



Immigrant Policy Project

August 12, 2014

2014 Report on State Immigration Laws (Jan.-June)

In the first half of 2014, enacted legislation dealing with immigration decreased by nine percent from 146 to 132 laws in 2013. The number of resolutions returned to a normal level (84) after last year's spike in activity (231).

Trends:

- **Education.** Florida extended in-state tuition benefits to unauthorized immigrant students and U.S. citizen children of unauthorized parents. Tennessee extended in-state tuition to U.S. citizen students with parents who are without legal immigration status and emancipated students who have remained in Tennessee while their parent moved out of state. Washington extended state financial assistance to students who received temporary relief from deportation (deferred action) and expanded State Need Grant eligibility to include Washington resident students who are presumed undocumented. Missouri barred funds to higher education institutions if tuition to unlawfully present students is less than U.S. citizens that are not residents of Missouri.
- **Practicing law.** Florida enacted legislation permitting the Supreme Court to admit certain unauthorized immigrant students to practice law if they received employment authorization from the federal government, a social security number, and fulfilled all state requirements.
- **Task forces.** Delaware established a task force to study undocumented motorist safety and insurance. New Mexico created a task force to study the creation of community health specialist positions in the state, including those with credentials from foreign countries. Rhode Island created a task force to study the evaluation and certification of foreign-trained professionals.
- Seven states adopted **resolutions** seeking action from Congress or the administration. These include requesting support for EB-2 visas (Michigan); suspension of deportations for unauthorized immigrants with no serious criminal history (California); support for comprehensive immigration reform (Florida, Nebraska and New Jersey) and assistance with visas for Korean skilled workers (Georgia) and Filipino veterans (Illinois).
- No state legislation related to E-Verify, extending driver's licenses to unauthorized immigrants, or omnibus legislation passed thus far in 2014.

What are the numbers?

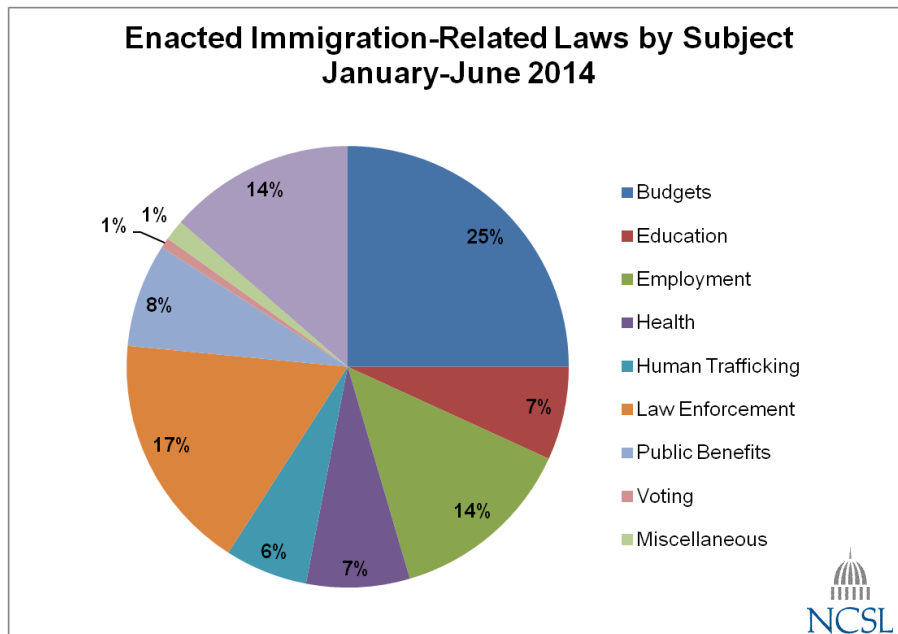
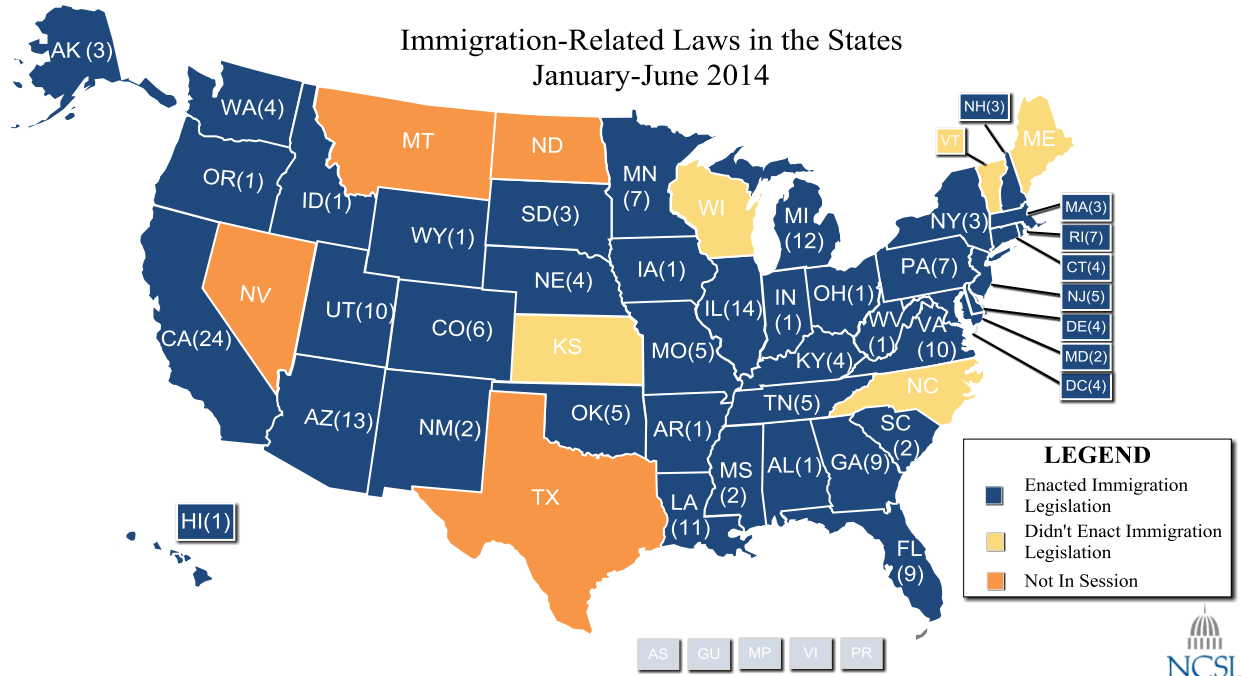
As of June 30, 2014, **lawmakers in 41 states and the District of Columbia enacted 132 laws and 84 resolutions** related to immigration, for a total of 216. An additional 28 bills were vetoed by governors. Looking only at laws and not resolutions, enacted legislation decreased 9 percent in 2014 compared to the same timeframe in 2013, with 132 laws compared to 146.

The total of 216 laws and resolutions is a 43 percent decrease from the 377 laws and resolutions enacted in the first half of 2013. The decrease is partly explained by states not in legislative session in 2014, notably Texas, which enacted 101 laws and resolutions in 2013. The number of vetoed bills also increased in 2014, to 28 up from seven in 2013.

Montana, North Dakota, Nevada and Texas did not have regular session in 2014 and five additional states did not enact immigration-related legislation in the first half of 2014: Kansas, Maine, North Carolina, Vermont and Wisconsin.

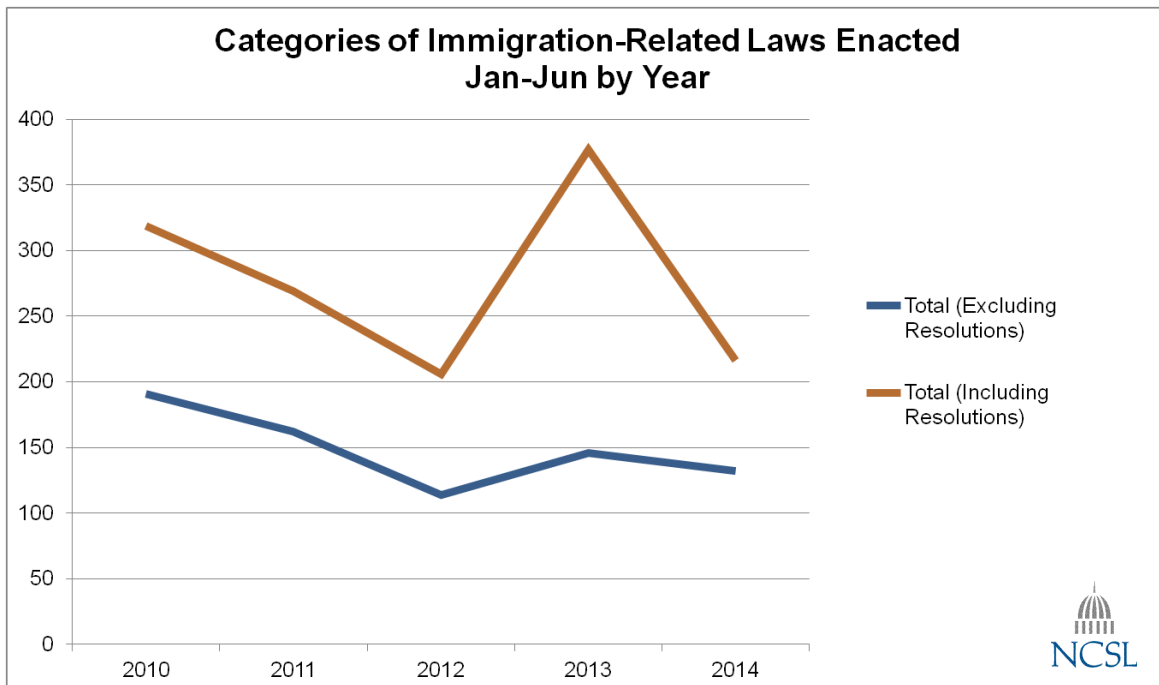
- The largest category, comprising 25 percent of all laws are budget and appropriations laws, authorizing funds for such purposes as providing for immigration enforcement, English language and citizenship classes, and migrant and refugee programs.
- Legislation related to law enforcement accounted for 17 percent, an increase from 11 percent in 2013.
- Legislation related to driver's licenses and IDs declined to 18 laws, down from 34 laws enacted last year, comprising 14 percent of all enacted laws on immigration.
- Fourteen percent of laws were focused on employment, limiting workers' compensation or unemployment insurance, limiting certain jobs to US citizens or legal immigrants, or defining employment to exclude agricultural labor. No laws related to E-Verify were enacted in 2014.
- Eight percent of laws addressed public benefits such as case management, child welfare and adoption.
- Eight percent of laws related to health such as health equity, mental health, eligibility criteria for Medicaid or licensing relating to health professionals.
- Seven percent of laws dealt with education, addressing immigration and residency requirements for higher education.
- Six percent of laws addressed human trafficking, including penalties for withholding or destroying immigration documents, or to work with federal offices on special immigrant visas for victims.

Methodology: This report summarizes laws and resolutions enacted between January and June, 2014. 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."



Categories of Immigration-Related Laws Enacted January-June by Year

Category	2010	2011	2012	2013	2014
Budgets	41	20	29	20	33
Education	13	13	7	15	9
Employment	27	22	10	14	18
Health	15	18	9	14	10
Human Trafficking	7	4	9	10	8
ID/Drivers Licensing	23	23	12	34	18
Law Enforcement	33	42	20	16	23
Miscellaneous	22	11	5	11	2
Omnibus	2	6	1	0	0
Public Benefits	3	12	9	10	10
Voting	5	3	3	2	1
Resolutions	128	95	92	231	84
Total (Excluding Resolutions)	191	162	114	146	132
Total (Including Resolutions)	319	269	206	377	216



Budget

Lawmakers in 22 states enacted 33 laws: *Arkansas, Arizona, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Utah, Virginia and Washington.* An additional 18 budget laws were vetoed or line-item vetoed.

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

Example: AZ H 2708. This law states that loans, guarantees, investment management agreements and contracts that are entered into by the board of trustees must not involve investments in Sudan or Iran or otherwise provide support to terrorists or in any way facilitate illegal immigration into the United States.

Example: IA S 2347. This law appropriates \$210,000 to a pilot project to provide supplemental support services for international refugees to improve learning, literacy, cultural competencies, and assimilation.

Example: MO H 2010. This appropriations law sets aside \$200,000 to provide naturalization assistance to refugees and/or legal immigrants who have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. The department shall award a contract under this section to a qualified nonprofit which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare.

Education

Lawmakers in eight states enacted nine laws: *Colorado, Florida, Idaho, Kentucky, Minnesota, Missouri, Tennessee and Washington.* Three additional laws were vetoed in two states.

These laws usually pertain to immigration and residency requirements for access, in-state tuition, or financial assistance at educational institutions. Some laws address enhanced learning for refugees or English learners.

Example: FL H 851. This postsecondary education law includes amendments relating to qualifications for resident (in-state) tuition. Out-of-state fees are waived for students, including but not limited to, unauthorized immigrants who have attended a secondary school for three years before graduating from a Florida high school, applied for higher education enrollment within two years of graduation, and submitted an official Florida high school transcript as evidence of attendance and graduation. A dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. The law prohibits denial of classification as a resident for tuition purposes based on immigration status and allows certain people to be classified as state residents based on marriage or military service.

Example: Kentucky H 79. This law allows school districts to provide approved high school programs to students who are refugees or legal aliens, until the student graduates or until the end of the school year in which the student reaches the age of twenty one.

Example: MN H 2397. This law requires that early childhood literacy programs enable parents of English learners to track the progress of their children's English language development and, where practicable, their native language proficiency. Minnesota will commend bilingual and multilingual students with seals upon successful testing at level three of the Foreign Service Institute language proficiency tests and provide varying resources to encourage development of foreign-language skills. Finally, this law mandates that school-related documents and forms be translated into various languages in order to provide greater access and understanding for parents who do not speak English.

Example: MO H 2003. This law stipulates that no funds shall be expended at public institutions of higher education that offer a tuition rate to an unlawfully present covered student that is less than the tuition rate charged to citizens or nationals of the United States whose residence is not in Missouri.

Example: TN S 2115. This law states that a student will be classified as a state resident and charged in-state tuition if the student is a citizen of the United States; has resided in Tennessee for at least one year immediately prior to admission and has graduated from a Tennessee public secondary school; graduated from a private secondary school that is located in this state; or earned a Tennessee high school equivalency diploma.

Twenty 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

Fourteen states enacted 18 laws: *Arizona, California, Georgia, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, Rhode Island, Utah, Virginia and Washington. One additional bill was vetoed.*

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

Example: CA A 2751. This law amends provisions that prohibit an employer or person from engaging in unfair immigration-related practices against a person for the purpose of retaliation, including threatening to file or the filing of a false report or complaint with any state or federal agency. It requires a penalty to be awarded to an employee who engages in protected conduct and is retaliated against.

Example: RI S 3125. This law creates a special Senate task force to study the evaluation and certification of foreign-trained professionals. The task force shall report its findings and recommendations to the Senate on or before March 4, 2015.

Example: UT S 203. This law extends the program start date to July 21, 2017 under the Utah Immigration Accountability and Enforcement Act, and dates for the Utah Pilot Sponsored Resident Immigrant Program Act under which a resident immigrant may reside, work, and study in Utah. The program may not permit a resident immigrant to travel outside of the state except under certain circumstances.

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

Health

Six states enacted 10 laws: *California, Connecticut, New Hampshire, New York, Oregon and Wyoming.*

These laws typically pertain to eligibility requirements for Medicaid and SCHIP, language access, and eligibility criteria for licenses within the health profession.

Example: CT H 5537. This law establishes an Office of Health Equity that works to eliminate disproportionately adverse health outcomes in population groups known to have adverse health status or outcomes. Such population groups may be based on race, ethnicity, age, gender, socioeconomic position, immigrant status, sexual minority status, language, disability, homelessness, mental illness or geographic area of residence.

Example: NH S 270. This law establishes a commission to study mental health implementation in New Hampshire, and includes the director of the New Hampshire Office of Minority Health and Refugee Affairs as a member of the commission.

Example: NY S 6419. This law enables Modified Adjusted Gross Income eligible aliens lawfully present in the United States with household incomes at or below 133 percent of the federal poverty line to receive coverage for basic health care services if such alien would be ineligible for medical assistance due to his or her immigration status.

Example: OR H 4109. This law appropriates \$60,000 to the Oregon Health Authority to commission an independent study of the feasibility of operating a basic health program in Oregon. The study will include estimates of individuals eligible to enroll in the basic health program, including legal resident aliens who are barred participation in the medical assistance program for five years.

Human Trafficking

Six states enacted eight laws: *Colorado, Florida, Minnesota, Nebraska, Oklahoma and Pennsylvania.*

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

Example: NE L 998. This law, relating to public health and safety and sexual exploitation, makes it illegal to abuse or threaten to abuse the legal process against another person by causing arrest or deportation for violation of federal immigration law, and knowingly destroying, concealing, removing, confiscating, or possessing any passport, immigration document or other government identification documents of the other person.

IDs/Driver's Licenses and other Licenses

Lawmakers in 10 states and the District of Columbia enacted 18 laws: *Alaska, Arizona, California, Colorado, District of Columbia, Kentucky, Louisiana, Nebraska, South Dakota, Utah and West Virginia. Two laws were vetoed in Louisiana and Missouri. Two additional laws in two states were vetoed.*

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: AK H 1. This law changes the duration of an Alaska driver's license to match the expiration date of an authorized person's stay in the United States. The Department of Motor Vehicles may issue a driver's license with duration of less than five years if the person is authorized to stay in the United States for less than five years. If the period of authorized stay is indefinite, the department may issue a one year license that can be renewed for up to five years without charging renewal fees.

Example: AZ S 1397. This law eliminates border crossing identification cards and voter cards issued by the government of Mexico as acceptable forms of age verification when purchasing liquor.

Example: KY H 128. This law requires applicants for gun permits to be citizens or lawfully admitted to the United States. Noncitizens must provide an affidavit concerning his or her immigration status and show US government-issued identification.

Law Enforcement

Lawmakers in 14 states enacted 23 laws: *Alaska, Arizona, Connecticut, Delaware, Florida, Indiana, Louisiana, Michigan, Missouri, Oklahoma, Rhode Island, South Carolina, Utah, and Virginia. Three laws were vetoed in Arizona, Maryland and Missouri. Three additional laws were vetoed in three states.*

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: AZ H 2639. This law classifies knowingly accepting the identity of another person and using it to verify their work eligibility as aggravated taking identity of another person or entity, a class 3 felony.

Example: FL H 755. This law states that upon certification by the Florida Board of Bar Examiners an applicant who is an unauthorized immigrant who was brought to the United States as a minor, has been present in the United States for more than 10 years, has received documented employment authorization from the United States Citizenship and Immigration Services (USCIS), has been issued a social security number, if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453, and has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney authorized to practice law.

Example: IN S 343. This law requires the law enforcement training board to adopt rules for minimum standards for a course of study on cultural sensitivity training, including the U non-immigrant visa, and an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

Example: SC S 356. This law establishes that in order to be commissioned as a notary, applicants must read and write English and be registered voters. Notaries are prohibited from giving advice on legal matters, including immigration counseling, and must display signs in English and any other languages they advertise in to inform clients they are unable to provide legal services.

Miscellaneous

Two states enacted two laws: *Florida and Utah.*

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: FL H 7095. This law prohibits the National League or the American League of Major League Baseball (MLB) or Minor League Baseball from being able to receive state funding until they certify to the attorney general that any Cuban refugee (17+ years old, present in the US for less than one year, and not present before the most recent MLB Rule 4 Amateur Draft) may contract as a free agent, agree to report the identity and description of activity of anyone suspected of human trafficking, smuggling or movement for the purpose of evading MLB rules.

Example: UT S 95. This law repeals section 63G-13-203 of the Utah Code, collaboration on integration of immigrants. The collaboration urged the Utah Commission on Immigration and Migration to work with federal, state, and local governments to facilitate integration of immigrants in the state.

Public Benefits

Nine states enacted 10 laws: *Connecticut, Florida, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, Utah and Virginia. One additional law was vetoed.*

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 child adoption, case management, and extended refugee services.

Example: CT S 155. This law allows relevant parties to petition the probate court to release details to the USCIS for designation of the minor child as having special immigrant juvenile status under 8 USC 1101(a)(27)(J) if the court appoints a guardian, removes a parent, etc.

Example: NJ S 873. This law enables the state registrar to file a new birth certificate for those non-citizen-at-birth adopted persons possessing an IR-3 immigrant visa (or higher) For non-citizens without a visa, the registrar may file a certificate with the annotation "Certificate of Foreign Birth."

Example: UT H321. This law provides that the Department of Workforce Services may make rules to provide for the administration of refugee services beyond the time period funded by the federal government, including provisions for English language training, addressing emergency needs, and services for victims of domestic violence.

Voting

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

This law clarifies documents valid to prove U.S. citizenship.

Example: IL HCA 52. This law states that no person shall be denied the right to register to vote or to cast a ballot in an election based on race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation or income.

Resolutions

Twenty states and the District of Columbia adopted 84 resolutions: *Alabama, Arizona, California, District of Columbia, Delaware, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, New Jersey, New Mexico, Rhode Island, South Dakota, Tennessee, Utah and Virginia.*

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 resolutions encouraged federal action on immigration.

Example: AL SJR 90. This resolution commends the Alabama Center for Foreign Investment for its focus on creating good jobs for Alabama workers. The center was initially created to participate in the EB-5 immigrant investor visa job-creation program, but discharged its duties and obligations in accordance with the EB-5 program and focuses on projects in growth industries and rural areas of Alabama to create jobs.

Example: CA SR 40. This resolution urges President Obama to take executive action to suspend deportations of unauthorized individuals with no serious criminal history.

Example: DE SCR 36. This resolution establishes the Undocumented Motorist Safety & Insurance Task Force and charges the Task Force with analyzing and making recommendations relating to the possibility of enhancing safety, economic dynamism, and wellness in Delaware via the issuance of Driving Privilege Cards to undocumented Delawareans who complete a motorist safety course, and enables and encourages undocumented Delawareans to obtain automobile insurance coverage.

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: GA SR 941. This resolution urges Congress to grow the United States economy by increasing the number of visas designed to permit Korean citizens possessing skills in a specialty occupation to work in the United States.

Example: IL HR 843. This resolution encourages the Illinois congressional delegation, as well as all members of the United States Congress, to support H.R.3207 and S.1559 to afford Filipino veterans equal treatment and full veterans' benefits in honor for their service and sacrifice.

Example: MI HR 316. This resolution urges the President and Congress of the United States to support Michigan's request for 50,000 EB-2 visas to assist in the economic recovery of the city of Detroit.

Example: NE LR 399. This resolution recommends the enactment of comprehensive immigration reform.

Example: NJ SR 61. This resolution commends the DREAM US scholarship fund and urges Congress to enact comprehensive immigration reform.

Example: NM HM 12. This resolution requests that the chancellor for health sciences at the University of New Mexico convene a task force made up of experts in health care professions to study the possibilities for creating community health specialist positions in the state. These positions may be filled by individuals residing in New Mexico who have professional health care credentials from another jurisdiction, such as a foreign country, but do not have licensure or other authorization to apply their health care skills in the state, also that the task force present its recommendations to the legislative health and human services committee by Nov. 1, 2014.



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