



**CLINIC's State and Local Immigration Project:
2022 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 2022.*

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 forty-six states and the District of Columbia convened for legislative sessions 2022. Montana, Nevada, North Dakota and Texas meet in odd-numbered years so were not in session. It was a historic year for health care for immigrants. Many bills were passed, and even more were proposed. Additionally, bills supporting professional licensing for immigrants with degrees and/or out-of-country experience continues to be popular, giving states more economic resources and allowing immigrants to put their experience to use in the United States.

On the flip side, there were several horrific incidents of hatred and violence directed at immigrant communities at the local level that demonstrate the need for additional advocacy. In [West Michigan](#) on April 4, a white police officer fatally shot Patrick Lyoya, a Black refugee from the Democratic Republic of Congo, during a traffic stop. On May 15, 2022, one man was killed and five were injured in a politically motivated [hate shooting](#) at the Irvine Taiwanese Presbyterian Church in Orange County, California.

On May 24, 2022, in Uvalde, Texas, 21 people were killed by a lone gunman at [Robb Elementary School](#), including two teachers and nineteen children. Most of the people in this community are Latino. Some of the first to respond to the shooting were Customs and Border Protection, or CBP, [agents](#). The presence of CBP can easily intimidate immigrant communities. The Department of Homeland Security, or DHS, issued a [statement](#) to remind communities that disaster-related assistance or reunification of families and loved ones is a protected area and will, "to the fullest extent possible," not conduct immigration enforcement activities in or near these areas. CLINIC was part of

the engagement with DHS that helped bring about the expansion of protected areas that would include something like this.

Many immigrants come to the United States in search of safety. These sorts of violent acts can further [destabilize the safety](#) of a people already suffering from previous trauma. In order to help communities, here is a quick list of some advocacy and action steps to undertake:

- Provide information in different languages (share resources with immigrant communities, including the DHS protected areas policy);
- Advocate for mental health resources for communities, especially ones that provide inclusive language access and are culturally competent;
- Have platforms for immigrants to share their stories (such as op-eds, community meetings; vigils; hearings);
- Be part of and help create spaces for communities to grieve, such as vigils, services, and community gatherings;
- Ensure adequate social services within impacted communities;
- Center and invest in Black, Indigenous and people of color (BIPOC),-led gun violence prevention organizations;
- Speak out against the expansion of gun laws that make it easier for individuals to obtain and conceal guns;
- Uplift kindness by highlighting narratives of migrants as family members, part of our workforce, our communities, etc. Counter hateful rhetoric that promotes fear, discrimination, and violence.

We need to hold space for all the different communities affected by this violence and for the communities who will forever be impacted because of the loss of life. We need to be intersectional in our work and address issues such as poverty, lack of investment of resources in certain schools, etc. We need to speak out against racism and be advocates for all disenfranchised communities. Anything impacting communities of color has a very direct impact on immigrants. The two cannot, and should not, be separated. As we move forward in our advocacy, let us provide resources for healing and lift up policies and efforts that center individuals and Black, Indigenous and families of color.

CLINIC tracked 515 pieces of legislation from January through December 2022 in the forty-six states that met and the District of Columbia. Close to 100 of these bills and resolutions affecting immigrants have been adopted or signed by the governors. 79 of these bills have a positive impact on immigrants.

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LEGISLATION

Adverse Consequences of Criminal Matters on Immigration

Why it matters: Immigrants often will take certain pleas in criminal court that may seem to have less drastic consequences, without realizing the implications on their immigration case. Certain criminal charges can lead to removal proceedings and deportation. It can endanger an immigrant's ability to seek future lawful permanent residency and citizenship. [Crimigration](#) has become more popular, but it is still [difficult to find people](#) who are experts in both criminal and immigration law. This means that migrants are rarely fully apprised of their rights under both types of law.

Legislative drafting notes: It is important to have legislation that allows an immigrant to challenge a guilty plea if they were not adequately informed of the consequences. There should also be something included regarding language access to ensure that the immigrant heard the consequences in a language they fully comprehend.

Session highlights:

Colorado

Colorado passed into law [SB 103](#) that would help remedy the fact that so many immigrants in criminal matters do not receive adequate counsel on immigration consequences of any pleas taken. The immigrant can challenge a guilty plea under certain circumstances, which include that they suffered or will suffer an adverse immigration consequence and that the immigrant was not adequately advised of the consequences or did not waive the right to counsel because they were not advised that it included immigration consequences, or that "the guilty plea was constitutionally infirm."

Bail Bonds

Why it matters: Bail bonds for immigrants can be problematic, as certain companies overcharge, and/or force immigrants to wear ankle monitors that can harm the wearer both physically as well as psychologically. This is also a racial justice issue as Black migrants are impacted even more by bonds. According to the [Black Immigrant Bail Fund](#), or BIBF, "Black migrants are most likely to be detained and are given significantly higher bonds than other immigrants in detention. If they are not able to bond out, Black migrants, on average, will serve the longest length of time in detention, and are most likely to be put into solitary confinement."

Legislative drafting notes: Setting limits on the amount immigrants are charged is important. Recently arrived migrants are already trying to get established, find a job, and feel secure. Demanding large bond payments from immigrants shortly after arrival can set them up for failure. Treating people like criminals by forcing them to wear an ankle monitor is cruel and disrespectful of human dignity. There should also be

monitoring of the effects of the bill to ensure that the negative effects of predatory bonds do not persist after the law is enacted.

Session highlights:

New York

The New York legislature under [SB 7475](#) will end predatory bonds and set restrictions on how much immigrants are charged. The bill was delivered to the Governor on Dec. 2 and signed into law on Dec. 9, 2022.

This bill prevents insurance producers from requiring the use of an electronic monitoring device as a condition of immigration bail.

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:

Arizona

Phoenix created the [Phoenix Emergency Rental Assistance Program](#). As of Aug. 18, 2022, the city fully exhausted funds administered by the Human Services Department. Before this, rental assistance was provided to households regardless of citizenship or immigration status and did not require that a Social Security Number be provided. The document checklist was provided in both English as well as Spanish. Oftentimes, the language that such assistance is provided in determines who can make use of it.

California

California, under [SB 154](#) will appropriate \$40,000,000 for the targeted age-based expansion of the California Food Assistance Program, or CFAP, regardless of immigration status. This bill was chaptered on June 27, 2022. It removes exclusions to the CFAP/CalFresh for Californians 55 and older. [The Children's Partnership](#) applauded

the bill, stating it prioritizes “individuals and families who have been struggling the most and making robust investments that provide economic assistance, reduce poverty, increase mental health access, provide food assistance and much more.” While this is an amazing win, this still leaves immigrants younger than 55 to face food insecurity without local support. The [Food4All coalition](#) will still be active.

Currently, immigrants who qualify for CalFresh includes citizens, lawful permanent residents, refugees, asylees, those who have applied for a U or T visa or have been granted such, an applicant for VAWA and a Cuban or Haitian entrant. It does not include those on a student, work, or tourist visa, DACA or TPS recipients and those who are undocumented. Prior to COVID, it was estimated that 1 in 10 Californians experienced food insecurity, and that 2 million undocumented immigrants were not eligible for most [food assistance programs](#).

The California legislature passed [AB 2847](#) back in August which would establish the Excluded Workers Pilot Program and would be administered by the Employment Development Department. This would allow workers who are excluded from state and federal benefits to receive \$300 per week of unemployment. The bill notes that 6 in 10 California workers worked jobs that could not be done remotely, increasing their chances of contracting COVID-19: “Most of these workers were women, people of color, and immigrants who worked in some of the most hazardous and low-paid jobs, including fast food, grocery, garment, manufacturing, construction, and others.” In addition, “Without the support of essential safety net programs like unemployment insurance, many immigrant families are forced to exhaust their life savings, accumulate debt, and compromise their health to simply afford basic necessities like rent and food.” This bill was vetoed by Gov. Newsom on Sept. 28, 2022.

[Nourish California 2022 Key Accomplishments](#)

Colorado

Colorado created the [Left Behind Worker Fund](#) during the pandemic to provide financial help to workers living in the U.S. unlawfully who lost their jobs because of COVID-19. The Colorado bill, [SB22-234](#), makes the fund permanent and changes the name to the Benefit Recovery Fund.

Minnesota

The International Institute of Minnesota launched one of the country’s first [guaranteed income pilots](#) for refugees. It provides a year-long, guaranteed income to 25 households with barriers to employment to demonstrate the impact on newly arrived refugees and local economies.

New Mexico

The New Mexico Legislature appropriated \$10 million for one-time payments to New Mexico households with the lowest incomes. This was an effort to provide cash assistance to those facing extreme financial hardship. The [requirements](#) are that the

residents of New Mexico need to be extremely low-income, and must have either a social security number, Individual Tax Identification Number, or a driver's license number. The \$400 payments to households went out in November.

Oregon

Oregon joined a handful of states in providing overtime compensation to agricultural workers through [HB 4002](#). The effective date of this new law began June 3, 2022.

Washington

The state of Washington just closed another round of applications for the [Washington COVID-19 Immigrant Relief Fund](#). All those who are approved will get at least \$2,500. Email updates are provided in English, Spanish, Chinese, Korean, and Tagalog.

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](#)

Border Patrol

Why it matters: When a state dedicates funds to enforcing federal immigration law, it detracts from funding available to serve residents of the state, including education, transportation, infrastructure, social services, and more. It also destroys trust between immigrants and their communities, especially when statements are issued through resolutions that show the anti-immigrant values of each locality.

Legislative drafting notes: States should pass resolutions that show their support and gratitude towards their immigrant communities. Many states have taken to acknowledging important dates specific to the immigrants living in their areas. State and local money spent on federal immigration laws should be limited.

Session highlights:

Last year, Arizona —through [SB 1823](#) — appropriated \$28,541,500 to the Gang and Immigration Intelligence Team Enforcement Mission, or GIITEM, to be used for “immigration enforcement and border security.” Part of this entailed “responding to or assisting any county sheriff or attorney in investigating complaints of employment of illegal aliens” and enforcing federal laws relating to “illegal aliens and arresting illegal aliens.” Some of the money was also allocated to Arizona's border strike task force.

This year, Arizona's legislature passed [HB 2317](#), and Gov. Doug Ducey signed it into law on June 30. [HB 2317](#) provides for the distribution of \$335,000,000 to the border security fund. The money will be used “to construct and maintain a physical border fence, to

purchase or install border security technologies, including cameras, sensors, drones, software and other surveillance equipment, and to pay associated administrative costs."

Through [HB 2591](#), which was signed by the governor on April 25, Arizona allows the Department of Emergency and Military Affairs to use up to \$250,000 from the border security fund each fiscal year.

The funds from each of these bills were then unavailable to invest in other crucial needs of the state.

Detention

Why it matters: Private detention in 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 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, 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:

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.

Maryland

During the 2021 session, Gov. Hogan from Maryland [vetoed](#) various immigration bills including the Dignity Not Detention Act ([SB 478](#)) which would require detention contracts to be terminated by Oct. 1, 2022. At the start of the 2022 legislation, Maryland legislators overrode this veto to pass the bill. One of the challenges since the passage has been that many [immigrants are being transferred](#) to less immigrant-friendly jurisdictions instead of released.

New York

In the New York Orange County Correctional Facility, immigrants in ICE detention staged a hunger strike back in February. Perry McAninch, a lawyer with The Legal Aid Society, [stated](#) that the "most immediate issue is treatment by the guards, who are saying racist things and have been abusive and aggressive. It's also hard for people there to access a doctor."

Rhode Island

The Rhode Island House Finance Committee recommended that [HB 7799](#) be held for further study. This bill would have prohibited contracts with private, for-profit prison facilities or with the U.S. Immigration and Customs Enforcement, or ICE, for the purposes of housing and detaining people.

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 have to 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:

Maryland

The Maryland Driver Privacy Act ([HB 23](#)) was vetoed by Gov. Hogan last year on May 26, 2021, at the end of the session. It was overridden by the legislature in December 2021 and is now in effect. This is particularly important as 2022 has shown the extent of ICE's information monitoring.

Massachusetts

During 2022, Massachusetts passed [HB 3012](#), a bill to allow undocumented immigrants to apply for standard Massachusetts driver's licenses. While the Massachusetts House of Representatives and Senate passed the bill, Gov. Charlie Baker vetoed it. His veto was then overridden by the legislature. Some [opponents of the law](#) managed to find enough support for a referendum on the matter on the November ballot. Luckily, the voters did not repeal the new law so it will go into effect on July 1, 2023.

This is a great win for Massachusetts as undocumented immigrants [work many jobs](#) within the state and contribute greatly to the economy. [Undocumented immigrants pay](#) an estimated \$81.9 million in sales and excise taxes, \$42.5 million in personal income tax, and \$60.3 million in local property taxes. At the same time, they are barred from obtaining public benefits such as Social Security, Medicare, unemployment and many others. Undocumented immigrants pay into systems that do not benefit them. It is a great victory for immigrant communities that the voters of Massachusetts made it possible for these workers to get to their jobs and continue doing the work that is so crucial to the state by providing them driver's licenses.

As we have seen [across the country](#), by not providing driver's licenses to undocumented immigrants, we interfere with the ability of all our residents to be able to access essential resources and services such as work, healthcare, education, food, etc.

We applaud Massachusetts voters who remembered all the immigrant communities in their state and allowed compassion to guide.

Rhode Island

The Rhode Island legislature passed a bill ([SB 2006](#)) that allows the Division of Motor Vehicles to issue driving privileges to undocumented residents in the state who meet certain criteria. It was signed into law on June 30, 2022.

Utah

This session, Utah passed [HB 163](#) and modified its driver's license testing provisions to cover those with humanitarian parole and afforded them the same procedures provided to refugees and asylees.

Earned Income Tax Credit (EITC)

Why it matters: The Earned Income Tax Credit, or EITC, is provided to individuals and families. These refundable credits [help](#) “address imbalances in the tax system that ask the most of people who earn the least.” When states have their own EITCs, this helps vulnerable communities avoid food insecurity, eviction, and other barriers to thriving in society.

Legislative drafting notes: Ensure that immigration status is not a barrier to receiving the EITC and includes individuals using individual taxpayer identification numbers, or ITIN. It is good to follow the federal practice of having an EITC program that is fully available to families with low or no income in a given year.

Increase the credit for working adults without children in the home and eliminate age restrictions so people 18-24 are included, as well as people 65 and older.

Before the 2022 session, eight states and Washington D.C. [extended EITC benefits to immigrant ITIN holders](#). The states include California, Colorado, Maine, Maryland, New Mexico, Oregon and Washington.

Session highlights:

Illinois

Illinois extended [earned income tax credit](#) to include childless workers ages 18 to 24, and those over 65 years of age, as well as immigrants using ITINs starting in 2023.

Washington, D.C.

[Washington D.C. voted unanimously](#) in May for the 2023 budget, which extends DC's Earned Income Tax Credit to workers who are undocumented and file their taxes with an individual taxpayer identification number (ITIN) to ensure workers can receive the credit regardless of their immigration status.

Economic Work Force Development

Why it matters: It is important to invest in the workforce. Providing job training and assistance which enables migrants to enter the workforce is crucial, especially given the current labor shortage in the United States.

Legislative drafting notes: It is important to extend workforce development to everyone who has access to employment authorization. Research is needed to know the skills of your workforce and where there are gaps. This may be crucial to providing training and placement that help immigrants and fill needs in your community.

Session highlights:

Nebraska

Through [Legislature Bill 1014](#), Nebraska provided \$4 million for FY 2021-22 and \$4 million for FY 2022-23 for “grants to nonprofit organizations that develop affordable housing, including housing for refugees and other such immigrants.” It also provided \$1 million for FY 2021-22 for job training and placement grants to nonprofit organizations for employment and employability services for refugees.

Utah

In Utah, on May 3, the [New American Task Force](#) was launched to tackle some of the main [barriers to inclusion](#) and belonging in the state. Derek Miller, president and CEO of the Salt Lake Chamber [stated](#), “We recognize the critical role that new Americans play in the economic prosperity of our state. They positively impact our economy through entrepreneurship, workforce participation, tax contributions and spending power.” It will be interesting to see how the task force progresses and what new and exciting changes they bring to support immigrant integration further in Utah.

Education

Why it matters: Education is a key part of breaking the cycle of poverty and gaining economic prosperity. Unfortunately, the pursuit of higher education is stopped or at least slowed for immigrants because they will not qualify for federal loans and often must enroll in community college. This often requires them to take one course at a time to be able to afford higher education. Supporting children in their educational pursuits is beneficial for the whole society.

Legislative drafting notes: Include tuition equity for immigrants that is as inclusive as possible and that does not exclude others from educational opportunities based on their immigration status. Have education include topics and areas that have been omitted from curriculum but are central to U.S. history. When immigrants see themselves reflected in their education, they become more engaged.

Having a curriculum that is diverse and inclusive allows everyone to feel seen and accepted. Inclusive education is important in order to lessen achievement gaps and create equitable participation in schools.

Session highlights:

Arizona

In a referendum held during the November election, Arizona voters passed [Proposition 308](#), which allows non-citizen students to receive financial aid and cheaper in-state tuition at public colleges and universities if they graduated and attended school in Arizona for at least two years. This is a huge win for immigrant students who have been shut out from higher education because of costs.

In a [video](#) put out in support of Prop. 308, a young woman named Daniela Chavira shared her story. As Chavira highlights, migrant students are so often denied opportunities to pursue their dreams:

“I was told that receiving an education was a chance of a lifetime, one that would allow me to soar. I was top 2% of my class, a student-athlete, and volunteered over 700 hours of community service. I have lived in Arizona all my life, but I was denied scholarships and in-state tuition, denied the chance to dream. All because I could not provide a nine-digit number. My name is Daniela Chavira — and my wings were almost clipped during my senior year of high school.

“I am one of the 2,000 undocumented students who graduate from Arizona high schools each year. 2,000 students who dream of becoming future doctors and teachers, who would like to give back to our communities. 2,000 students who every year are denied, like I was almost denied. 2,000 students whose future now lies within your hands. My hope is that come Nov. 8th, you will allow these students to spread their wings. Vote to make higher education accessible to the thousands of students who aspire to soar.”

California

California amended an Assembly Bill ([AB 1232](#)) to include an exemption from payment of an English as a second language (ESL) course at a California Community College to those who are either a recent immigrant, a recent refugee, or a person who has been granted asylum. This should be helpful to various immigrants in learning English. This is something that can help hone skills for certain professionals who have training in a profession that requires them to have more advanced English-speaking skills. By having an exemption from the tuition fee, cost will not be a hurdle to them receiving these important language skills. Unfortunately, the exemption also includes a second clause which states it will “only apply to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year.” Many immigrants need help long after initially entering the country. There can be a myriad of

reasons why they wait to learn English, such as the effects of trauma, seeking immigration relief, supporting their families, etc. This bill was signed into law on Sept. 23, 2022.

Georgia

Georgia proposed two bills related to tuition equity. The first was [HB 932](#) that would have extended in-state tuition immediately to refugees, Afghan citizens on humanitarian parole, and Special Immigrant Visa recipients, rather than have them wait the normal one-year period. [SB 460](#) would have extended in-state tuition benefits to DACA recipients. Neither bill progressed far.

E-Verify

Why it matters: E-Verify is subject to [many errors](#) that incorrectly identify U.S. citizens and immigrants as someone 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:

As of the date of this report, several states tried but failed to pass anti-immigrant legislation that would have created or expanded E-Verify in their states. Iowa proposed [SB 339](#) and [HB 635](#); Kansas bill [HB 2434](#) died in committee; Massachusetts introduced [HB 4162](#); New Jersey proposed [AB 2720](#) and [SB 647](#); and North Carolina put forth [HB 43](#).

Tennessee

Although [HB 1636](#), which would have vastly expanded E-Verify, died in chamber, the program was still expanded slightly through [HB 1853](#), which now requires employers with thirty-five or more full-time employees to use E-Verify (up from the previous requirement of fifty or more employees). This will be for employees hired on or after Jan. 1, 2023.

Hate Crimes

Why it matters: It is important to have laws that add additional punishment for those who are acting out of fear and hatred and targeting certain groups that should be protected. There is already an [underreporting](#) of anti-immigrant hate crimes. These laws are fundamental for the identification of such crimes and ensuring that the perpetrators are properly punished and deterred from further insidious actions. On Dec. 13, 2022, the FBI updated its page with its [2021 hate crime statistics](#). Data was received from nearly 12,000 law enforcement agencies. More than 60 percent of the crimes targeted the individual because of race/ethnicity/national origin.

Legislative drafting notes: It is important to make it clear in legislative drafting that for the purposes of hate crimes, nationality specifically includes someone's immigration status.

Session highlights:

California

California [AB 557](#) was passed by the legislature and was presented to the Governor on September 7, 2022. This law would require the Department of Justice to establish a grant program beginning Jan. 1, 2023, for the purpose of creating, supporting, or expanding vertical prosecution units for the prosecutions of hate crimes.

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 include 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.

Session highlights:

California

California finalized its progression of extending Medi-Cal to everyone with [SB 184](#). Previously, California had extended it to those under 26 and those 50 years of age or older. This bill covers the gap that was left, covering individuals who are 26 to 49 years of age. The law was signed by the governor and chaptered on June 30, 2022.

The California legislature also passed [AB 2199](#), which would establish the Birthing Justice for California Families Pilot Project. This would provide grants for three years to certain entities to provide full-spectrum doula care to members of communities with high rates of negative birth outcomes who are not eligible for Medi-Cal and incarcerated people. This bill is meant to serve underserved communities which includes immigrants. It passed both the Assembly and the Senate. The bill was vetoed by the Governor on Sept. 25, 2022.

Colorado

Colorado signed [HB 22-1289](#) into law on June 7, 2022. This law extends health insurance options to children and pregnant women, regardless of immigration status.

Connecticut

Last year, Connecticut expanded its Medicaid program to include children eight years of age and younger – regardless of immigration status. This year, through the [state budget](#), legislators expanded this to children 12 years of age and younger. Any child in the group who is signed up will be able to stay on that insurance through age 19. This will be in effect Jan. 1, 2023.

This will make a big difference to many Connecticut migrant residents. At the same time, it does leave older children excluded from this assistance. [SB 284](#) would have extended coverage to children under 19 years of age.

In an article back from March 10, 2022, the [Connecticut Mirror](#) discussed the financial as well as emotional toll of not providing coverage for all children. In an interview, Connecticut resident [Rosario Tepoz](#) discussed the difference between her U.S. citizen daughter and her migrant son. "I have two children. One has health insurance, and one does not have health insurance, and this hurts me in my soul." Whenever her 12-year-old son gets sick, Ms. Tepoz takes him to the emergency room, which causes expensive hospital bills. On the other hand, Ms. Tepoz can take her 4-year-old daughter to all her routine medical and dental appointments without worrying about the financial burden.

Illinois

When Gov. JB Pritzker expanded the Health Benefits for Immigrant Adults program in June 2022 through [HB 4343](#), he stated "From day one of my administration, equity has been – and will always be – our north star. Everyone, regardless of documentation status, deserves access to holistic healthcare coverage." The [program](#) will now cover

eligible immigrants between the ages of 42 and 54 years of age, where before it only covered ages 55 through 64. For more details, please visit the Illinois Department of Healthcare and Family Services [site](#).

Maine

The Department of Health and Human Services began [processing MaineCare-covered claims](#) for eligible members for dates of service beginning July 1, 2022. Those covered are children under 21 years of age who would be eligible for Medicaid but for their immigration status. MaineCare also covers pregnant residents not eligible for Medicaid but who can receive coverage under the federal Children's Health Insurance Program.

Maryland

Delegate Joseline Peña-Melnyk sponsored [HB 1080](#), known as the Healthy Babies Equity Act. This bill was passed and expands eligibility for prenatal care through Medicaid (through pregnancy and 12 months postpartum) to all pregnant persons, regardless of status.

Maryland also proposed [HB 1035](#), the Access to Care Act, which would have allowed all income-eligible Marylanders to purchase coverage through the exchange, regardless of immigration status. Unfortunately, this was never voted out of the Health and Government Operations Committee.

New Jersey

Gov. Phil Murphy announced a [potential \\$11 million health care plan](#) for undocumented children in his state budget. This Cover All Kids initiative would provide health insurance to the approximately [87,000 children](#) without coverage. The Human Services Commissioner Sarah Adelman said, "In addition to it being the right thing to do to provide health insurance for children, there are assumed financial benefits to the state over time because when you invest in prevention, when you invest in primary care, it saves dividends for both health care costs and for society."

New Jersey also proposed [AB 1190](#) that would extend health care coverage to undocumented immigrants who would be eligible for Medicaid if it were not for their immigration status.

New York

New York also proposed their "Coverage For All" plan through [AB 880](#). This would provide health care services to low-income immigrants not eligible for Medicaid because of their immigration status. Although the bill did make it through the Assembly Health Committee, it did not progress out of the Ways and Means Committee. Even so, this is still an important bill to note as it highlights the reason why these bills should be passed.

The [New York City comptroller Brad Lander stated](#) that health care coverage for undocumented New Yorkers across the state would add \$20 million to peoples'

personal finances and result in \$19 million in savings for the health care system, since emergency room visits would be greatly reduced. Mr. Lander also stated that “Immigrant New Yorkers were essential to New York’s fight against COVID-19, yet disproportionately shouldered the brunt of the health and financial turmoil of the pandemic in part due to poorer health care access...Expanding quality and affordable medical coverage regardless of immigration status will bolster both healthier communities and a healthier economy.”

Oregon

In 2021, Oregon’s legislature passed [HB 3352](#), also known as Cover All People, to provide Medicaid coverage to Oregonians eligible for safety-net health coverage. The co-chief sponsor, Rep. Winsvey Campos, [stated](#) that this bill “will improve lives and reduce suffering for our undocumented neighbors living and working in our state and also shows that in Oregon, we reject the anti-immigrant policies, actions and words that we saw coming out of the federal government over the past four years that terrorized communities.”

Rep. Teresa Alonso Leon discussed how personal this issue is to her: “Before I became a legislator, I worked in the fields with my parents, who would often sacrifice visiting a doctor when they got sick to save money for food. It’s a choice Oregonians still have to make. That is an injustice; it’s a human rights violation.” The program started July 1, 2022, and is expected to cover [60-80,000 adults](#). It [expands the Oregon Health Plan benefits](#) to cover adults 19-25 and 55 and older – regardless of immigration status. For more information, contact [One Community Health](#). They have advocates who speak both English and Spanish.

This year, Oregon passed [HB 4052](#) to have the Oregon Health Authority convene an advisory committee to provide “guidance on establishing, funding and operating a pilot program to improve the health outcomes of Oregonians impacted by racism by providing grants to one or more entities to operate two culturally and linguistically specific mobile health units in this state.”

Vermont

Vermont passed [HB 661](#) this session in May related to mental health professionals. One of the requirements for continuing education would be units in the area of “systematic oppression and anti-oppressive practice, or in related topic areas...for improving cultural competency, cultural humility, and antiracism in Vermont’s health care system.” The bill also includes a study on “the barriers for individuals who are Black, Indigenous, or Persons of Color, or BIPOC, refugees and new Americans, LGBTQ individuals, individuals with low income, individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions.” This will hopefully lead to better mental health care in the state of Vermont. We hope to see this trend continue elsewhere.

Washington

The Washington Health Benefit Exchange submitted a waiver application earlier in 2022 to allow for expansion of health and dental insurance coverage – especially to those who are undocumented. This would make Washington one of the [first states in the country](#) to offer comprehensive benefits regardless of immigration status.

Bills that did not pass/have not passed

Virginia proposed two comprehensive children's health care coverage programs ([HB 1012](#) & [SB 484](#)) that did not pass. The bills would expand access to Medicaid to individuals under 19 years of age who would be eligible if not for their immigration status. Rhode Island also proposed [HB 7484](#) which would have expanded health care coverage to noncitizen children up until the age of nineteen. Delaware introduced a bill ([HB 317](#)) for children colloquially known as the "Cover All Delaware Children Act." It would require the Department of Health and Social Services to develop and operate a medical coverage program for migrant children ineligible to receive Medicaid or CHIP. New Hampshire's bill [HB 1578](#) would expand access to Medicaid for immigrants lawfully residing in New Hampshire, so they do not have to wait 5 years to become eligible. However, this bill is very narrowly tailored and excludes many in need who already contribute to New Hampshire's economy.

Heat Protections

Why it matters: We rely on migrants 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 around 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 plan;
- 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:

California

Although California already had measures in place for employers to prevent heat illness, it expanded on those responsibilities this year. It is important to note that the California Heat Illness Prevention Standard that applies to all outdoor worksites requires fresh, pure, suitably cool, and free of charge water that allows each worker to drink at least one quart per hour. The employer should also provide proper shade when temperatures exceed 80 degrees. Employers should encourage workers to take a cool-down rest in the shade for at least five minutes when they feel the need to protect themselves from overheating. There needs to be emergency response procedures as well as training for all employees and supervisors.

California provides various types of [information for workers](#) to access regarding their heat standards. This includes videos in English and Spanish from California Labor & Workforce Development Agency Secretary Natalie Palugyai.

Colorado

This was the first year after Colorado passed [SB 21-087](#) in 2021. It removed exemptions of agricultural labor from state and local minimum wage laws, which is a positive development, as heat regulations are important but workers may not be incentivized to use them if it means not being able to earn as much money because they are solely being paid by the amount they pick rather than by the hour. It also grants rest periods and other protections. During a public health emergency, agricultural employers need to provide extra protections and safety protections. \$474,657 was also appropriated to implement the act.

Earlier this year, [Jennifer Rodriguez](#), managing attorney for the Farmworkers Division of Colorado Legal Services discussed how some employers were very good about providing shade and extra water. There were also others that were not complying with the requirements. Rodriguez stated that it's not about getting employers in trouble, but

rather “it’s about getting the shade and the water to the workers to prevent any illnesses or deaths.”

Maryland

On Oct. 7, 2022, Maryland Occupational Safety and Health, or MOSH, published a [proposed heat stress draft](#). The American Industrial Hygiene Association, or AIHA, along with 37 other organizations, various individuals, and the Maryland Heat Illness Prevention Coalition, or MHIPC, sent a [letter](#) to MOSH asking them to withdraw its draft. The letter stated, “This standard, as drafted, is completely inadequate and will not protect Maryland workers from heat related illnesses and death. Nor, as written, will MOSH be able to effectively enforce the standard.”

The proposed standard also does not trigger protections until 88 degrees Fahrenheit – which differs greatly from the 80 degrees used across other states.

Nevada

The Division of Industrial Relations in Nevada held two informal stakeholder meetings in early 2022. Answers to stakeholders questions on the [Heat Illness Regulation](#) draft were published on Feb. 28, 2022. Nevada’s Legislative Commission will have to approve the final rule.

Oregon

In 2022, Oregon adopted two permanent rules – [437-002-0156 and 437-004-1131](#) – that set out requirements for preventing heat illnesses. The latter rule applies to agricultural workplaces and the former one applies to all other workplaces.

Virginia

On June 23, 2022, the Safety & Health Codes Board voted to not move forward with the [Heat Illness Prevention Standard](#).

Washington

For the second year in a row, the Department of Labor & Industries in Washington State [adopted emergency rules](#) to address extreme high heat procedures.

Humanizing Language

Why it matters: The words we use matter. We have seen words weaponized to criminalize immigrants. Substituting dehumanizing words like “alien” for more neutral words like “noncitizen,” “immigrant” or “migrant,” would help shift how the public perceives our immigrant neighbors.

“Alien” is an archaic and dehumanizing term that should no longer have a place in society. Troy Miller, Custom and Border Protection’s top official, [said](#) in a memo, “As the nation’s premier law enforcement agency, we set a tone and example for our country

and partners across the world...The words we use matter and will serve to further confer that dignity to those in our custody.”

Legislative drafting notes: In order to avoid any miscommunications or challenges in obtaining funding (if certain grants are tied to serving a specific population), states should try to follow the examples of other states that have already passed legislation on this. The more variations on the term, the more confusing it can be when a state awards certain benefits to “x” population. If all states are using different terminology, there can be some points of confusion as to whether they can apply for/retain certain funding. Something else that can help with this is having wording that discusses the intent of the legislation — which is to remove dehumanizing terms in the code, but not to make substantive changes to the law. In 2021, California’s proposed legislation had such a provision, stating, “Nothing in this measure shall be interpreted to make any substantive change to existing law, including, but not limited to, eligibility for federal programs or benefits that are available to a person who meets the definition of ‘alien’ under state or federal law.”

Session highlights:

Both the Oregon ([SB 1560](#)) and Virginia ([HB 891](#)) legislatures passed bills that would have removed “alien” from different uses. Oregon signed its bill into law so statutory references will be replaced with “noncitizen” starting January 1, 2023. It also directs state agencies to use “noncitizen” in rules and regulations to reference individuals who are not citizens or nationals of the United States. and their statutes. Virginia would have removed the use of “alien” from the Code of Virginia and replaced it with more respectful alternatives. Unfortunately, the Virginia bill was vetoed by the governor back in May.

Identifications

Why it matters: Identification documents are very important in society today. They are a way to get access to many basic services. They are often required in order to prove who you are to prove eligibility for local benefits, enrollment in school, opening a bank account, etc.

Legislative drafting notes: When unaccompanied immigrant children arrive in the United States and are released from custody, they often do not have a valid form of identification. The government gives them something called the Office of Refugee Resettlement, or ORR, Verification of Release, or VRF. Although children are told that this can be used as a form of identification, many state and local agencies are not aware of this fact and fail to accept the ORR VRF and other official ORR ID documentation as a primary form of ID. If drafting legislation or policies, be sure to be as inclusive as possible. For more information on this issue, please see the [Kids in Need of Defense’s Fact Sheet on Expanding Unaccompanied Immigrant Children’s Access](#).

Session highlights:

California

In California, [Assembly Bill 1766](#) would permit individuals to receive a restricted identification card by Jan. 1, 2024. This would allow all Californians to have some proof of identity that is not a driver's license (as not everyone wants, needs or qualifies for one). People who cannot obtain a license because of conditions such as [epilepsy or degenerative eye conditions](#) would be able to have a state identification. The bill was signed into law on Sept. 23, 2022

Texas

Various parts of Texas have taken steps to provide residents with enhanced library cards to give people photo IDs. [Harris County](#), and [cities](#) like Dallas, San Antonio, New Braunfels and San Marcos, already have such IDs. Austin is the latest to work toward these cards.

In August, advocates gathered in front of the Houston City Hall to [urge officials](#) to accept the Harris County library card as an alternative form of identification. Reasons shared for providing these library cards are that they could potentially be used for things like banking, housing applications or local social services. It can be very challenging when one is kept out of accessing important resources. During the action in Houston, Damaris Gonzalez, a community organizer with the Texas Organizing Project stated, "it's a protection for community members. We want this for our families, we want everyone to have the right to live a dignified life."

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:

Illinois

Earlier in 2022, the [Cook County Public Defender's Office Immigration Unit Pilot](#) began representing immigrants in bond and removal hearings before the Chicago Immigration Court.

Through [SB 3144](#), Illinois updated the Right to Counsel in Immigration Proceedings Act. It is important to uplift parts of this law and how it acknowledges the fact that nearly two-thirds of all individuals in immigration removal proceedings in the United States lack legal representation. It also shows how big of a difference representation makes in both cases for those detained as well as for non-detained individuals.

The new law also establishes the Task Force on Counsel in Immigration Proceedings. It provides for staff and compensation. This Task Force will investigate the implementation of universal representation for immigrants in removal proceedings. Of note is that this task force should ensure that the right to counsel funds are sufficient to provide for country conditions experts, forensic medical experts and social service providers providing supportive and rehabilitative services to covered individuals during the course of their removal proceedings. Recommendations shall be submitted by July 1, 2023.

Maryland

Maryland once again had an access to counsel bill raised in the legislature, through [SB 129](#). Like last year's bill, it did not advance despite compelling testimony from various directly impacted community members, attorneys, other advocates, as well as retired United States Immigration Judge Lisa Dornell, who served for 24 years.

CLINIC [submitted testimony](#) in support of this bill. The testimony included the following statement: "While it is true that access to counsel comes with a financial cost, that cost should not – cannot – compare when weighed against the value of human dignity and life and all the other benefits and gifts that immigrants bring Maryland."

[Judge Dornell](#) stated, "Without representation, there is simply no other way a noncitizen can effectively navigate an extremely complicated legal specialty that has been described by [one federal court](#) as being a 'labyrinth' which is "second only to the Internal Revenue Code in complexity."

[Angela Alsobrooks](#) from the Office of the Prince George's County Executive wrote, "As local leaders we have a duty to keep our communities safe, and our communities are safest when residents trust that institutions and officials serve them and know they will be treated fairly... Our immigrant communities contribute to the cultural tapestry and local economy to Prince George's County and the State of Maryland. The creation of a statewide Access to Counsel in Immigration Proceedings Program will provide counties an all-inclusive and centralized infrastructure to protect our most vulnerable residents and stand united for racial equity."

Unfortunately, these bills can be challenging to pass as they require spending. You can find all the amazing testimony in favor of this bill [here](#).

Oregon

Although Oregon did not pass this bill last year, it was able to provide universal representation in this session through [SB 1543](#). The bill will allow immigrants in removal proceedings to have access to a [free immigration attorney](#). As Yanin, a woman from Guatemala who had access to representation in her case stated, “With Universal Legal Representation for all immigrants in Oregon, we will feel accompanied and oriented in our immigration legal process. My family was part of the Equity Corps of Oregon program and we felt very fortunate to meet its members because they fought alongside us at each step of our asylum case. That is why I can say that Universal Legal Representation is a project that changes the lives of us as immigrants for the better.”

Tennessee

This year, Tennessee made another historic investment in immigrant communities when the Metropolitan Government of Nashville and Davidson County voted to [appropriate over 1.8 million dollars](#) to the Tennessee Immigrant and Refugee Rights Coalition, or TIRRC, to expand immigration legal services and community education to low-income residents.

Language Access

Why it matters: Having language access is crucial for migrants in order 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:

Washington

Through [HB 1153](#), Washington increased language access within its public schools. The bill states, "Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps." The bill lists an effective language access program within schools as having four characteristics: 1) accessibility and equity, 2) accountability and transparency, 3) a responsive culture within the school, and 4) a focus on relationships.

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 also 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 not recognized 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:

Illinois

Illinois's [HB 5465](#) was passed and will go into effect Jan. 1, 2023. This law creates a Task Force on Internationally Licensed Health Care Professionals. The Task Force will explore removing barriers for health care professionals licensed and practicing in other countries to get licensed and practice in Illinois. One of the goals is to address the health care workforce shortage in Illinois by increasing the supply of "culturally competent physicians, nurses, and other health care professionals." The Task Force shall submit the report of its findings and recommendations to the Governor and the General Assembly.

Massachusetts

Boston has a [pilot program](#) to use the experience of immigrants who have had medical training in their home countries but are not qualified to practice in the U.S. The program connects these workers to paid fellowships at local hospitals, in “the hopes of creating a pathway into health care careers.”

New York

New York proposed [AB 1952](#), the Empire State Licensing Act, that would provide all New Yorkers with access to professional, occupational, commercial, or business licenses, permits, certificates or related registrations regardless of an applicant’s citizenship or immigration status. The bill died in committee.

For more information on this very important piece of legislation, please see the American Immigration Council’s report on [Economic Benefits of the Empire State Licensing Act: Immigrants in New York State’s Workforce](#).

Tennessee

Back in April, Tennessee passed the Workforce Expansion Bill ([SB 2464](#)), a bill that was sponsored by Republican State Senator Shane Reeves. This law took effect on July 1, 2022, and allows certain immigrants, such as DACA recipients and TPS holders, to obtain licensure in their desired specialty or trade. Over 7,000 DACA recipients and 3,000 TPS holders will benefit from this piece of legislation. As the Nashville Area Chamber of Commerce [posted](#), “The Workforce Expansion Bill is a huge step in addressing ongoing labor shortages taking place in a wide variety of industries by allowing anyone with a federally authorized work permit to access professional and occupational licenses, so long as they meet all other requirements of the respective licensing board.”

Virginia

On April 11, Gov. Youngkin approved [HB 979](#) that has a provision that allows the Board of Education to issue a provisional teaching license for no more than three years, “to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States.”

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 entails local law enforcement from adhering to detainer requests, 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 these agreements, legislation should be drafted to affirmatively prevent them from being put in place statewide.

Session highlights:

Florida

On March 9, 2022, the Florida legislature passed FL [HB 1355/SB 1808](#), the bill that would continue implementing Gov. DeSantis' Executive Action from last year, [Executive Order Number 21-223, \(Biden Border Crisis\)](#). By Jan. 1, 2023, each law enforcement agency operating a county detention facility must enter into a written agreement with ICE to participate in 287(g). The bill also prohibits state, regional or local governmental entity contracts with common carriers who transport "unauthorized aliens" into Florida, which will likely include unaccompanied children trying to reunite with family in Florida. Gov. DeSantis signed the bill into law.

Kansas

The [Safe and Welcoming City Act](#) was passed on Feb. 17, 2022, by the Unified Government of Wyandotte County/Kansas City, Kansas to improve access to public services and allow immigrants to report crimes without fear of local law enforcement colluding closely with immigration enforcement. It granted municipal ID cards to undocumented immigrants, as well as prohibited any local law enforcement from working with ICE investigations, unless required by state or federal law.

Unfortunately, immigrants were caught in the cross hairs of political machinations as Attorney General Derek Schmidt asked the Kansas legislature for a bill that would ban sanctuary cities statewide and prohibit acknowledgment of the IDs the Safe and Welcoming Act sought to implement. The legislature responded and [HB 2717](#) was [passed](#) back in March. It was [signed into law](#) by Democratic Gov. Laura Kelly who was up for re-election this year (and who ran against Attorney General Schmidt).

After this bill became law, the immigrant community and advocates [responded](#) with distress and fear. As Judy Ancel, president of the Cross Border Network from Kansas City said, "To families who might be thinking of moving here, who may or may not have undocumented people but who are immigrants, it says Kansas is unsafe and unwelcome to immigrant labor."

Kansas has seen growth in its immigrant [population](#) over the last twenty years. It will be interesting to see how such a law impacts communities and public safety. These types of laws leave victims of crime vulnerable as they fear reporting crimes when local law

enforcement is known to collaborate with immigration enforcement.

News coverage on the aftermath has discussed the impact of this law on the unhoused, elderly or younger people who do not or cannot drive, as well as survivors of domestic violence. Mayor Brandon Whipple of Wichita, Kansas [stated](#), "I really wish that this wasn't a partisan issue like it was, because getting access to the services that a victim of domestic violence, that someone who is experiencing homelessness needs, that shouldn't be partisan."

State and Local Advocacy Attorney, Viviana Westbrook, published an [op-ed](#) in the Kansas City Star on April 6, 2022, addressing the problematic law mentioned above.

North Carolina

The North Carolina legislature passed [SB 101](#), which would force law enforcement to check the immigration status of every person accused of felony drug or violent crimes, as well as honor ICE and CBP detainer requests. As he did three years ago when he [vetoed](#) HB 370, a similar bill to SB 101, Gov. Roy Cooper once again showed his support for North Carolina migrants and vetoed SB 101 in July. Currently, North Carolina does not have anywhere near the votes needed for an override.

The North Carolina Justice Center issued a [statement](#) applauding Gov. Cooper's veto: "Bills like SB 101 deepen the problems of family separation, racial profiling, and invite violations of civil and human rights. The North Carolina Justice Center is grateful that Gov. Cooper chose to veto SB 101, which would have further eroded trust between immigrant communities and law enforcement and perpetuated harmful stereotypes."

*It is important to note that North Carolina faced many [sheriff races](#) in November. Luckily, neither sheriff candidate in [Wake County](#) supports the 287(g) program. In the election, 24 North Carolina counties elected [new sheriffs](#).

Rhode Island

Rhode Island introduced [SB 2150](#) to prohibit law enforcement from cooperating with federal immigration authorities and also require that schools, places of worship, health facilities and courts do not grant access to their premises to federal immigration authorities unless they have a judicial warrant.

The draft bill states that "a relationship of trust between Rhode Island's immigrant community and state and local agencies is central to the public safety of the people of Rhode Island. This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, or witnesses to, crimes, seeking basic health services, or attending school, all to the detriment of public safety and well-being of all Rhode Islanders." This bill did not move during the legislative session.

South Carolina

The South Carolina Senate passed [SB 1032](#) that would annually fund the “Illegal Immigration Enforcement Unit” within the South Carolina Law Enforcement Division, or SLED. It also states that SLED shall enter into a 287(g) agreement with ICE “as soon as possible after the effective date of this act.” SLED will also develop an “illegal immigration enforcement training program” which shall be made available to all local law enforcement agencies. The South Carolina House also passed the bill, but returned it to the Senate with amendments.

It is interesting to note that the amendments now include a provision on professional licensing. It allows for a person with valid employment authorization and who fits within other specifications to be “eligible for occupational or professional licensure under the provisions of this title provided all other applicable occupational or professional requirements are met.”

Surveillance

Why it matters: When immigrants learn they can be tracked in various ways, it discourages them from accessing needed resources. Given that disclosing an immigrant's status can lead to ICE tracking them, asking immigrants to share their legal status instills fear and deters them from accessing vital services, whether they are required to share their legal status in a medical setting, at a domestic violence shelter, at the Department of Motor Vehicles, by police, at a place that allows them to access food, or by signing up for utilities, etc.

This year, on May 10, 2022, the Georgetown Law Center on Privacy and Technology published a report titled [American Dragnet Data-Driven Deportation in the 21st Century](#). It uncovered various issues that show how ICE is a data broker. Some of the key findings listed in the Georgetown Law report include:

- ICE built its surveillance dragnet by tapping data from private companies and state and local bureaucracies.
- ICE exploits people's vulnerability and trust in institutions to get its hands on more data.
- ICE leverages people's trust in state DMVs to target deportations.
- ICE leverages people's need for water, gas, electricity, phone and internet to target deportations.
- ICE used interviews with unaccompanied children to find and arrest their family members.
- ICE surveillance has evaded congressional oversight.
- State authorities are largely unaware of ICE's surveillance of residents.
- ICE surveillance deters people from accessing essential services.

Legislative drafting notes: There needs to be an enforcement mechanism in any state legislation that is trying to curtail data sharing with ICE. For instance, in Washington state back in 2018, Gov. Jay Inslee found out that the Department of Licensing had been

regularly handing over [Washington drivers' personal information to ICE agents](#) investigating Washingtonians for deportation. The governor asked that this cooperation desist. State Attorney General Bob Ferguson sued Motel 6 for allegedly releasing guest lists to ICE agents. It seems that there are many ways for ICE to get access immigrant information and the agency tries to [circumvent state and local policies](#) by accessing other pipelines. It is important to cast a wide net of information protection and have state and local agencies and others obtain immigration information under very limited circumstances, and that the data is protected and/or destroyed once it is no longer needed.

The Georgetown Law [report](#) puts forth three very important steps states can take:

- 1) States should protect people who trust state and local governments with their data. Legislation should be truly comprehensive and:
 - a. Focus on the data, not the custodian of that data;
 - b. Focus on the purpose of the sharing, not the recipient;
 - c. Protect against all forms of information sharing;
 - d. Do not distinguish between "civil" and "criminal" immigration enforcement;
 - e. Ensure that face recognition is clearly encompassed in these restrictions; and
 - f. Eliminate blanket exceptions for "law enforcement" access to state or locally held data.
- 2) States should prohibit the use of water, gas, electricity, phone and internet records for immigration enforcement. These protections should:
 - a. Restrict disclosure to data brokers, not just the government;
 - b. Avoid blanket carve-outs for credit reporting and evaluation;
 - c. Protect against all forms of disclosure; and
 - d. Protect customer addresses.
- 3) States should structure their systems to track ICE access and closely audit that access:
 - a. Systems should carefully log the time and frequency of user logins, along with searches and results;
 - b. State and local authorities should regularly audit these databases to determine how and how often ICE is accessing them; and
 - c. If authorities do not run these on their own, legislators should send oversight letters to agencies and hold oversight hearings to compel agency officials to do so.

Other advocacy efforts: Information also needs to be shared when an agency/entity is sharing data with ICE to deter this behavior from happening in the future. For instance, Thomson Reuters and LexisNexis Risk Solutions are two primary data brokers that sell ICE access to driver information. It is important that this be shared far and wide and that groups using these services put pressure on such businesses to stop engaging in

behavior that makes them money at the cost of terrorizing communities. We have already seen success when the [National Consumer Telecom & Utilities Exchange](#) was pushed to end the sale of more than 170 million people's information.

Session highlights:

Arizona

In 2022, Arizona proposed [HB 2326](#), an anti-immigrant bill that, as described by the [American Business Immigration Coalition, or ABIC](#), "would wreak havoc on the lives of Arizona's immigrants, make the streets less safe for all Arizonans and hinder the state's economic recovery efforts." This bill would create an open-access database in Arizona with personal information of immigrants. It encourages vigilantism and erodes community trust in law enforcement. Arizona business, faith and civic leaders wrote a [letter](#) to Gov. Ducey urging him to oppose the bill.

Colorado

Earlier this year, immigrant rights groups, including Mijente, Colorado Immigrant Rights Coalition, Just Futures Law and various others, produced a report called [Sabotaging Sanctuary How Data Brokers Give ICE Backdoor Access to Colorado's Data and Jails](#).

One of the issues raised is that ICE contracted with Appriss Solutions back in June 2021. Appriss has a statewide incarceration data-alert system known as VINE that notifies participants of the "release, transfer, escape or death of an offender by phone, email, text and/or TTY." VINE accounts are typically used by victims of crime such as survivors of domestic violence to know if/when their abuser is being released. By inputting their information into VINE, we are now allowing the endangerment of those who are the most vulnerable. It also means that those who have served their sentences are not able to enjoy freedom and instead are being picked up by ICE which now has their exact release time. Immigration detention was never meant to serve as a double criminal punishment. When it does (as it often does), it harms communities of color disproportionately.

In an article published by [The Guardian](#) on April 19, 2022, a story was shared about an immigrant from Honduras named Maria who fled to escape from "the dangers of a local gang." She was arrested because police found drugs in her house – that actually belonged to her roommate. Maria was picked up by ICE during her first appointment with her probation officer. She did not know how they found out she would be there. She was deported.

The Colorado report also shared a conflict of interest between Vincent Line, the Chief of Operations for the Denver County Sheriff's Office who should be helping prevent any violations of Colorado's sanctuary law. Instead, he is a board member of the LexisNexis Public Safety Data Exchange, which means he is promoting a tool that undermines Colorado's law.

Illinois

The Cook County Board of Commissioners, Legislation and Intergovernmental Relations Committee spearheaded [Resolution 22-2815](#) to request a public hearing to discuss risks of data brokers sharing and/or selling personal information with ICE, through expert testimony and to determine whether and to what extent county government data regarding residents is available to private data brokers. It was approved by the larger Board on July 28, 2022. The Committee will also discuss “the best practices for protecting the rights of all Cook County residents.”

An important part of the resolution includes that ICE has “paid more than \$100 million to data brokers to obtain individuals’ personal information. They have used data broker tools to collect sensitive information including Global Positioning System, or GPS, location data, facial recognition data, vehicle registrations, credit reports, utility bills, and social media, among hundreds of other sources.” This is such a blatant disregard of states and localities that have passed policies and laws to protect immigrant communities. It is also a trespass on the privacy of so many. Finally, it is a huge waste of resources on a tool that promotes the separation of families and harms communities.

Washington

Legislators in Washington reintroduced a bill ([HB 1433](#)) that would have required corporations to ask individuals before collecting, using, sharing or selling their data. In an [opinion piece published by The News Tribune](#) on March 9, 2022, an organizer with La Resistencia and Mijente, Ashley Del Villar, expressed her opinion about this bill that is more colloquially known as the People’s Privacy Act that did not advance this session: “No other bill drafted by the state legislature this year meets this threshold, which is critical for privacy policy that is strong enough to be meaningful.” It is the hope that Washington will try and advance this bill again next session.

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 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 around when a certifier will sign the document, or if they will sign at all. Often, a certifier with certain biases may not even sign.

Legislative drafting notes: For the best laws on U visa certification, it is important to require a presumption of helpfulness 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:

There have not been any highlights for this session. Sen. Martin Quezada in Arizona put forth [SB 1229](#) but the session adjourned. We hope this changes in the future and that other states follow the many that have already passed good laws.

**Referencing state immigration legislation CLINIC tracked from January through December 2022. Not an exhaustive list.*

Bussing Immigrants From Certain Southern Localities to Other States

Since this spring, we have seen [governors bus and fly migrants](#) from the south, including from Texas, Arizona and Florida, to other localities such as Washington DC, [Chicago](#), [New York](#), and [Martha's Vineyard, Massachusetts](#). [Delaware](#) has heard of incoming flights and is getting ready to welcome immigrants. Although these localities have been welcoming and found resources for immigrants, it has been complicated as they have not received notice about what was happening. Earlier in September, in New York there were 60 men who were not provided beds one evening because resources are strained.

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.

On Sept. 15, Gov. Newsom of California [submitted a letter](#) to Attorney General Garland stating, "Like millions of Americans, I have been horrified of the images of migrants being shipped on buses and planes across the country to be used as political props." Gov. Newsom requested that an investigation be carried out to see if allegations about a recruiter targeting Venezuelans and inducing them to accept the travel offer under false representations are true. Bexar County Sheriff Javier Salazar has also launched a [criminal investigation](#) into Gov. DeSantis decision to fly migrants from San Antonio to Martha's Vineyard.

What States and 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.

Tennessee – Many Anti-Immigrant Bills; Two Amazing Wins

Tennessee

This session, Tennessee proposed many anti-immigrant bills. Among them were [House Bill 1919](#) and [Senate Bill 1878](#). These would have harmed children and families in general in Tennessee. Organizations of faith came together to express their strong opposition to these bills by centering compassion, sanctity of family and the dignity of vulnerable children. HB 1919 failed in the Civil Justice Committee. It would have added more hoops for families to jump through before reuniting with their children. It would also provide the state with a lot of personal information about each immigrant child. As stated in a letter to the Tennessee State Legislature, Leviticus 19:34 reminds us: “Any immigrant who lives with you must be treated as if they were one of your citizens. You must love them as yourself, because you were immigrants in the land of Egypt; I am the LORD your God.”

Republican Bruce Griffey proposed various hateful bills, such as [HB 1648](#), but luckily it failed in the K-12 Subcommittee of Education Administration. This bill would have gone against existing law established through [Plyler v. Doe](#) by allowing public schools to refuse to enroll children without lawful status. For those schools still enrolling these children, the department of education would withhold money from that school for each student.

Two other anti-immigrant bills were proposed and failed: [HB 1994](#), a bill that would track undocumented immigrants in the state and remove them, and [HB 2310](#), a bill that would impose a fee on certain money transfers from Tennessee to outside of the United States – something that would have burdened immigrants trying to send money to help their families.

There were two other anti-immigrant bills that were passed in Tennessee this session: [HB 2128](#) which prohibits non-U.S. citizens from voting in federal, state, or local elections, and [HRJ 0652](#) which asks for the completion of the border wall. The joint resolution uses problematic language in stating that the “safety of our citizens [is] paramount to protecting the American way of life.” This exclusionary language seems to only look at citizenship and American culture from a very narrowly tailored point of view – one that cannot possibly encompass the extremely rich and diverse tapestry of cultures that comprise the United States.

As previously mentioned, [HB 1636](#) died in chamber though [HB 1853](#) passed – expanding the E-verify program slightly.

Despite all of these bills, Tennessee also managed to pass the [Workforce Expansion Bill](#) (see above) opening up access to professional and occupational licenses. Nashville and Davidson County appropriated 1.8 million dollars to expand immigration legal services. Both of these are very important and show that access to representation and professional licensing can occur in more Republican-leaning states like Tennessee.

Texas Trials

In the last couple of 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. Troopers can only make arrests if migrants trespass on private property.

As the [Immigration Legal Resource Center](#) explains in its resources, Operation Lone Star has “militarized border communities, targeted and arrested Black and Brown migrants (many of whom are legally exercising their right to seek asylum), charged them with trespassing on private land, and then jailed those migrants in state prisons that have been arbitrarily converted into migrant jails. These state prison facilities are notorious for their inhumane conditions against defendants, such as inadequate medical care, unsanitary food, and abuse from jail staff.”

A co-founder of The Texas Tribune, Ross Ramsey, [wrote in an op-ed on April 8, 2022 about](#) how these proposals are both expensive, costing \$3 billion in border security efforts, as well as ineffective.

On April 6, 2022, Gov. Abbott [directed](#) the Texas Division of Emergency Management to charter buses and flights to transport migrants released from federal custody to Washington, D.C. In addition to the targeting and criminalization migrants have faced due to the governor's actions, there has also been a lot of [misinformation](#) spread about immigrants and immigration.

The U.S. Department of Justice is currently investigating Operation Lone Star for [potential civil rights violations](#). In the [ABC News Live](#) from July 7, reporters covered the human and economic cost of Operation Lone Star. “The strategy of expelling migrants does not appear to have slowed immigration. The price tag of funding the operation, continues to go up with Texas taxpayers fronting the cost.” The coverage mentioned that Texas has now spent over 4 billion dollars on these efforts.

Texas relies heavily on immigrants, as it has the second-largest immigrant labor force in the United States. According to an [FWD.us analysis](#), immigrants in Texas make up nearly 1 in 5 of all wage dollars in the state. As Zaira Garcia, Texas Director at FWD.us stated, “Immigrants help power major sectors of the state's workforce, driving innovation,

creating American jobs, and boosting economic growth. If Texas wants to continue being a leading global economy, then we need to enact policies that build a vibrant, inclusive, welcoming environment for immigrants of all backgrounds. Doing so is critically important for the Texan economy; it is also the right thing to do.”

Strong Voices in a Challenging Political Landscape

Florida

Although we have seen many anti-immigrant bills, executive orders, and general xenophobic rhetoric coming from leadership in Florida, it is important to remember that there are so many migrants, faith leaders, community-based organizations, businesses and many other advocates who advocate for immigrant rights in Florida. When Florida passed [SB 1808](#), many civil rights and immigrants' rights organizations [denounced it](#). Earlier in the year, immigration attorneys and wealth management companies [rescinded an invitation to the governor](#) to be a keynote speaker at a conference that took place in Miami based on his anti-immigrant policies.

During testimony from the Florida House on [March 9, 2022](#), there were many voices speaking out against SB 1808. Not all of the humane and compelling arguments are listed, but here are some of the highlights:

- **Representative Woodson from District 101**, an immigrant from Haiti, stated, “This is the land of the free! Isn’t that what I keep hearing? Immigrants make up this beautiful state of Florida... Sometimes we have to put ourselves in other people’s shoes...Immigrants matter because they contribute to the tapestry of the United States. There’s a quote that says: when you have more than you need, you build a bigger table, not a higher fence. Not a higher fence.”
- **Representative Chambliss from House District 117** discussed how many people are leaving a violent situation and begin the journey up here. However, that journey does not always end as expected: “I always speak from the perception of House District 117. I have a lot of migrant farmworkers that are there. It’s also one of the biggest hotbeds in Florida for human trafficking. We are talking about taking away a legitimate, contracted way of transportation. One of my worst fears was well if they can’t get here the legitimate way, how are they going to get here? This is how that black market is created. This is how people who are desperate, who are running away from violence, that many of us have never seen in our lives, this is when – in their desperation - seek alternative ways...

“You see one of the reasons that we are a hotbed (for human trafficking) is because the migrant community has such a distrust of law enforcement, that even when crime happens in the most serious way, they don’t know who to call...if they can’t trust local law enforcement, who are they going to reach out

to when their families' lives are in danger, when their life is in danger, when they are being threatened, when they are being targeted for robbery, extortion, etc. To say that we can allow a community to live in such an endangered and inhumane way in our state...no, that is absolutely not right.

"Let's be clear, if the immigrants all left, the state of Florida's economy agriculture would tank overnight... Instead of us trying to make life easier for the people contributing to Florida, we are making life harder. When you're a child and you've seen your family member be pulled out of the house by ICE, all you know is that daddy is being taken away and I'm not sure if I'll ever see daddy again – and all he wanted to do was get you here on a whim, on a hope, on a dream, on a chance of providing you a better life. That's what we are fighting against.

"Trying to make them 'Do it the right way.' Oh my God – if it were only that simple we wouldn't have the human trafficking problems, we wouldn't see so many who die on the way here, if it were that simple to do it the "right way" then the blood in those fields, the stories and the horrors of those who are taken advantage of and have no one to turn to, those stories wouldn't exist... but those stories exist in House District 117, those stories exist in many of our districts here in the state of Florida. The reason our economy is so strong is because those stories exist. So, shame on us. The blood is on our hands because we're the ones that are trying to keep the door closed on the American Dream."

- **Representative Geller from District 100** talked about how some legislators supporting this bill talked about coming "the right way:" "I'm glad that many of us have family that came here the 'right way.' My family didn't. My uncle lied his way into the country. If he had told them the truth, they would have sent him back... Sometimes they did it right, and sometimes they did it 'by any means necessary'. This fearmongering, this cultivation of hate for people who are trying to have a better life for themselves and their kids, it's just not right, it's not American, it's not why we have a Statute of Liberty. It does not say I want all the people who follow the rules, I want all the people who are highly educated, and I want all the people with lots of money who can buy their way in. It talks about huddled masses; it talks about wretched refuse. Do we want wretched refuse? Yes, we want people who will fight for a better life...

Your people came here because they wanted to be Americans and they did what it took. This bill...this shaming of the other...They are people, human beings. The stuff this bill says – the night flights? As if our immigration system broke down when Joe Biden when he was inaugurated suddenly the immigration system broke. We haven't gotten it right for decades. This country does have a history of xenophobia, it has a history of nativism that goes right along with our history of racism and antisemitism and yet, it is the country that everyone in the world

wants to come to, and the country that fights to be better – and most of the time we win that fight – and most of the time, we try to listen to our better angels. Don't give into this fear-mongering, don't give into this hate, don't give into this treating people like they are not human beings. They are our brothers, sisters, treat them with decency, treat them with respect."

- **Representative Joseph from District 108** discussed how there are just laws and there are unjust laws: "Today we heard that we needed to follow the rules. The problem is the rules don't always apply to everybody equally. There are just laws and there are unjust laws. In his Letter from Birmingham Jail, the late Reverend Dr. Luther King talked about how a just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. We hear a lot of rhetoric when it comes to 'illegals and immigrants and aliens' in this day and age which is hyper-divisive but let me redirect us to a moral law: Deuteronomy 10:18 and 9 talks about how we need to love immigrants, however they get here; he defends the cause of the fatherless and the widow and loves the foreigner who resides among you giving them food and clothing Exodus 22, Verses 21 & 23 where we are directed: do not mistreat or oppress a foreigner for you were foreigners in Egypt. Leviticus 19 Verse 13-34 says, when a foreigner resides among you in your land, do not mistreat them. The foreigner residing amongst you must be treated as your native born. Love them as yourself for you were foreigners in Egypt. I am the Lord Your God. That is what the just law tells us about how we should treat migration."

State and Local Panel at CLINIC Convening May 2022 – Standing in Solidarity With Underserved Communities: Challenges and Best Practices in State and Local Immigration Advocacy

On May 19, 2022, 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:

- **Bring in diverse viewpoints from within the community.** Remember that immigrants are not a monolith and have a wealth of identities: from nationality, race, ethnicity, gender identity, sexual orientation, religion, tribe (if applicable), if

they have a disability, education level, profession, level of trauma, income level, etc.

- **Center directly impacted voices.** Directly impacted voices should not only participate but should be given opportunities to lead.
- **Start inclusion early on.** Excluding certain voices can lead to redoing work which can be costly. Oftentimes, groups will not want to redo their work and so are not being inclusive. Including a diversity of voices from the get-go saves time and money in the long run and better informs advocacy efforts.
- **Ensure meaningful contribution.** Make sure that the advocacy requested does not tokenize these individuals, but rather provides the tools and resources for them to be heard in these spaces and contribute meaningfully.
- **One size does not fit all.** Remember there is not a cookie cutter mold to advocacy. It is important to understand everyone's stories and priorities are different. While there are a lot of commonalities in advocacy needs, there are also a lot of differences.
- **Invest in diversity from the ground up.** Start with paying interns as unpaid internships keep certain groups from getting their foot in the door.
- **Pay directly impacted communities for their valuable time.**
- **Ensure proper language access.** Mexico has 68 official languages; Guatemala has 23 with 50 variants. It is important that agencies such as offices of social services, driver's licenses, Supplemental Nutrition Assistance Programs (SNAP), courthouses, and other vital services have access to a wide variety of interpreters who can help immigrants navigate these very complex systems.
- **Include community stories.** Let individuals tell their own stories. Tap into social media; create a TikTok video. Hold a Know Your Rights presentation.
- **Reach out to the community.** Do not just look for voices from traditional spaces such as organizations providing speakers (although this of course is a very valid starting point). Be open to unconventional tactics. Go to places of worship, markets that serve different cultures, etc.
- **Center Indigenous needs and voices.** Remember that indigenous communities see themselves as migrants – not immigrants. They identify as citizens of an occupying state, so it is incorrect to reach out to state governments in these cases. Indigenous individuals are often lumped in with Latin American immigrants – and are assumed to speak Spanish as their primary language, which is not the case. They require language access in their primary language in order to fully understand their rights and be able to communicate in turn. Many indigenous people do not want to admit they are indigenous because of fear of discrimination that they have experienced in their home countries. There can be different styles of talking among indigenous communities. They will prioritize the collective and hold space for people to pause. In many settings, this leads to indigenous people not having the space in which to speak – so we all miss out on a lot of information.
- **Do not overpromise.** If you cannot deliver with immigrants and migrants, you break trust which is a bad start to advocacy. Always be honest.
- **Meet people where they are at.** If you are trying to be inclusive, be sure to set locations and hours that work for immigrants.
- **Acknowledge racism exists in this work.** We have seen this in many ways, but a very easy example is looking at Temporary Protected Status, or TPS. Ukrainians

were given TPS within 8 days. It took 8 months for Afghanistan to receive TPS. Many Black countries have yet to be granted. Even though they are fleeing the same amount of violence and threats to their lives, people see white immigrants as more sympathetic.

- **Speak out.** We have work to do to unlearn racism and work against it. We need to be sure we do this both internally and externally in our work.
- **When called in, listen.** If someone calls you in to ask certain advocacy efforts from you, listen. Do not make it about your feelings. It can be difficult to receive feedback on diversity and equity in advocacy spaces but understand that receiving this is painful but necessary. We recognize that we are all trying to grow.
- **Establish a greater connection with immigrants.** When working with directly impacted individuals, develop a deep understanding and sense of community with the people you are working with. Do not let it be merely transactional. Oftentimes, someone testifying on a bill in Washington DC will be flown out and put before Congress to let them share their story and are immediately flown back. Establish a connection with immigrants in this work. If they have flown out or taken time off from work, speak to their employer to ensure they are aware of why their employee is missing work. Remember that many undocumented immigrants may be low paid, in hourly jobs. They should be compensated for their time.
- **Be trauma informed.** Certain individuals are being asked to constantly re-live their trauma. It is important to keep this in mind and be aware of any power dynamics in play when inviting someone to speak. Always honor what they are willing to share and do not pressure them for more.
- **Get to meet someone new.** The more immigrants and migrants we meet, the greater our understanding of these different populations. Get to see who they are – see them for the human being that they are. This builds empathy and understanding.
- **Start talking to each other; start hearing each other; start helping each other.**