



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

### **Immigrant Policy Project**

#### **2016 Report on State Immigration Laws (January-June)**

Sept. 1, 2016

#### **What are the numbers?**

In the first half of 2016, enacted legislation related to immigration decreased by 40 percent to 70 compared with 153 laws in 2015. The number of resolutions dropped by a third to 159 from 238. **Lawmakers in 41 states enacted 70 laws and 159 resolutions** related to immigration, for a total of 229. An additional seven bills were vetoed by governors and seven are pending signatures.

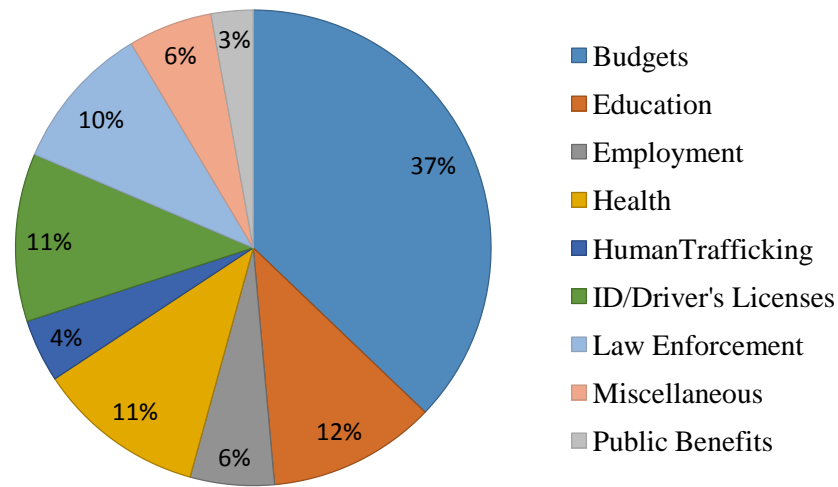
The decrease is partly explained by states not in legislative session in 2016, notably Texas, which was the **most active** state in 2015 with 84 resolutions and 15 laws. Montana, North Dakota, Nevada and Texas did not have regular session in 2016 and five additional states did not enact immigration-related legislation in the first half of 2016: Connecticut, Kansas, Massachusetts, North Carolina, and Wyoming.

#### **Trends 2016**

- **Education.** Missouri and New Hampshire became the latest states to allow use of the federal naturalization exam in high school civics curricula or as a condition of high school graduation. Arizona established a state seal of biliteracy for students who graduate with a high level of proficiency in one or more languages in addition to English.
- **Driver's License/Professional License.** Nebraska allowed a person who is work-authorized to obtain a professional or commercial license and practice his or her profession. Such license shall be valid only for the period of time during which such person's employment authorization document is valid.
- **Health.** California will apply for a waiver for coverage under the Health Benefit Exchange for individuals with certain immigration status. It would allow individuals who are not eligible to obtain health coverage through the Exchange because of their immigration status to obtain coverage. Oregon will create a blueprint for a Basic Health Program to serve certain residents who are under 65 years of age; U.S. citizens with incomes between 138 and 200 percent of the federal poverty guidelines; or lawfully present noncitizens with incomes below 200 percent, including those who would qualify but for their immigration status or the duration of their residency in the United States.
- Eight states adopted 14 **resolutions** seeking action from Congress or the administration. These include: increasing customs and border protection staff (Arizona); recognizing the plight of noncitizen veterans (Illinois); saving Christians from persecution and genocide in Iraq, Syria, Pakistan, Iran and Libya (South Dakota); seeking passage of a comprehensive immigration policy that protects American society, favors United States citizens and lawful residents in receiving public benefits, and compensates the state for any financial burdens from illegal immigrants (Tennessee) and supporting U.S. federal humanitarian assistance for Tibetan refugees (Vermont).
- **E-Verify.** Tennessee required employers with 50 or more employees, on or after Jan. 1, 2017, to enroll in the E-Verify program to verify the work authorization status of employees hired on or after that date.
- **EB5 investor visas.** Vermont and Washington addressed the use of EB5 investments.



## Enacted Immigration-Related Laws by Subject Jan.-June 2016



- The largest category—37 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.

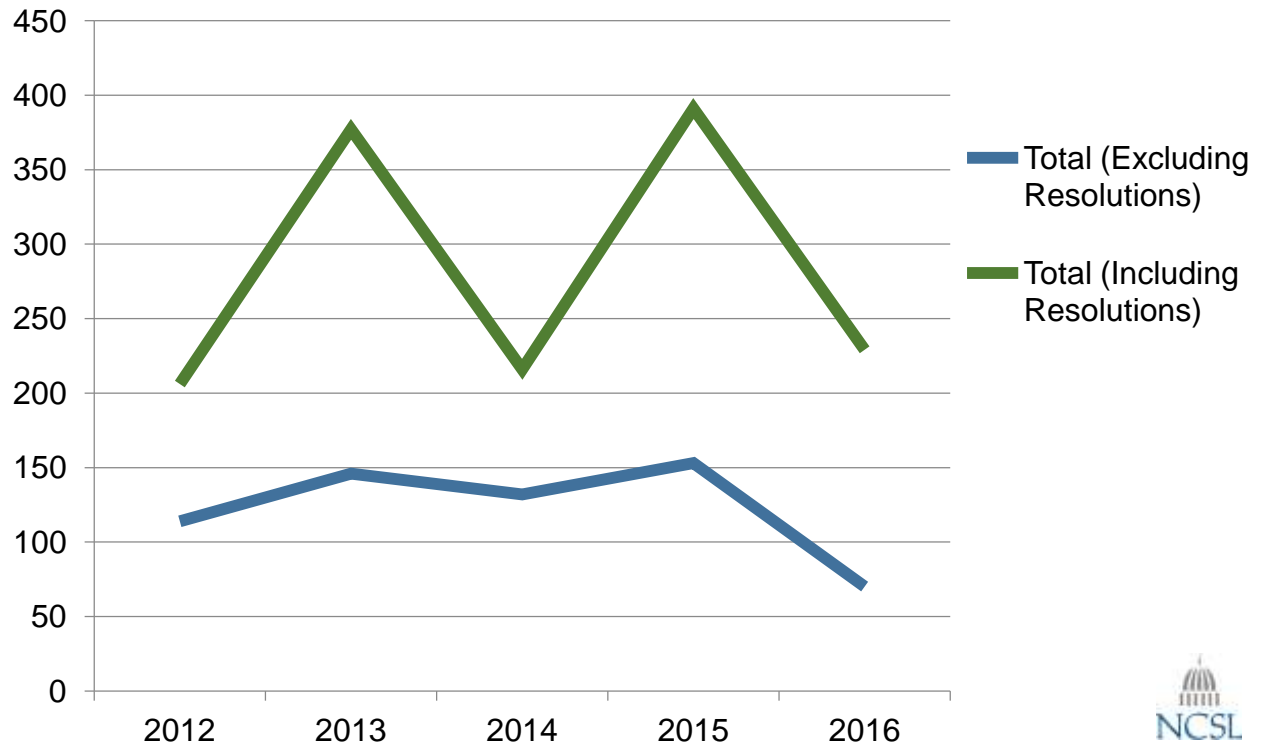
- Twelve percent of laws dealt with education, addressing immigration and residency requirements for higher education, and this year, states included portions of the federal naturalization exam in high school civics requirements.
- Eleven percent of laws related to health such as interpreters, eligibility criteria for Medicaid or licensing relating to health professionals.
- Legislation related to ID's/driver's licenses and other licenses made up 11 percent of all enacted laws on immigration.
- Legislation related to law enforcement, such as immigration enforcement and consumer fraud related to legal services, accounted for 10 percent.
- Six percent of laws focused on employment, E-Verify, limiting workers' compensation or unemployment insurance, or defining employment.
- Four percent of laws addressed human trafficking, such as penalties for withholding or destroying immigration documents and providing assistance to victims.
- Three percent of laws addressed public benefits such as eligibility or special immigrant juvenile status.

**Methodology:** This report summarizes laws and resolutions enacted between January and June 2016. 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	2015	2016
Budgets	41	20	29	20	33	35	26
Education	13	13	7	15	9	23	8
Employment	27	22	10	14	18	10	4
Health	15	18	9	14	10	22	8
Human Trafficking	7	4	9	10	8	7	3
ID/Drivers Licensing	23	23	12	34	18	19	8
Law Enforcement	33	42	20	16	23	15	7
Miscellaneous	22	11	5	11	2	10	4
Omnibus	2	6	1	0	0	0	0
Public Benefits	3	12	9	10	10	8	2
Voting	5	3	3	2	1	4	0
Resolutions	128	95	92	231	84	239	159
<b>Total (Excluding Resolutions)</b>	<b>191</b>	<b>174</b>	<b>114</b>	<b>146</b>	<b>132</b>	<b>153</b>	<b>70</b>
<b>Total (Including Resolutions)</b>	<b>319</b>	<b>269</b>	<b>206</b>	<b>377</b>	<b>216</b>	<b>391</b>	<b>229</b>

## Categories of Immigration-Related Laws Enacted Jan-Jun by Year



## BUDGET

**Lawmakers in 20 states enacted 26 laws:** California, Colorado, Florida, Georgia, Hawaii, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Utah, Vermont and Virginia.

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

**Example: MN H 2749.** This budget law includes funds for outreach for refugees from Burma, and requires student performance data to include immigration and refugee status and English language learners. It creates the Good Food Access Program Advisory Committee, which must include one person representing immigrant farmer-led organizations. It allocates funds for the training, lending, and business services for aspiring business owners, and expansion of services for immigrants in suburban communities.

**Example: MO H 2010.** This appropriations law includes funds for naturalization assistance for those who require special assistance to become a citizen. The Department of Health and Senior Services shall award a contract to a qualified not for profit organization that can demonstrate its ability to work with the immigrant and refugee population. It requires a report to 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.

**Example: UT S 3.** The state legislature intends that the Department of Health remove the optional five-year year waiting period for legal immigrant children who currently qualify for 100 percent federal funding in the Medicaid and Children's Health Insurance program.

**Example: VA H 30.** This law prohibits the Virginia State Bar and the Legal Services Corporation of Virginia from using funds provided in this act to file lawsuits on behalf of aliens present in the United States in violation of law. It requires the Department of Social Services to develop a multi-lingual campaign to inform qualified aliens and their children of their eligibility for the federal Supplemental Nutrition Assistance Program (SNAP) and ensure that they have access to the benefits under SNAP. The budget also allocates funds for the Criminal Alien Assistance Program for inmate medical costs and for English language learners.

## EDUCATION

**Lawmakers in seven states enacted eight laws:** Arizona, Idaho, Maryland, Missouri, New Hampshire, Tennessee 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. This year, legislation was passed to include portions of the federal naturalization exam in high school civics requirements.

**Example: AZ S 1239.** This law establishes a state seal of biliteracy for students who graduate with a high level of proficiency in one or more languages in addition to English.

**Example: MO H 2003.** This law prohibits funds from being 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 that no scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

**Example: MO S 638.** This law creates the "Missouri Civics Education Initiative." Any student entering ninth grade after July 1, 2017, who is attending any public, charter, or private school, except private trade schools, as a condition of high school graduation must pass an examination on the provisions and principles of American civics that consists of 100 questions similar to the 100 questions used by the United States Citizenship and Immigration Services that are administered to applicants for United States citizenship.

**Example: NH S 157.** In all public and private schools within the state, the students will be required to take an assessment of the U.S. government and civics that shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. The U.S. Citizenship and Immigration Services test may be used to satisfy this requirement.

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**

**Lawmakers in four states enacted four laws:** Colorado, Georgia, Hawaii and Tennessee.

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

**Example: HI H 2362.** This law amends the duties of the workforce council to comply with the federal Workforce Innovation and Opportunity Act and removes a reference to certain populations facing barriers in the workforce, including immigrants.

**Example: TN S 1965.** This law requires employers with 50 or more employees, on or after Jan. 1, 2017, to enroll in the E-Verify program to verify the work authorization status of employees hired on or after that date.

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

## **HEALTH**

**Lawmakers in six states enacted eight laws:** Arkansas, California, Colorado, Florida, Minnesota and Oregon.

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: AR S 1a.** The Arkansas Work Act reforms Medicaid and replaces the Health Care Independence Program (Private Option), which expires in December 2016. Eligible program participants are: age 19-64 with less than 138 percent of the federal poverty level, US citizens or documented qualified aliens, ineligible for Medicare or advanced premium tax credits through the health insurance marketplace, and not more effectively covered through the traditional Arkansas Medicaid program.

**Example: CA S 10.** This law requires California to apply for a waiver for coverage under the Health Benefit Exchange for individuals with certain immigration status. It would allow individuals who are not eligible to obtain health coverage through the Exchange because of their immigration status to obtain coverage.

- **Example OR H 4017.** Oregon must create a blueprint for a Basic Health Program to serve certain residents of this state who are under 65 years of age; U.S. citizens with incomes between 138 and 200 percent of the federal poverty guidelines; or lawfully present noncitizens with incomes below 200 percent, including those who would qualify but for their immigration status or the duration of their residency in the United States.

## HUMAN TRAFFICKING

**Lawmakers in three states enacted three laws:** Maine, Mississippi and Oregon.

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

**Example: ME S 593.** This act to protect victims of human trafficking prohibits the destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

**Example: MS H 1413.** For the purpose of the Mississippi Human Trafficking Act the words "coerce" and "coercion" means exposing or threatening to expose any information that would tend to subject a person to immigration proceedings, and destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document.

**Example: WA S 6376.** This law recognizes Jan. 11 as human trafficking awareness day. In 2002, Washington was the first state in the United States to create a state antitrafficking of persons task force; safety measures for noncitizen nonresident persons recruited by international matchmaking organizations; and a definition of human trafficking crimes at the state level.

## ID's/DRIVER'S LICENSES and other LICENSES

**Lawmakers in eight states enacted eight laws:** Hawaii, Indiana, Maine, Maryland, Nebraska, Oklahoma, South Dakota and Virginia. Five additional bills 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 professional licenses, firearm permits, hunting and recreational permits, and documentation requirements for driver's license applications.

**Example: NE L 947.** The Legislature finds it is in the best interest of Nebraska to make full use of the skills and talents in the state by ensuring that a person who is work-authorized is able to obtain a professional or commercial license and practice his or her profession. A person who submits an unexpired employment authorization document issued by the U.S. Department of Homeland Security (DHS), and documentation issued by the DHS, the U.S. Citizenship and Immigration Services, or any other federal agency, demonstrating that such person is described in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13, has demonstrated lawful presence and is eligible to obtain such license. Such license shall be valid only for the period of time during which such person's employment authorization document is valid. Nothing in this subsection shall be construed to grant eligibility for any public benefits other than obtaining a professional or commercial license.

**Example: SD H 1190.** This law amends the application for a permit to carry a concealed pistol. If the applicant is not a U.S. citizen, the application shall require any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement.

## LAW ENFORCEMENT

**Lawmakers in five states enacted seven laws:** Arizona, Colorado, Maryland, Oregon and Washington. An additional two bills were vetoed.

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: CO H 1391.** The General Assembly declares the practice by some non-attorneys of providing legal advice or services in immigration to be deceptive, and establishes permitted and prohibited practices in assistance with immigration matters.

**Example: MD H 493.** A person may not induce consent by notifying law enforcement officials about another person's undocumented immigration status in order to obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person.

**Example: WA H 2908.** The legislature shall convene a task force, including a voting member from the immigrant or refugee communities, to examine the use of body worn cameras by law enforcement and corrections agencies.

## MISCELLANEOUS

**Lawmakers in four states enacted four laws:** Iowa, Tennessee, Vermont and Washington.

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: VT H 872.** This law amends the Vermont EB5 Regional Center's oversight of the EB-5 program, a federal program designed to stimulate the economy through job creation and capital investments by foreign investors. It states the legislative intent that the Regional Center function as a self-funded entity instead of relying in part on legislative appropriations. It authorizes administrative charges to fund the personnel and operating costs of the EB-5 Center. The legislative intent is that costs of EB-5 regulation should not be paid with state funds.

**Example: WA H 2524.** The Department of Transportation must evaluate the feasibility of utilizing the federal EB-5 immigrant investor program for financing the construction of a safety of life at sea (SOLAS) certificated vessel for the Anacortes-Sidney ferry route.

## PUBLIC BENEFITS

**Lawmakers in two states enacted two laws:** Alaska and California.

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: AK S 147.** Qualified aliens are considered eligible to receive cash assistance under the Alaska senior benefits program.

**Example: CA A 1603.** This social services omnibus law includes provisions that amend the state's process for those applying for special immigrant juvenile status.

## VOTING

**No state enacted laws thus far in 2016.**



## RESOLUTIONS

**Lawmakers in 31 states adopted 159 resolutions:** Alaska, Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New Jersey, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin.

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, eight states adopted resolutions encouraged federal action on immigration.

**Example: AZ SCM 1006.** This resolution urges the United States Congress to act to increase the number of U.S. customs and border protection personnel at the ports of entry in Arizona.

**Example: AZ SCM 1012.** This resolution urges the U.S. Congress to direct appropriations to appropriate federal agencies to secure the border of the U.S.

**Example: GA HR 1318.** This resolution recognizes Feb. 10, 2016, as New Americans Day at the capitol. This day marks the second annual United States Citizenship and Immigration Services Naturalization Ceremony in the State Capitol Rotunda welcoming new citizens to Georgia's ranks.

**Example: HI SR 18.** This resolution urges USCIS to immediately resume biometric intake and interviews in the counties of Hawaii, Maui, and Kauai.

**Example: IL HR 1022.** This resolution urges President Barack Obama to nominate a Supreme Court Justice and urges his confirmation by the U.S. Senate, as the Supreme Court will hear a significant case (among others) impacting immigration this year.

**Example: IL HR 1202.** This resolution recognizes the plight of non-citizen veterans and urges the U.S. Congress and the president to provide these veterans and their families the honors and benefits they have earned.

**Example: IL HR 1217.** This resolution brings the cases of the legal permanent resident veterans who were deported to the attention of the members of Congress and to the president in a determined effort to win the return of these veterans to their families, children, and communities in the United States.

**Example: IL SR 1782.** This resolution urges the U.S. Congress to recognize the Ku Klux Klan as a terrorist organization, condemns all similar organizations that discriminate against individuals on the basis of their immigration status (among other attributes).

**Example: IL SR 1852.** This resolution urges Congress and the president to return deported veterans and their families to the United States.

**Example: IL SR 1913.** This resolution urges Congress to pass H.R. 5012, the Restoring Respect for Immigrant Service in Uniform Act, which prevents the deportation of veterans and asks DHS to re-admit non-citizen U.S. veterans.

**Example: KY HR246/SR205.** These resolutions recognize Refugee Day at the Capitol.

**Example: LA HR 219.** This resolution memorializes Congress to reimburse the state of Louisiana for expenditures used to comply with federal mandates related to illegal immigration.

**Example: SD HCR 1014.** This resolution calls upon the United States to save Christians from persecution and genocide in Iraq, Syria, Pakistan, Iran and Libya and that the secretary of Homeland

Security shall consider the expedited processing of visas for Yazidis and Christians and shall consider that such applications receive priority status.

**Example: TN HJR 70.** This resolution urges the president and Congress to pass a comprehensive immigration policy that protects American society, favors United States citizens and lawful residents in receiving public benefits, and compensates the state for any financial burdens from illegal immigrants.

**Example: TN HJR 467.** This resolution urges the commencement of legal action against the U.S. government for forcing Tennessee to take and aid refugees.

**Example: VT HR 14.** This resolution supports U.S. federal humanitarian assistance for Tibetan refugees.

**Example: WA SR 8710.** This resolution reaffirms Washington State's commitment to being a safe and secure home for refugees.

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