



CLINIC's State and Local Immigration Project: 2023 State Immigration Legislation & Policies in Review Annual Report

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**Referencing state immigration legislation and other advocacy highlights CLINIC tracked from January through December 2023.*

CLINIC's State and Local Project:

Since 2007, CLINIC has provided policy, engagement, and research support to advocates who are working on immigration legislation proposed and introduced at the state and local level. As efforts for immigration reform at the federal level continue to be delayed, state and local communities have been increasingly active on immigration-related matters.

For example, after the collapse of comprehensive immigration reform in 2007, approximately 500 immigration related bills were introduced by state legislators, with 270 measures enacted. During the 2017 state legislative session, lawmakers in nearly all 50 states enacted more than 300 immigration-related laws within the first half of the year. The laws addressed critical immigration topics, including local police participation in federal immigration enforcement, anti-sanctuary policies in schools and local government, as well as language access and U visa certification laws.

Through the State and Local Immigration Project, CLINIC provides legal analysis, training, technical assistance, and support to advocates working to both combat anti-immigrant legislation, ordinances and policies, and to support pro-immigrant measures. Contact the State and Local Project at stateandlocaladvocacy@cliniclegal.org.

Introduction:

Lawmakers in all fifty states and the District of Columbia convened for legislative sessions 2023. Building on the historic year for health care for immigrants in 2022, 2023 saw movements on Health Care for All campaigns and expanding access to care for children and pregnant women across many states.

Politically, there were some interesting developments in 2023, where Maryland, Massachusetts, Michigan, and Minnesota gained a trifecta, with the House, Senate, and Governor all being Democrats. The following states had supermajorities and could veto override their state governor if needed:

Democrat	Republican
California	Alabama
Delaware	Arkansas
Hawaii	Florida
Illinois	Idaho
Maryland	Indiana
Massachusetts	Kansas
New York	Kentucky

Rhode Island	Louisiana*
Vermont	Missouri
	Montana
	Nebraska
	North Carolina*
	North Dakota
	Ohio
	Oklahoma
	South Dakota
	Tennessee
	Utah
	West Virginia
	Wisconsin*
	Wyoming
	*3 gained in April

In April, three states gained Republican supermajorities in Louisiana, North Carolina, and Wisconsin. In North Carolina, Representative Tricia Cotham switched from being a Democrat to a Republican. Rep. Francis Thompson also switched parties in Louisiana. Wisconsin saw an election of Rep. Dan Knodl.

CLINIC tracked 750 pieces of state and local legislation from January through December 2023. Texas proposed over 50 anti-immigrant bills. Over 120 of these bills and resolutions affecting immigrants have been adopted or signed by the governors. 61 of these bills have a positive impact on immigrants.

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LEGISLATION

Anti-Land Ownership

Why it matters: This year, more than 30 states introduced bills restricting Chinese government, Chinese businesses, and even Chinese citizens from buying land in the United States. In some states, the bills even expanded the ban to persons from other countries, as well, like Russia, Iran, North Korea, Syria, Venezuela, and Cuba. One of the [reasons](#) given for these bills was a fear that these communist countries would use land for spying purposes.

Legislative drafting notes: It is important to have legislation that does not target individuals living in the United States based on their national origin. They are part of one's community and should have the right to buy a house and land if that is the dream they are pursuing. We need to prevent discriminatory laws aimed at certain groups of people in this country.

Session highlights:

Many States

There were 7 states whose legislature passed such laws. Idaho (HB 173), Louisiana (HB 537), Mississippi (HB 280), North Dakota (HB 1135/SB 2371), South Dakota (HB 1189), Virginia (HB 2325), Louisiana HB 125), Tennessee (HB 40). Louisiana HB 125 was vetoed by the governor. The Senate failed to override the Governor's veto.

Many other states also proposed bills including [Arkansas](#), [Colorado](#), [Florida](#), [Hawaii](#), [Iowa](#), [Maryland](#), [Missouri](#), [Montana](#), [Texas](#), and [Washington](#) all have a form of this bill. [Mississippi's bill](#) died in committee. [Wyoming's bill](#) failed in the House. [Arizona's bill](#) passed the House and was still under consideration at the end of the year. [West Virginia's bill](#) also passed the House and was still under consideration at the end of the year.

In an article by [FiveThirtyEight](#), the author stated that it is unsettled whether these bills around foreign land ownership would be constitutional. "But even if they are, it's not clear they would prevent security threats or help farmers in the ways lawmakers are promising," the author remarked.

For more information, please see [CNN's article](#), [FiveThirtyEight](#), and an article from the [Texas Monthly](#).

Benefits

Why it matters: Immigrants are often excluded from the safety net provided by public benefits, such as unemployment, healthcare, and financial assistance (including COVID-19 federal stimulus checks). As a result, many immigrants are made vulnerable and left without basic needs and life-saving care.

Legislative drafting notes: When drafting benefits language – whether it be for emergency or long-term benefits — make sure that it is inclusive and that all immigrants, regardless of legal status, will receive help. If providing support for an event such as the COVID-19 pandemic, it is better to provide cash assistance rather than allot money only to be used for a certain benefit. Each family/individual will have different needs and will know how best to use the money. Cash provides flexibility for families to meet their needs. If assistance is tied to those who file tax returns, do not forget to include individuals who file taxes through an Individual Taxpayer Identification Number, or ITIN. The ITIN is what the majority of undocumented migrants use to pay taxes on their work.

Session highlights:

California

California, under SB 465, now requires each county human services agency to post a single page on its internet website with a list of resources available for refugees that includes, among other things, public transportation, financial literacy information, and affordable housing, and rental assistance program. This streamlining should assist refugees as they navigate their new homes.

California also enacted SB 831 that authorizes the Governor to enter into an agreement with the US Attorney General to establish a program for the US Attorney General to grant an agricultural employee parole pursuant to the authorization under the Act.

California AB 1457 was enacted in September 2023. It added the California Food Assistance Program, Cash Assistance Program for Immigrants, In-Home Supportive Services, and Adult Protective Services to the list of programs for which any decisions governing eligibility that are made by a county would be made exclusively by a merit or civil service employee of the county.

Colorado

Colorado passed HB 1283 that transfers the rights, powers, duties, and functions related to the administration of the Colorado Refugee Services Program to the State Office of New Americans in the Department of Labor and Employment and appropriates funds to do this.

Washington, D.C.

D.C. adopted the Migrant Services Eligibility Clarification (DC R 146) to declare the existence of an emergency regarding amending the Migrant Services and Supports Temporary Act to clarify eligibility requirements and supports provided by the Office of Migrants Services and for immigrant residents accessing homeless services.

For more information and resources related to immigration and COVID-19, please visit: [CLINIC's COVID-19 Resource Page](#)

[The Century Foundation's State Roadmap on Providing Unemployment Insurance to Immigrants and Other Excluded Workers](#)

Children's Rights

Why it matters: Immigrant children face distinct challenges and have specific needs that need to be addressed in a comprehensive manner. For instance, immigrant children who are unaccompanied when they cross and are stopped at the border will enter facilities run by the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR). It is important that states conduct appropriate inspections for the facilities that are state licensed. Immigrant children also will be impacted by juvenile court modifications where children can request a court order in family court for Special Immigrant Juvenile Status up until they are 21 years of age. Education in public schools and dual language learning there and in childcare facilities are also very important subjects to the wellbeing of children.

Legislative drafting notes: It is important to have legislation that prioritizes the needs of children. Any bills that would place immigrant children at a further disadvantage in the educational system should be avoided. It is important to allocate money for education and safety. In particular, we have seen the struggles of migrant children who often must work in order to help their families. Labor laws need to protect children, prioritize education, and ensure that all families have the food and income security that they need.

Session highlights:

California

Assemblymember Wendy Carillo authored the Vision Act ([AB 937](#)) that would prohibit any state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation or deportation of an individual for immigration enforcement, except as specified. Prohibits agencies or courts from using immigration status as a factor to deny or to recommend denial of probation or participation in any diversion, rehabilitation, mental health program or placement in a credit-earning program or class, or to determine custodial classification level, to deny mandatory supervision, or to lengthen the portion of supervision served in custody. The bill would also allow a person to bring an action for equitable or declaratory relief in a court of competent jurisdiction against a state or local agency or official that violates these provisions and would make those agencies or officials liable for actual and general damages and reasonable attorney's fees.

Despite having 26 coauthors and making it through the three Assembly readings, the bill failed on the third reading of the Senate. The bill was refused passage on Sept. 1, 2022.

Detention

Why it matters: Private detention in various states has come under close scrutiny since the start of the pandemic. The Department of Homeland Security, or DHS, detention

centers have shown [gross mismanagement](#) of their facilities leading to unsafe conditions, the spread of COVID-19 detainees, and even deaths of immigrants in their care. There was also a [whistleblower report](#) that described hysterectomies that occurring in a detention center in Georgia without full knowledge and consent. Such conditions are unacceptable; some states no longer wish to be complicit in these human rights violations and so are ending private detention.

Legislative drafting notes: If trying to end private detention in the state, it is important to have a clause that prohibits the state from entering into new contracts, as well as one that terminates existing contracts by a certain date. It is also important to advocate for what happens to immigrants once the detention center is shut down. ICE may send immigrants to other jurisdictions without the same availability of legal services, or immigrants may end up far away from their loved ones or in anti-immigrant jurisdictions. Advocating for the release of those who are detained would alleviate these concerns. If there is no political will in your state for this advocacy, then consider laws that allow states to regularly inspect the conditions within these private detention centers.

Session highlights:

Colorado

Colorado passed [HB 1100](#). This bill was signed into law on June 6, 2023. It prohibits the state from entering into an agreement for the detention of individuals in an immigration detention facility owned, managed or operated by a private entity. For those entities already in an existing detention agreement, they shall exercise termination as soon as permissible under the terms of their agreement.

The new law outlines the reasons why it is necessary to prohibit detention including:

- “The management and operation of detention facilities for immigrants involves functions that require unique training due to its civil nature, the diverse languages and backgrounds of the population, and the significant vulnerabilities of asylum seekers and others fleeing persecution.”
- “Detention requires the exercise of coercive police powers over individuals that should not be delegated to the private sector and that is distinguishable from privatization in other areas of government.”
- “It is an inappropriate exercise of a state's police powers to detain individuals for federal immigration purposes given its implication on foreign relations.”
- “Issues of liability, accountability, and cost warrant a prohibition of the ownership, operation, or management of detention facilities by private contractors within the state and a phasing out of state and local officials' involvement in civil immigration detention to the fullest extent permitted under state law.”

Driver's Licenses

Why it matters: Being able to drive without fear of reprisal is incredibly important for

upholding the dignity of immigrants and ensuring people can meet their basic needs. No person should be afraid to drive to work, the grocery store, the hospital, etc.

States where undocumented migrants do not have access to driver's licenses see increased higher-risk encounters between law enforcement and immigrant communities as those migrants can be arrested for driving without a license. If local law enforcement informs ICE, the migrant may face an immigration hold and deportation proceedings because of this one encounter. In counties with 287(g) agreements, driving without a license could result in the person being arrested. Once in the jail, 287(g) is activated, which could result in a hold being triggered and the immigrant being put in immigration enforcement's custody. This, in turn, could lead to the immigrant being detained and even deported. Families are separated, places of employment are impacted, and communities are left with greater fear of interactions with local law enforcement.

Laws allowing for driver's licenses for undocumented residents contribute to public safety by ensuring that immigrants are taking exams for their driver's licenses and are obtaining insurance for their vehicles.

Finally, there is a financial argument to be made for driver's licenses for all immigrants, as they then pay increased revenue from taxes, registration fees, license fees, vehicle-related purchases. It also decreases immigrants' fear of driving, which allows them safer and easier access to jobs and shopping.

Legislative drafting notes: It is essential that there always be a section included which limits the release of records to other agencies for civil immigration enforcement. Even if there are laws that permit immigrants to obtain licenses, if the department of motor vehicles is sharing information with ICE or CBP, there will be reluctance to take advantage of obtaining a license.

Session highlights:

Florida

See section on Florida SB 1718 below.

Indiana

On May 4, 2023, [HB 1050](#) was signed into law. This law allows certain individuals with "parole" the ability to obtain a driver's license. "Parole" was defined as being a citizen or national of Ukraine. Currently, there are individuals from many countries who can get parole through existing programs. Ukraine is only one of these countries so it is interesting that Indiana chose to limit the benefit only to this population.

The National Immigration Law Center (NILC) and the American Civil Liberties Union [filed a lawsuit](#) on Aug. 23, 2023 on behalf of Haitians who would be denied access to a driver's license through the new law. One of the NILC attorneys, Chiraayu Gosrani, stated that the

Indiana law conflicts with federal law “in an effort to unconstitutionally discriminate against people with humanitarian protections who are overwhelmingly immigrants of color.”

In 2024, the Indiana House proposed and already passed [HB 1162](#) to eliminate driver's licenses for any parolees. Rep. Matt Lehman, the Republican floor leader in the House, [told lawmakers](#), “I think that status is being granted to people that we would have problems with.” It is concerning to hear this type of language coming from the representative. More concerning is that the repeal bill was proposed in the House and went through its three readings in less than a month's time, and has since become law.

It is important to allow all immigrants the ability to drive regardless of status as it allows for access to essential services such as school, health care, work, food, and many others. In an [article by WFYI Indianapolis](#), Rebecca Eifert Joniskan — president of the Indiana State Poultry Association — stated that driving cards for undocumented workers helps ensure a more reliable workforce “because employees are able to drive to work without fear they can be arrested for driving without a license.” The Goshen Chief of Police, Jose Miller, stated that depriving undocumented immigrants is “not going to change the aspect that they're here.” Instead, it will make sure they are not learning the state's traffic laws and getting insurance.

Too often, immigrants in states that do not give driver's licenses to all regardless of immigration status, find themselves penalized many times over: first by being given a driving-without-a-license charge, then by finding themselves in a jail because of the charge which in turn can lead to the jail contacting ICE. An immigrant can be detained and even deported away from their loved ones, their lives upended, and employers and communities left bereft. This is why it is so crucial that states not penalize immigrants for not having a benefit that was never offered to them. Many states have passed laws previously where they confer a benefit to immigrants based on certain status: having employment authorization, being a DACA or TPS recipient, being a refugee, an applicant for certain types of relief, etc. Indiana tried to do this with [parole](#) and yet wanted to limit it to Ukrainians. If the federal government has conferred a status or protection to a group, it should not be up to the states to try and redefine who is included in this relief.

Minnesota

With their newly elected Democratic trifecta, Minnesota passed several pro-immigrant bills. Among these was [HB 4](#), or the “Driver's Licenses for All” bill, which creates a noncompliant license or identification card for those who would not qualify for a Real ID driver's license. It went into effect Oct. 1, 2023.

During the Senate Hearing on this bill, Senator Zaynab Mohamed [stated](#),

- “Just outside this chamber, there are hundreds of immigrants whose lives would be completely transformed by this bill... and we have the power to do that. They'll be able to drive to work, they'll be able to take their kids to school, they'll be able to take their kids to the playground, and they'll be able to live their lives

with dignity.”

The Minnesota Catholic Conference supported this bill. Archbishop Bernard Hebda spoke at a news conference at the beginning of the legislative session [saying](#),

- “Every Minnesota resident, especially those who have proven themselves as hardworking contributors to our communities, deserves to live with dignity, not in fear of being separated from their families every time they drive to meet basic needs. As a Church, we work in the public arena to keep families together and help them flourish; creating driver’s licenses for all is part of our families first policy agenda.”

The Minnesota Catholic Conference has an [Immigrant Driver's License resource page](#) that includes a one-pager around the need for driver's licenses for all, a link to CLINIC's Driver's License page, and other articles that show how this Catholic Conference has spent the last decade fighting for driver's licenses for all.

For more information on the implementation of this bill, please see the [Driver and Vehicle Services](#) of the Minnesota Department of Public Safety.

E-Verify

Why it matters: E-Verify is subject to [many errors](#) that incorrectly identify U.S. citizens and immigrants as people whose work eligibility has not been confirmed. Erroneous failures to confirm eligibility can occur because of basic misspellings of names, name-order reversals, name changes from transitions, divorces, and marriage. This also ends up having a disparate impact on women, people of color, and the transgender community. Having to follow up on all the failures to confirm is costly and time-consuming for both employers and employees. E-Verify can also share information with ICE and other groups which can lead to immigration raids.

Legislative drafting notes: Provide legislators information on the harm done by these laws both to immigrants as well as the individual states. Discourage bill language trying to take the additional measure of reporting undocumented immigrants to ICE. Such action could dissuade immigrants — even those with a lawful employment authorization — from applying to jobs in these locations, thus depriving employers of needed workers.

Session highlights:

Florida

See section on Florida SB 1718 below.

Iowa

Once again, the Iowa legislature put forth an E-verify bill ([SB 108/HB 105](#)) that would have harmed local businesses and migrants in Iowa alike. While it passed the Senate, it

did not go anywhere after its first reading in the Iowa House.

Health Care

Why it matters: Lack of access to health care is an issue affecting immigrant communities, especially undocumented immigrants. No one should be barred from receiving adequate care merely because of immigration status and that status should not define how much medical care one can receive or afford. Safeguarding adequate access to health care for all is part of the call to solidarity and welcome that Catholic social teaching embodies.

It is also better for society in general to have a population with adequate health care. When everyone can afford preventative care, less money is spent on emergency services, and our communities and workforce are healthier.

Legislative drafting notes: When providing health care assistance in its many forms, states should ensure that the assistance is inclusive and that all immigrants, whether they are undocumented or not, will receive help. Health care assistance can come in many forms, such as prenatal care, opening up state provisions to allow undocumented immigrants to buy plans in the exchange, money for clinics, and other health care providers that are mainly used by immigrant groups. Some states will give benefits to immigrants below or over certain ages. Health care is a critical human need, and everyone should have access to affordable care. There should also be language access provisions to ensure that enrollment will go smoothly. See [NILC's State Healthcare Waiver resource](#).

Session highlights:

Florida

See section on Florida SB 1718 below.

Hawaii

[SB 842](#) was a bill proposed this session in Hawaii. It did not pass but would have appropriated certain funds for health care for undocumented immigrants. The bill mentioned the challenges and lack of access many immigrants face in terms of health care coverage. It stated that a study in 2018 showed that Hawaii's "undocumented households earned approximately \$804,000,000 in wages and paid an estimated \$66,000,000 in federal income taxes and \$45,000,000 in state and local taxes." The bill rightly states that "low-income immigrants without access to health insurance face persistent inequities in the prevention, diagnosis, and treatment of health care conditions, including routine health problems and those commonly addressed with preventive care, prenatal and post-pregnancy care, necessary specialty care, and mental health, substance abuse, and oral health care." This bill passed its second reading and made it to the Ways and Means Committee.

[SCR 183](#) was passed in order to have the Hawai'i Department of Human Services study providing certain health insurance coverage for all children and pregnant persons who

would otherwise qualify for coverage if not for their immigration status.

Maryland

On Feb. 15, the Senate Finance Committee met to [hear testimony](#) on the Access to Care Act [HB 588/SB 365](#). A subsidy would be needed to match the one already provided to those accessing the Exchange. CLINIC submitted [written testimony](#) in support of this bill.

The following are excerpts from CLINIC's testimony:

- “Adoption of this legislation in Maryland is critical for the common good and social justice. Health care is not a commodity but a human right that should be afforded to every person.”
- “Every person should have access to basic necessities, including health care — no exceptions. As Pope Francis stated at a meeting on Sept. 27, 2021, at the Vatican, “We affirm that life and health are equally fundamental values for all, based on the inalienable dignity of the human person, but if this affirmation is not followed by an appropriate commitment to overcome the inequalities, we in fact accept the painful reality that not all lives are equal, and health is not protected for all in the same way. Access to health care protects people's lives, keeps families together, helps businesses keep a healthy work force, and makes communities healthier overall.”

The [oral testimony](#) included very compelling stories, as a medical practitioner testified about a patient who she was checking up on. That woman was dealing with her 4-year-old-son who was dying in her arms. He had cancer and was in incredible pain but did not have access to care. She told the medical staff that all she could do was give him water to ease the pain as he passed.

The following is an excerpt from testimony from the Rev. Kenneth Phelps from the All Saints Episcopal Church in Sunderland, MD:

- “Healing is the central mission of Christianity. Today I want to say Christianity is not about Jesus but about what Jesus taught. Which was a way of engaging the world a way of engaging each other a new way of being human and one of his central themes is that of hospitality. The word hospital is in there, right. It's one we share with Islam and Judaism. Because how we care for the stranger in our midst is of the highest priority. It was so important that when Jesus spun a tale about The Last Judgment and we conveniently forget this detail, it's not individuals who line up to be judged about telling this lie or cheating on one's taxes, it is nations who line up. And they are judged about how they cared for the marginalized including the stranger, the immigrant, the refugee in our midst.

Here's one more secret about Christianity. We talk a lot about eternal life. The best translation of that word eternal is authentic. Authentic life. Being real human beings who are compassionate, empathetic, who are less fearful, because that is ultimately how we do bring about the kingdom of heaven, the kingdom of love the culture of love the beloved community. I envy you because you have a chance to

help us as a state become a bit more authentic and move us a bit closer to our best destiny. We hope and pray that you will do the right thing. On behalf of the Diocese of Maryland we do request a favorable report."

The bill passed the House on March 15, 2023. It lingered in the Senate Finance Committee and was never brought up for a vote. Because of this, the bill did not pass. It is once again up for consideration in [2024](#).

[Minnesota](#) and [New York](#) and [Connecticut](#) and [Maine](#) also proposed bills that would have opened up medical assistance to immigrants had the bills passed.

Heat Protections

Why it matters: We rely on migrant labor for much of our food supply. According to information provided by the [Migration Policy Institute](#) in April 2020, immigrants represent 22% of all workers in the U.S. food industry. When looking at farming, 35% of crop production workers and 37% of meat processing industry workers are foreign born. In these years of [more extreme heat](#), it is imperative that states adopt heat rules in order to secure the health and safety of these important workers.

The Occupational Safety and Health Administration, or OSHA, puts out guidance on ways for employers to [protect employees](#) from heat-related illness. We do not want unsafe work conditions that lead to more deaths. There is no national standard currently regulating extreme heat in the workplace. Agricultural workers have a [35 times higher](#) heat-related mortality rate than in any other industry.

Legislative drafting notes: The Pew Research Center wrote an [article](#) last year in August 2021 about state regulations. This article highlighted that when workers die in extreme heat, it is rarely because rules have been broken but rather, "it's because there are none." Regulations can be put in place that include rest breaks, access to shade, water, the ability for workers to prioritize their safety without fear of retribution.

It is important to remember that one size does not fit all with heat protections. There are indoor and outdoor jobs, each with their own distinct requirements. Each state will vary on its humidity level which can impact heat illness. Some jobs require special equipment or clothing which can greatly increase a worker's heat stress. Shifts can also vary in lengths of time, so exposure will be different.

Employers should provide the following:

- [Water.](#)
- [Rest.](#)
- [Shade.](#)
- Emergency medical plans.
- Authority for workers to stop working if they feel unable to work.
- Comprehensive heat rules for when the regular protections should kick in, as well as more expansive rules around safety measures for when the heat index is particularly high.
- Monitoring for heat to determine if protections provided each day are sufficient

- based on the latest weather data.
- A copy of the Heat Illness Prevention Plan to each new employee upon hire, and once a year to other employees.

Session highlights:

Arizona, California, Massachusetts all had bills touching on this.

Immigration Legal Defense Funds

Why it matters: The stakes in immigration cases may be life or death, yet access to legal counsel is not guaranteed. Access to legal representation is paramount for protecting vulnerable populations and ensuring more fair and efficient courts and processes. The Illinois bill highlighted below includes key statistics on why immigration legal defense funds are good policy.

Legislative drafting notes: If this is the initial request, it is important to ask for an amount that mirrors programs previously implemented and that takes into consideration current financial concerns. Asking for too much funding may lead to failure to pass the bill. If the program is successful, one can always request more funding later. Most of these laws prioritize immigrants in detention and/or removal proceedings as they are the most vulnerable.

It is also important that the funding includes authorized practitioners such as attorneys, accredited representatives, law students or law graduates working under the supervision of one of the aforementioned practitioners, etc. If the language is too narrow, it excludes vital services for immigrants. If it is too broad, it might end up funding the unlicensed practice of law.

Session highlights:

Language Access

Why it matters: Having language access is crucial for migrants to access vital resources such as housing, food, and medical assistance. It can allow victims of crime to communicate with police and the courts.

Legislative drafting notes: It is important that these laws provide funding for language access and that language access is inclusive. Oftentimes, certain information will get translated into one or two languages but will not consider the full diversity of languages spoken in local communities. We know that [40 languages](#) are spoken by asylum seekers with pending cases. It is important to remember that Indigenous communities also have many languages, and any legislation should avoid language that lumps indigenous individuals with Spanish speakers. There is also a conflict between language that ensures that interpreters are “qualified” and/or “certified” and excluding interpreters who specialize in languages that are not spoken widely and therefore face

barriers to getting training and certification. It is important to create curriculums and programs that encourage those with language skills and a desire to interpret on a professional level, to be able to obtain that accreditation.

Session highlights:

Michigan

Through [HB 4720](#), Michigan is calling for statewide “meaningful language access” coordination. State departments and agencies will need to take reasonable steps to help Michigan residents with limited English proficiency access state services.

Office of Immigrant Affairs/New Americans

Why it matters: Offices of Immigrant Affairs, New Americans, or others with similar names, are central to immigrant integration efforts. They provide a centralized location that is tied to other offices or even are directly under the offices of the Mayor or Governor providing much needed legitimacy and funding to integration work. Read more about why inclusion and integration matter in this [policy paper](#) by CLINIC experts, delivered to the Biden administration transition team at the beginning of 2021.

Legislative drafting notes: There should always be funding sources for the office. The office should have a name that is inclusive of the communities in one's area. There should be outreach to local community-based organizations and a full understanding of the diversity and needs of one's specific immigrant communities.

Session highlights:

Hawaii

Hawaii proposed [SB 812](#) to establish an immigrant services and access unit within the office of community services. Though the bill did not pass, it is still notable as it discusses the purpose of such a unit to “promote economic self-sufficiency, inclusion, and community integration for immigrants.” The unit would offer services including English language training, translation and interpretation, workforce development training, legal services, assistance in obtaining citizenship and naturalization, and programs to assist in learning about and accessing government services.

North Dakota

This session, the North Dakota legislature passed [SB 2142](#) a bill that created an Office of Legal Immigration within the Department of Commerce. While not as detailed as its original proposal that would have assisted international health care workers to immigrate to North Dakota by providing financial, legal, housing, and other immigration-related assistance, the actual law that was passed encompasses all immigrant labor. The office was given the duties to develop and implement a statewide strategy to support businesses in recruiting and retaining foreign labor in

general including immigrants already in the United States. The office will also work on “integration of immigrants into the state to promote economic opportunities for immigrant communities.” The new law also appropriated \$485,000 to the Department of Commerce for salaries and benefits of the Office of Legal Immigration staff for two years from July 1, 2023, to June 30, 2025. There is also a provision for a study and report on performance indicators to measure progress and success of immigration goals. The Republican Party has a trifecta in North Dakota, controlling both chambers of the state legislature as well as the governor’s office. Three Republicans and three Democratic Senators co-sponsored this bill, making it a truly bi-partisan effort. This bill passed the House 64 to 28 votes and passed the Senate 41 to 5 votes.

Professional Licenses

Why it matters: Professional licensing laws help make states more economically competitive as they make use of the talent and education of their immigrant residents. In an opinion piece by the Editorial Board of the Washington Post on Sept. 6, 2022, the [editors discuss](#) how “without a more forward-looking immigration policy, one more closely aligned with labor-force demands in an economy starved for workers, the nation’s long-term economic growth prospects will be stunted.” Professional licensing laws help migrants access jobs that are most closely aligned to their expertise and help the U.S. in terms of filling labor needs. As the Washington Post stated, “If immigration is forever wielded as a political cudgel, and not as a policy component of economic growth, everyone will suffer.”

Legislative drafting notes: The best model for these laws is linking professional licensing to employment authorization, not specific immigration statuses. The broader the law, the larger the pool of people who can work in these specialized fields, providing enormous benefits to states. It is important to note that some immigrants may be eligible to work but may not have an actual employment authorization document, or EAD. With long processing times at USCIS, many immigrants get a letter extending their EADs. These documents are valid but often are improperly rejected by other agencies who do not know the ins and outs of immigration. Because of this, it is important to avoid language that ties the licensing with the actual, physical EAD, and instead focus on work authorization.

Session highlights:

Maryland

Maryland passed [SB 187](#), a bill that prohibits a health occupations board from denying a “license, certification, or registration to an immigrant if the individual otherwise meets all educational, training, or professional requirements for licensure, certification, or registration.” It also now permits a board to accept an Individual Taxpayer Identification Number (ITIN) instead of a Social Security Number (SSN). This should open up the health field to anyone considering going into a health care profession but who do not have an SSN. The law took effect Oct. 1, 2023.

Sanctuary City Policies/Laws Regarding Local Law Enforcement

Why it matters: Sanctuary city policies normally prohibit local law enforcement from collaborating with ICE or CBP without a properly signed judicial warrant. These laws engender trust between local law enforcement and the immigrant community. Without these, immigrants are loathe to come forward and report crime, which makes everyone in their communities less safe. Rather than criminalize immigrants, we should come together and create laws that keep local law enforcement focused on what should be their top priority: the wellbeing of their community. ICE and CBP should be responsible for obtaining warrants signed by a judicial authority after establishing sufficient cause.

There are also policies that limit enforcement in areas that should be protected, such as hospitals, courts, churches, etc.

Confidentiality provisions also protect immigration legal status information from being shared with federal immigration authorities unless required to do so by law.

Legislative drafting notes: Existing 287(g) agreements should be abolished as well as any collaboration that requires local law enforcement to adhere to detainer requests or sharing information with ICE and CBP — absent a judicial warrant. A person's immigration status should not be requested unless it is instrumental to the investigation. In jurisdictions without 287(g) agreements, legislation should be drafted to affirmatively prevent them from being put in place statewide.

Session highlights:

Idaho

This year, Idaho passed anti-immigrant bill [SB 1030](#) prohibiting sanctuary localities and policies that help protect the confidentiality of an individual's immigration status when interacting with police officers, corrections officers, booking clerks, magistrates or prosecuting attorneys. It allows complaints to be filed with the attorney general if anyone, including the federal government, believes an Idaho governmental entity has “adopted, enforced, or endorsed” such a policy. The law went into effect July 1, 2023.

U Visa Certification

Why it matters: Congress created the U visa in order to assist immigrant survivors of certain qualifying crimes. In order to apply, victims must obtain certification from a state or local law enforcement agency of USCIS Form I-918 Supplement B, U Nonimmigrant Status Certification. This increases trust between the immigrant community and law enforcement, which in turn leads to immigrants being more likely to report crimes.

Although there is a federal law regarding U visas, there are no real specifics regarding certification, and it is left up to the discretion of law enforcement. Unfortunately, this has led to inconsistent policies regarding when a certifier will sign the document, or if they will

sign at all. Often, a certifier with certain biases may refuse to sign.

Legislative drafting notes: For the best laws on U visa certification, it is important to require a presumption that the noncitizen has been helpful in the investigation or prosecution of a case in order to take out the guesswork from certification. There should also be a turnaround time for certification to ensure that the document does not stay with a certifier for months on end. There should also be a clause for faster certification when needed. Finally, there should be some provision for tracking of certification approvals and denials as well as an accountability mechanism.

In April, CLINIC published its [U Visa Certification Advocacy Toolkit](#). As we ask certifiers and lawmakers to produce good policies and laws at the state and local level, we hope they and advocates can use these resources.

Session highlights:

Arkansas

Arkansas introduced House Bill 1812 to set parameters around T and U certification. The bill only made it to the Committee on State Agencies and Governmental Affairs before dying there upon the end of the legislative session.

Hawaii

Hawaii passed resolution number 59, urging the Department of Law Enforcement to develop and implement a U visa certification policy. The Department would need to develop an interim report on developing the policy no later than twenty days before the 2025 legislative session, and a final report no later than twenty days before the 2026 legislative session. The resolution was passed on April 4, 2024, during Hawaii's biennial legislative session.

New Mexico

New Mexico proposed Senate Bill 350 which would set requirements for U visa certification, including accountability by allowing for the attorney general to conduct investigations of alleged violations of the bill.

**Referencing state immigration legislation CLINIC tracked from January through December 2023. Not an exhaustive list.*

A Deep-Dive Into Florida and Texas

Bussing Immigrants From Certain Southern Localities to Other States

Since the spring of 2022, we have seen [governors bus and fly migrants](#) from the south, including from Texas, Arizona, and Florida, to other localities such as Washington D.C., [Chicago](#), [New York](#), Denver, Philadelphia, and Los Angeles. As of Jan. 24, 2024, The Texas Newsroom obtained records showing that Texas has spent over [\\$148 million](#) to bus migrants to predominantly Democratic cities since April 2022.

One of the problems with the buses is that Texas is not coordinating with other states and nonprofits regarding the migrants that are being sent. Because of this, local resources have to be thrown together and people have to scramble in order to ensure that there is support for the buses as they arrive. The biggest challenge has been providing housing so quickly to so many. During winter, Illinois Gov. JB Pritzker published a letter he sent to Texas Gov. Greg Abbott. The letter stated, "The next few days are a threat to the families and children you are sending here. I am pleading with you to at least pause these transports in order to save lives," Pritzker wrote to his Texas counterpart. "I plead with you for mercy for the thousands of people who are powerless to speak for themselves. Please, while winter is threatening vulnerable people's lives, suspend your transports and do not send more people to our state."

It also appears that nonprofit organizations are [receiving court hearing notices](#) for immigrants they do not represent and have no way of reaching. In an interview, Lauren Wyatt, managing attorney at Catholic Charities of the Archdiocese of New York, talked about this. "It's very concerning because they could be ordered deported through no fault of their own," said Wyatt.

What States, Localities, and Private Funders Can Do: Although the hope is that the federal government will be able to assist recently arrived migrants being transported, in the meantime, states, cities and donors should fund much needed services. Various localities may already have programs in existence to help migrants. Local governments should check their requirements and loosen any residency restrictions so that these newcomers can benefit from the support they so desperately need.

Florida – SB 1718 and Beyond

SB 1718

In 2023, Florida proposed and passed SB 1718, an anti-immigrant bill with many components adversely impacting the lives of immigrants in that state. Gov. DeSantis signed the bill into law on May 10, 2023. The law went into effect on July 1, 2023. The law covers many areas affecting immigrants including prohibiting state and local government funding for community identifications, invalidated certain out-of-state driver's licenses and permits for undocumented immigrants, requires collection and reporting of immigration status by hospitals receiving Medicaid, expanded E-Verify and other employment-related provisions, and increased criminal ramifications for those transporting certain migrants into the state of Florida.

Originally, Florida wanted the law to criminalize not only those transporting migrants into the state, but also within the state, as well as concealing, harboring, or shielding from detection those migrants. Luckily, advocates managed to limit this provision only to transporting migrants into Florida. If it had not, many humanitarian efforts would have been placed in jeopardy.

Since its passing, a lawsuit has been filed regarding the “smuggling” provision. The Florida Highway Safety and Motor Vehicles Department was tasked by the law to maintain an updated list of which state licenses are no longer accepted in Florida. Although the Department originally had several states listed, conversations between different agencies in the states allowed the list to be limited to only Connecticut and Delaware licenses without proof of legal presence in the United States to no longer be valid in Florida.

See CLINIC's [One-Pagers on SB 1718](#).

SB 6

In a special session early Jan. 2023, the Florida legislature passed SB 6. It created the “Unauthorized Alien Transport Program” for the purpose “of facilitating the transport of inspected unauthorized aliens within the United States, consistent with federal law.”

Texas Trials Continue

In the last several years, Texas has created many policies harmful to migrants. Back in May 2021, Gov. Greg Abbott filed a disaster declaration based on the influx of migrant traffic in Texas. This led to the creation of Operation Lone Star, in which 10,000 soldiers from the Texas National Guard and the Department of Public Safety, or DPS, are being used as immigration agents. This has militarized the border. This year, the Texas legislature proposed dozens of anti-immigrant bills.

HB 20

HB 20 would have raised Supremacy Clause concerns regarding immigration enforcement. It would have blended Texas local enforcement agencies and would give officers strange deputizing powers where officers would have been able to use “non-deadly force” to arrest, detain, and deter individuals crossing the border illegally. Although this bill did not pass, it is important to note that this partisan bill had 56 sponsors.

HB 7

During the regular session, the Texas legislature tried to pass HB 7/SB 2424 that would have established a Border Protection Court Program and Border Property Compensation Fund. It was ultimately not passed, although pieces of it made it through to SB 4 in the special sessions, which did ultimately get signed into law.

Testimony on HB 7, which also applies to SB 4, included many compelling individuals.

Here are two examples of what we heard:

“I believe the border courts that HB 7 seeks to establish would open the door to large-scale abuses of judicial power, funneling migrants into a system designed to criminalize and detain them en masse rather than actually process their cases, and allow for the intrusion of private and political agendas and funding into this country's legal process. I also disapprove of the education program it intends to develop: I think rather than actually solving the complex variety of issues affecting education in these underserved communities, the program aims to shunt more Texans into enforcing harm at the border and is taking advantage of economic depression in order to cultivate a larger border militia... and as a Texan, I cannot stand for this kind of cruel, dangerous infringement on liberty, nor can I stand for any bills that approach immigration as a problem to be solved via punishment, incarceration, and bolstering of the state's latitude to deal harshly with immigrants. There is no need to allocate the money this bill does to a project like Operation Lone Star, which has disproportionately negatively affected communities of color across our state, rather than to the underfunded infrastructure, schools, medical systems, and more which keep our state running and suffer year after year from subpar funding.”

– **Zachary Shell, Customer service worker**

“The proposal of the Bill weaponizes the State's judicial and educational systems and exploits border cities that face economic hardships to make them dependent on the inhumane practices regarding immigrants. Creating a border criminal system in addition to the established court system will allow unjust legal actions that immigrants face to prevail. For example, through Operation Lone Star, accused immigrants and U.S citizens are stripped of their Due Process rights via high bond amounts, long wait times for defense appointments, and are held in worse jail conditions than others.”

– **Estefani Rios, College Student**

"The reasons folks come to the United States do not change when we treat them with worse and worse punishments upon their arrival, only our humanity is degraded as we degrade theirs. A real solution to the problems of unregulated immigration and crime would be investment in communities and social services. I work now as a social worker in a middle school in East Austin. I work directly with children whose lives are impacted by legislation like this more so than anyone, children with incarcerated parents, who struggle to focus because they're hungry and stressed - grandma's cleaning job this weekend fell through, or dad ran out of gas and we were stuck till 4AM... children who suffer because powerful grown ups enforce an order that keeps their families struggling for their every last ounce of dignity. They are the ones who'll be most wounded by a bill like this, and we as a community only as good as we can take care of our children."

– Itai Almor

"By appropriating funds that incentivize a hyper focus on enforcement-only immigration and public safety policy, HB7 imposes an entirely militaristic vision for life in border communities. Under HB7 border communities would feel immense financial pressure to participate in the criminalization of the most vulnerable people in our society – people seeking refuge from violence, terror, and poverty – with no real oversight. Texas needs to invest in solutions for border communities' real issues, and stop investing in policies that make the humanitarian emergency at our border worse."

– Michael Hurewitz, Psychotherapist

SB 4

In 2023, Texas proposed dozens of anti-immigrant bills. The Texas legislature convened four special sessions to ensure passage of [SB 4](#). It was signed into law by Gov. Abbott on Dec. 18, 2023. It has an effective date of March 5, 2024, but is currently blocked while a federal court hears its case.

According to the [Texas Observer](#), this law "grants unprecedented powers to local and state police, judges, and magistrates." It makes it a misdemeanor for a non-U.S. citizen to enter Texas from another country without lawful status. It also makes it a crime to reenter or be "at any time found" in Texas after being removed from the country either through this law or through the federal government. It allows for state enforcement of "illegal entry from foreign nation."

There are exceptions in this law regarding where enforcement actions can take place. Enforcement is prohibited in public or private primary or secondary school, a "church, synagogue, or other established place of religious worship," a health care facility, and a [sexual assault forensic exam \(SAFE\)-ready facility](#).

Texas magistrates will be allowed to issue removal orders under this law. Already we have seen litigation against the law because immigration enforcement is a federal function. Such an encroachment on this federal power is a violation of the Supremacy Clause. The Department of Justice filed suit on January 3, 2024. DOJ Associate Attorney

General Vanita Gupta [stated](#) that “SB 4 is clearly unconstitutional. Under the Supremacy Clause of the Constitution and longstanding Supreme Court precedent, states cannot adopt immigration laws that interfere with the framework enacted by Congress.”

We have seen other opposition to this law. The American Civil Liberties Union along with the Texas Civil Rights Project filed [suit](#) on behalf of Las Americas Immigrant Advocacy Center, American Gateways, and County of El Paso. The [Mexican government](#) has also weighed in expressing concern that this law “will affect the human rights of more than 10 million people of Mexican origin residing in Texas, by fostering hostile environments that may lead to hate acts or crimes against migrant communities.”

The DOJ filed suit on Jan. 3, 2024, against the state of Texas regarding SB4. As of March 19, 2024, SB 4 is [not in effect](#).

SB 3

[SB 3](#) was signed into law on Dec. 18, 2023. It provides \$1.5 billion for building border barriers, as well as \$40 million for Texas Department of Public Safety officers who participate in Operation Lone Star. The Texas legislature had already voted for \$5.1 billion to go toward border security during the regular session so this brought the total amount of funding to \$6.6 billion.

For more information, explore this resource: [Tahirih Justice Center Fall 2023 Legislative Explainer: Texas Legislature Passes Harmful Anti-Immigrant Legislation](#)

Razor Wire

In 2023, Texas placed razor wire as well as a wall of floating buoys along the border. Migrants have received lacerations from contact with the wire. Back in June and July, there were [reports](#) that a 19-year-old pregnant woman became caught in the razor wire and had a miscarriage, that 120 people including young children and nursing babies were stranded between the razor wire and the river, a 15-year-old-boy suffered a broken leg, and a 4-year-old girl passed out from heat exhaustion. A Texas consultant with Human Rights Watch named Bob Libal stated, “The events at the Texas-Mexico border are a profoundly shocking reminder of the deadly impacts of Operation Lone Star. State troopers are deliberately pushing people toward razor wire, heat exhaustion, and dangerous river currents knowing that they will suffer, be injured, and die.”

The email from the anonymous Department of Public Safety Texas trooper that [detailed](#) these incidents also highlighted policy changes of agents toward migrants, such as withholding water. The trooper wrote, “Due to the extreme heat, the order to not give people water needs to be immediately reversed as well. I believe we have stepped over a line into the inhumane.” The United States needs to uphold the values it espouses to hold regarding protecting the most vulnerable and upholding the dignity

of every person in this country, whether born here or not. We cannot let atrocities occur towards immigrants just because immigration has become such a politicized issue. Since when has being the Good Samaritan become such a foreign concept?

State and Local Panels at CLINIC Convening May 2023 – Sharing and Learning with Others: State and Local Advocacy Successes, Lessons Learned, and Unaddressed Challenges Where You Live; State and Local Efforts for Change: 2023 State and Local Legislative and Policy Updates Thus Far

On May 19, 2023, the State and Local Project sponsored a panel for Convening moderated by the State and Local Advocacy Attorney, Viviana Westbrook. Joining her were Sosseh Prom, State Policy Manager for African Communities Together, or ACT; Bilal Askaryar, the Welcome With Dignity Communications Coordinator, Women's Refugee Commission; and Cindy Toledo, Board Member of Centro Cultural Techantit, Coordinator of the Social Support Commission of National Council of Indigenous Peoples, or CONPID, and Volunteer Legal Advocate for CLINIC Affiliate Comunidad Maya Pixan Ixim.

This panel was particularly relevant to the year's Convening theme, Power in Community. Our advocacy will always be stronger when it is inclusive and widespread within the directly impacted communities. Advocacy needs to be considered both internally (as in how we interact within our own organization) as well as externally in our public facing asks. Here are some of the important takeaways from the panelists:

DHS's Efforts to Support Enforcement of Labor and Employment Laws

On Jan. 13, 2023, the Department of Homeland Security released [guidance](#) on a streamlined process for granting deferred action to immigrants who have been victims of labor and employment violations. See the [National Immigration Law Center's FAQ](#) on the matter.

Resources Published Regarding State and Local Initiatives

- [On the Path Toward Health For All](#), National Immigration Law Center, Dec. 2023.
- [Opportunities for Welcome: Lessons Learned for Supporting People Seeking Asylum in Chicago, Denver, New York City, and Portland, Maine](#), Women's Refugee Commission, Nov. 30, 2023.
- [Fall 2023 Legislative Explainer: Texas Legislature Passes Harmful Anti-Immigrant Legislation](#), Tahiri Justice Center, Dec. 19, 2023.