

State Immigration Laws Spiked in 2013 After Lull in 2012, NCSL Report Shows

By Laura D. Francis

Jan. 21 — The number of immigration laws and resolutions passed by the states in 2013 was a large increase over the number passed in 2012, according to a report released Jan. 21 by the National Conference of State Legislatures.

The 184 laws enacted and 253 resolutions—a total of 437—is a 64 percent increase over the 267 laws and resolutions passed by the states in 2012 (20 DLR A-9, 1/30/13). Examining laws only and not resolutions, the report said the 184 laws passed in 2013 are an 18 percent increase over the 156 laws passed in 2012.

Delaware, Kansas, Montana, New Hampshire and Wyoming didn't pass any immigration legislation last year, the “2013 Immigration Report,” said.

At the same time, following the U.S. Supreme Court's decision in *Arizona v. United States*, 132 S. Ct. 2492, 115 FEP Cases 353 (2012) (122 DLR AA-1, 6/25/12), and the Obama administration's adoption of the deferred action for childhood arrivals program, states largely shifted their focus from immigration enforcement to providing immigrants with state benefits, the report said.

Only One Omnibus Law

For example, only one state—Georgia—passed an omnibus immigration law in 2013, compared with 30 states considering more than 50 bills, and passing five, in 2011, the report said. Five states considered omnibus bills in 2012, but none passed.

Georgia's S. 160, passed in April 2013, among other things expanded the definition of contractor to include subcontractors for purposes of determining who is required to use the E-Verify electronic employment eligibility verification system.

On the other hand, the report said, 10 states—California, Colorado, Connecticut, Georgia, Illinois, Maine, Maryland, Nevada, Oregon and Vermont—passed laws in 2013 granting driver's licenses to undocumented immigrants, while four states—Colorado, Minnesota, New Jersey and Oregon—granted in-state tuition to undocumented immigrants.

In addition, California passed a series of laws containing protections for immigrants, including various immigration-related employment measures and allowing undocumented immigrants to become licensed attorneys (200 DLR A-11, 10/15/13).

The 253 resolutions adopted by 31 states in 2013 covered a variety of topics, the report said, but many called for federal immigration action in some form. For example, 31 resolutions encouraged action by the president, Congress or federal agencies, including resolutions in 11 states calling for a comprehensive overhaul of the immigration system, the report said.

Employment Laws 11 Percent of Total

Employment-related immigration laws made up 11 percent of all laws passed by states in 2013, the report said, with 12 states—California, Illinois, Iowa, Nebraska, New Mexico, New York, North Carolina, Oklahoma, Oregon, Tennessee, Utah and West Virginia—enacting 21 laws.

These laws addressed eligibility for unemployment insurance, workers' compensation and mandatory E-Verify for public and private employees, according to the report. Some limited employment to citizens or legal permanent residents, while others addressed the state's role in EB-5 immigrant investor visas, the report said.

For example, North Carolina's H. 786 clarified which employers in the state must use E-Verify, and provided that no city, county or state agency can enter into a contract unless the contractor and all subcontractors comply with state immigration law.

Six percent of 2013 state laws addressed human trafficking, including penalties for withholding or destroying immigration documents, establishing a task force and collecting statistical data including geographical routes across international borders, according to the report.

For instance, the report said Maine's H. 824 defined human trafficking to include the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document in order to force the individual to perform certain services.

Other State Immigration Laws

Other immigration laws passed by the states in 2013 included:

- 25 budget laws enacted in 18 states—typically appropriating funds for refugee services, migrant health, employment services, education and English as a Second Language programs, law enforcement or naturalization services;
- 21 education laws enacted in 16 states—pertaining to citizenship, immigration and residency requirements for educational institutions, students, employees or contractors, with some addressing enhanced learning for refugees, children of refugees or limited English proficient students;
- 15 health laws enacted in seven states—pertaining to medical assistance for pregnant women, addressing citizenship requirements for Medicaid and State Children's Health Insurance Program, improving language access and defining eligibility criteria for licenses within the health profession;
- 35 driver's license/identification card laws enacted in 21 states (and one in the District of Columbia awaiting congressional review)—addressing state identification cards as well as firearm permits, hunting and recreational permits and documentation requirements for driver's license applications;
- 25 enforcement laws enacted in 17 states—typically pertaining to the enforcement of immigration laws, but also including regulations related to those working as notary publics, immigration consultants and immigration lawyers;
- 14 miscellaneous laws enacted in 14 states—covering infrequently addressed immigration issues, memberships on task forces and commissions, abandoned property and studies;
- 12 public benefits laws enacted in 11 states and the District of Columbia—ensuring that social service programs and benefits are granted only to eligible immigrants; and
- three voting laws enacted by two states—clarifying voter registration requirements and valid documents to prove U.S. citizenship.