What are the numbers?

Enacted legislation related to immigration increased in the first half of 2017 by 90 percent to 133 laws compared with 70 laws in 2016. The number of resolutions increased by 22 percent to 195 from 159. **Lawmakers in 47 states enacted 133 laws and 195 resolutions** related to immigration, for a total of 328. An additional nine bills were vetoed by governors and 18 are pending signatures.

Three states did not enact immigration-related legislation in the first half of 2017: Alaska, Massachusetts and North Carolina.
**Trends 2017**

- **Sanctuary policies.** While there is no legal definition for sanctuary policies, the term is applied to jurisdictions that limit cooperation with federal immigration authorities, such as communicating information about immigration status. At least 36 states and the District of Columbia considered more than 100 bills this year regarding sanctuary jurisdictions or noncompliance with immigration detainers. So far in 2017, four states—Georgia (related to higher education), Indiana, Mississippi and Texas—enacted laws opposing sanctuary policies. The District of Columbia enacted legislation supporting sanctuary policies and the Illinois legislature passed the Trust Act and sent it to the governor for signature.

- **Refugees.** In 2017, 27 states introduced 65 bills seeking additional state control over refugee resettlement. South Dakota repealed the authority for its department of social services to enter agreements related to the Refugee Act of 1980 and North Dakota allows for a study of refugees. California, Illinois, Nebraska and New Jersey adopted resolutions supporting refugees and/or opposing the limits on travel from Muslim countries.

- **Education/civics.** Six additional states—Alabama, Arkansas, Kentucky, Montana, Nevada and West Virginia—added portions of the federal naturalization exam to high school civics curricula and testing requirements. States previously enacting this requirement include Arizona, Idaho, Louisiana, North Dakota, South Carolina, Tennessee and Utah.

- **Education/In-state tuition.** The District of Columbia became the latest jurisdiction to offer in-state tuition and local financial aid regardless of legal status. Currently, 16 legislatures and four university systems and the District of Columbia allow unauthorized students to receive the in-state tuition rate.
• The largest category—27 percent of all laws—are budget and appropriations laws, authorizing funds for such purposes as providing for immigration enforcement, immigrant integration, English language and citizenship classes, and migrant and refugee programs.

• Legislation related to law enforcement, such as immigration enforcement and consumer fraud related to legal services, accounted for 21 percent.

• Legislation related to ID’s/driver’s licenses and other licenses made up 14 percent of all enacted laws on immigration.

• 13 percent of laws dealt with education, addressing immigration and residency requirements for higher education, and six states included portions of the federal naturalization exam in high school civics requirements.

• 5 percent of laws related to health such as interpreters, eligibility criteria for Medicaid or licensing relating to health professionals.

• 7 percent of laws focused on employment, E-Verify, limiting workers’ compensation or unemployment insurance, or defining employment.

• 5 percent of laws addressed public benefits such as eligibility or special immigrant juvenile status.

• 4 percent of laws addressed human trafficking, such as penalties for withholding or destroying immigration documents and providing assistance to victims.

Methodology: This report summarizes laws and resolutions enacted between January and June 2017. Laws included in this overview address legal immigrants, migrant and seasonal workers, refugees or unauthorized immigrants. Terms used in this report by and large reflect those used in the state legislation. In some state legislative language, unauthorized immigrants are also described as “illegal immigrants,” “undocumented immigrants” or “aliens.”

### Categories of Immigration-Related Laws Enacted

#### January-June by Year

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BUDGET

**Lawmakers in 21 states enacted 36 laws:** Arkansas, Arizona, California, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Minnesota, Missouri, New Mexico, New York, Ohio, South Carolina, Utah, Texas, Virginia and Washington.

These laws typically appropriate funds for refugee services, migrant health, naturalization services, education and English as a Second Language programs, or law enforcement.

**Example: CO S 254.** This appropriations law includes funds for the Office of Refugee Resettlement and the State Criminal Alien Assistance Program Cash Fund.

**Example: IN H 1001.** This biennial budget law includes funds to educate law enforcement officers about the legal rights of nonimmigrant human trafficking victims, including the U nonimmigrant visa.

**Example: MD H 152.** This appropriations law allows Maryland’s governor to amend the budget on or before June 30, 2018, to transfer funds from the Catastrophic Event Account to local public safety agencies whose budget had been cut based on their refusal to enforce federal immigration laws.

**Example: MO H 3.** This education appropriations bill states that no funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students, and no scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.
EDUCATION


These laws usually pertain to immigration and residency requirements for access to higher education, in-state tuition, or financial assistance at educational institutions. Some laws address enhanced learning for refugees or English learners. This year, legislation was passed to include portions of the federal naturalization exam in high school civics requirements.

Example: DC B 422. This law allows students of the District of Columbia to pay in-state tuition at the University of the District of Columbia and receive local financial aid regardless of legal status.

Example: GA H 37. This law prohibits postsecondary institutions from adopting sanctuary policies and adds penalties for violations.

Example: MT S 242. This law encourages Montana public high schools to administer the civics portion of the U.S. Citizenship and Naturalization Service naturalization exam by recognizing high schools whose students all pass the exam with a score of 70 out of 100 as United States civics all-star schools.

Example: WA H 1445. This law establishes the K-12 dual language grant program in Washington's public and state-tribal schools to help students whose first language is not English, achieve proficiency in both English and in their native language. A dual language program is an instructional model that provides content-based instruction to students in two languages: English and a target language other than English spoken in the local community, for example Spanish, Somali, Vietnamese, Russian, Arabic, native languages or indigenous languages.

For more information, please see NCSL’s publication on in-state tuition and unauthorized immigrant students.

EMPLOYMENT

Lawmakers in eight states enacted nine laws: Arizona, Hawaii, Idaho, Maine, Minnesota, Mississippi, Texas and Wyoming.

These laws address eligibility for unemployment insurance, workers’ compensation, work authorization and E-Verify, and employer retaliation.

Example: ME S 536. This law amends the policies and regulations for eligibility to receive unemployment benefits in Maine. Under this law, "employment" does not include work done by aliens who entered the U.S. to complete agricultural labor.

Example: MN S 1549. This law amends the policies and regulations for eligibility to receive unemployment benefits in Minnesota. Aliens with legal status at the time of employment may receive unemployment benefit and may use wage credits earned for the purpose of receiving the unemployment benefits.

Example: WY S 111. This law amends the Nurse Practice Act to expand the requirements needed to become an advanced practices registered nurse and be certified to practice. Those who graduated from a foreign institution and have received a certificate from a national certifying organization for graduates of foreign nursing schools that has been approved by the board may receive a temporary permit.

For additional information on E-Verify legislation, please see NCSL’s publication.
HEALTH


These laws typically pertain to eligibility requirements for Medicaid and State Children’s Health Insurance Program, language access, and eligibility criteria for licenses within the health profession.

Example: NV S 325. This law requires the director of the Department of Health and Human Services to include in the State Plan authorization for legal immigrant children under 19 to enroll in Medicaid and the Children's Health Insurance Program.

Example: TN H 227. This law requires TennCare to verify identity information for each applicant and enrollee, including wage and income information maintained by state and federal sources; immigration status information maintained by federal citizenship and immigration services; and, information maintained by the department of health, office of vital records.

HUMAN TRAFFICKING

Lawmakers in five states enacted five laws: Connecticut, Nebraska, Oregon, Texas and West Virginia.

These laws provide benefits and protections to victims of human trafficking and address penalties for traffickers.

Example: CT H 7309. This law adds a requirement for the Trafficking in Persons Council in the Commission on Women, Children and Seniors to examine the challenges faced by trafficking victims who are persons without legal immigration status in the U.S. The council may recommend services that such persons could benefit from and legislation to provide such services as part of the council’s annual report.

Example: OR S 249. This law allows a court to vacate a conviction for prostitution if the person was a victim of sex trafficking. Evidence may include certified records from federal immigration proceedings recognizing the person as a victim of sex trafficking.

ID’s/DRIVER’S LICENSES and other LICENSES


In addition to providing for the eligibility of state-issued identification cards and driver’s licenses, these laws address a range of topics including professional licenses, firearm permits, hunting and recreational permits, and documentation requirements for driver’s license applications.

Example: KY H 410. This law allows Kentucky residents to have the option of choosing between a voluntary travel ID document or a standard driver's license. Applicants for these documents must be U.S. citizens, permanent or temporary residents, refugees, individuals with a valid, unexpired nonimmigrant visa, individuals who have pending or approved application for asylum or temporary protection in the United States, or individuals enrolled in DACA. Those who are neither U.S. citizens nor permanent residents may apply for a voluntary travel ID instruction permit, operator's license, or identification card if their application meets the required criteria. The application of those who are neither citizens nor permanent residents of the United States must include documents issued by the U.S. Department of Homeland Security, U.S. Bureau of Citizenship and Immigration Services to ensure that the applicant is legally present in the U.S. The Transportation Cabinet must check the validity of all documents submitted by the applicant through the Systematic Alien Verification for Entitlements Program.
Example: MO H 151. This law provides for a REAL ID compliant license and a noncompliant license. Notwithstanding any requirement for an applicant to provide reasonable proof of lawful presence for a license, an applicant shall not have his or her privacy rights violated to obtain or renew a Missouri license.

Example: WA S 5008. This law amends Washington's driver's licenses and identification cards to comply with the REAL ID Act of 2005. These driver's licenses and identification cards may not be used to infer citizenship or immigration status. The law also allows the state of Washington to issue enhanced driver's licenses and identification cards that Washington residents can use to cross the Canadian border.

LAW ENFORCEMENT


These laws typically pertain to the enforcement of immigration laws, but also include regulations pertaining to those working as notary publics and immigration consultants.

Example: GA H 452. This law expands the meaning of domestic terrorism in Georgia and establishes penalties for terrorist-related offenses. It also requires the bureau, to the extent permitted by federal law, to publish information on aliens who have been released from federal custody within the boundaries of this state within 12 hours after receiving such information.

Example: ID H 209. This law amends the Revised Uniform Law on Notarial Acts, which sets regulations for a notary public. Among several provisions, it prohibits a notary public other than a licensed attorney in Idaho from drafting legal documents concerning immigration, giving legal advice concerning immigration matters or representing any person in proceedings concerning immigration. The law requires a notary public other than a licensed attorney to include in every language used in advertising a statement declaring the notary is not a licensed attorney and cannot give legal advice including that which concerns immigration.

Example: TN H 1041. This law adds a sentencing enhancement factor for defendants who were illegally or unlawfully in the U.S. at the time they committed the offense and had previously been deported for committing a criminal offense.

Example: TX S 4. This law prohibits localities, institutions of higher education, police departments, sheriffs, municipal or county attorneys from adopting policies that prohibit enforcement of state and federal immigration laws. Violations can result in civil penalties. The law does not apply to hospitals, public health departments, or school districts. Law enforcement must comply with federal detainer requests.

Example: VT S 79. This law prohibits Vermont's state and local government officials from sharing information with the federal government regarding the religion, immigration status or national origin, among other personal information, of the residents of Vermont. The law does not prohibit compliance with 8 USC Sections 1373 and 1644.

For more information on sanctuary policies, please see NCSL's issue brief.

MISCELLANEOUS

Lawmakers in three states enacted three laws: Louisiana, North Dakota, and South Dakota.

This category typically includes immigration-related issues that do not fit in other categories and are addressed infrequently, memberships on task forces and commissions, abandoned property and studies.
**Example: ND H 1427.** This law allows for the study of refugees in North Dakota to examine their impact. The findings of this study will be reported to North Dakota's 66th legislative assembly to serve as recommendation for future legislation.

**Example: SD S 124.** This law repeals the authority for the Department of Social Services to enter agreements related to the Refugee Act of 1980 and requires reports regarding services provided to and arrival of refugees.

For more information on refugees, please see NCSL’s [publication](#).

**PUBLIC BENEFITS**

**Lawmakers in six states enacted seven laws:** Arkansas, Michigan, Nevada, Virginia, Washington and West Virginia.

These laws address social service programs that affect all people covered by the programs—immigrants and non-immigrants alike—and laws that ensure benefits are granted only to eligible immigrants.

**Example: MI S 19.** This law prohibits cash assistance, including cash benefits provided by the Refugee Assistance, to those who have a warrant for their arrest for a felony charge.

**Example: WA H 1988.** This law extends benefits to youth with special immigrant juvenile status (foreign children in the United States who have been abused, neglected or abandoned.) The law authorizes a court to appoint a guardian for youth from 18-21 years old, offering protection for youth who may otherwise be targets for traffickers. The Washington state task force against the trafficking of persons is required to evaluate these guardianships and report to the legislature by Jan. 1, 2019.

**VOTING**

**Lawmakers in three states enacted three laws:** Georgia, Mississippi and North Dakota.

These laws typically clarify voter registration requirements and valid documents to prove U.S. citizenship. Some address foreign contributions to elections.

**Example: MS H 467.** This law prohibits foreign national contributions for any election, caucus or convention.

**RESOLUTIONS**


Resolutions typically commend citizens, immigrants, and immigrant-serving organizations for their contributions, recognize the cultural heritage of immigrants in a state, and urge Congress or the president of the United States to take certain actions. This year, five states adopted resolutions encouraging federal action on immigration.

**Example: AR HCR 1012.** This resolution requests that the governor of Arkansas submit a state plan amendment that would allow migrant children and pregnant women from the Compact of Free Association islands to have health coverage through Medicare and Medicaid Services.

**Example: AZ HCR 2020.** This resolution declares April 6, 2017 as Tartan Day in Arizona to recognize and celebrate the contributions made by the Scottish Americans to Arizona and throughout the U.S.
**Example: CA HR 28.** This resolution opposes congressional actions that would repeal or limit protections and services currently provided at the federal level and supports current provisions for health care affordability, immigrant opportunity and worker protection.

**Example: HI HR 76.** This resolution requests that Hawaii not cooperate with federal immigration offices nor spend funds to enforce federal regulations.

**Example: IL SJR 40.** This resolution creates the Statewide Task Force on the Future of Adult Education and Literacy within the Illinois Community College Board to increase adult access to education, including education for immigrants.

**Example: NE L 27.** This resolution states the members of the Nebraska Legislature believe in protecting refugees regardless of race, ethnicity, religion, age, or sex and appreciate their contributions to this state.

**Example: NJ AR 268.** This resolution condemns the arrests made by the U.S. Immigration and Customs Enforcement agency on courthouse premises and requests that the U.S. Immigration and Customs Enforcement agency cease arresting immigrants on courthouse premises, unless the situation is deemed an emergency.

**Example: PA HR 203.** This resolution declares Pennsylvania's disapproval of the global persecution of Christians including the persecution of Christian Syrian refugees who have been displaced to countries where such practice occurs.

**Example: SC H 4302.** This resolution celebrates the 57th anniversary of Nigeria's Independence and honors the contributions made by Nigerian immigrants in South Carolina.

**Example: UT SCR 6.** This resolution asserts Utah's commitment to safeguard the civil liberties and religious freedom of all Americans, legal immigrants and refugees.

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Prepared by:
Ann Morse, program director, Immigrant Policy Project, NCSL
Maria Pimienta, 2017 Summer Immigrant Policy fellow

Reviewers:
Molly Ramsdell, director, Washington Office, NCSL
Neal Osten, director, Washington Office, NCSL

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