The National Conference of State Legislatures (NCSL) recognizes the challenges facing our country in matters related to immigration. Federal immigration policy must strike a balance among core principles of our democracy: preserving the safety and security of our nation, encouraging the economic strength of our states and communities, and recognizing our history as a nation of immigrants. The impact of the federal government’s immigration policy decisions are directly felt by the states who not only implement programs required by federal law but also encourage the integration of immigrants into the economic, social and civic life of their adopted communities. States often bear the costs of immigration, especially in our education, health and law enforcement systems, with limited federal reimbursement.

**Immigration Reform**

State legislators call on Congress and the Administration to pursue immigration reform that enhances our border security and addresses the imbalance in the state-federal relationship. Immigration reform and implementation requires true collaboration between state and federal leaders. Our nation’s immigration laws must not contain unfunded mandates nor preempt areas of existing state authority. Federal immigration reform will not be comprehensive unless it addresses the fiscal impact of immigration on the states.
SECURITY AND LAW ENFORCEMENT

Border Security & Enforcement

Securing all of America’s borders, ports, and airports is essential to preserving our national security and maintaining the safety of all Americans. NCSL urges the federal government to fulfill its responsibilities with regard to border security and encourages a renewed state-federal cooperation in countering human trafficking, weapons and drug smuggling. NCSL urges the federal government to increase its enforcement of these crimes.

NCSL supports full, federal funding for increases in Department of Homeland Security border enforcement personnel where they are most needed and necessary improvements in facilities, technology and infrastructure.

The Role of State and Local Law Enforcement

NCSL is strongly opposed to any efforts to shift enforcement of civil immigration law to state and local law enforcement agencies. State legislators believe that enforcement of federal civil immigration law is a federal responsibility and that state involvement in immigration enforcement activities should only be a state option.

NCSL criminalize violations of civil federal immigration law in an effort to shift federal enforcement responsibilities to state and local law officers. State and local government law enforcement and public safety personnel must already incarcerate, detain and transport illegal immigrants who have committed crimes, without adequate federal funding. NCSL strongly supports full reimbursement to states for the State Criminal Alien Assistance Program (SCAAP). The current SCAAP program only provides 17% reimbursement of current costs, according to a
recent General Accountability Office study. NCSL also opposes any effort to coerce state participation in enforcement of federal immigration law by withholding SCAAP program funds.

EMPLOYMENT VERIFICATION

Worksite Enforcement

NCSL believes that employment verification is a critical component of enforcement requiring federal reforms. NCSL supports the rights of states to provide incentives and sanctions to encourage compliance. The U.S. Supreme Court case in Chamber of Commerce v. Whiting agreed with this view. NCSL opposes efforts to treat state governments differently from the private sector in meeting federal employment verification requirements.

E-Verify

NCSL supports E-Verify in its current voluntary form. NCSL urges Congress and the Administration to improve the program to handle the interfaces between the Social Security Administration and Department of Homeland Security databases and to eliminate discrepancies and backlogs. NCSL opposes any efforts to mandate E-Verify until the system is adequately funded and performs to the benefit of all parties without imposing unfunded liabilities on the states.

Enforcement efforts should be focused on bad actors – employers and employees alike. NCSL is deeply concerned about identity theft and counterfeit documents. NCSL encourages the DHS to test approaches that confirm the identity of the individual as part of the verification process. NCSL urges the federal government to tighten its enforcement surrounding counterfeit documents. DHS needs to improve its education and training for employers regarding worksite verification.
SAVE (Systematic Alien Verification for Entitlement)

NCSL strongly believes that the federal government should pay for the cost of SAVE and/or new verification requirements. Unfunded verification requirements for state programs or federal programs that states administer are a cost-shift to states and violate the Unfunded Mandates Act.

Enforcement Activities

NCSL believes that federal enforcement activities – at the worksite or in communities - should be coordinated with state and local government. NCSL urges the federal government to be mindful that the states bear the primary responsibility for the children who are separated from their families as a result of federal enforcement activities. NCSL supports federal coordination with child welfare agencies to guarantee that children are not endangered and that their best interests are protected.

ELIMINATING COST-SHIFTS TO THE STATES

State Impact Assistance

The 1996 federal welfare law established a five year bar on SCHIP/Medicaid, Supplemental Nutrition Assistance Program (SNAP), TANF and SSI for legal immigrants. Yet, state governments continue to bear significant costs for essential programs and services such as education and public health that promote public safety, reduce community tensions and integrate newcomers into our communities. This could include those who may be here on a temporary basis. State governments fund critical services including: emergency health care, public health, safety and education and English language instruction.

NCSL urges Congress to include in immigration reform a funding stream to address the entire fiscal impacts on state governments of any guestworker program, earned legalization and/or
increases in the number of immigrants. Such funding must be subject to appropriation by state legislatures so that it can be best targeted to the state’s individual needs including government, faith-based or nonprofit institutions. These grants must take into account the fact that some states have existing high levels of noncitizens and some states have recent high growth in the number of noncitizens. Grants must be allocated in a way that assists both categories of states. NCSL opposes any measure that does not contain state impact assistance.

WORK, FAMILY AND REFUGEE ASSISTANCE

Temporary Worker Program

NCSL supports the creation of a temporary worker program. In order to achieve true border security. Providing a legal channel for those that want to come to our country for work will reduce illegal border crossings and enable federal law enforcement agents to focus their efforts on individuals attempting to enter or already in the country for the purpose of doing our nation harm. A temporary worker program for critical industries will also strengthen many sectors of our economy by providing a legal workforce. NCSL believes that Congress and the Administration should work together to develop a system that responds to the nation’s needs effectively and efficiently.

Temporary worker visas help to fill labor shortages in seasonal and specialized occupations that have been caused by changing demographics and a need for expertise. NCSL urges the Administration and Congress to consider demonstration projects in health and education and work with states to develop sound policies that will prevent cost shifts to states. The federal government should work with states who wish to streamline and improve efficiencies in temporary worker and investor visa processing.
**Earned Legalization**

NCSL affirms the right and responsibility of the federal government to determine federal immigration policy, including the existence and form of an earned legalization program. NCSL supports the creation of an earned legalization program for illegal immigrants currently in the country. NCSL opposes amnesty. Any Earned legalization program should include appropriate fines and penalties that are proportional to the violation. A mass deportation or crackdown on illegal immigrants currently in the country would have detrimental impacts on our communities because immigrant workers and entrepreneurs contribute to the economic vitality of our nation and citizen children in mixed-status households would be adversely impacted.

**Legal Immigrants**

NCSL opposes federal efforts to deny benefits to legal immigrants and to citizens who are foreign born. This shifts the cost of taking care of needy legal noncitizens to the states and localities. Eliminating federal benefits to noncitizens or deeming for unreasonable amounts of time does not eliminate the need, and state budgets and taxpayers will bear the burden. NCSL supports:

- the extension of deadline for those elderly and disabled refugees so that they can continue to receive SSI benefits while pursuing citizenship;
- making affidavits of support legally binding so that sponsors of immigrants will live up to their commitment to support them;
- requiring voluntary agencies to live up to their commitment to refugees;
- enforcing Department of Labor certification process for employer sponsorship for both temporary and permanent foreign workers; and
- a limited period of alien to sponsor deeming.
NCSL supports the HHS regulation limiting the definition of a means-tested benefit to Temporary Assistance to Needy Families (TANF), Medicaid, Supplemental Security Income (SSI), State Children’s Health Insurance Program (SCHIP) and Food Stamps.

**Refugee Assistance**

NCSL supports federal efforts to assist individuals and families forced to flee their native land in fear for their personal safety. The problem of political refugees is an international one, and consequently demands the cooperative efforts of many countries.

While refugees, Cuban and Haitian Entrants, and asylees continue to be accepted, federal support which provides income and medical assistance, social services, education, employment and training and other needed support has continued to be reduced, shifting these costs to state and local governments. The existing federal domestic assistance program appropriately provides 100 percent federal funding for income and medical assistance after settlement. States should be reimbursed for cash and medical assistance during the resettlement period for 36 months as provided by law. States have been willing to accept refugee policy decisions that are made by the federal government; to continue this coordination, the federal government must provide adequate financial assistance to aid refugees in resettlement. NCSL believes that funding should be more flexible to allow states to respond to changing needs. The cost of resettlement must not be shifted to the states.

The federal government should not raise the admissions ceiling without adequately compensating states for resettlement costs. NCSL is disturbed by the recent trend to admit refugees under "refugee-like" categories that are not eligible for federally reimbursed services.
The primary goal of the federal domestic assistance program is to assist refugees and entrants to become independent and self-sufficient members of the community. NCSL urges the federal government to improve the track record of the domestic assistance program in meeting the goal of self-sufficiency and independence for refugees.

The federal government should provide English and citizenship instruction as well as job training to refugees, where possible, before they arrive in the United States. This up-front investment should reduce costs in the domestic assistance program and should result in a more successful effort in producing self-sufficient and independent citizens. NCSL asks the Office of Refugee Resettlement (ORR) to assist states with efforts to strengthen refugee integration services. It is also critical for the federal government to support English and citizenship instruction to refugees already in the United States who, according to federal law, will lose access to public benefits unless they become citizens within seven years.

In addition, NCSL strongly urges the federal government to avoid further placements in areas that are already heavily impacted with refugee or Entrant populations, experiencing a shortage of rental housing for low-income households, and experiencing overcrowding in the local school system. NCSL urges the federal government to continue to work with states on the issue of secondary migration.

NCSL urges the federal government to continue the health screening that is currently provided to the refugees, where possible, before they arrive in the United States and to improve follow-up. Follow-up should include, but not be limited to, providing instruction for continued medical care
to refugees in the home. Improved outreach and orientation to our health care system is critical especially in light of language and cultural differences. State health screening support is critical and should not be eliminated.

NCSL urges the federal government to coordinate and consult with state and local governments is an integral component of a successful placement policy and we urge the federal government to improve its efforts in this area. It is equally important to have the voluntary agencies and organizations representing refugees participate in this coordinated effort. NCSL supports extended protection to victims of trafficking, victims of domestic violence, and unaccompanied minors.

**CITIZENSHIP AND INTEGRATION**

**Naturalization and Integration**

NCSL supports the promotion of citizenship as a national priority. Delays in citizenship applications are unjustified. The federal government should allocate sufficient resources for more efficient citizenship adjudication and integration processes. The costs of becoming a citizen are excessive and a barrier to those working families who seek citizenship. NCSL strongly urges the federal government to assist the states in their efforts to promote naturalization and to address all barriers to naturalization.