



Immigrant Policy Project

NATIONAL CONFERENCE *of* STATE LEGISLATURES | JAN 2018

Report on State Immigration Laws

2017





NATIONAL CONFERENCE
of STATE LEGISLATURES
The Forum for America's Ideas

Immigration Policy Project
January 2018

Report on State Immigration Laws
January – December 2017

What Are the Numbers?

Enacted legislation related to immigration increased in 2017 by 110 percent to 206 laws compared with 98 laws in 2016. The number of resolutions increased by 53 percent to 263 from 172. **Lawmakers in 49 states enacted 206 laws and 263 resolutions** related to immigration, for a total of 469. An additional 15 bills were vetoed by governors. One state, Alaska, did not enact immigration-related legislation in 2017.

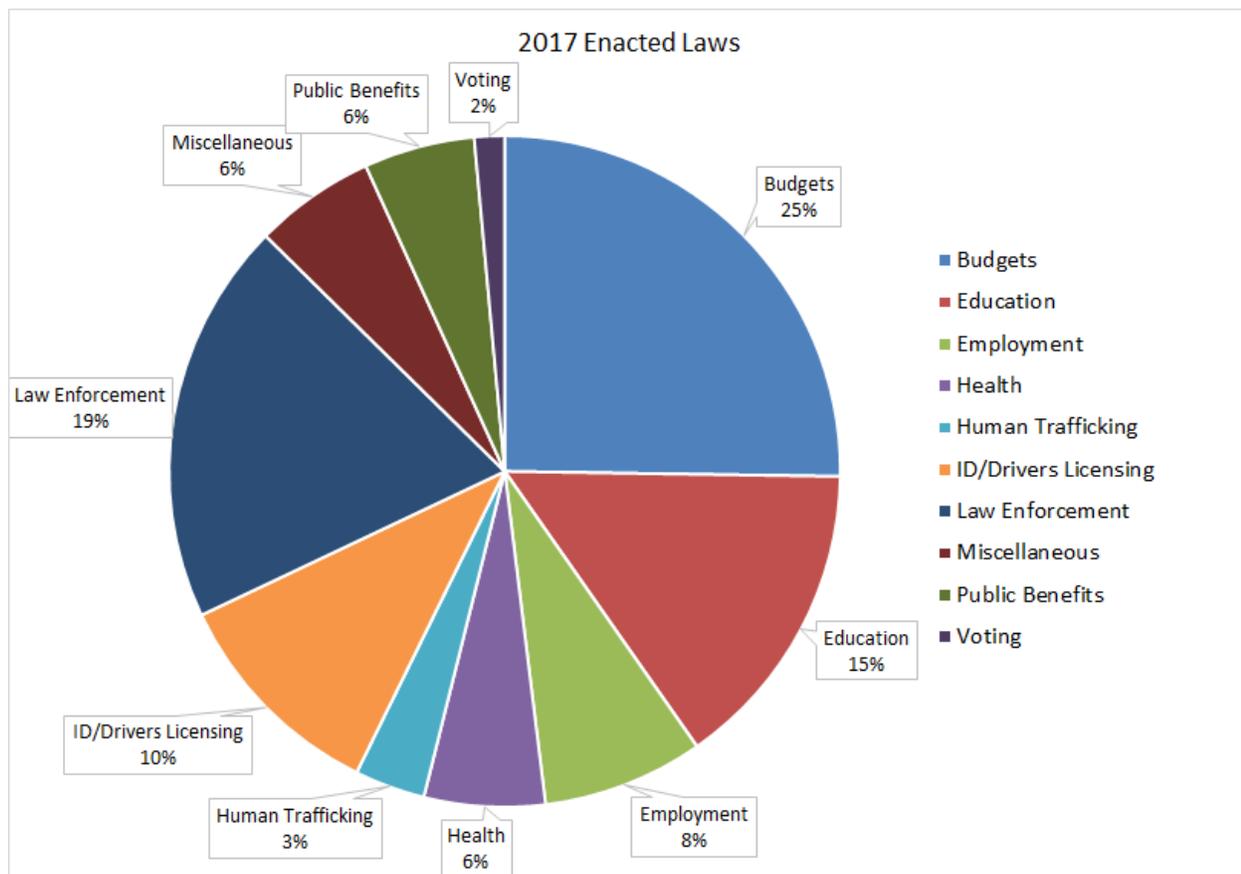
The three most active states were California (91 laws and resolutions), Texas (61) and Illinois (39).

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 37 states and the District of Columbia considered more than 120 bills this year regarding sanctuary jurisdictions or noncompliance with immigration detainees. 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 Illinois enacted the Trust Act prohibiting state enforcement of federal civil immigration laws, without restricting communication on citizenship or immigration status required under Sections 1373 and 1644 of Title 8 of the US Code. **Vermont** prohibited 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 but does not prohibit compliance with 8 USC Sections 1373 and 1644. A **California** resolution called upon President Trump and Secretary Kelly to publicly reaffirm the principles of the ICE policy memorandum dated Oct. 24, 2011, regarding enforcement actions at sensitive locations such as courthouses, hospitals and houses of worship.
- **Refugees.** More than half the states considered legislation related to refugee resettlement in 2017, seeking additional state control over refugee resettlement, opposing federal executive orders or supporting refugee populations. South Dakota repealed the authority for its department of social services to enter agreements related to the Refugee Act of 1980 and North Dakota allowed for a study

of refugees. California, Illinois, Nebraska, New Jersey and Utah adopted resolutions supporting refugees. Pennsylvania adopted a resolution condemning the global persecution of Christians and called on world leaders to implement policies that protect the religious liberty of Christians and all other faiths within their borders.

- **Education/Civics.** Fourteen states—Alabama, Arizona, Arkansas, Idaho, Kentucky, Louisiana, Montana, Nevada, North Dakota, South Carolina, Tennessee, Utah, West Virginia and Wisconsin—now use the federal naturalization exam for high school civics curricula and/or testing requirements.
- **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. California expanded eligibility for in-state tuition for students at California's public postsecondary institutions to students who have completed three or more years of attendance at an elementary school, secondary school, adult school and/or California Community College.



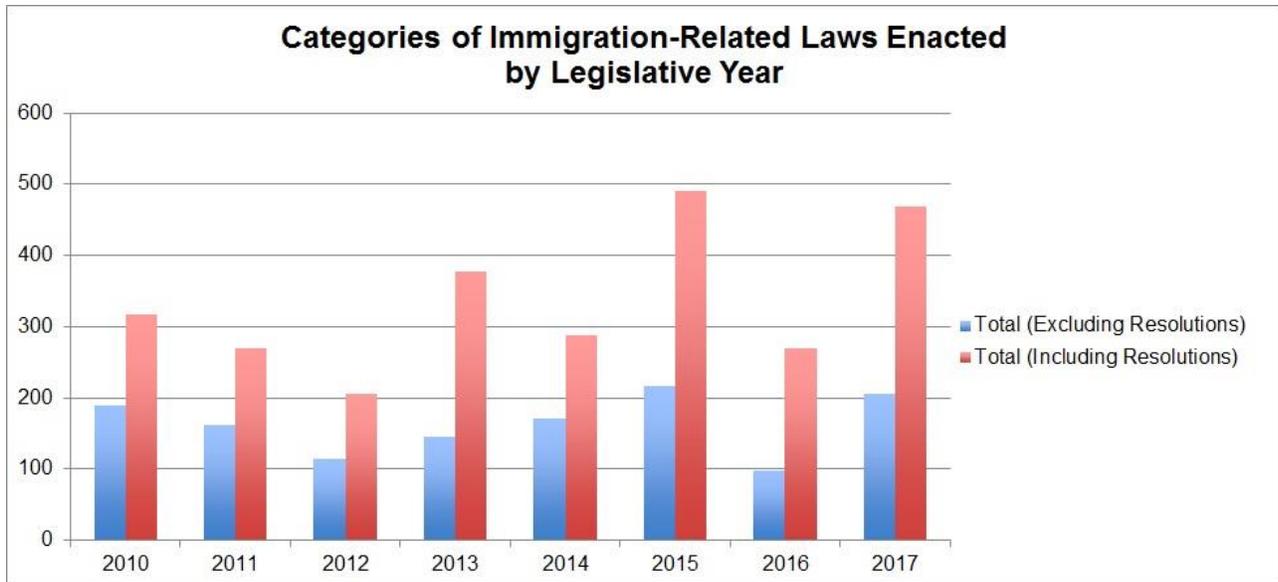
The largest category—25 percent of all laws—are budget and appropriations laws, authorizing funds for such purposes as providing for immigration enforcement, immigrant integration, English language and citizenship classes, and migrant and refugee programs.

- Legislation related to law enforcement, such as immigration enforcement and consumer fraud related to legal services, accounted for 19 percent.
- 15 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.
- Legislation related to ID’s/driver’s licenses and other licenses made up 10 percent of all enacted laws on immigration.
- 8 percent of laws focused on employment, E-Verify, limiting workers’ compensation or unemployment insurance, or defining employment.
- 6 percent of laws related to health such as interpreters, eligibility criteria for Medicaid or licensing relating to health professionals.
- 6 percent of laws addressed public benefits such as eligibility or special immigrant juvenile status.
- 3 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 December 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.”

Subjects of Immigration-Related Laws Enacted by Year (Jan-Dec)

Subject	2014	2015	2016	2017
Budgets	37	50	31	52
Education	15	31	10	31
Employment	22	20	7	16
Health	14	26	11	12
Human Trafficking	11	7	4	7
ID/Drivers Licensing	26	22	10	22
Law Enforcement	27	24	13	40
Miscellaneous	3	17	6	12
Public Benefits	13	13	6	11
Voting	3	6		3
Resolutions	117	274	172	263
Total (Excluding Resolutions)	171	216	98	206
Total (Including Resolutions)	288	490	270	469



BUDGET

Lawmakers in 28 states and the District of Columbia enacted 52 laws: Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Utah, Texas, Virginia, Washington, and Wisconsin and the District of Columbia.

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.
- **Example: WI A 64.** This appropriations law includes refugee assistance funding and requires high school students to pass a civics test identical to the U.S. citizenship exam and correctly answer 65 questions (up from 60).

EDUCATION

Lawmakers in 15 states enacted 31 laws: Alabama, Arkansas, California, Colorado, Connecticut, Kentucky, Louisiana, Minnesota, Montana, Nevada, North Carolina, Oregon, Utah, Washington, and West Virginia.

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. Fourteen states—Alabama, Arizona, Arkansas, Idaho, Kentucky, Louisiana, Montana, Nevada, North Dakota, South Carolina, Tennessee, Utah, West Virginia and Wisconsin—now use the federal naturalization exam for high school civics curricula and/or testing requirements.

- **Example: CA A 21.** This law requires institutions of higher education to: refrain from disclosing personal legal information concerning students, faculty, and staff; designate a staff person to serve as a point of contact for those who may be subject to immigration actions; maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it, and ensure that certain benefits and services provided to undocumented students are continued in the event that they are subject to a federal immigration order.
- **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: OR H 2864.** This law requires each public institution of higher education to establish cultural competency standards and to implement, assess and report on those standards.

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

EMPLOYMENT

Lawmakers in 10 states enacted 16 laws: Arizona, California, Hawaii, Idaho, Maine, Minnesota, Mississippi, Rhode Island, Texas, and Wyoming.

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

- **Example: CA A 1111.** This law creates a grant program to provide individuals with barriers to employment the services they need to participate in workforce preparation, training, and education programs aligned with regional labor market needs. The law specifies that people completing these programs should have the skills and competencies to successfully enter the labor market, retain employment, and earn wages that lead to self-sufficiency and economic security. Immigrants, migrants and persons for whom English is not their primary language are included in the populations eligible to be served.

- **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: RI H 5413.** This law requires employers to provide their employees with paid leave time. The department of labor and training must develop a multilingual outreach program for employers, employees, parents and individuals under the care of health care providers, with notices in English and in all languages spoken by more than 5 percent of Rhode Island's population.
- **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

Lawmakers in nine states enacted 16 laws: Hawaii, Louisiana, Maine, Michigan, Mississippi, Nevada, Oregon, Tennessee, and Washington. 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: ME S 362.** This law requires the state's Public Health Nursing Program to provide nursing services in communities that lack these services or in which these services are inadequate, including support for refugee and immigrant health services.
- **Example: MI H 4642.** This law creates an educational and outreach program to inform the public, including members of new immigrant populations and health care providers, of the health risks and emotional trauma inflicted by the practice of female genital mutilation and the criminal penalties for female genital mutilation.
- **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: OR S 558.** This law expands eligibility for medical assistance under Healthy Kids from children lawfully present in Oregon to all children residing in Oregon.

For more information, please see NCSL's publication on [immigrant eligibility for health care](#).

HUMAN TRAFFICKING

Lawmakers in six states enacted seven laws: Connecticut, Nebraska, Oregon, Rhode Island, 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: RI H 5300.** This law allows victims and minors who have engaged in commercial sexual activity to be eligible for state benefits or services, regardless of their immigration status. The law also requires law enforcement officers to provide the Form I-914B or Form I-918B for nonimmigrant T or U visas provided by the U.S. Citizenship and Immigration Services upon request from individuals whom officers reasonably believe are victims of human trafficking or severe offenses.
- **Example: TX H 29.** This law requires sexually oriented businesses to place a sign in the bathroom directing human trafficking victims to contact the National Human Trafficking Resource Center. The sign must be in English and Spanish. The law also requires commercial driver's license training programs to include information on recognizing and preventing human trafficking.

ID's/DRIVER'S LICENSES and other LICENSES

Lawmakers in 18 states enacted 22 laws: California, Idaho, Indiana, Kentucky, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, South Carolina and Washington.

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: MI S 219.** This law prohibits county clerks from issuing a firearm license to applicants unless the Department of State Police has verified that the applicant is neither an illegal nor nonimmigrant alien nor prohibited from possessing or transporting firearms under federal law.

- **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.

For more information, please see NCSL's publication on [states offering driver's licenses to immigrants](#).

LAW ENFORCEMENT

Lawmakers in 19 states enacted 40 laws: Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Mississippi, Missouri, Nevada, Oregon, Tennessee, Texas, Utah, Vermont, Virginia, and Washington.

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: CA S 54.** This law prohibits state and local law enforcement agencies, school police and security departments from using money or personnel to investigate or arrest persons for immigration enforcement purposes. The attorney general must publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities and courthouses operated by the state or localities.
- **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: GA H 37.** This law prohibits postsecondary institutions from adopting sanctuary policies and adds penalties for violations.
- **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: IL S 231.** This law establishes the Illinois Trust Act which prohibits law enforcement agencies and officials from stopping, arresting or detaining individuals on the basis of any immigration detainer or non-judicial immigration warrant or solely based on an individual's citizenship or immigration status. This does not apply if a law enforcement agency or law enforcement official is

presented with a valid, enforceable federal warrant. Nothing in this section prohibits communication between federal agencies or officials and law enforcement agencies or officials.

- **Example: IN S 423.** This law specifies it is unlawful for public and private universities in Indiana funded by the state or federal government to interfere with the enforcement of federal immigration laws. It requires employees to reveal information regarding an individual's immigration status to law enforcement officers.
- **Example: MS S 2710.** This law prohibits state agencies, localities, or college institutions from prohibiting cooperation with federal agencies or officials to verify or report the immigration status of any person.
- **Example: MO S 34.** This law establishes the offense of illegal reentry into the U.S. if the individual has been removed from the U.S., reenters the state and commits a misdemeanor offense of assault or a dangerous felony.
- **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.

For more information on sanctuary policies, please see NCSL's [issue brief](#).

MISCELLANEOUS

Lawmakers in eight states enacted 12 laws: California, Connecticut, Illinois, Louisiana, Mississippi, New York, 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: CA S 156.** This law requires the Department of Veterans Affairs and the California National Guard to assist noncitizens leaving military service in California to become U.S. citizens.
- **Example: IL S 1696.** This law creates the Illinois Muslim American Advisory Council to advise the governor and the General Assembly on policy issues impacting Muslim Americans and immigrants; to advance the role and civic participation of Muslim Americans in Illinois; to enhance trade and cooperation between Muslim-majority countries and Illinois; and to build relationships with Muslim American and immigrant communities.
- **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 seven states enacted 11 laws: Arkansas, California, 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: CA A 130.** This law appropriates \$20 million to the department for immigration services funding for entities under contract for work on behalf of clients involved in, applying for, or subject to, federal Deferred Action for Childhood Arrivals status.
- **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

Lawmakers in 32 states, Puerto Rico and the District of Columbia adopted 263 resolutions:

Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, Puerto Rico and the District of Columbia.

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, seven states—California, Colorado, Florida, Hawaii, Illinois, Nebraska, and New Jersey—adopted resolutions encouraging federal action on immigration issues.

- **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: DE HJR 4.** This resolution establishes the Delaware Certificate of Multiliteracy. This certificate is awarded to high school students who have gained proficiency in English and in one or more foreign languages.
- **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: MI SR 82.** This resolution denounces radical hate groups and declares them domestic terrorist organizations that have promoted the intimidation and violent repression of individuals solely on the basis of their race, ethnicity, religion, sexual orientation or immigration status.
- **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: TX HR 915.** This resolution commends the National Association for Bilingual Education for its work advocating multilingualism, including its role in the adoption of the Seal of Biliteracy programs in nine states.

Powered by

LexisNexis® State Net®

Prepared by:

Ann Morse, program director, Immigrant Policy Project, NCSL

Maria Pimienta, 2017 Summer Immigrant Policy Fellow

Ishanee Chanda, 2017 Fall Immigrant Policy Fellow

Reviewers:

Molly Ramsdell, director, Washington Office, NCSL

Neal Osten, director, Washington Office, NCSL

Source: National Conference of State Legislatures, January 2018

This publication was made possible by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author.