



States Move on Immigration Laws as Efforts Stall in Washington

Friday, February 7, 2014 11:25 AM

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As immigration reform proposals remain stalled in Congress, the states have been moving ahead with measures of their own — many of them offering benefits to illegal immigrants.

According to the National Conference of State Legislatures (NCSL), 45 states and the District of Columbia passed 437 measures — 184 laws and 253 resolutions — related to immigration in 2013, an increase of 64 percent from 267 laws and resolutions enacted in 2012.

Alex Nowrasteh, an immigration policy analyst at the Cato Institute, says it is notable that the states are focusing on aiding immigrants rather than on enforcement.

"What is remarkable to me is not that states have taken a larger role since 2012 on immigration, but that states are taking a lessening role on immigration enforcement in favor of measures that provide a pathway to immigrants, such as bills to allow them to get drivers licenses and in-state tuition," Nowrasteh told Newsmax.

According to the NCSL, laws related to immigration that passed in 2013 include:

- 21 laws enacted in 16 states relating to citizenship, immigration and residency requirements for educational institutions, including laws concerning in-state tuition for undocumented immigrants.
- 35 driver's license/identification card laws enacted in 21 states, including laws related to firearm permits and hunting and recreational permits.
- 25 enforcement laws enacted in 17 states, typically pertaining to the enforcement of immigration laws.
- Three voting laws enacted by two states clarifying voter registration requirements and valid documents needed to prove U.S. citizenship.

States "realize that they have to deal with it. While many talk about immigration as a national issue, the truth is that the impact of immigration is highly disproportionate" among the states, said Rick Su, a law professor at the State University of New York Buffalo Law School.

The most innovative and creative immigration policy proposals often come from the states. The Dream Act, for example, was a federal response to local initiatives.

"Even though the federal government sets the policy, the actual impact is felt by individual states and that impact will inevitably vary from state to state and even within states," Su told Newsmax.

Nowrasteh pointed to Wisconsin and Indiana as examples of states that have recently attempted to repeal portions of enforcement laws.

"In part it is a response to numerous court cases, including the Supreme Court striking down part of Arizona law. Once a hole was poked in that law, it gave states an opening to loosen their own laws," Nowrasteh said.

In a June 2012 decision, the Supreme Court ruled 5-3 to uphold the federal government's authority to set immigration policy, stating that Arizona "may not pursue policies that undermine federal law." The ruling struck down the law's provision that made it a state crime for "unauthorized immigrants" to fail to carry registration papers or other government identification.

The flurry of activity in the states comes as Congress remains stymied in advancing any immigration measures.

House Speaker John Boehner recently unveiled principles at a House GOP retreat that called for enhancing border security and offering a way for illegal immigrants already here to stay in the country legally.

But after House conservatives balked and Senate Minority Leader Mitch McConnell said it was unlikely that immigration reform will pass Congress this year, Boehner backtracked a week later.

On Thursday, Boehner said many Republicans don't trust that the president would enforce the laws regarding border security.

"There's widespread doubt about whether this administration can be trusted to enforce our laws. And it's going to be difficult to move any immigration legislation until that changes," Boehner said.

States acting on immigration "have done so in part as a response to federal inaction and a sense of sheer frustration, but they also have moved forward in reaction to changing dynamics in their individual state," said Ann Morse, program director for the Immigration Policy Project at the NCSL.

"In some circumstances the pressure to act comes from the public, as was the case in driving tougher enforcement in Southern border states, but it also is a natural reaction to the fact that the immigration system is broken," Morse told Newsmax.

Morse said there has been an increase in states passing resolutions asking Congress to take action

on immigration, rising from 12 in 2012 to 31 in 2013.

"To a certain extent, the proposals were a reaction to the government not following through on its funding promises and are a way to increase pressure on the government to take action," Morse said.

States take action depending on their particular needs. For example, Michigan Republican Gov. Rick Snyder used his 2014 State of the State address to promote immigration as part of a strategy designed to resurrect the state's feeble economy.

Snyder has asked the federal government to designate an additional 50,000 employment-based visas for skilled immigrants and entrepreneurs during the next five years.

"The recent Michigan proposal is an example of a state that is actually seeking to receive more immigration," Su said. "We see a similar scenario in rural areas or those dependent upon agriculture — that they are pushing to loosen restrictions on immigrant labor.

"A lot of urban leaders now view immigration as more of an issue of economic development than security."

New Jersey became one of the 15 states that have taken action to provide children of illegal immigrants with in-state tuition when Republican Gov. Chris Christie signed a bill last September. That list includes Texas and California, two states with larger foreign-born populations than New Jersey.

Some states have gone even further to extend benefits to immigrants.

In two of the bluest states, Hawaii and California, legislation to extend workplace legal protections to domestic workers was enacted, and similar measures were introduced in Massachusetts, Illinois, and Oregon. New York was the first state to pass a domestic workers' bill of rights, which it did in 2010, according to a report by the National Immigration Law Center.

"States also are under a tremendous financial burden to comply with enforcement and deportation measures. They want the federal government to do more on enforcement, and would rather focus their investment on initiatives that will yield a better cost-benefit result," said Su.

The financial burden of enforcing federal immigration law, particularly concerning deportation and detaining illegals and felons, is immense. And the costs are increasing as federal officials cut back funding.

Congress recently acted to cut funding for the State Criminal Alien Assistance Program, which reimburses states and local governments for the cost of incarcerating undocumented immigrants convicted of crimes, from \$238 million to \$180 million. Among the states that would be hit hardest are Arizona, California, Florida, New Jersey, New York, and Texas.

"Our view is that it's the federal government's role to take care of illegal immigration," said Marlina Sanz, senior associate legislative director with the National Association of Counties, which supports comprehensive reform, including a path to citizenship. "They're supposed to protect the borders but they've failed and local law enforcement is paying for the consequences of undocumented aliens being in the country."