that civil rights laws and the civil rights movement, including immigration history, will be included in social studies classes during Celebrate Freedom Week.

Utah HB 86 (Signed 3/14/2008)

This law appropriates \$150,000 to the State Board of Regents to distribute to institutions that provide inmate postsecondary education through the Utah Department of Corrections. The postsecondary education is restricted to inmates with a legal presence in the U.S.

Washington HB 3168 (Signed 3/26/2008)

This law establishes a Head Start Program to assist the educational needs of low-income populations in the early childhood education arena. Providers operating migrant and seasonal Head Start programs will be consulted in order to address the needs of children of migrant and seasonal farm worker families.

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Washington HB 3212 (Signed 03/26/2008)

This law orders reports of the Washington Assessment of Student Learning to disaggregate results by subgroups of students, including low income, transitional bilingual, and migrant students.

Washington SB 6673 (Signed 4/1/2008)

This law enhances funds allocated to eligible school districts where more than twenty percent of students are eligible for and enrolled in transitional bilingual instruction programs. It also requires student learning plans for high school students who were not successful on the Washington assessment, including schools serving English language learner students and schools with transitional bilingual programs. English language learners will qualify for help from the extended learning program.

EMPLOYMENT (18)

Eighteen laws were enacted in twelve states: Alaska, Arizona, Colorado, Florida, Idaho, Maryland, Missouri, Mississippi, Tennessee, Virginia, Washington and West Virginia.

Many of these laws provide for employer sanctions related to the hiring of unauthorized workers, employment eligibility verification requirements and penalties. These laws also include measures on unemployment benefits and one state seeks a state-based guest worker program.

Alaska SB 120 (Signed 5/28/2008)

This Act limits the disclosure of certain records of the state Department of Labor and Workforce Development but requires that some confidential information must be provided to several federal agencies, such as the U.S. Department of Homeland Security, to verify the immigration status of an individual claiming unemployment benefits. Effective immediately.

Arizona HB 2745 (Signed 5/1/2008)

This Act adjusts the prohibitions against knowingly or intentionally employing an unauthorized alien and eliminates independent contractors from the definition of employee. It provides for the Arizona Attorney General to establish a Voluntary Employer Enhanced Compliance Program. After September 30, 2008, the law prohibits an agency from issuing a license to an individual who does not establish legal presence and prohibits government entities from awarding a contract to any contractor and subcontractor that fails to use E-Verify. The Act establishes the crime of knowingly accepting the identity of another person or entity and expands the definitions of identity theft. The Act also provides that companies can be punished only for unauthorized workers they hired after January 1, 2008 and that a violation at one location of a company shuts down only that location, not the entire corporation. Effective May 1, 2008.

Arizona SB 1125 (Signed 5/12/2008)

This law provides for additional employer penalties and the payment of compensation benefits to an employee or to the employee's estate if an employee injury results in permanent disability or death. An employee is defined as every person in the service of any employer subject to this chapter, including aliens and minors legally or illegally permitted to work for hire.

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Colorado HB 1325 (Signed 6/5/2008)

The Colorado Nonimmigrant Agricultural Seasonal Worker Pilot Program Act provides for expediting recruitment, application, and approval of workers through the federal H-2A visa (requiring a federal waiver). The law requires the labor, agricultural and economic development and international trade agencies in Colorado to seek agreements between Colorado and foreign countries to assist in the recruitment and selection of H-2A workers. The program will include sectors of the agriculture industry and allow up to 1,000 workers in the first year. It requires the country of origin of each worker to perform background checks. The law requires employers to provide transportation, housing, fair wages, workers' compensation, and to withhold 20 percent of wages payable to the worker upon return to the country of origin. The law also provides for identification cards for the seasonal workers. It establishes an advisory council of legislators, agency officials and other stakeholders, and becomes effective August 6, 2008.

Colorado SB 139 (Signed 5/20/2008)

This law requires that employers be notified of the prohibition against hiring an unauthorized alien and the availability of and participation requirements for the federal E-Verify program. The Act requires the Department of Labor and Employment's website to provide this information. Effective August 6, 2008.

Colorado SB 193 (Signed 5/13/2008)

The law creates a program to allow a contractor to verify employment eligibility of all employees under a public contract and requires future participation in the Federal Electronic Employment Eligibility Program or the department program to verify the employment eligibility of certain employees. Effective August 6, 2008.

Florida HB 601 (Signed 6/30/2008)

The law would revise duties of farm labor contractors and eliminates the requirement of a farm labor contractor to submit a set of fingerprints.

Florida SB 1702 (Signed 6/10/2008)

This Act raises the annual license taxes for wholesale and retail saltwater products dealers and differentiates between resident, non-resident and alien dealers. Effective October 1, 2008.

Idaho HB 445 (Signed 3/3/2008)

The law requires that a provision in the Idaho Code that prohibits employment of persons who are not U.S. citizens or eligible to become citizens on public works projects shall not apply to Capitol building projects. It has an emergency clause and would be effective retroactively beginning July 1, 2007, and would sunset June 30, 2010. It would also preclude prosecution or punishment for any act or omission taking place between January 1, 2007 through June 30, 2007, that could otherwise be subject to punishment.

Maryland SB 650 (Signed 5/13/2008)

The Act authorizes the commissioner of labor to investigate complaints relating to alleged violations of penal bonding requirements by employment agencies, including an agency or a person who obtains an immigrant visa for an individual. Effective October 1, 2008.

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Missouri HB 2058 (Signed 6/11/2008)

This law requires that any applicant of a tax credit program who purposely and directly employs unauthorized aliens has to forfeit any tax credits and must repay the amount of any tax credits redeemed during the period when an unauthorized alien was employed by the applicant.

Mississippi SB 2988 (Signed 3/17/2008)

The Act requires every employer in the state to use the E-Verify program to verify the employment authorization status of all newly-hired employees. No contractor or subcontractor shall hire any employee unless registered and participating in the system. State agencies and employers with at least 250 employees must comply by July 1, 2008; employers with 100-249 employees must comply by July 1, 2009; employers with 30-99 employees must comply by July 1, 2010; and all employers by July 1, 2011. Penalties include loss of public contracts for up to three years, loss of licenses for up to one year, or both. Additionally, the law makes it a felony for unauthorized workers to knowingly accept or perform work in the state and it creates a private cause of action for legal U.S. residents laid off and replaced by unauthorized workers.

Tennessee SB 4069 (Signed 4/29/2008)

The Act provides that upon receiving a complaint regarding the hiring of an illegal alien the Commissioner of the Department of Labor and Workforce Development shall inform the person against whom a complaint is made that they may request the name of the person filing the complaint. Effective immediately.

Virginia HB 926/SB 782 (Signed 3/12/2008)

This law provides for various disciplinary actions including revocation or cancellation of a certificate of authority, certificate of organization, or certificate of trust of any domestic or foreign corporation, limited liability company, limited partnership, or business trust conducting business in this state, for a violation of state or federal law prohibiting the employment of illegal aliens.

Virginia HB 1298/SB 517 (Signed 3/12/2008)

All public bodies shall provide in every written contract that the contractor does not, and shall not, during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Virginia HB 1386 (Signed 3/10/2008)

The law provides for a program with federal eligibility requirements set by the U.S. Department of Veterans Affairs for service-disabled veteran-owned small businesses and defines small businesses as those owned by U.S. citizens or non-citizens who are in full compliance with immigration law.

Washington HB 2779 (Signed 3/27/2008)

The law requires obtaining a specialized forest products permit in order to harvest huckleberries and adds huckleberry harvesting to the specialized forest products industries in which minority groups (including refugees) have long been participants. The legislation encourages agencies serving minority communities, refugee centers and other social service agencies to work cooperatively in the translation of educational materials.

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West Virginia HB 4255 (Signed 3/27/2008)

The law authorizes the Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers.

HEALTH (7)

Seven laws were enacted in six states: Colorado, Iowa, Kansas, Minnesota, South Dakota and Utah. Four bills have been sent to the Governor in Hawaii and New York.

These laws generally address eligibility for health care benefits and the licensing of health care professionals.

Colorado HB 1199 (Signed 4/7/2008)

This law eliminates the one year residency requirement for receiving hospitalization assistance for the treatment of tuberculosis, which enhances the non-discrimination policy in providing programs and services related to testing for, diagnosing, and treating tuberculosis, regardless of national origin or immigration status.

Iowa SF 2338 (Signed 4/16/2008)

Under this legislation, medical licensing boards may issue special medical licenses to individuals with unrestricted licenses in osteopathic medicine and surgery from other countries, in addition to those individuals with unrestricted licenses in medicine and surgery from other countries.

Iowa SF 2425 (Signed 5/13/2008)

If sufficient funding is available, this appropriations legislation allows Iowa's State Children's Health Insurance Program (SCHIP) to expand insurance coverage to legal immigrant children and pregnant women, who are not eligible under current federal guidelines.

Kansas SB 81 (Signed 5/18/2008)

This law requires that individuals be U.S. citizens or legal aliens and present documentary evidence to prove their status in order to be eligible for Kansas's discretionary SCHIP.

Minnesota HF 3708 (Signed 4/10/2008)

This law enables licensing boards to grant medical licenses to individuals who fail to pass the U.S. Medical Licensing Examination within the preferred number of attempts but have current certification by a specialty board of the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada. It also exempts individuals applying for a physical therapy license from examination requirements if they hold licenses from at least three other states and one foreign country issued between 1980 and 1995.

South Dakota SB 51 (Signed 3/17/2008)

This legislation allows a psychologist licensed in Canada to practice in South Dakota for a maximum of six months while waiting for the licensing board to accept or deny his application. It also allows the Board of Examiners of Psychologists to issue licenses to individuals with doctorates from institutions recognized as members in good standing by the Association of Universities and Colleges of Canada.

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Utah SB 174 (Signed 3/17/2008)

This law requires that applicants for licensure as dentists and dental hygienists receive a doctorate or degree in dentistry, respectively, from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, disallowing degrees from dental schools outside the United States that previously qualified.

TO GOVERNOR

Hawaii SB 2542 (To Governor 4/25/2008)

Under this legislation, services provided by federally qualified health centers or rural health clinics to individuals not eligible for Medicaid benefits—which includes all unauthorized and some authorized immigrants—are not eligible for reimbursement. A federally qualified health center may apply for funding to modify its scope of services when the population it serves changes, for example, serving more migrant patients. It also appropriates \$1 million for the department of health to provide resources to community-based, non-profit health care providers for medical care of the uninsured.

Hawaii SB 2830 (To Governor 2/25/2008)

This legislation expands the Kapuna care program, which provides daily living assistance to individuals over sixty years of age, including legal aliens, to include emergency and short-term respite services and grants for home modifications and family caregivers.

New York SB 6026 (To Governor 6/24/2008)

The legislation provides that in order to be eligible for a restricted dental faculty license an applicant must be a United States citizen or an alien lawfully admitted for permanent residence in the United States.

New York SB 8276 (To Governor 6/24/2008)

This legislation relates to citizenship requirements to qualify for a license as a physician. It provides that the Board of Regents may grant a three year waiver and up to a six year extension for the holder of an H-1B visa or its equivalent or successor visa to comply with citizenship requirements for a physician's license.

HUMAN TRAFFICKING (4)

Four laws were enacted in four states: Arizona, Hawaii, New Mexico and Utah. One bill is pending Governor's approval in California.

These laws provide for penalties and definitions relating to human trafficking, human smuggling and extortion.

Arizona HB 2842 (Signed 5/7/2008)

The law expands the existing definition of smuggling of human beings to include the use of property (“drop houses”) by a person or an entity that knows that the person or persons transported or to be transported are not U.S. citizens, permanent resident aliens or persons otherwise lawfully in this state.

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Hawaii SB 2212 (Signed 6/6/2008)

This law includes the destruction, concealment, removal, confiscation, or possession of a passport or any other identification or immigrant document in the definition of extortion.

New Mexico SB 71 (Signed 2/22/2008)

The Act creates a new criminal offense known as a human trafficker, provides for penalties and establishes the Task Force to combat human traffickers.

Utah SB 339 (Signed 4/2/2008)

This bill criminalizes human trafficking and human smuggling. "Smuggling of human beings" means the transportation of persons by an actor who knows or has reason to know that the persons transported are not citizens of the United States or permanent resident aliens. The law provides for penalties.

TO GOVERNOR

California AB 499 (To Governor 6/30/2008)

This bill would, until January 1, 2012, authorize the District Attorney of Alameda County to create a pilot project addressing the needs and effective treatment of commercially sexually exploited minors.

ID / DRIVER'S LICENSES AND OTHER LICENSES (30)

Thirty laws were enacted in fifteen states: Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Idaho, Kentucky, Maine, Michigan, Mississippi, Oregon, Tennessee, Utah and Virginia. Two bills in Louisiana are pending Governor's approval. One bill in Georgia was vetoed.

These laws relate to documentation and eligibility requirements for driver's licenses (13 laws), professional license (11 laws) and firearm and hunting/fishing licenses (6 laws).

Identification/Drivers Licenses

Alaska SB 202 (Signed 5/28/2008)

This law puts a limit on certain state expenditures, noting that a state agency may not expend funds solely for the purpose of implementing requirements of the Real ID Act.

Connecticut HB 5658 (Signed 6/10/2008)

The law states that any person in possession of personal information, including alien registration numbers, of another person shall safeguard the data, computer files and documents containing the information from misuse by third parties.

Florida SB 1992 (Signed 6/17/2008)

This law requires all applicants for driver's licenses and identification cards to provide proof of identity, including a U.S. passport, an alien registration receipt card, an employment authorization card, all of which must be valid and unexpired, or a Consular Report of Birth Abroad provided by the U.S. State Department. Proof of nonimmigrant classification, for the purpose of proving

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identity, will include an unexpired foreign passport with an unexpired U.S. visa affixed, and accompanied by an approved I-94, beginning January 1, 2010. Applicants for driver's licenses must now provide proof of social security card number and of residential address satisfactory to the department.

Georgia SB 488 (Signed 5/14/2008)

This law allows non-citizens who are eligible for U.S. driver's licenses to keep their foreign licenses, except for persons who are required to terminate any previously issued identification card pursuant to federal law. This information will be kept on record through the Georgia Crime Information Center. This law adds verification of lawful presence to the requirements for obtaining a temporary license, permit, or special identification card, which will be valid only for the period of their authorized stay. If the Systematic Alien Verification for Entitlements (SAVE) program does not provide sufficient information to determine lawful presence, a verbal or e-mail confirmation of the legal status of the applicant from the Department of Homeland Security (DHS) will be necessary.

Idaho HB 366 (Signed 3/5/2008)

Under this law, applicants who are not lawfully in the U.S. shall not be issued driver's licenses. This law removes social security cards as a form of verification for licenses and identification cards; all Social Security Numbers will be verified through the Social Security Administration (SSA). Driver's licenses and identification cards issued to non-citizens or non-permanent residents will expire at the same time as their lawful stay in the United States. Persons whose DHS documents do not have an expiration date shall be issued a driver's license with an expiration date of one year from the date of issuance.

Idaho HB 606 (Signed 4/9/2008)

This law states the findings of the legislature that the Real ID Act will cause unneeded expense and inconvenience to the people of the state. It declares that the Idaho transportation board and the Idaho transportation department, including the motor vehicles division are directed not to implement the provisions of the Real ID Act. Idaho will continue to enhance the security of driver's licenses and identification cards. This act goes into effect July 1, 2008.

Maine HF 1669a (Signed 4/17/2008)

The Secretary of State may not issue a license or identification card to an applicant unless the applicant is legally present in the United States. A license or identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires when the applicant's visa expires. This law mandates participation in the SAVE Program by December 1, 2009. If the U.S. Congress repeals the Real ID Act, the Secretary of State shall submit proposed legislation to the joint standing committee of the legislature that returns Maine law regarding the issuance of driver's licenses and identification cards to what it was prior to the effective date of this Act.

Michigan HB 5535 (Signed 3/13/2008)

This law authorizes the Secretary of State to enter into a Memorandum of Understanding with any federal agency in order to issue an enhanced driver's license or official state personal identification card as proof of identity and citizenship. Enhanced driver's licenses or identification cards may be issued to an applicant who provides proof of their full legal name, U.S. citizenship, identity, date of birth, social security number, residence address, and a photographic identity document. The Secretary may enter into an agreement with the United Mexican States, Canada or a Canadian province for the purpose of implementing a border crossing initiative. Making false certification or

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statements while applying for an enhanced driver's license or identification card is a felony punishable by up to five years in prison, a fine up to \$5,000 or both.

Michigan SB 712 (Signed 3/13/2008)

Under this law, a non-citizen applicant for a chauffeur's or operator's license must supply a photographic identity document to verify their legal presence in the U.S. A person legally present in the United States includes a person with nonimmigrant status authorized under federal law, a person authorized by the U.S. government for employment, and a person with an approved immigrant visa or labor certification.

Oregon SB 1080a (Signed 2/15/2008)

Under this law, the Department of Transportation will require applicants to provide proof of legal presence in the United States and a social security number in order to obtain licenses and identification cards. If an applicant is ineligible for a social security number, the applicant must provide proof of ineligibility. If an applicant cannot provide the necessary documentation for a driver's license, permit, or identification card but can certify to being legally present, the applicant can be issued an applicant temporary driver permit or an applicant temporary identification card, valid for 90 days from the date issued. Limited term licenses, permits, or identification cards are only valid during the period of authorized legal status up to eight years and must indicate the expiration date.

Oregon HB 3624a (Signed 3/11/2008)

This law requires an annual report by the Department of Transportation for the Legislative Assembly describing the effects of implementation and fiscal impact of Chapter 1, Oregon Laws 2008 including changes in rates of unlicensed drivers and multiple passenger accidents relating to the transportation of laborers.

Tennessee SB 2907 (Signed 3/5/2008)

The law removes the one year minimum period of issuance for temporary license or photo identification license issued to persons legally admitted to United States for a limited stay and reiterates that the license is valid only during the period of time of the applicant's authorized stay.

Utah HB 26 (Signed 3/14/2008)

This legislation changes the definition of satisfactory evidence of identity as provided by an individual to a notary to exclude driver's licenses and specifies that the evidence of identity must be a valid item of personal identification issued by the U.S. government, any U.S. state, or a foreign government.

TO GOVERNOR

Louisiana HB 715 (To Governor 6/20/2008)

This law directs the Department of Public Safety and Corrections, including the office of motor vehicles, not to implement provisions of the Real ID Act, and to notify the Governor of any attempt of the DHS to implement such provisions.

VETOED

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Georgia HB 978 (Vetoed 5/14/2008)

This law mandates that when a driver without a license is found operating a motor vehicle, that vehicle shall be impounded and only released to a person with a valid license. Exceptions to this include a migrant farm worker working less than 90 days in a year with a valid driver's license issued by another state, a nonresident at least 16 years of age with a valid license in their home state or country, a nonresident on active duty in the U.S. Armed Forces with a valid license issued by their home state, such nonresident's spouse or dependent child who has a valid license issued by their home state, and any person driving or operating a farm tractor or farm implement temporarily on a highway for the purpose of conducting farm business. Any restrictions which would apply to a Georgia driver's license as a matter of law would apply to the privilege afforded to out-of-state licenses.

Professional Licenses

Alabama SB 161 (Signed 4/1/2008)

Under this law, a license from the Real Estate Appraisers Board shall be issued only to U.S. citizens, aliens with permanent resident status, legal presence, or a nonresident who agrees to sign an affidavit.

Alabama SB 164 (Signed 4/10/2008)

Applicants for a license from the Board of Massage Therapy must be a U.S. citizen, or a person who is legally present in the U.S. and has supporting documentation from the federal government.

Alabama SB 170 (Signed 4/10/2008)

This law requires the Alabama State Board of Public Accountancy only to grant a license or permit to a U.S. citizen, a person who is legally present in the U.S. with documentation from the federal government, or a person who has duly declared their intent to become a citizen.

Alabama SB 172 (Signed 4/8/2008)

Under this law, applicants for a funeral director's position within the Alabama Board of Funeral Service must be U.S. citizens or legally present in the U.S. The board may revoke any certificate or registration granted to a person who failed to become a U.S. citizen within six years of certification or registration.

Alabama SB 181 (Signed 4/1/2008)

This law states that in order to obtain a license from the State Board of Auctioneers, an applicant must be a U.S. citizen or be legally present in the U.S.

Alabama SB 183 (Signed 4/10/2008)

This law mandates that an applicant for licensure under the Real Estate Commission must be a U.S. citizen, a person who is legally present in the U.S. with documentation from the federal government, or an alien with permanent resident status.

Alabama SB 187 (Signed 4/10/2008)

This law mandates that an applicant for licensure under the Board of Examiners of Assisted Living Administrators must be a U.S. citizen or a person who is legally present in the U.S. with appropriate documentation from the federal government.

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Alabama SB 201 (Signed 4/10/2008)

This law states that an applicant for licensure under the Board of Examiners of Mine Personnel must be a citizen of the state and the United States or have legal presence with appropriate documentation from the federal government.

Florida SB 2012 (Signed 6/23/2008)

This legislation establishes that one must be a U.S. citizen or legal alien who possesses work authorization from USCIS and is a resident of Florida to be qualified for a public adjuster apprentice license.

Mississippi SB 2422 (Signed 4/21/2008)

This law states that licensed professional counselors must be residents, pay income tax in Mississippi, or have an immigration document to verify legal alien work status issued by the USCIS. First time applicants must apply to the Department of Public Safety for a state and national background check.

Tennessee HB 2954 (Signed 5/1/2008)

This law requires that a person be a U.S. citizen or legal permanent resident to hold the office of notary public.

To Governor

Louisiana HB 605 (To Governor 6/18/2008)

This law mandates that under the Louisiana Trust Code, the trustee of a charitable trust must be a U.S. citizen or a resident alien.

Firearms and Hunting/Fishing Licenses:

Arizona HB 2486 (Signed 3/21/2008)

This law states that an undocumented alien or a nonimmigrant traveling with or without documentation is a prohibited possessor of a deadly weapon. This does not include nonimmigrant aliens with valid hunting licenses or those who enter to participate in hunting trade shows, competitive shooting events, or have received a waiver from the U.S. Attorney General.

Florida SB 948 (Signed 6/10/2008)

Under this law, the Department of Agriculture and Consumer Services may only issue licenses to carry concealed weapons or firearms to U.S. citizens or permanent resident aliens as determined by the United States Citizenship and Immigration Services (USCIS).

Kentucky HB 639 (Signed 4/14/2008)

This law states that prior to issuing an original or renewal license to carry a concealed deadly weapon, the Department of the Kentucky State Police will conduct a background check to determine eligibility. The application for a license will require the citizenship and social security number of the applicant, and an alien registration number, a visa number, or a passport number to determine immigration status and eligibility. An applicant who is not a citizen and has been lawfully admitted must present their Permanent Resident Card I-551 or other U.S. government issued evidence of admission and residency.

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Maine SB 776 (Signed 4/18/2008)

Under this law, residency is defined for the purpose of obtaining a hunting and fishing license. A resident is defined as a U.S. citizen or alien who has lived in Maine for one year, is in compliance with state income taxes, possesses or has applied for a Maine driver's license, is registered to vote in Maine if registered at all, and has registered all vehicles with the state. A full time student is considered a resident if he or she satisfies all these requirements.

Virginia HB 1414 (Signed 3/27/2008)

Under this legislation, the county or city circuit court must revoke the concealed handgun permit of any person convicted of an offense that would disqualify the person from obtaining a permit. This would include aliens whose legal permanent resident status has changed.

Virginia SB 382 (Signed 3/5/2008)

This legislation makes selling, giving, or otherwise providing a firearm to someone who is not lawfully present in the United States, or possessing firearms with the intention to do any of the above, a class 6 felony, except under limited special circumstances.

LAW ENFORCEMENT (10)

Ten laws were enacted in eight states: Alabama, Colorado, Georgia, Hawaii, Mississippi, Tennessee, Utah and Virginia. One bill in Arizona was vetoed by the Governor.

These laws generally deal with immigrant detention processes, bail determinations and law enforcement officer responsibilities.

Alabama HB 28 (Signed 5/1/2008)

This law makes holding federal wards in state or local juvenile detention facilities for longer than 24 hours for the purpose of returning them to their countries of citizenship a violation of the deinstitutionalization of status offender requirement.

Colorado HB 1348 (Signed 5/1/2008)

This law authorizes officers of the Federal Protective Service of the Immigration and Customs Enforcement (ICE) to serve as peace officers. It grants ICE officers recognition as federal law enforcement officers who are empowered to make arrests for violations of the U.S. Code and are authorized to carry a firearm and use deadly force in performing their duties. It clarifies that after making an arrest under the authority of this law, an ICE officer must transfer custody of the arrested individual to a Colorado peace officer.

Colorado SB 134 (Signed 5/20/2008)

Under this law, 50 percent of bonds and fees recovered from persons illegally in the country who are charged with felonies or class 1 or 2 misdemeanors will be credited to the county jail assistance fund; the other 50 percent will be given to the capital construction fund.

Georgia SB 350 (Signed 5/14/2008)

This law adds that for persons convicted of driving without a license, in addition to any person charged with a felony or with driving under the influence who is confined in jail, a reasonable effort should be made to determine nationality.

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Hawaii HB 3040 (Signed 5/16/2008)

This law requires each covered sex offender and offender against a minor to register with a signed statement that includes passports or documents establishing immigration status if the covered offender is an alien and a statement indicating whether the covered offender is a U.S. citizen. A digitized copy of an offender's passport or documentation of immigration status will be included in the registry.

Mississippi SB 3124 (Signed 5/10/2008)

This legislation makes appropriations for the Department of Public Safety for FY 2009, including \$1 million for the DHS with authorization to increase both funds and number of positions if any additional funding is received. Cost study: The Department of Public Safety will also submit a cost study report to the Legislature on state enforcement of federal immigration laws by December 31, 2008.

Tennessee HB 4001 (Signed 5/19/2008)

This law bars any law enforcement office from using racial profiling, defined as detention or disparate treatment of an individual on the basis of their actual or perceived race, color, ethnicity, or national origin. People who believe they were subjected to a motor vehicle stop resulting from racial profiling can file a report in electronic format through the Attorney General's office. A person aggrieved by violation of this law may file a lawsuit.

Utah HB 492 (Signed 3/18/2008)

This law requires sex offenders to provide the department or registry with all documents, telephone numbers, internet identifiers, and professional licenses establishing their immigrant status if the offender is an alien. Nonresident offenders are required to register as offenders in the state if the offender is in Utah for ten or more days during the year.

Virginia HB 440/SB 623 (Signed 3/8/2008)

This law creates a rebuttable presumption against bail for any person who is determined to be present illegally in the United States and who is charged with any of the following offenses: any violent crime including any murder or assault, any felony drug offense and any firearm offense. The presumption only applies if ICE agrees to issue a detainer for removal of the detainee and agrees to pay for the cost of incarceration after issuance of the detainer.

Virginia HB 820/SB 609 (Signed 3/3/2008)

This law requires an officer in charge of a jail or correctional facility to inquire the immigration status of a person with ICE. The facility officer shall communicate the results of this immigration alien query to the State Compensation Board which shall communicate on a monthly basis the results of any query confirming that a person is illegally present in the United States to the Virginia Central Criminal Records Exchange.

Vetoed (1)

Arizona HB 2807 (Vetoed 4/28/2008)

This bill states that officials, agencies, or cities will not be prohibited from sending or receiving information regarding immigration status of any individual for the purpose of determining public benefit eligibility, confirming an identity of a person who was arrested, or verifying a claim of legal

NCSL Immigrant Policy Project

domicile. County sheriffs and police officers will be trained by a federal entity as peace officers to coordinate with ICE to implement these provisions.

LEGAL SERVICES (2)

Two laws were enacted in two states: Georgia and Wisconsin.

Georgia HB 1055 (Signed 5/14/2008)

This law expands the regulations regarding private immigration assistance providers.

Wisconsin AB 468 (Signed 3/19/2008)

The law mandates that a notary public may not state or imply that he or she is an attorney licensed to practice law in this state and may not solicit or accept compensation to prepare documents for or otherwise represent the interests of another person in a proceeding relating to immigration to the United States or U.S. citizenship. The law also provides for fines.

MISCELLANEOUS (28)

Twenty-eight laws were enacted in seventeen states: Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Maine, Maryland, Missouri, Nebraska, New Mexico, New York, Ohio, Utah, Virginia and Washington. Four bills are pending Governor's approval: three in Illinois and one in New Jersey.

These laws provide for immigration related commissions and studies. This section also includes budget and appropriation laws referring to non-citizens.

Connecticut HB 5321 (Signed 6/12/2008)

The Act establishes an Asian Pacific American Affairs Commission to work in consultation with state agencies to develop programs that address issues as they affect the Asian Pacific American community, including access to health care, housing, job training, access to the legal system, mental health and addiction services, economic development, workplace justice and equality, immigration, education and English language instruction.

Delaware SB 225 (Signed 4/24/2008)

The law authorizes the Family Court to allow Rama Bah to adopt Raghiatou Bah. Rama is a citizen of Guinea and has a valid green card, having come to the United States seeking political asylum. Because Raghiatou is not her biological child, she has not been able to secure a green card for her, as she has for her other children, because the USCIS requires DNA samples to prove relationship for immigration purposes. For Raghiatou to benefit from Rama's favorable immigration status, she must be adopted before her 16th birthday, which is June 14, 2008.

Indiana HB 1125 (Signed 3/24/2008)

The Act requires that the estimated tax for a nonresident alien (as defined in the Internal Revenue Code) must be computed by applying not more than one exclusion on the taxpayer's final return for the taxable year. Effective January 1, 2009.

NCSL Immigrant Policy Project

Maryland HB 1602 (Signed 5/13/2008)

The law establishes a commission to study the impact of immigrants in Maryland.

Nebraska LB 92 (Signed 2/7/2008)

The Act relates to foreign national minors and changes references to “dual citizenship” into “multiple nationalities”.

Ohio HB 562 (Signed 6/18/2008)

The law expands the existing Hispanic-Latino affairs commission by two ex officio, nonvoting members who are members of the general assembly. The Speaker and President shall make their appointments so that the initial ex officio members begin their terms October 7, 2008.

Utah HB 262 (Signed 4/2/2008)

The law instructs the office of legislative research to conduct a study of state remedies to recover any money owing from the federal government to the state for the reimbursement of costs incurred from illegal immigration. On or before November 1, 2008, the office is asked to file a written report that details the findings.

Washington HB 2815 (Signed 3/14/2008)

The law requires the department of ecology to establish goals to reduce annual per capita vehicle miles. Prior to implementation of the goals the department, in consultation with several stakeholders, shall provide a report on the anticipated impacts of the goals, specifically the impacts on the migrant farm worker community.

TO GOVERNOR

Illinois HB 4368 (To Governor 6/18/2008)

The Act would establish the commission on the elimination of poverty. According to the law, one member must be a representative of an organization that advocates for immigrants.

New Jersey AB 2869 (To Governor 6/23/2008)

The law would provide for the Ellis Island Institute, which is intended, among other things, to focus on immigration, world migration, public health, cultural and ethnic diversity, and family history.

Budgets and Appropriations

Colorado HB 1285 (Signed 3/17/2008)

This law appropriates funds to the Department of Health Care Policy and Financing. It appropriates \$47million for medical service premiums for non-citizens, and \$3,000 for SAVE.

Colorado HB 1287 (Signed 3/17/2008)

This law appropriates \$37.2 million to the Department of Human Services Office of Operations, of which \$71,000 shall be from the U.S. Department of Health and Human Services Office of Refugee Resettlement. It appropriates \$3.9 million to special purpose welfare programs to refugee assistance. It appropriates \$49.8 million to SAVE.

NCSL Immigrant Policy Project

Colorado HB 1375 (Signed 3/17/2008)

This law appropriates \$97.3 million for payments to in-state private prisons, from which \$2.4 million shall be from reserves in the State Criminal Alien Assistance Program Cash Fund. It appropriates \$53,000 for SAVE, \$4 million for refugee assistance, \$1.2 million for Peace Officers standards and training board support, and provides funds for English Language Proficiency Programs and the Department of Health Care Policy and Financing for services for non-citizens.

Florida SB 2102 (Signed 4/21/2008)

This bill mandates that the Agency for Health Care Administration oversees the Refugee Assistance Trust Fund, which uses federal grant funds under the Refugee Resettlement Program and the Cuban/Haitian Entrant Program to provide medical assistance to eligible individuals.

Florida SB 2116 (Signed 4/21/2008)

This law terminates the Refugee Assistance Trust Fund within the Department of Children and Family Services.

Georgia HB 989 (Signed 3/21/2008)

This law appropriates funds for refugee assistance and provides for the continuation of funds to adult essential health treatment services, which includes services for refugees. It creates a local assistance grant providing \$30,000 for the Hall County Board of Education to assist in the development of an English Language Literacy Lab. It increases funds for the English Language Learners Exam.

Georgia HB 990 (Signed 5/14/2008)

This law appropriates funds for refugee assistance, the English Language Learners Assessment, and adult essential health treatment services.

Iowa HB 2699 (Signed 5/13/2008)

This law appropriates \$12.4 million for the operation of field offices, the workforce development board, and new centers to offer services to deal with issues related to immigration and employment. It appropriates \$500,000 for Integrated Basic Education and Skills Training (I-Best) which provides English language services in community colleges.

Maine HB 1651 (Signed 3/21/2008)

This law reduces funds for purchased social services, which include refugee services. It reduces funding for state-administered food stamps to legally-admitted aliens who are no longer eligible for federal food stamps.

Maryland SB 90 (Signed 4/5/2008)

This law appropriates \$75,000 for the Russian Immigrants Program, \$35,000 within the Governor's Office for Children for citizenship law-related education, and appropriates funds for the limited English proficient general fund.

Missouri HB 2002 (Signed 6/27/2008)

This legislation appropriates \$800,000 to the Department of Elementary and Secondary Education for the Refugee Children School Impact Grants.

NCSL Immigrant Policy Project

Missouri HB 2010 (Signed 6/27/2008)

This appropriations bill allocates \$200,000 for providing naturalization assistance to refugees and legal immigrants who have lived in Missouri for more than five years and need special assistance in completing the requirements for citizenship.

New Mexico HB 2 (Signed 2/12/2008)

This budget appropriates \$566,600 to the border authority for the border development program, with provisions to request budget increases up to \$25,000 from other state funds for FY 2009, and \$558.7 million for the Mexican affairs program to support trade with and relocating businesses to Mexico, including \$60,000 for border area economic development.

New Mexico SB 352 (Signed 3/3/2008)

This legislation recalls the unexpended balance of a previous appropriation for a center to assist immigrants in gaining U.S. citizenship and appropriates it to build an opera rehearsal hall.

New York SB 6800 (Signed 4/23/2008)

This legislation appropriates \$34 million for services and expenses associated with incarceration of illegal aliens. It also includes \$32.5 million for services and expenses associated with incarceration of illegal aliens for the period from October 1, 2006, to September 30, 2006.

New York SB 6803 (Signed 4/23/2008)

This legislation appropriates funds, including \$126 million for administration of federal grants in connection with federal law, including title III language instruction for limited English proficient and immigrant students. The legislation provides \$2.4 million for services related to programs to assist non-citizens in attaining citizenship status and \$25 million for enhanced services to refugees, asylees, victims of human trafficking and their family members, and other immigrant populations eligible for refugee services, including case management, ESL, job training and placement assistance, and post-employment services.

New York SB 6804 (Signed 4/23/2008)

This legislation includes a suballocation for migrant worker services. It also provides \$430,000 for services and expenses to community health centers to provide care to migrant and seasonal farmworkers and their families, among others.

New York SB 6809 (Signed 4/23/2008)

The legislation extends the current proportional distribution of community services block grant funds for migrant and seasonal farm worker organizations for FY 2009.

Utah HB 3 (Signed 3/20/2008)

This law appropriates an additional total of \$1,601,700 to implement the provisions of SB 81, an omnibus bill relating to immigration issues, for FY 2009.

Virginia HB 30 (Signed 5/9/2008)

This legislation directs the Department of Social Services to develop a multi-lingual outreach program to ensure access to food stamps for qualified aliens who are U.S. citizens, to minimize the procedural burden on qualified aliens, and to provide that the eligibility of a qualified alien for Temporary Assistance for Needy Families (TANF) and social services will be determined without regard to immigration status to the extent possible. The legislation appropriates \$300,000 over two

NCSL Immigrant Policy Project

years to train law enforcement in immigration law, policy, and the Spanish language. The legislation provides for a shorter certification period for food stamps for households containing migrants. It prohibits the Virginia State Bar and the Legal Service Corporation of Virginia from using funds provided in the act to file lawsuits on behalf of aliens present in the United States in violation of the law. The legislation provides that payments received pursuant to the State Criminal Alien Assistance Program for housing illegal aliens, estimated at \$2 million over two years, will be deposited directly into the general fund.

TO GOVERNOR

Illinois HB 5701 (To Governor 6/30/2008)

This appropriations bill allocates \$802 million in income assistance and related purposes to the Department of Human Services, including \$1.6 million for refugees, \$5.2 million for expenses associated with Immigration Integration Services, and \$5.2 million for Immigrant Services. The legislation appropriates \$3.1 million for grants associated with migrant child care services, \$10.5 million for refugee resettlement purchase of service from the Assistance to the Homeless Fund, and \$2 million to the State Board of Education for refugee services.

Illinois SB 1102 (To Governor 6/30/2008)

This legislation appropriates grants to assist Community and Migrant Health Centers to expand service capacity and develop additional sites.

OMNIBUS / MULTI-ISSUE LEGISLATION (2)

Two laws were enacted in South Carolina and Utah. One measure is pending Governor's approval in Missouri.

South Carolina HB 4400 (Signed 6/4/2008)

The Illegal Immigration Reform Act relates to employment, law enforcement, public benefits, ID/ licenses, legal services and education.

Employment: The Act requires public employers and public contractors to register and participate in the federal work authorization program E-Verify to verify all new employees. All public employers, private employers with more than 100 employees and public contractors with more than 500 employees must comply with the law's provisions on or after January 1, 2009; contractors with more than 100 employees on July 1, 2009; and all other contractors on January 1, 2010. The penalty for knowingly hiring unauthorized immigrants is a felony and punishable with up to five years in prison. The law provides for a private cause of action for an authorized employee, if he or she is discharged and replaced with an unauthorized employee. A business expense deduction for an unauthorized worker is disallowed and the law mandates withholding of seven percent income tax, if the employee does not provide a SSN or ITIN. **Law enforcement:** The law requires a Memorandum of Understanding (MOU) with DHS or DOJ, regarding the enforcement of federal immigration laws. The act establishes an immigration violation hotline. It makes it a felony to harbor, transport or conceal unauthorized aliens. It requires jail officers to determine the nationality and immigration status of prisoners by using DHS' Law Enforcement Support Center. The law considers immigration status a variable when courts determine the conditions of release. **Public benefits:** The law mandates lawful presence in order to receive public benefits and provides for exceptions, such as emergency

NCSL Immigrant Policy Project

health and disaster relief services, immunizations, prenatal care and domestic violence. Immigrant applicants have to submit an affidavit of their lawful presence, which will be subsequently verified through the federal SAVE program. **ID/ licenses:** The laws makes it unlawful for an unauthorized immigrant to own firearms and prohibits the sale to such immigrants. The law also addresses identity theft and fraud and provides for penalties. **Legal services:** The law defines immigration assistance services and limits provision of legal immigration services to licensed attorneys and institutions. **Education:** Unlawfully present aliens are not eligible to attend a public institution of higher learning and do not qualify for higher education benefits such as resident tuition, scholarships or loans. **Miscellaneous:** The Act establishes a minority commission. The Act is effective immediately.

Utah SB 81 (Signed 3/13/2008)

This law addresses law enforcement, ID/licenses, employment and public benefits. The law takes effect on July 1, 2009.

Law enforcement: The law requires the attorney general to negotiate a Memorandum of Understanding with DHS for the enforcement of federal immigration law by state and local law enforcement personnel. Local governments may not prohibit a law enforcement officer from cooperating or communicating with federal officials regarding the immigration status of a person. The law makes it a class A misdemeanor for a person to transport, conceal, harbor or shelter unauthorized immigrants, knowing or in reckless disregard that the alien is in the United States in violation of federal law. County sheriffs must make a reasonable effort to verify immigration status of confined foreign nationals. **ID/licenses:** The Alcoholic Beverage Control Commission may not grant a restaurant liquor license to a person not lawfully present in the United States. The law requires IDs to be issued only to US citizens, nationals or legal permanent residents with certain exceptions. **Employment:** The law requires public employers, public contractors and subcontractors to use the federal work authorization program. It is unlawful to discharge a lawful employee while retaining an unauthorized alien in the same job category. **Public benefits:** It requires a state agencies to verify lawful presence of public benefit applicants through SAVE and provides for exceptions.

TO GOVERNOR

Missouri HB1549 (To Governor 5/29/2008)

This law addresses law enforcement, public benefits, employment, and ID/licenses.

Law enforcement: The law requires state highway patrol to be trained in accordance with a memorandum of understanding with DHS to enforce federal immigration law. It prohibits sanctuary policies. It is unlawful to knowingly transport any illegal alien for the purposes of drug trafficking, prostitution, or employment and establishes a felony with penalties of one year imprisonment and/or \$1,000. The arresting agency shall verify immigration status of those confined to jail through the Law Enforcement Support Center, and notify DHS of any who are present unlawfully. Unlawful status will be considered when judging release on bail.

Public benefits: The law prohibits immigrants unlawfully present from receiving state or local public benefits, with the exceptions provided under 8 USC 1621(b). This does not prohibit emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance or legal assistance. It requires proof of lawful status for those over 18. Lawful presence must be verified by the federal government. **Employment:** No employer shall knowingly employ an unauthorized alien. Any public contractor or subcontractor must, by sworn affidavit, affirm its enrollment and participation in a federal work authorization program. All public employers must

NCSL Immigrant Policy Project

enroll and participate in a federal work authorization program. If a court finds that a business knowingly employed someone not authorized to work, the company's business permit and licenses shall be suspended for 14 days. Upon the first violation, the state may terminate contracts and bar the company from doing business with the state for 3 years. Upon the second violation, the state may permanently debar the company from doing business with the state. Compensation shall not be allowed as a business expense deduction for unauthorized aliens. **ID/driver's licenses:** The law prohibits the Department of Revenue from issuing driver's licenses to illegal aliens or any person who cannot prove lawful presence in the U.S. It create a class A misdemeanor for fraudulent applications for driver's licenses.

PUBLIC BENEFITS (4)

Four laws were enacted in four states: Colorado, Iowa, Minnesota and Utah. One bill was vetoed in Florida.

These laws relate to immigrant eligibility requirements for benefits and the provision of services to immigrants.

Colorado SB 177 (Signed 6/2/2008)

This legislation addresses the Colorado Works Program, Colorado's TANF program. The law redefines "qualified alien" to refer directly to the definition used by the state board that conforms with the definition set out in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Under this legislation, the state department of human services is no longer explicitly required to report the citizenship status of members of families participating in the Colorado Works Program. The statute requiring the state department to report names and addresses of unlawful aliens to INS, except those who only receive benefits from Medicaid, is also repealed.

Iowa SF 2430 (Signed 4/29/2008)

This legislation provides for the creation of an individual development account program for low-income refugees, subject to available funding. To assist in addressing the special needs of refugee families, the state would match deposits in those accounts up to \$2,000. The law also provides \$475,000 in grants for community micro-enterprise development organizations that serve underserved and low- to moderate-income individuals.

Minnesota HF 3376 (Signed 5/23/2008)

Under this legislation, asylees, in addition to refugees, who have been in the U.S. for less than one year before applying are barred from being eligible for the diversionary work program, which is part of Minnesota's TANF program. The legislation also establishes the Interstate Compact for the Placement of Children, which excludes children entering the United States for the purpose of adoption from its jurisdiction. Additionally, the courts will also ensure that children exiting the foster care system have assistance in obtaining the documents necessary to live on their own, including green cards and school visas.

Utah HB 336 (Signed 3/17/2008)

This legislation creates the Refugee Services Fund, which will provide grants to refugee organizations that help meet the employment, language, education, health care, and other needs of refugees, and

NCSL Immigrant Policy Project

will encourage refugees who receive services to become donors to the fund once their financial situations improve.

Vetoed (1)

Florida HB 1193 (Vetoed 6/25/08)

This legislation would have provided for the development of a plan to implement a statewide electronic benefits transfer program for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The program was structured to enable an individual who receives an electronic benefit transfer card for food stamp benefits and temporary assistance payments—including refugee cash assistance payments and asylum applicant payments—to also use that card for WIC benefits.

VOTING (1)

One law was enacted in Virginia.

Virginia HB 1185 (Signed 3/26/2008)

The Act requires the general registrar to notify all persons found not to be U.S. citizens prior to canceling their registrations. The notice shall allow the person to submit a sworn statement that he or she is a U.S. citizen within 14 days of the date that the notice was mailed.

RESOLUTIONS (57)

57 resolutions and memorials were adopted in nineteen states: Alabama, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Michigan, New Jersey, New Mexico, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington and Wisconsin.

These resolutions and memorials generally request Congressional or presidential action and honor immigrants or institutions for their contributions.

Alabama HR 413 (4/8/2008)

This resolution requests the Governor and the Department of Corrections to identify incarcerated illegal immigrants and take necessary action to facilitate their prompt deportation by December 31, 2009.

Alabama HR 537 (4/15/2008)

This resolution salutes the 2008 Madison County Volunteer Income Tax Assistance staff of Huntsville for their services benefiting, among others, legal immigrants.

Alabama SJR 38 (5/6/2008)

This resolution urges the President of the United States and Congress to develop a comprehensive guest worker program, ensure that federal benefits are delivered to qualified applicants, allocate adequate resources to the U.S. DHS to secure the borders and ensure that the current E-Verify system is fully functional.

NCSL Immigrant Policy Project

Alabama SJR 39 (5/8/2008)

This resolution urges the Governor to look into reimbursable expenses from the federal government pertaining to illegal immigration; establish a task force to look at abuses in public medical services and to propose recommendations; expand the current 287(g) program to serve target areas where the illegal immigrant population has caused issues with public health services, public education and in the community in general; train law enforcement to identify a suspect's resident status during processing; require the Department of Industrial Relations to check employee names against mismatches of social security numbers; require the Alabama Development Office, the Alabama Department of Economic and Community Affairs, and AIDT to help businesses recruit legal workers and study and seek to implement a reliable employment/pre-employment verification system.

California ACR 86 (1/29/2008)

This resolution proclaims January 13, 2008 as Korean-American Day.

California ACR 121 (5/12/2008)

This resolution designates that the week of April 20 to 26, 2008 be deemed the "National Multicultural Cancer Awareness Week." This resolution encourages the federal, private, and state sectors to promote policies in order to reduce cancer disparities.

California ACR 135 (5/28/2008)

This resolution commends Asian and Pacific Islander Americans for their accomplishments and service to the state, and recognizes the month of May 2008 as Asian and Pacific Islander Heritage Month.

California SCR 93 (6/4/2008)

This resolution declares 2008 as the William Saroyan Year to celebrate over 100 years of the cultural contribution of Armenian Americans to the state.

California SCR 110 (5/28/2008)

This resolution deems the week of April 23 to 30, 2008, as Black April Memorial Week. This week is to remember the Vietnam War era, especially the plight of Vietnamese refugees and their settlement in California.

Florida H 9023 (3/12/2008)

This resolution recognizes September 2008 as Nicaraguan-American Heritage month celebrating the historical and cultural contributions of Nicaraguan-Americans.

Florida S 2244 (3/13/2008)

This resolution recognizes Sheriff Don Hunter and the Collier County Sheriff's Office for completing the ICE cross-training program to improve immigration enforcement in Florida.

Georgia HR 1493 (2/29/2008)

This resolution proclaims the week of February 17-23, 2008 as the League of United Latin American Citizens in Georgia week.

NCSL Immigrant Policy Project

Hawaii HR 19 (3/27/2008)

This resolution urges Congress to enact legislation to exempt children of Filipino World War II veterans from immigrant visa limits.

Hawaii HR 59 (4/10/2008)

This resolution requests the Board of Land and Natural Resources to assist the Pacific Gateway Center to find an appropriate location to lease for the development of the Ke'Ehi Community Resource Center.

Hawaii HR 71 (3/27/2008)

This resolution urges the President of the United States and the U.S. Congress to enact legislation to confer priority status to children born to Department of Defense personnel and foreign women for up to the nine months after deployment, in order to expedite the immigration of these children and women to the United States.

Hawaii HR 86 (4/15/2008)

This resolution urges the President, the Secretary of State, and the Secretary of Homeland Security to include the Republic of Korea in the Visa Waiver program.

Hawaii HR 154 (4/11/2008)

This resolution urges the U.S. Congress to amend the definition of "Amerasians" in the Amerasians Immigration Act of 1982 to include the Philippines in the list of Asian countries where children fathered by U.S. citizens between 1950 and October 22, 1982, may be eligible for preferential admissions treatment.

Hawaii HR 321 (3/24/2008)

This resolution commemorates the Filipino service men and women in the U.S. Army Reserve on the occasion of the 100th anniversary of the U.S. Army Reserve.

Hawaii SCR 52 (4/23/2008)

This resolution requests the Department of Business, Economic Development, and Tourism to work with the Secretary of Homeland Security to expand the Visa Waiver Program to include Taiwan on the visa waiver list.

Hawaii SCR 118 (4/21/2008)

This resolution convenes a working group within the Department of Education (DOE) to improve communication and transparency regarding their budget and data collection systems, and to develop recommendations to increase public understanding of DOE programs. This resolution recognizes that Hawaii's public schools are increasingly taking on the responsibility of educating students, especially new immigrants, who have language and cultural challenges.

Hawaii SCR 120 (4/21/2008)

This resolution requests that the University of Hawaii and the DOE develop and expand Philippine Language courses and teacher training workshops, recognizing that Hawaii has the fourth highest percentage of immigrants in the country and 48 per cent of these foreign-born residents are from the Philippines.

NCSL Immigrant Policy Project

Hawaii SR 26 (3/7/2008)

This resolution urges the Department of Business, Economic Development, and Tourism to implement programs to increase visitors from Taiwan as well as create a list of Hawaii-made products appropriate for export to Taiwan. It urges USCIS and DHS to add Taiwan to the list of visa waivers.

Hawaii SR 44 (3/31/2008)

This resolution requests the Department of Health and the Hawaii Public Housing Authority to determine whether TB screenings are appropriate prerequisites for persons, especially migrants from Compacts of Free Association States, entering public housing.

Idaho SJM 111 (3/27/2008)

This memorial urges the President and Congress to resolve the immigration crisis by securing the national borders, stopping illegal immigration, stop providing incentives for illegal immigration, and to immediately implement a guest worker program that mandates guest-workers apply for work visas and comply with enforcement standards.

Illinois HR 1025 (2/26/2008)

This resolution congratulates the staff of the newspaper *Dziennik Zwiazkowy* on the occasion of the newspaper's 100th anniversary, specifically congratulating for outreach to new generations of Polish immigrants and their families.

Illinois SR 589 (5/28/2008)

This resolution honors the life and legacy of Caesar Chavez including his advocacy for the rights of migrant workers.

Indiana HR 71 (3/10/2008)

This resolution recognizes the contributions of Saint Mary's Catholic Church and its record of serving a diverse population, initially responding to the needs of German immigrants, and more recently to those of Hispanic backgrounds.

Michigan HR 246 (1/16/2008)

This resolution commemorates January 13, 2008 as Korean American Day in the state of Michigan.

Michigan HR 382 (5/28/2008)

This resolution commemorates May 28, 2008 as Border Patrol Agents Day in the state of Michigan.

New Jersey AJR 79 (4/9/2008)

This resolution designates the month of April of each year as "Jewish Heritage Month."

New Mexico HM 50 (2/8/2008)

This memorial urges the state to ensure that barriers and fencing on the border between Mexico and the United States adequately prevent ingress and egress of livestock.

New Mexico HM 60 (2/9/2008)

This memorial requests the New Mexico health policy commission to convene a task force to study hospital funding and options for securing additional funding for uncompensated indigent patient care, and states that increased federal assistance in funding hospitals would also relieve the

NCSL Immigrant Policy Project

disproportionate burden that New Mexico hospitals bear in providing care to illegal aliens by virtue of being a border state.

Pennsylvania HR 638 (3/17/2008)

This resolution declares March 2008 to be Irish Heritage Month.

Pennsylvania HR 775 (6/9/2008)

This resolution designates July 22, 2008 as the National Lao-Hmong Recognition Day.

Pennsylvania SR 249 (3/10/2008)

This resolution declares March 2008 to be Irish Heritage Month.

Rhode Island H 8061 (3/18/2008)

This resolution commemorates the celebration of the Feast of Saint Patrick, Patron Saint of Ireland.

Rhode Island H 8062 (3/18/2008)

This resolution commemorates the celebration of the Feast of Saint Joseph and recognizes that Italian immigrants to Rhode Island helped form the cultural foundation of the state.

Rhode Island H 8065 (3/19/2008)

This resolution extends congratulations to individuals' dedicated service to educate immigrants and refugees to become self reliant invested individuals.

Rhode Island S 2768 (2/27/2008)

This resolution commemorates the 164th Anniversary of Dominican Republic Independence on February 27, 2008, and recognizes the contributions that Dominicans have made to the state and the United States.

Rhode Island S 2787 (3/26/2008)

This resolution urges the U.S. Congress and the Congressional Committees on Veterans Affairs to expedite citizenship applications for veterans and members of the armed services.

Rhode Island S 2876 (3/18/2008)

This resolution commemorates the celebration of the Feast of Saint Patrick, Patron Saint of Ireland.

Rhode Island S 2877 (3/18/2008)

This resolution commemorates the celebration of the Feast of Saint Joseph and recognizes that Italian immigrants to Rhode Island helped form the cultural foundation of the state.

South Carolina H 4822 (3/6/2008)

This House resolution requests that Mark Sanford, Governor of South Carolina, apply for an extension of the deadline to comply with the Real ID Act before the March 31, 2008, deadline, to allow South Carolina time to analyze the impact of the Real ID Act but will not require South Carolina to declare its intent to comply with this Act. This will allow the state's current credentials to be accepted by the federal government and DHS during the extension period.

NCSL Immigrant Policy Project

South Carolina H 4823 (3/20/2008)

This concurrent resolution adopted by the Senate requests Mark Sanford, Governor of South Carolina, to apply for an extension of the deadline to comply with the Real ID Act before the March 31, 2008 deadline, to allow South Carolina time to analyze the impact of the Real ID Act but will not require South Carolina to declare its intent to comply with this act.

South Dakota HCR 1009 (2/26/2008)

This resolution urges the federal government to provide full funding so that when local law enforcement officers who contact ICE regarding a person suspected of committing a crime in the state and who is determined by ICE as illegal, that person may be detained or deported.

South Dakota SC 1 (1/16/2008)

This resolution congratulates all South Dakotans of Czech ancestry and supports the sixtieth annual Czech Days celebration on June 19 - 21, 2008.

South Dakota SC 24 (2/29/2008)

This resolution congratulates the people of Freeman, South Dakota, for their traditional Schmeckfest celebrating the rich cultural heritage that German immigrants transported from their homeland to South Dakota.

South Dakota SCR 7 (2/22/2008)

This resolution petitions the U.S. Congress to repeal the Real ID Act.

Utah SJR 11 (3/5/2008)

This resolution gives the Legislative Management Committee items of study it may assign to interim committees during the 2008 legislative interim, including the study of legal standing for children and illegal immigrants, illegal immigrant crime statistics, and immigration.

Utah SR 3 (2/22/2008)

This resolution urges the U.S. Congress to pass legislation to resolve the illegal immigration crisis by addressing border security, stopping illegal immigration, rejecting amnesty for illegal immigrants, ceasing any agreement leading to an open borders North American Union, and ending birthright citizenship for children of illegal immigrants.

Utah SCR 5 (3/13/2008)

This resolution urges Utah's congressional delegation to ensure that any immigration reform efforts focus primarily on enabling Utah's employers to hire a legal workforce sufficient to meet the needs of Utah industries to enhance the state's economic growth. It urges Congress to reduce the delay for legal immigration, including reforming visa systems and opposes granting blanket amnesty to undocumented persons.

Virginia HJR 276 (2/7/2008)

This resolution celebrates the life of Adele A. Zmarzly, who assisted Roanoke's Refugee and Immigration Services impacting thousands of immigrants.

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Virginia HJR 466 (3/6/2008)

This resolution commends the rescue squads, police departments, fire departments, sheriff's offices, and state and federal agencies, including ICE, that responded to the tragedy of April 16, 2007, at Virginia Tech.

Virginia HJR 513 (3/6/2008)

This resolution congratulates Carol Lopez on her outstanding career as a guidance counselor at Washington-Lee High School, stating that because of her hard work and commitment, numerous minority and recent immigrant students have been inspired to continue their education beyond high school.

Washington SR 8713 (1/31/2008)

This resolution recognizes the people and organizations that fight daily to combat human trafficking. It encourages others to observe the National Day of Human Trafficking Awareness.

Wisconsin AJR 94 (3/4/2008)

This resolution proclaims the weekend of May 16 - 18, 2008 as the "Syttende Mai Weekend" and declares that all citizens of the state are honorary Norwegians for that weekend.

Wisconsin SJR 89 (3/5/2008)

This resolution proclaims March of every year as Irish-American Heritage Month.



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