



## Immigrant Policy Project

# 2011 Immigration-Related Laws and Resolutions in the States (Jan. 1–Dec. 7, 2011)

In 2011, state legislators introduced 1,607 bills and resolutions relating to immigrants and refugees in all 50 states and Puerto Rico. This is a significant increase compared with 2010, when 46 states considered more than 1,400 bills and resolutions pertaining to immigrants. Even though more bills were introduced this year, however, 11 percent fewer were enacted. As of Dec. 7, 2011, **42 states and Puerto Rico had enacted 197 new laws and 109 new resolutions, for a total of 306.** Fifteen additional bills passed but were vetoed by governors. (See Table 1.)

Five states—Alabama, Georgia, Indiana, South Carolina and Utah—crafted omnibus laws following the example of Arizona’s 2010 bill, SB 1070. These laws include provisions that: require law enforcement to attempt to determine the immigration status of a person involved in a lawful stop; allow state residents to sue state and local agencies for noncompliance with immigration enforcement; require E-Verify (an employment eligibility verification system); prohibit the harboring or transporting of unauthorized aliens; and make it a violation for failure to carry an alien registration document. Alabama’s HB 56 also requires schools to verify students’ immigration status, but the provision was enjoined by the U.S. District Court.

Court challenges based on preemption and civil rights have been filed against all five of these new state laws. Alabama’s HB 56, Georgia’s HB 87, Indiana’s SB 590 and Utah’s HB 497 have been enjoined; the challenge to South Carolina’s SB 20 was filed October 31, 2011. The U.S. Department of Justice filed a motion for injunction of Alabama’s law on August 1; on South Carolina’s law on October 31; and Utah’s law on November 22. More information on these omnibus laws can be found under the omnibus category in this report and online. See also NCSL’s publications on [Arizona’s law](#) and on [omnibus bills in 2011](#).

Utah took the immigration debate in a new direction, crafting a package of bills (HB 116, HB 466, HB 469 and HB 497) to support immigration enforcement and a legal immigrant workforce. Key provisions include: seeking a federal waiver to obtain foreign workers; creating a multi-agency strike force to combat crimes associated with illegal immigration and human trafficking; creating an advisory commission on immigration and migration; requiring studies on the economic, legal, cultural and educational impact of immigration; and developing a state plan on immigration and integration.

As in previous years, law enforcement, identification/driver’s licenses and employment remain the top issues addressed in state legislation related to immigrants. Alabama, Idaho, Kansas, Michigan, South Dakota and Utah enacted sex offender registries that include a requirement of proof of citizenship or immigration documents. Montana now requires the Department of Motor Vehicles to use the SAVE program to verify a driver’s license or an ID applicant’s lawful presence. Eleven states—Alabama, California, Georgia, Indiana, Louisiana, North Carolina, North Dakota, South Carolina, Tennessee, Utah and Virginia—enacted legislation on E-Verify. Florida added an E-Verify requirement by executive order. Seventeen states now have an E-Verify requirement. For more details, see NCSL’s E-Verify [publication](#).

In education, Connecticut and Maryland will permit unauthorized immigrant students to be eligible for in-state tuition. Twelve states now have enacted legislation that typically conditions eligibility for in-state

tuition on attendance and graduation from a state high school and admission into a college. California now offers financial aid as well to unauthorized immigrants. See NCSL’s publication on [in-state tuition](#).

In the health and public benefits categories, California revised its Fostering Connections Act to include additional guidance on immigrant children in the care of Child Protective Services (CPS). Indiana established a county domestic violence fatality review team and provides migrant child care if domestic violence is found. Nevada and Connecticut created state health insurance exchanges and permit lawfully present immigrants to participate. California allows lawfully present immigrants to be eligible for Medicaid Coverage Expansion (MCE) and the Health Care Coverage Initiative (HCCI).

**Table 1. State legislation related to immigrants, 2005-2011**

<b>Year</b>	<b>Introduced</b>	<b>Passed Legislatures</b>	<b>Vetoed</b>	<b>Enacted</b>	<b>Resolutions</b>	<b>Total Laws &amp; Resolutions</b>
2005	300	45	6	39	0	39
2006	570	90	6	84	12	96
2007	1,562	252	12	240	50	290
2008	1,305	209	3	206	64	270
2009	1,500*	373	20	222	131	353
2010	1,400*	356	10	208	138	346
<b>2011**</b>	<b>1,607</b>	<b>318</b>	<b>15</b>	<b>197</b>	<b>109</b>	<b>306</b>

\* 2009-2010 estimates

\*\* As of Dec. 7, 2011

**Summaries of all enacted laws and resolutions are available online sorted alphabetically by state and by category at: [www.ncsl.org/programs/immig](http://www.ncsl.org/programs/immig).**

- [Enacted laws and resolutions as of Dec. 7, 2011, by state.](#)
- [Enacted laws and resolutions as of Dec. 7, 2011, by subject.](#)
- [Vetoed bills as of Dec. 7 2011, by state.](#)

**Methodology**

This report summarizes laws and resolutions enacted between Jan. 1 and Dec. 7, 2011. 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.”

**STATES THAT PASSED IMMIGRANT-RELATED LAWS  
(2011)**



- Enacted immigration-related laws or adopted resolutions in 2011.
- Did not enact immigration-related laws or adopted resolutions in 2011.
- Data not collected or available for Washington, D.C., Guam, American Samoa, Northern Mariana Islands or the Virgin Islands.

**Source: NCSL Immigrant Policy Project, 2011**

## Laws and Resolutions on Immigration Passed by Legislatures in 2010 and 2011

	2010	2010	2011	2011
Main Sub-Topics	Number of Laws Enacted	Number of States	Number of Laws Enacted (Vetoed)	Number of States
Budgets	49	29	19 (2)	15
Education	17	11	20 (1)	11
Employment	27	20	27 (3)	18
Health	17	13	23 (2)	15
Human Trafficking	8	8	5	5
ID/Driver's Licenses and Other Licenses	26	21	27	18
Law Enforcement	37	19	39 (5)	20
Miscellaneous	20	15	12 (1)	9
Omnibus/Multi-Issue Measures	2	1	6	5
Public Benefits	9	8	15 (1)	11
Voting	6	3	4	4
<b>Total Enacted Laws</b>	<b>218</b>	<b>43</b>	<b>197 (15)</b>	<b>42 (&amp; PR)</b>
<b>Resolutions</b>	<b>138</b>	<b>27</b>	<b>109</b>	<b>26</b>
Total laws and resolutions passed/adopted by state legislatures	356	47	321	42 (& PR)
Vetoed by governors	10	2	15	8
<b>Total enacted laws and adopted resolutions</b>	<b>346</b>		<b>306</b>	

Source: NCSL Immigrant Policy Project, 2011.

The full report of state laws is available online by state and by category, and in a searchable database. The brief summary below describes the categories and provides examples of laws enacted in 2011.

### **BUDGETS (19 enacted, 2 vetoed)**

Fifteen states passed 19 laws: Arizona, Arkansas, California, Colorado, Georgia, Indiana, Massachusetts, Mississippi, Missouri, Montana, Nevada, Utah, Vermont, Virginia and Washington. Two laws were vetoed in California and Minnesota.

These laws typically appropriate funds for migrant health centers, education, law enforcement, refugee resettlement or naturalization assistance programs.

*Example:* Virginia HB 1500 appropriates money for a multilingual outreach campaign to inform qualified aliens and their children, who are U.S. citizens, of their eligibility for federal food stamps and to ensure that they have access to benefits under the food stamp program. It also extends the State Plan for Temporary Assistance for Needy Families (TANF) to aliens who qualify, if permitted by federal law.

*Example:* Washington HB1087 requires that on Dec. 1, 2011, and annually thereafter, the Department of Social and Health Services report to the legislature on all sources of funding available for refugees and immigrants, as well as naturalization services, and the amounts expended by service type and funding source. It requires the annual report to include the number of clients served and any data on outcomes.

### **EDUCATION (20 enacted, 1 vetoed)**

Eleven states enacted 20 laws: California, Connecticut, Georgia, Indiana, Maryland, North Carolina, North Dakota, Oregon, Virginia, Washington and West Virginia. One law was vetoed in California. For more information, please see NCSL's publication on [instate tuition and unauthorized immigrant students](#).

These laws generally address eligibility for in-state tuition and financial assistance.

*Example:* Indiana HB1402 states that a person unlawfully present in the United States is ineligible to pay the resident tuition rate.

*Example:* Maryland SB167 and Connecticut HB 6390 permit certain unauthorized immigrant students to be eligible for in-state tuition.

*Example:* California AB 844, AB130 and AB131 allow unauthorized immigrant students to be eligible for financial aid.

### **EMPLOYMENT (27 enacted, 3 vetoed)**

Seventeen states and Puerto Rico enacted 27 laws: California, Idaho, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, Nebraska, New Jersey, Oregon, Tennessee, Texas, Utah, Virginia and Washington. Three laws were vetoed in California, Maine and New Jersey.

Many of these laws provide employer sanctions for hiring unauthorized workers, set employment eligibility verification requirements, and define penalties. Some of these laws also address unemployment benefits and workers' compensation.

*Example :* Mississippi SB 2238 limits public benefit payments to lawfully present individuals only.

*Example:* Virginia SB 1471 establishes the Interagency Migrant Worker Policy Committee to serve the interests of migrant and seasonal farm workers and employees.

Eleven states enacted E-Verify legislation: Alabama, California, Georgia, Indiana, Louisiana, North Carolina, North Dakota, South Carolina, Tennessee, Utah and Virginia. Florida mandated the use of E-Verify through an executive order. For additional information on E-Verify legislation, please see NCSL's [publication](#).

*Example:* California AB 1236 prohibits localities from mandating the use of E-Verify.

### **HEALTH (23 enacted, 2 vetoed)**

Fifteen states enacted 23 laws: Arizona, Arkansas, California, Connecticut, Florida, Idaho, Indiana, Maryland, North Dakota, Nebraska, Nevada, New York, Texas, Vermont, and West Virginia. Two laws were vetoed in Minnesota and New Mexico.

These laws generally address eligibility for health care benefits, health insurance exchanges, and licensing of health care professionals and interpreters.

*Example:* Texas SB189 requires a licensed applicant who is not a U.S. citizen or an alien lawfully admitted for permanent residence in the United States to present proof that he or she has practiced medicine or has signed an agreement to practice medicine as a condition of the license for at least three years in an area designated as a health professional shortage area or a medically underserved area by the U.S. Department of Health and Human Services.

*Example:* Nevada SB440 and Connecticut SB 921 create state health insurance exchanges and allow citizens and those who are lawfully present in the United States to participate in them.

### **HUMAN TRAFFICKING (5 enacted)**

Five states passed five laws: Georgia, Kansas, Massachusetts, Texas and Vermont.

These laws add definitions relating to human trafficking, human smuggling and forced labor, create new state penalties and offer assistance to victims.

*Example:* Georgia HB 200 addresses human trafficking, sexual servitude and their crimes and offenses. It sets the penalty for sex trafficking at imprisonment for not less than 10 nor more than 20 years and a fine not to exceed \$100,000. Coercion includes disseminating information that would subject a person to criminal or immigration proceedings.

*Example:* Missouri HB 214 allows victims of human trafficking to receive services that include English language instruction and language interpretation and translation services.

### **ID / DRIVER'S LICENSES AND OTHER LICENSES (27 enacted)**

Eighteen states passed 27 laws: Arizona, Arkansas, California, Florida, Illinois, Indiana, Maine, Michigan, Montana, North Dakota, Nebraska, New Mexico, Nevada, Oregon, Utah, Vermont, Virginia and Washington.

These laws relate to documentation and eligibility requirements for IDs and driver's licenses, professional licenses, and firearm and hunting/fishing licenses.

*Example:* Arizona HB 2102 requires agencies to issue a license, fingerprint clearance card, or any state ID only to a person who provides photo ID proof of citizenship or alien status.

*Example:* Montana HB178 requires that the DMV use the SAVE program to verify a driver's license or an ID applicant's lawful presence.

*Example:* Michigan SB 494 allows legally present aliens to apply for an official state personal identification card.

### **LAW ENFORCEMENT (39 enacted, 5 vetoed)**

Twenty states enacted 39 laws: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Kansas, Michigan, Mississippi, New Mexico, New York, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia and Washington. Five laws were vetoed in California, Minnesota, Montana, New Mexico and Nevada.

These laws generally deal with collaboration with federal law enforcement agencies, immigrant detention processes, bail determinations and law enforcement officer responsibilities. Alabama, Idaho, Kansas, Michigan, South Dakota and Utah addressed sex offender registration, requiring proof of citizenship or immigration documents.

*Example:* Arizona SB1406 allows the governor to enter a compact with other states to provide construction and maintenance for a secure fence along the Arizona-Mexico border.

*Example:* New York SB 5672 requires a notary public who advertises services in a language other than English to state that they are not authorized to practice law and have no authority to give advice on immigration law or other legal matters.

*Example:* Washington SB 5168 reduces the state's maximum penalty for a gross misdemeanor to 364 days since the one-year sentence can result in the deportation of a legal immigrant, even if the sentence is suspended. The law attempts to correct the disproportionate punishment for those convicted of a felony sentence of less than one year.

### **MISCELLANEOUS (12 enacted, 1 vetoed)**

Nine states enacted 12 laws: California, Colorado, Maine, Maryland, North Dakota, Tennessee, Texas, Utah and Washington. One law was vetoed in Arizona.

These laws address a variety of immigration issues like housing assistance, tax withholdings, and studies exploring the impact immigrants have on the state.

*Example:* Utah HB 466 requires the development for a state plan on the integration of immigrants, creates the Migrant Worker Visa Pilot Program and commissions a study of the impact of illegal immigration on the state.

### **OMNIBUS / MULTI-ISSUE LEGISLATION (6 enacted)**

Five states enacted six comprehensive laws: Alabama, Georgia, Indiana, South Carolina and Utah.

Omnibus bills include several topics in one bill such as immigration law enforcement, employment verification, human trafficking and verification of lawful status for public benefits.

*For additional information, please see NCSL's [publication](#) on omnibus laws.*

### **PUBLIC BENEFITS (15 enacted, 1 vetoed)**

Eleven states enacted 15 new laws: California, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Montana, Nebraska, Pennsylvania, and Virginia. One law was vetoed in Montana.

These laws relate to eligibility and verification of immigration status for public benefits, such as requiring proof of lawful presence in the United States or extending benefits for certain refugee or immigrant populations. Some require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Some make funds available for certain immigrants and refugees.

*Example:* Montana HB 638 allows the state to deny services to an illegal alien to the extent allowed by federal laws and the state constitution. It requires a person seeking a state service to provide proof of U.S. citizenship or legal alien status to the state agency. This act must be approved by voters on the 2012 ballot before it can become effective in 2013.

*Example:* Indiana SB 465 establishes a county domestic violence fatality review team and provides migrant child care if domestic violence is found.

*Example:* Michigan HB 4409 requires applicants applying for family independence program assistance who claim they are not U.S. citizens to have their immigration status verified using the federal SAVE program.

#### **VOTING (4 enacted)**

Four states enacted in four laws: Alabama, California, Kansas, and Utah

These bills address voter registration, including verification of citizenship.

*Example :* Kansas HB 2067 requires proof of U.S. citizenship to vote.

*Example :* Utah SB165 identifies acceptable forms of voter identification including a driver's license, ID card, U.S. passport, birth certificate, Social Security card, naturalization documents or financial statements.

#### **RESOLUTIONS (109 adopted)**

Twenty-five states adopted 109 resolutions and memorials: Arkansas, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Idaho, Michigan, Mississippi, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont and Washington.

Most celebrate America's ethnic heritage and other programs or individuals that serve refugees or immigrants. Six urge the administration or Congress to act on an immigration matter.

*Example:* North Dakota HCR 3045 directs Legislative Management to study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires.

*Example:* California AJR 17 urges Congress and the president to increase funding for law enforcement and crime prevention programs (including the State Criminal Alien Assistance Program) and to pay the full costs of incarcerating undocumented criminals.

*Example:* Vermont HJR 14 urges Congress and the U.S. Departments of Labor and of Homeland Security to authorize H-2A visas for seasonal, 12-month agricultural workers.

*Prepared by:*

Brooke Meyer, Fall Fellow; Joy Segreto, Summer Fellow; April Carter, Spring Fellow; and  
Ann Morse, Program Director, Immigrant Policy Project, NCSL  
[www.ncsl.org/programs/immig](http://www.ncsl.org/programs/immig)

*Reviewers:*

Sheri Steisel, Federal Affairs Counsel, NCSL  
Molly Ramsdell, Director, Washington Office, NCSL  
Neal Osten, Director, Washington Office, NCSL

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