Immigrant Policy Project
Report on State Immigration Laws, 2020
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BY ANN MORSE

The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation’s 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

• Improve the quality and effectiveness of state legislatures.
• Promote policy innovation and communication among state legislatures.
• Ensure state legislatures a strong, cohesive voice in the federal system.

The conference operates from offices in Denver, Colorado and Washington, D.C.
Many state legislatures took a break from the topic of immigration in 2020 as the pandemic and economic crises created new priorities for legislative action. Exclusion of immigrant families and children from federal COVID-19 and economic stimulus laws, however, led several states to respond with new state funding and community outreach.

Examples include health care for immigrant seniors, tenant protections and extension of eligibility for public benefit during the pandemic. States also continued working on professional licenses for immigrants, regardless of immigration status. Virginia, with new Democratic majorities, became the latest state to enact driving privilege cards and in-state tuition rates for unauthorized immigrants and the creation of an Office for New Americans.

What’s the Outlook?

The Biden administration released a four-page summary of the U.S. Citizenship Act of 2021, breathing new life into comprehensive immigration reform, last achieved in 1986. Some areas have bipartisan congressional support, such as relief for young undocumented immigrants (DACA), a pathway to legalization, improved border technology, and immigrant integration. The expertise and innovations at the state level may yet help inform and advance national immigration reform.

What Are the Numbers?

On average, state legislators enact about 147 laws a year, considering measures as varied as immigration enforcement and public safety, occupational and driver’s licenses, and access to benefits.

Enacted legislation related to immigration decreased in 2020 by 30% to 127 laws, compared with 181 laws in 2019. The number of resolutions decreased by 41% to 79 from 135 in 2019.

What’s Trending?

**Pandemic relief.** State legislatures took innovative approaches to sustaining access to health care and public benefits during COVID-19 for citizens and immigrants alike.

Colorado created a health insurance program for residents with incomes below 300 percent of the poverty line, including immigrants, regardless of status, who are ineligible for other health plans.

Illinois created health benefits for immigrant seniors with incomes below 100 percent of poverty who are ineligible for medical assistance due to immigration status.

Vermont provided health and human services assistance for residents during the pandemic, including new Americans, refugees and immigrants. Vermont also created an economic stimulus equity program for individuals who are current residents, were residents on April 1, 2020, and were ineligible to receive an economic impact payment under the CARES Act due to immigration status.

Minnesota extended human services program waivers during the COVID-19 emergency, including the federally funded Refugee Cash Assistance Program and Refugee Social Services Program.

California is allowing remote eligibility interviews for cash assistance for immigrants who are elderly, blind or disabled until 2024.

The District of Columbia authorized the mayor to extend eligibility for any public benefit program, including the DC Healthcare Alliance and Immigrant Children’s program, Temporary Assistance for Needy Families and Supplemental Nutritional Assistance Program, until 60 days after the end of a public health emergency.

**Tenant protections.** California authorized grants to provide eviction defense and prioritized legal aid agencies in rural or underserved communities which serve clients regardless of immigration status. Colorado enacted the immigrant tenant protection act, and the District of Columbia prohibited notices to vacate during the public health emergency.
Employment. New Jersey, New Mexico and New York now permit occupational or professional licenses regardless of citizenship or immigration status. California created a social entrepreneurs for economic development initiative to help those with significant barriers to employment, including limited English proficiency. Washington established the international medical graduates implementation work group to create criteria for clinical readiness and grants for clinical training.

Law enforcement. California and Colorado require compliance with detention standards of care and with the review and inspection of facilities that house noncitizens. Missouri, Mississippi and West Virginia bar notaries public from acting as immigration consultants. Washington limits collection or disclosure of information regarding immigrant status in courts and bars notification of federal immigration authorities of those attending proceedings or accessing court services, unless required by federal law or court order.

Resolutions urging congressional action. The District of Columbia opposes the Department of Homeland Security’s public charge rule and urges Congress to enact comprehensive immigration reform. Georgia and Tennessee urge the president of the United States and the U.S. Congress to enact legislation securing the citizenship of internationally adopted adult individuals. Louisiana requests the members of the Louisiana congressional delegation to work with President Donald J. Trump and his administration on providing an exemption to the immigration ban for teachers on a J-1 visa.

Budget


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

Examples:

- **New Jersey SB 2021.** This budget law includes funds for migrants, refugees and the state criminal alien assistance program. It also includes funds for legal assistance to individuals facing detention or deportation based on their immigration status.

- **New York SB 7508.** This budget law includes provisions that remove the requirements for various licenses that the applicant be a citizen or lawful permanent resident.

- **Vermont HB 969.** This appropriations law includes funds for the Department of Health to address health equity and COVID-19-related health disparities. The department shall conduct outreach to Vermonters at high risk of adverse outcomes from the COVID-19 pandemic based on factors such as race, ethnicity, Native American heritage or tribal affiliation, nationality or immigrant status, sexual orientation, gender identity, disability, age, geographic location or English language proficiency. The law includes an economic stimulus equity program for individuals who are current residents, were residents on April 1, 2020, and were ineligible to receive an economic impact payment under the CARES Act due to immigration status.

- **Virginia HB 5005a.** This budget law reduces appropriations to recognize the loss of general fund revenue associated with the COVID-19 pandemic. It includes a provision eliminating funds for legal, social and language services for low-income immigrants who are victims of crime, including victims of domestic violence, sexual assault, human trafficking and child abuse, abandonment and neglect.

Education

Lawmakers in four states enacted seven laws: Colorado, Indiana, Virginia and Washington.

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.
Categories of Immigration-Related Laws Enacted by Year

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Source: NCSL, 2020

Examples:

- **Colorado HB 1001a.** This law, in response to COVID-19, provides resources to help students, educators and other staff access broadband service so students may benefit from online instruction and prevent learning loss, particularly for low-income and other academically at-risk students. The General Assembly found that students from low-income backgrounds, students experiencing homelessness, migrant students, students from rural Colorado and students in foster care are less likely to have access to broadband service.

- **Virginia HB 1547/SB 935.** This law allows students who meet certain criteria to be eligible for in-state tuition regardless of their citizenship or immigration status. Criteria includes attending a Virginia high school for at least two years, graduating and being accepted to a higher education institution. Students, or if dependent, their parents, must have paid Virginia income tax for two years.

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

**Employment**


These laws address eligibility for unemployment insurance, workers’ compensation, work authorization and E-Verify, employer retaliation and occupational licensing. In 2020, three states adopted the Psychology Interjurisdictional Compact: North Carolina, Pennsylvania and Virginia.

Examples:

- **California AB 2113.** This law requires licensing boards to expedite the initial licensure process for an applicant who is a refugee, has been granted asylum or has a special immigrant visa.
Florida SB 664. Beginning Jan. 1, 2021, every public employer, contractor and subcontractor must register with and use the E-Verify system to verify the work authorization status of all newly hired employees. Beginning Jan. 1, 2021, a private employer must, after making an offer of employment which has been accepted, verify the worker’s employment eligibility. This applies to private employers with public contracts or applicants for certain tax incentives.

New Jersey SB 2455. This law states that lawful presence in the United States is not required to obtain a professional or occupational license, provided that the applicant meets all other requirements for licensure.

New Mexico SB 137. This law confirms that a person is eligible for an occupational or professional license or certification for which that person is qualified, regardless of the person’s citizenship or immigration status.

NCSL’s report on occupational licensing for work-authorized immigrants is available online.

Health


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

Examples:

Colorado HB 1236. This law creates the Colorado affordable health care coverage easy enrollment program to connect uninsured Coloradans to free or subsidized health care coverage. It includes a provision barring requests for citizenship, immigration or health status in the eligibility assessment.
• **Florida HB 713.** The health department may adopt rules to implement the federal Conrad 30 Waiver Program for foreign medical graduates created under s. 214(l) of the Immigration and Nationality Act. The program addresses the shortage of qualified doctors in medically underserved areas.

• **Illinois HB357.** This budget law includes authority for the Department of Healthcare and Family Services to provide medical assistance to noncitizens older than 65. This applies to people who are not eligible due to their immigration status, whose income is at or below 100% of the federal poverty level after deducting the costs of medical or other remedial care, and who would otherwise meet the eligibility requirements.

• **Kentucky SB 72.** This law addressing female genital mutilation requires the department of public health to create educational materials and disseminate them to health care providers, teachers, law enforcement personnel, and immigration and refugee resettlement agencies that may reasonably be expected to come into contact with individuals who may be at risk of suffering female genital mutilation.

• **Louisiana SB 27b.** This law adopts the Interstate Medical Licensure Compact and amends qualifications of applications to include those with valid and current legal authority to reside and work in the United States in addition to citizens.

• **Maryland HB 1420.** This law on hospital finance policies bars hospitals from using a patient’s citizenship or immigration status as an eligibility requirement for financial assistance. It also prohibits withholding financial assistance on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, genetic information or disability.

• **Washington SB 6551.** This law establishes the International Medical Graduates Implementation Work Group. The group will propose clinical readiness criteria for medical school graduation or residency admission, propose a grant award process to provide career guidance and clinical training, and provide policy recommendations and an annual report to the legislature.

### Human Trafficking

Lawmakers in four states passed four laws: Kentucky, Nebraska, Utah and Washington.

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

Examples:

• **Nebraska LB 518.** This law, the Support for Trafficking Survivors Act, creates a statewide advisory board, creation of a state plan and a fund for services and for enforcement. It also requires law enforcement officers to complete forms for nonimmigrant T and U visas for victims of human trafficking who help in the investigation or prosecution of human traffickers.

• **Washington SB 5164.** This law provides for food assistance for victims of human trafficking, including noncitizens and qualifying family members who are applying for T nonimmigrant visas.

### ID/Driver’s License

Lawmakers in three states enacted five laws: Georgia, 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 professional licenses, firearm permits, hunting permits, and documentation requirements for driver’s license applications.

Examples:

• **Virginia HB 1211/SB 34.** This law creates a driving privilege card or permit for applicants who do not meet the requirements for a driver’s license or permit. The applicant must have reported income and deductions from Virginia sources, or been claimed as a dependent, on an individual income tax return filed in the preceding 12 months and may not be in violation of the insurance requirements.
Applicants may not be required to present proof of legal presence in the United States. A driver privilege card or permit will expire on the applicant’s second birthday following the date of issuance. The front of a driver privilege card or permit must be identical in appearance to a driver’s license or permit that is not a REAL ID credential and the back of the card or permit must be identical in appearance to the restriction on the back of a limited-duration license, permit or special identification card.

- **Virginia SB 761.** This law amends driver’s licensing requirements to permit the Department of Motor Vehicles to issue a limited-duration driver’s license and special identification card to an applicant with a valid, unexpired Employment Authorization Document.

NCSL’s report on driver’s licenses and immigrants is available online.

**Law Enforcement**


These laws typically pertain to enforcing immigration laws and sharing state information with federal law enforcement agencies, but also include regulations on sanctuary policies, certifications for U visas and those working as notary publics and immigration consultants. In 2020, three states barred notaries public from acting as an immigration consultant: Missouri, Mississippi and West Virginia.

Examples:

- **California AB 3228.** This law requires private detention facilities to comply with the detention standards of care and confinement agreed upon in the facility’s contract for operations. Existing law requires the attorney general to engage in reviews of county, local and private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California.

- **Colorado HB 1409.** Under current law, the Department of Public Health and Environment is charged with making annual sanitary, sewerage and health inspections of penal institutions. The law defines “penal institutions” and includes in that definition public and private facilities that house noncitizens for civil immigration proceedings, including minors, on behalf of the federal Office of Refugee Settlement or Immigration and Customs Enforcement. The law specifically authorizes unannounced follow-up inspections by the department. The law requires a report to the governor and House and Senate judiciary committees.

- **District of Columbia Bill 823.** This law amends standby guardianship law, on an emergency basis, to enable a parent or legal guardian subject to an adverse immigration action or who has been exposed to COVID-19 to make short-term plans for a child without terminating or limiting that person’s parental or custodial rights.

- **Mississippi HB 1156.** This law addressing notaries public includes a provision that they may not act as an immigration consultant or an expert on immigration matters or represent a person in a judicial or administrative proceeding relating to immigration to the United States, U.S. citizenship or related matters.

- **Washington HB 2567.** This law includes a provision barring judges, court staff, court security personnel, prosecutors and personnel of the prosecutor’s office from inquiring or collecting information about an individual’s immigration or citizenship status, or place of birth, unless there is a connection between such information and an investigation into a violation of state or local criminal law. The court may enter orders or conditions to maintain limited disclosure of any information regarding immigration status as it deems appropriate to protect the liberty interests of victims, the accused, civil litigants, witnesses and those who have accompanied victims to a court facility. The court may not release non-publicly available personal information about an individual, including those subject to community custody to federal immigration authorities for the purpose of civil immigration enforcement. It also may not notify federal immigration authorities of the presence of individuals attending proceedings or accessing court services in court facilities, unless required by federal law or court order.

NCSL’s FAQ on sanctuary policy is available here.
Miscellaneous


This category typically includes immigration-related issues that do not fit in other categories and are addressed infrequently, memberships on task forces and commissions, and studies of immigration. Issues in 2020 included tenant protections and permission to use the Individual Taxpayer Identification Number instead of Social Security Number for certain tax benefits.

Examples:

- **California AB 3133.** This law amends the Welfare and Institutions Code, to read: “A refugee shall not be denied resettlement anywhere in California based on any criterion, method of administration, or practice that discriminates on the basis of race, religion, ethnicity, sexual orientation.”

- **Colorado SB 224.** The law creates the Immigrant Tenant Protection Act, which prohibits a landlord from engaging in certain housing practices or related activities based on the immigration or citizenship status of a tenant.

- **Virginia HB 1209/SB 991.** This law creates an Office of New Americans in the Department of Social Services to assist immigrant integration on an economic, social and cultural level. The law also creates an Office of New Americans Advisory Board in the executive branch of state government to improve state policies and programs to support the economic, linguistic and civic integration of new Americans, and requires an annual report to the governor and General Assembly.

Public Benefits

Lawmakers in five states and the District of Columbia enacted seven laws: California, Hawaii, Minnesota, New Mexico and Washington.

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

Examples:

- **District of Columbia Bill 869.** This coronavirus support law includes a provision allowing the mayor to extend eligibility for any public benefit program, including the DC Healthcare Alliance and Immigrant Children’s program, Temporary Assistance for Needy Families and Supplemental Nutritional Assistance Program, until 60 days after the end of a public health emergency.

- **Hawaii HB 1978.** This law clarifies that family court has jurisdiction over unmarried individuals younger than 21 for purposes of awarding custody or guardianship for special immigrant juvenile status.

- **Minnesota HB 105b.** This human services law extends the expiration of certain human services program waivers during the COVID-19 emergency, including the federally funded Refugee Cash Assistance Program and Refugee Social Services Program.

Resolutions


Resolutions generally proclaim days or months of recognition in honor of immigrants and cultural heritage of immigrants, commend individuals and urge the federal government to take action.
Examples:

- **District of Columbia Resolution 696.** This resolution states strong opposition to the Department of Homeland Security’s public charge rule and policies that evoke fear or discourage individuals from seeking rights and benefits to which they are entitled. It also urges the U.S. Congress to promptly enact legislation accomplishing comprehensive immigration reform that treats all immigrants justly and reflects the basic principles of human dignity and human rights.

- **Florida HR 8041.** The United States and Florida have thrived as a melding of immigrants, and there is a strong connection between Haitians and Florida as 46% of Haitian Americans live in the state. This resolution designates May 2020 as Haitian Heritage Month.

- **Georgia HR 956.** This resolution recognizes Jan. 28, 2020, as Korean American Day at the state Capitol. Korean Americans have made significant political, cultural, social and economic contributions to the State of Georgia, the United States and the marketplace. More than 120,000 Korean Americans call Georgia home, and Korean is the third most spoken language in the state of Georgia.

- **Georgia HR 1079.** This resolution recognizes and commends the refugee population in Georgia on their journey to becoming Georgians and their significant contributions to this state’s culture and economy. Georgia has, for over 30 years, embraced refugees fleeing violence and persecution through its resettlement program and annually welcomes 2,500 to 3,000 refugees.

- **Georgia SR 376.** This resolution urges the president of the United States and the U.S. Congress to enact legislation securing the citizenship of internationally adopted adult individuals.

- **Louisiana HR 66a.** This resolution requests the members of the Louisiana congressional delegation to work with President Donald J. Trump and his administration on providing an exemption to the immigration ban for teachers on a J-1 visa.

- **Michigan HR 313.** This resolution declares Sept. 21, 2020, as Maltese American Heritage Day in the state of Michigan. Over 12,600 Michiganders are Maltese immigrants or children of Maltese immigrants, making the Metro Detroit area the largest concentration of Maltese Americans in the nation.
• **Pennsylvania SR 303.** This resolution observes March 1, 2020, as St. David’s Day, honoring the many Welsh immigrants that have settled in the state. The commonwealth has a concentration of people of Welsh ancestry that is greater than any other state.

• **Rhode Island SR 2880.** This recognizes and supports the Census Day of Action on April 1, 2020, and the outreach efforts of local governments and community-based organizations, particularly those with connections to traditionally hard-to-count and undercounted communities. One of the concerns to ensuring a fair and accurate count in the 2020 census for Rhode Island is that there are significant numbers of groups considered hard to count, including immigrants who may or may not have legal status, non-fluent English speakers, low-income and homeless people, racial and ethnic minorities, and young people.

• **Tennessee HJR 885.** This resolution congratulates President Donald J. Trump’s acquittal on two articles of impeachment and praises Trump for his accomplishments as our nation’s 45th president. Trump has improved vetting and screening for refugees and switched focus to overseas resettlement and has begun building the wall for strong borders and less crime.

• **Tennessee SJR 832.** The Child Citizenship Act of 2000 aimed to provide equal treatment under United States law for adopted and biological children by granting citizenship to internationally born adoptees. However, when the act became law, it did not apply to internationally born adoptees who were already older than 18. This resolution urges the president and Congress to enact legislation securing the citizenship of internationally adopted adult individuals.

• **Utah HR 1.** This resolution recognizes the hundreds of Tutsi refugees who have been granted asylum by the United States, have relocated to the state of Utah and are rebuilding their lives and families as a growing and integral part of the community. It designates April 7 as the Day of Remembrance for the Victims of the Genocide Against the Tutsi in Rwanda.

• **Virginia HR 632a.** This resolution commends the Philippine Cultural Center of Virginia on its 20th anniversary of service to the Hampton Roads community. The Philippine Cultural Center of Virginia preserves the history and heritage of the Filipino community in the United States and pays tribute to Filipino immigrants who have served and sacrificed as members of the U.S. armed forces.

• **Virginia SR 542a.** This resolution commends retired Lt. Col. Alexander Semyon Vindman for his honorable military service and commitment to the preservation and defense of the Constitution and its values upon which this nation was founded. He was born in Ukraine.

**Other Resources**

- NCSL’s publication on COVID-19 and Immigrants
- NCSL’s FAQ on sanctuary policy.
- NCSL’s publication on in-state tuition and unauthorized immigrant students.
- NCSL’s report on occupational licensing for work-authorized immigrants is available online.
- NCSL’s report on driver’s licenses and immigrants is available online.