



Immigrant Policy Project

Sept. 6, 2013

Overview

Immigration legislation rebounded in 2013 after a pause in activity in 2012, while states seemed to wait for the outcome of the U.S. Supreme Court decision in *Arizona v. United States*. On June 25, the court overturned three of four provisions in Arizona's SB1070 regarding state authority in immigration enforcement. Less than a week later, the federal government issued new policy on deferred action for childhood arrivals (DACA) which provides young unauthorized immigrants a temporary respite from deportation along with the opportunity to apply for work authorization.

A number of states responded positively to the new DACA policy. In 2013, **Colorado, Minnesota and Oregon** extended in-state tuition benefits to unauthorized immigrant students, bringing the number of states offering these benefits to 15. Other states addressed driver's license eligibility, beginning with **California** in the fall of 2012, and continuing in 2013 with **Colorado, Connecticut, Georgia, Illinois, Maryland, Maine, Nevada, Oregon and Vermont**.

The largest spike in activity was in resolutions, with 31 states adopting 231 resolutions. The largest contributor was Texas, with 96 resolutions commending the contributions of immigrants or immigrant organizations. This year, 25 resolutions sought action from Congress or the Administration, up from 12 in 2012. These include eight resolutions related to passing comprehensive immigration reform. Others asked Congress to reauthorize the Violence Against Women Act, to fund border improvements, to reunify Haitian families, to address refugee and asylee protections, and to support education services to migrants from the compact of free association nations.

Report Highlights

As of June 30, 2013, state legislatures had already exceeded the number of laws and resolutions enacted in all of 2012. In the first half of 2013, **lawmakers in 43 states and the District of Columbia enacted 146 laws and 231 resolutions** related to immigration, for a total of 377. This is an 83 percent increase from the 206 laws and resolutions enacted in the first half of 2012. This increase was driven in large part by a spike in resolutions, with Texas alone adopting 96 resolutions commending the contributions of immigrants and seeking federal action. Looking only at laws and not resolutions, enacted legislation increased 28 percent in 2013 compared to the same timeframe in 2012, with 146 laws compared to 114. This level remains below the 162 laws enacted in 2011.

Seven states did not enact immigration-related legislation in the first half of 2013: Delaware, Kansas, Massachusetts, Montana, New Hampshire, Ohio, and Wyoming.

Driver's licenses and IDs continued to be a top issue for states, with 34 laws enacted in 20 states, comprising 23 percent of all enacted laws on immigration.

States continued to pass budget and appropriations laws, comprising 14 percent of this year's laws, authorizing funds for such purposes as providing for immigration enforcement, English language and citizenship classes, and migrant and refugee programs.

Ten percent of laws dealt with education, addressing immigration and residency requirements for higher education. Colorado, Minnesota and Oregon extended in-state tuition benefits to unauthorized immigrant students.

Legislation related to law enforcement accounted for 11 percent, but is significantly lower than the 20 law-enforcement related laws enacted as of June 2012, or the 42 laws enacted as of June 2011.

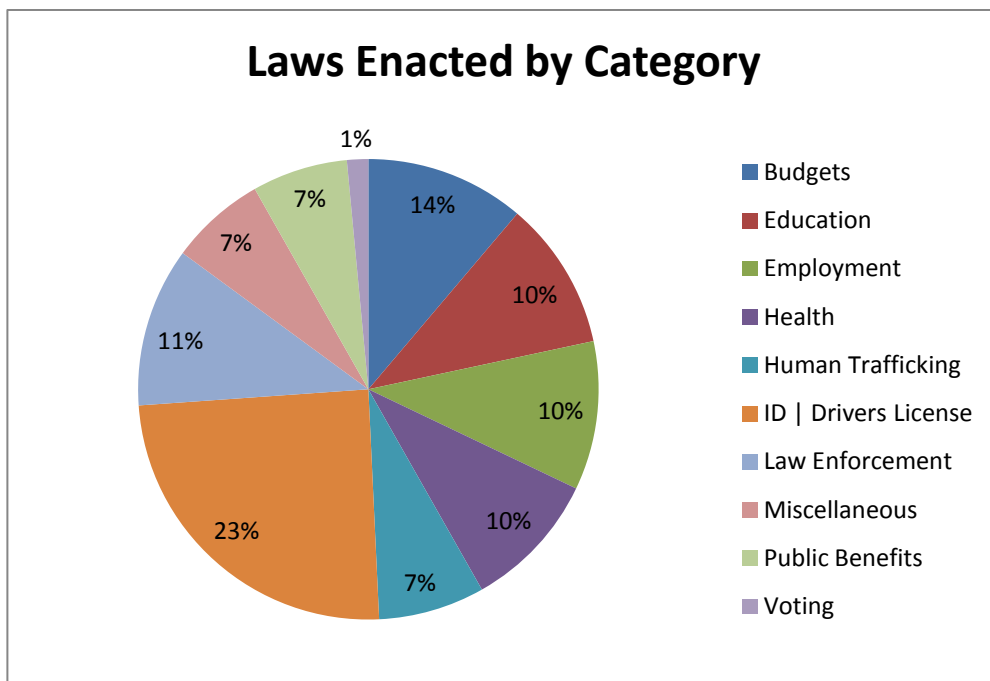
Ten percent of laws were focused on employment, particularly verification of work authorization and addressing noncompliance, while other laws addressed workers' compensation or unemployment insurance.

Another 10 percent of laws related to health such as eligibility criteria for Medicaid or licensing relating to health professionals.

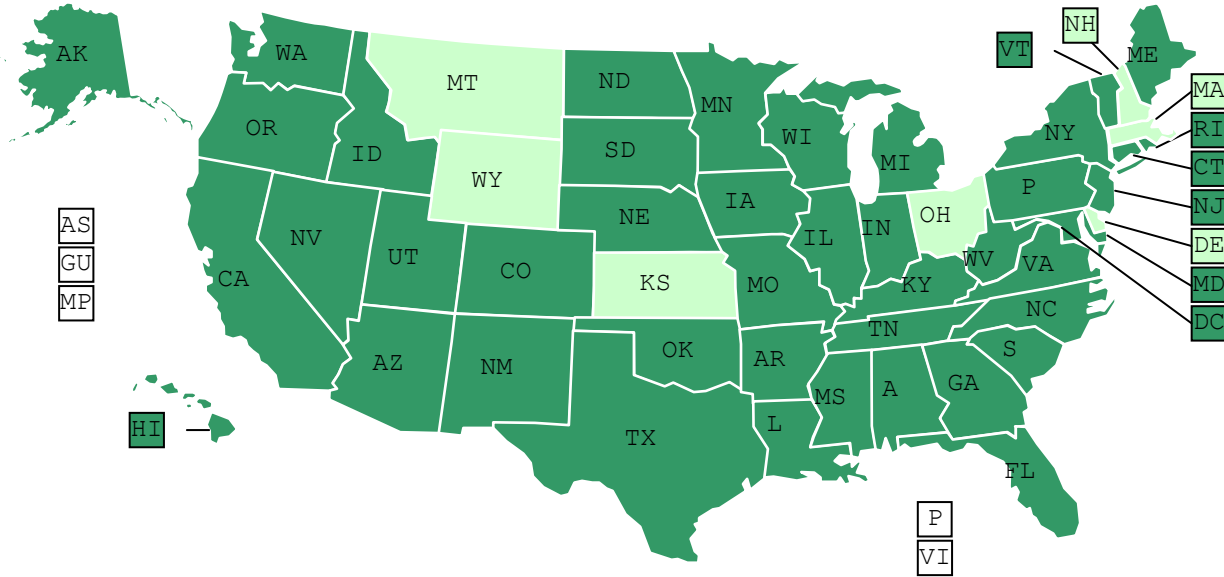
Seven percent of laws related to public benefits such as foster care, child welfare and adoption.

Another seven percent of laws addressed human trafficking, including penalties for withholding or destroying immigration documents, establishing a task force and collecting statistical data including geographical routes across international borders.

Methodology: This report summarizes laws and resolutions enacted between Jan. 1 and June, 2012. 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” or “undocumented immigrants” or “aliens.”



Immigration-Related Laws in the States, Jan.-June 2013



States that enacted immigration-related laws or resolutions Jan.-June 2013

- AL, AK, AZ, AR, CA, CO, CT, FL, GA, HI, ID, IL, IN, IA, KY, LA, ME, MD, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, DC

States that did not enact immigration-related laws or resolutions Jan.-June 2013

- DE, KS, MA, MT, NH, OH, WY

Data not collected or available

- AS, GU, MP, PR, VI

Laws and Resolutions Passed by State Legislatures, 2011-2013

	January-June 2011	January-June 2011	January-June 2012	January-June 2012	January-June 2013	January-June 2013
Main Topics	Number of Laws Enacted	Number of States	Number of Laws Enacted	Number of States	Number of Laws Enacted	Number of States
Budgets	20	14	29	17	20	16
Education	13	9	7	7	15	14
Employment	22	15	10	9	14	10
Health	18	13	9	8	14	7
Human Trafficking	4	4	9	7	10	7
ID/Driver's Licenses and Other Licenses	23	15	12	9	34	20
Law Enforcement	42	19	20	13	16	14
Miscellaneous	11	8	5	4	11	9
Omnibus	6	5	1	1	0	0
Public Benefits	12	9	9	7	10	9
Voting	3	3	3	3	2	1
Total	162	40	114	46	146	36
Resolutions	95	24	92	30	231	31
Total laws and resolutions passed/adopted by state legislatures	269	40	206	46	377	43

Budget

Lawmakers in 16 states enacted 20 laws: *Arkansas, California, Florida, Georgia, Illinois, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York Pennsylvania, South Carolina, Utah, Washington and Wisconsin.*

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

Example: GA H 105. This supplemental appropriations law allocates funds for immigration enforcement and for the refugee assistance program.

Example: MS S 2862. This appropriations law withholds certain funds until the Commissioner of Corrections submits an application to participate in the Criminal Alien Program of the U.S. Immigration and Customs Enforcement, which identifies criminal aliens who are incarcerated in state correctional facilities.

Education

Lawmakers in 14 states enacted 15 laws: *Arkansas, Colorado, Florida, Georgia, Indiana, Michigan, Minnesota, Mississippi, Nevada, Oregon, Tennessee, Texas, Utah and Washington.*

These laws pertain to citizenship, immigration and residency requirements for educational institutions, for students, employees or contractors. Some laws address enhanced learning for refugees, children of refugees, or limited English proficient students. Colorado, Minnesota and Oregon now allow in-state tuition for unauthorized immigrant students.

Example: CO S 33. This law allows students without lawful immigration status to be considered in-state residents and exempts persons receiving higher education benefits from having to provide documentation of lawful presence in the United States.

Example: MN S 1236. This law establishes criteria by which students without lawful immigration status may qualify for the resident tuition rate in state universities and colleges.

Example: OR H2787. This law exempts students from nonresident tuition if the following conditions are met: three years at an Oregon school; five years in any US, DC or Puerto Rico elementary or secondary school; graduation from high school; demonstrated intent to become a citizen or lawful permanent resident; and application for a taxpayer identification number or other federal ID.

Example: UT S 100. This law establishes new educational scholarships and requires applicants to certify they are U.S. citizens or noncitizens eligible for federal aid.

Fifteen states currently have statutes that condition eligibility for in-state tuition on attendance and graduation from a state high school and acceptable college admission applications. For more information, please see NCSL's publication on [in-state tuition and unauthorized immigrant students](#).

Employment

Ten states enacted 14 laws: *Georgia, Iowa, Nebraska, New Mexico, New York, North Carolina, Oklahoma, Oregon, Tennessee, and Utah.*

These laws address eligibility for unemployment insurance, workers compensation and the enforcement of work authorization for public employees and contractors.

Example: GA S 160. This law expands the definition of contractor to include subcontractors, and the definition of public benefits to include grants, public and assisted housing, retirement, and driver's licenses. The law provides that every agency or political subdivision shall verify lawful presence in the United States for any public benefits. It creates a new immigration compliance system that provides for an annual immigration compliance report by public employers.

Example: UT S 225. This law extends the trigger date for implementation of the Utah guest worker program from July 2013 to July 2015. The law also extends the Utah pilot resident immigrant program, delaying the start date from July 2013 to July 2015, and ending in June 2020 instead of 2018.

For additional information on E-Verify legislation, please see NCSL's [publication](#).

Health

Seven states enacted 14 laws: *Arkansas, California, Florida, Hawaii, Maryland, Nevada, and Oregon.*

These laws pertain to medical assistance for pregnant women, address citizenship requirements for Medicaid and SCHIP, improve language access, and define eligibility criteria for licenses within the health profession.

Example: CA A 82. This law allows for the targeting of mixed immigration status families, among other populations, for Medi-Cal Outreach and Enrollment programs.

Example: OR H 2134. This law requires the Oregon Health Authority and the Department of Human Services to adopt by rule, uniform standards for the collection of data on race, ethnicity and preferred languages of medical assistance recipients in order to more adequately assess the status and needs of Oregon's communities of color, and immigrant and refugee communities.

Human Trafficking

Seven states enacted 10 laws: *Arkansas, Connecticut, Louisiana, New Mexico, Tennessee, Texas, and Utah.*

These laws stipulate penalties for destroying immigration documents and provide benefits and protections to victims of human trafficking.

Example: AR H 1203. This law creates new penalties for trafficking, and includes destruction or concealment of immigration and other identification documents as a means of compelling

involuntary servitude. The law authorizes a state task force, to include state officials and federal agencies, including Immigration and Customs Enforcement.

Example: TX H 1272. This law mandates that state and local governments participate in the collection of statistical data including geographic routes, by which individuals are trafficked across international borders.

IDs/Driver's Licenses and other Licenses

Lawmakers in 20 states and the District of Columbia enacted 34 laws: *Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois Indiana, Louisiana, Maine, Maryland, Nevada, New York, North Dakota, Oregon, South Dakota, Vermont, Virginia, and West Virginia.*

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

Example: CO S 251. This law allows individuals to qualify for a driver's license, instruction permit or identification card, despite the individual not being lawfully present or being only temporarily lawfully present in the US.

Example: IN S 538. This law authorizes the bureau of motor vehicles to require that individuals include their social security number on applications for a license, a permit or an identification card.

Example: NV S 303. This law creates a driver's authorization card and allows applicants, regardless of legal status, to provide birth certificates or passports issued by a foreign country as proof of identity. This law also prohibits the release of information relating to legal status for purposes relating to the enforcement of immigration laws.

Example: NY S 2230. This law amends gun licensing restrictions to include the consideration of citizenship or immigrant status.

Law Enforcement

Lawmakers in 14 states enacted 14 laws: *Alabama, Arkansas, Colorado, Connecticut, Illinois, Indiana, Michigan, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, and Virginia.*

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: CO H 1258. This law repeals a portion of statute that formerly compelled local officials to participate in federal immigration issues.

Example: CT H 6659. This law protects individuals with a civil immigration detainer from being detained unless the individual has been convicted of a felony, has a pending state criminal charge for which bond has not been posted, is identified as a possible terrorist or a known gang member,

has an outstanding arrest warrant or final order of deportation, or presents an unacceptable risk to public safety.

Example: OR H 2573. This law provides that it is unlawful for a person to engage in the business of, or act in the capacity of, an immigration consultant within Oregon for compensation, unless federal law authorizes the person to do so or unless the person is an active member of the State Bar.

Example UT H 245. This law modifies the definition of immigration consultant, requires an annual registration fee, modifies bond requirements, and modifies the minimum amount of fines.

Miscellaneous

Nine states enacted 11 laws: *Arizona, Maryland, Mississippi, Nebraska, Nevada, South Carolina, Texas, Utah, and Virginia.*

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: MD H 34. This law requires that the governor annually proclaim October as German-American Heritage Month in recognition of the contributions that German Americans have made to the state.

Example: TX H 1777. This law provides for a study regarding the effects on international trade of wait times at points of entry within Texas between the United States and the United Mexican States.

Public Benefits

Nine states and the District of Columbia enacted 10 laws: *California, Florida, Georgia, Louisiana, Nebraska, Nevada, South Carolina, Vermont, and Washington.*

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. This year's laws included clarifications or changes within child welfare programs.

Example: DC B 803. This law, also known as the "Foster Youth Statements of Rights and Responsibilities Amendment Act of 2012", states that youth in foster care have the right to receive copies of, among other items, their immigration documents at least 30 days prior to leaving care.

Example: SC H 3099. This child support enforcement law requires that all entities and utility companies in the state provide certain information upon request of the Department of Social Services, including social security and alien identification numbers.

Voting

These laws clarify documents valid to prove U.S. citizenship.

Virginia was the only state to pass immigration-related legislation pertaining to voting.

Example: VA S 1077. This law requires the State Board apply for participation in the Systematic Alien Verification for Entitlements (SAVE) system to verify that voters listed in the Virginia voter registration system are U.S. citizens.

Example: VA S 1256. This law amends voter identification requirements by adding valid United States passports to the list of valid forms of identification and eliminating those forms of identification that do not contain a photograph of the voter.

Resolutions

31 states adopted 231 resolutions: *Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.*

Resolutions typically run the gamut of commending citizens, immigrants, and immigrant-serving organizations for their contributions, recognizing the cultural heritage of immigrants in a state, and urging Congress or the President of the United States to take certain actions. This year, 25 resolutions encouraged federal responses, including at least eight resolutions related to passing comprehensive immigration reform. Others requested Congress to reauthorize the Violence Against Women Act, to fund border improvements, to reunify Haitian families, to address refugee and asylee protections, and to support education services to migrants from the compact of free association nations.

Example: FL S 816. This resolution encourages Congress to consider the five principles embraced by the Partnership for a New American Economy as it works to develop comprehensive immigration reforms.

Example: HI HR 22. This resolution acknowledges the important role that China and its people have played in Hawaii's economy and culture and the urges the U.S. Department of State, the Department of Homeland Security, and the U.S. Attorney General to include the People's Republic of China in the Visa Waiver Program, which would ease restrictions on business and tourist travelers from China.

Example: IL HJR 40. This resolution, which acknowledges the hardships and barriers to those with limited English proficiency, establishes a task force to identify the effectiveness of current language programs, to come up with new program ideas, and to recognize best practices.

Example: LA HCR 178. This resolution requests the Louisiana Workforce Commission to enforce employment work authorization so as to prevent human trafficking.

Example: TX HCR 80. This resolution requests the lieutenant governor and the speaker of the House of Representatives to create a joint interim committee to study the effects on international trade of wait times at points of entry between the United States and the United Mexican States.



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