

# IMMIGRANTS' RIGHTS GAIN GROUND IN THE STATES

2018-2019



NATIONAL  
IMMIGRATION  
LAW CENTER

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# ABOUT

Founded in 1979, the National Immigration Law Center is the leading advocacy organization in the United States exclusively dedicated to defending and advancing the rights and opportunities of low-income immigrants and their loved ones. NILC's mission is grounded in the belief that everyone living in the U.S.—regardless of race, gender/gender identity, immigration, and economic status—should have equal access to justice, resources, and educational and economic opportunities that enable them to achieve their full human potential. NILC is committed to advancing its mission—which intersects race, immigration status, and class—through a racial, economic, and gender justice and equity orientation. NILC seeks to achieve just laws and policies that address systemic inequities, create narrative and culture change for an inclusive and equitable society, and build a healthier and more powerful movement.

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# ACKNOWLEDGMENTS

This Winning in the States (WITS) report reflects the work of immigrant leaders, advocates, and organizers across the country. National Immigration Law Center staff drafted the report, with input from our state partners. Tanya Broder was its principal author, and the following staff and consultants made invaluable contributions: Hayley Burgess, Shiu-Ming Cheer, Joan Friedland, Jessie Hahn, Mayra Joachin, Sarah Kim Pak, Gabrielle Lessard, Matthew Lopas, Avidah Moussavian, Ignacia Rodriguez, Ginny Simmons, and Jackie Vimo. Marc Solomon and Krithika Harish of Civitas Public Affairs continue to provide key support to the WITS initiative's efforts. NILC's Richard Irwin edited the report. NILC's Isobel Mohyeddin provided project management support, and Samantha Kate of Samantha Kate Design designed the report for publication.

We honor and appreciate the many immigrants' rights organizations, coalitions, and allies for their efforts to advance a vision in which immigrant communities throughout the United States are protected and empowered. We extend special thanks to our partners at Causa (Oregon), the Colorado Immigrant Rights Coalition, the New Jersey Alliance for Immigrant Justice, Somos un Pueblo Unido (New Mexico), the Tennessee Immigrant & Refugee Rights Coalition, and Voces de la Frontera (Wisconsin).

# NOTE FROM NILC'S EXECUTIVE DIRECTOR

At a time of such virulent attacks on immigrants and their loved ones fueled by xenophobic and hate-filled rhetoric at the federal level, there is an antidote at the state and local levels, where immigrants, allies, communities, and policymakers are paving a more inclusive path forward for the country. I'm deeply proud to share with you the following report highlighting the state and local policy accomplishments that occurred during the first two years of the Winning in the States (WITS) initiative.

This initiative grew out of the belief that we need to make a positive difference in immigrants' lives today, as we collectively build community-grounded political power and strengthen the capacity of state and local advocates to implement courageous and creative policies that make their local communities healthier, safer, and more inclusive for all residents. These policy ideas and victories can and will serve as a counterpoint to the punitive immigration policies the current administration is advancing and help tell a national story of the immigrant-inclusive policies that are truly possible and good for our country. We believe these are necessary to build political pressure for long-term reforms at the federal level. By the same token, given the pervasiveness and perniciousness of messaging that frames immigrants as a threat to the U.S. way of life, we believe it's critically important to change the public narrative so that immigrants feel that we belong—and are viewed as invaluable members of our communities and a major source of our country's future vitality.

At a time when we face relentlessly ruthless attacks on our communities that stem from toxic and deep-seated anti-immigrant sentiments, it's easy to feel disillusioned at the state of our country and what the future may hold. However, the Winning in the States initiative gives us great hope. While the outlook for progressive policy reforms at the federal level remains uncertain, at the state and local levels change is not only possible, it's already happening on many fronts.

Flowing from those intentions and building on work we've engaged in at the state and local levels over the last two decades, we launched the Winning in the States initiative in May 2018. We're using two complementary approaches:

- » A “campaign state strategy” through which we’re partnering with select organizations in key states that we feel are at critical tipping points, providing them with intensive policy, legal, and strategic communications guidance and support to help advance pro-immigrant policy initiatives and narratives. In the initiative’s first year, we invested in partners in Colorado, New Jersey, Oregon, and Tennessee. In 2019, we added New Mexico and Wisconsin to this powerful cohort.
- » A “support state strategy,” which involves comprehensive programming, including trainings, resources, and convenings, to create learning spaces for advocates across the country to share advocacy strategies and explore joint campaigns on core NILC issues, such as access to driver’s licenses.

NILC’s Winning in the States initiative is a core component of the new strategic framework we’ve been developing over the last 18 months to guide our work over the next five years and ensure we can effectively advance the systemic, transformative social change we believe the times require. Leveraging the power of both NILC and our 501(c)(4) affiliate, the NILC Immigrant Justice Fund, we’re continuing to develop this strategic initiative along with our state and local partners so we can help catalyze intersectional alliances and build a stronger, more powerful, diverse, and inclusive immigrant justice movement that achieves progressive policies and narrative change at the local, state, and federal levels.

We’re thrilled to report here on the great work our partners are doing. I hope you are inspired and motivated to join us on this journey to build a society in which everyone has the ability to thrive, live with dignity, and feel they belong in our country.



**Marielena Hincapié**

Executive Director  
National Immigration Law Center  
& NILC Immigrant Justice Fund

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# LEADING THE WAY

Behind every positive policy change affecting immigrants, from lifting restrictions on access to driver's licenses to limiting local law enforcement's entanglement with immigration enforcement, are decades of organizing and advocacy. Immigrant leaders and allies working in local organizations and coalitions are improving the lives of everyone in their communities, no matter where they were born or how much money they make.

At the National Immigration Law Center, we have partnered with organizations in six key states that are providing national leadership in building an effective and engaged immigrants' rights movement. In Colorado, New Jersey, New Mexico, Oregon, Tennessee, and Wisconsin, we are supporting local organizations and coalitions to achieve policy victories and build power. Their leadership will help inspire positive change across the country.

## COLORADO IMMIGRANT RIGHTS COALITION

Colorado has made huge strides in 2019 to empower immigrant communities and promote pro-immigrant measures. The Colorado Immigrant Rights Coalition (CIRC) is a statewide, membership-based coalition of immigrant, faith, labor, youth, community, business, and ally organizations that was founded in 2002 to improve the lives of immigrants and refugees by making Colorado a more welcoming, immigrant-friendly state.

We are very proud of the work that CIRC has achieved in 2019 to build immigrant power across Colorado. Notably, CIRC hosted a statewide Latinx Advocacy Day at the state capitol, was successful in getting the number of Colorado Division of Motor Vehicles offices issuing licenses to undocumented applicants increased from four to ten, hosted a movement-building training with members, and expanded protections for immigrants within the state's criminal justice system by declining to honor U.S. Immigration and Customs Enforcement (ICE) holds, requiring a written advisement of rights, and ending information-sharing between probation officers and ICE absent a criminal warrant.

The number of pro-immigrant bills that passed in Colorado last year as a direct or indirect result of CIRC's engagement and activism is a testament to the coalition's effective advocacy, which has transformed Colorado dramatically over the past 17 years. Thanks largely to CIRC, Colorado has moved from being a "show me your papers" state to one that's leading the way on immigrants' rights.

## NEW JERSEY ALLIANCE FOR IMMIGRANT JUSTICE

As one of the most diverse states in the U.S.—the one with the third largest percentage of foreign-born residents—New Jersey has become a hotspot in the fight for immigrants' rights.

The New Jersey Alliance for Immigrant Justice (NJAIJ) is a statewide, membership-based coalition that creates and achieves policies in New Jersey that welcome and support immigrants to become rooted economically, politically, and socially within the state. Through the work of NJAIJ and its members, New Jersey will help ensure access to services, support family unity, and develop policies and strategies that provide opportunities for immigrants to participate fully in civic life.

One major success in 2019 occurred when the New Jersey attorney general announced and implemented the Immigrant Trust Directive, which limits collaboration between ICE and local and state law enforcement agencies. This reversed a previous attorney general directive that instructed law enforcement to reach out proactively to ICE in a range of cases. In addition, NJAIJ had a strong presence in Trenton and across the state to ensure that access to driver's licenses for all New Jersey residents becomes a top priority for the state legislature.

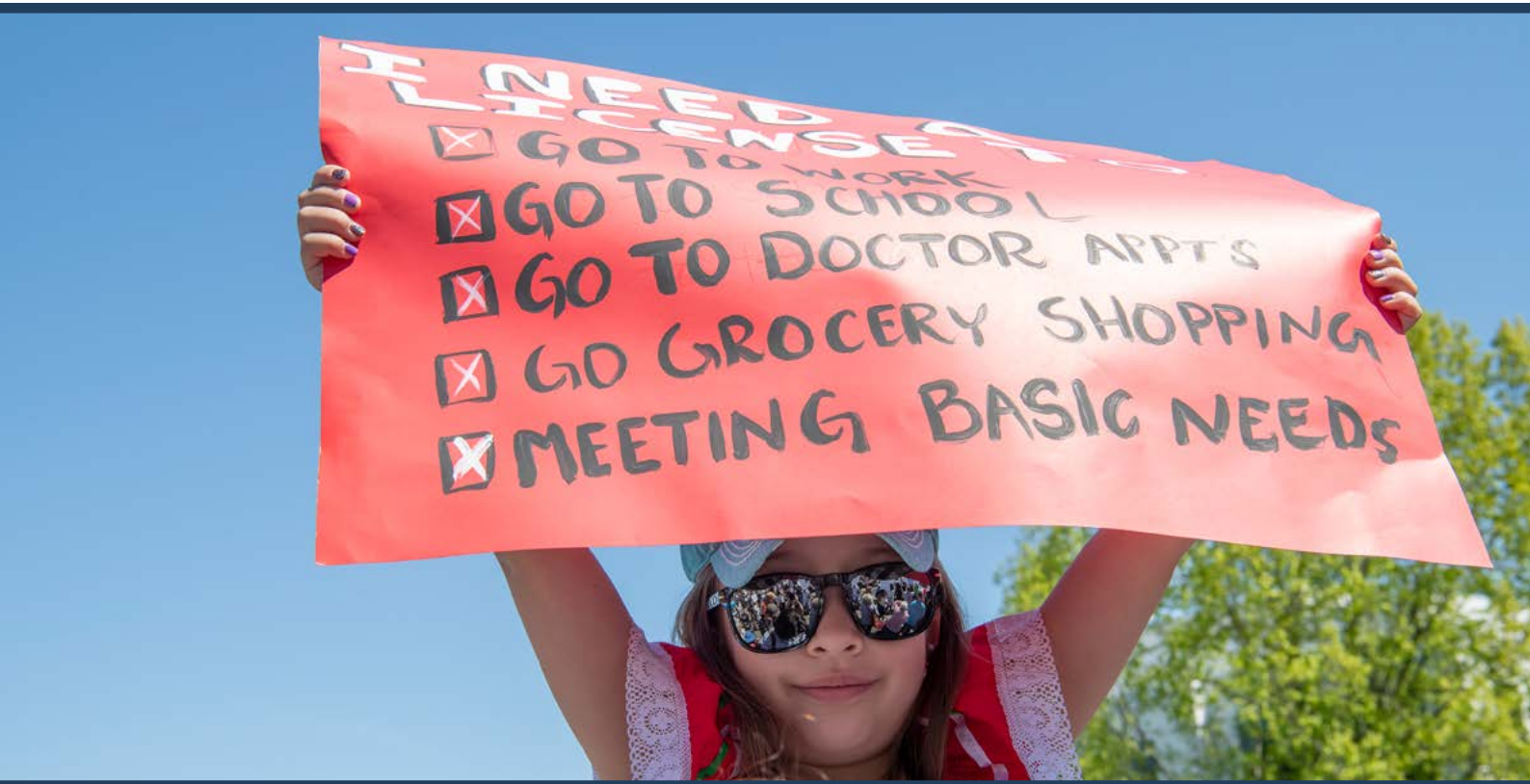


## SOMOS UN PUEBLO UNIDO (NEW MEXICO)

Somos un Pueblo Unido is a leader in the Southwest, working to build and amplify the power of local communities. This year, Somos continued its statewide campaign to ensure that all New Mexicans have access to a more just and efficient driver's license system. In response to tireless community organizing, Governor Michelle Lujan Grisham signed SB 278. The law, which renames the standard license as the "New Mexico Driver's License," prohibits discrimination based on the type of license a person presents and eliminates a problematic fingerprinting requirement. It took effect in October 2019.

Somos also co-leads statewide campaigns to expand opportunities for working families in New Mexico. It was instrumental in securing major legislative wins, including an increase in the state minimum wage to \$12 by 2023. Another new law, SB 489, ensures that immigrant workers in rural communities won't be left behind as the state's emerging "green" economy continues to grow.





## CAUSA (OREGON)

Causa is one of the leading immigrants' rights organizations in Oregon. As an organizing and advocacy organization, Causa works to build power and leadership for Oregon's immigrant communities by winning elections, getting representation, and helping pass laws that impact the daily lives of Latinx immigrants across the state.

In recent years, Causa has directed some of its work toward addressing threats at the federal level. This work involves community education, family preparation, and intervening when community members are being detained or placed in removal proceedings.

In 2019, after a hard-fought battle that lasted over a decade, Causa succeeded in getting state lawmakers to make driver's licenses available to all Oregon residents, regardless of their immigration status. The driver's license restoration was a huge success, reflecting many years of tireless advocacy. This victory was achieved through a vigorous organizing effort that brought together over 100 organizations, generated over 26,000 email messages, and turned out thousands of activists who descended on the state capitol to advocate for access to licenses. In addition, Causa organizers engaged rural and urban communities to share and center their stories. Directly impacted individuals played a major role in the driver's license campaign.

In addition to the driver's license success, Causa is proud of having influenced lawmakers to invest \$2 million in immigration defense services, to help immigrants defend themselves against deportation. This funding allowed Oregon's access-to-counsel program to expand beyond urban centers to reach under-resourced rural areas.



## TENNESSEE IMMIGRANT & REFUGEE RIGHTS COALITION

Our partners in Tennessee built impressive momentum throughout 2019, centered on the release of a groundbreaking platform that presents an inspiring vision for how Nashville, the state's capital and largest city, can aspire to be Beyond Welcoming. The platform illustrates how the city can become a safe, welcoming, and thriving community for all its citizen and roughly 140,000 immigrant residents. In August 2019, Nashville elected the most diverse city council in the city's history.

The Tennessee Immigrant and Refugee Rights Coalition (TIRRC) seized this opportunity to advance inclusive policies. As a result of public pressure, advocacy, and strategic communications, sixteen Nashville councilmembers cosponsored an ordinance that would end the county's Intergovernmental Service Agreement (IGSA), which allowed the sheriff to rent jail beds to ICE. Acknowledging the inevitable, the sheriff ended the agreement in October 2019.

While building momentum through legislation and advocacy, immigrants in Tennessee were also fighting against the harmful effects of the federal immigration enforcement regime. A massive ICE worksite raid on a Tennessee meat processing plant in early April 2018 had the effect of uniting local community members, immigrants and citizens, in support of the families whose lives the raid devastated. Ironically, due in part to this raid, Tennessee's immigrants' rights movement has grown and become more effective.

This inspiring video features proud Tennesseans who stand strong and united in fighting for their right to live fully and freely in their community.





## VOCES DE LA FRONTERA (WISCONSIN)

“We are the little engine that could,” says Voces de la Frontera’s executive director, Christine Neuman-Ortiz. When any major issues related to immigrants’ or workers’ rights arise in Wisconsin, Voces and its dedicated team are there to support and center the needs of immigrant communities.

As a result of its years of steady work, Voces has earned the trust of the Wisconsin immigrant community, which also relies on the organization’s leadership and swift responses to emergent situations. Recently, for example, Voces established a rapid response hotline for Wisconsinites to report ICE enforcement abuses.

Voces is particularly well-known for its work to empower Latinx and immigrant youth groups. An impressive grassroots organization, Voces often garners national attention for its ability to organize mass mobilizations focused on holding local policymakers accountable, uplifting immigrants’ rights, and creating lasting change.

# IMMIGRANTS' RIGHTS GAIN GROUND IN THE STATES

2018-2019

While the U.S. president took multiple actions during the past two years to restrict immigration and make life more difficult for immigrants in the United States, states overwhelmingly rejected harsh measures and instead advanced policies that improve the lives of immigrants in their communities across the country. Following the 2018 elections, and in response to the administration's escalating threats, immigrants' rights organizing advanced substantially in the states.

Advocates not only defeated most anti-immigrant proposals and secured policies limiting state and local entanglement in immigration enforcement, but they gained significant ground in campaigns to expand access to higher education, professional licenses, driver's licenses, health care, and legal representation for immigrants. Collectively, advocates moved states to adopt major criminal justice reforms and measures to protect the privacy of both citizens and noncitizens.

This report highlights some of the victories won by immigrants' rights advocates, organizers, and allies in the states during the past two years.



# STATES LIMIT THEIR ROLE IN IMMIGRATION ENFORCEMENT

## LEGISLATURES REJECTED MOST ANTI-SANCTUARY & IMMIGRATION ENFORCEMENT MEASURES

Proposals in at least 28 states this year sought to increase states' roles in immigration enforcement or to prohibit local "sanctuary" policies. Law enforcement officials, businesses, government agencies, and educators, as well as faith-based, civil rights, and immigrants' rights groups, were largely successful in defeating these proposals.

Governors in four states vetoed immigration enforcement bills or provisions in 2019. Virginia's governor vetoed [SB 1156](#), an anti-sanctuary measure, and [HB 2270](#), which would have required notification to U.S. Immigration and Customs Enforcement (ICE) prior to a noncitizen's release from jail. He vetoed another anti-sanctuary measure, [HB 1257](#), in 2018. Montana's governor also vetoed an anti-sanctuary bill, [HB 146](#).

North Carolina's governor vetoed [HB 370](#), which would have (1) required sheriffs to hold in their custody individuals who are subject to immigration detainers if a judge confirms their identity and (2) allowed ICE officials to interview people held at jails. The bill provided that sheriffs could be removed from office as a penalty for not complying with these provisions. The governor declared that the bill was "simply about scoring partisan political points and using fear to divide North Carolina" and that, "in addition to being unconstitutional," the bill "weakens law enforcement in North Carolina by mandating sheriffs to do the job of federal agents, using local resources that could hurt their ability to protect their counties."

And Michigan's governor issued a line-item veto of a budget provision that would have withheld certain funds from counties that limit communication or cooperation with federal officials regarding an individual's immigration status.

Anti-immigrant bills introduced in Alabama, Georgia, Mississippi, and South Carolina all died this year. Texas legislators failed to pass several anti-immigrant measures, enacting only HB 888, which makes it a crime to misrepresent a child as a relative at a port of entry.

**Tennessee** advocates defeated HB 614/SB 1167, which would have required landlords to verify the lawful presence of renters, as well as other anti-immigrant measures introduced by the same legislator. These included HB 562/SB 1504, which would have imposed fees on money transfers to Mexico to raise funds for a border wall; HB 662/SB 1278, which would have required verification of a parent's immigration status as a condition of issuing a child's birth certificate; and HJR 47, which expressed support for ending birthright citizenship. A bill that would have required prosecutors and other judicial officials to determine the immigration status of defendants also failed in Tennessee. See Stephen Elliott, "Giffy's Anti-Immigrant Agenda Finds Little Traction in Tennessee," *Nashville Scene*, Apr. 3, 2019.

Finally, a provision quietly inserted into HB 553 eliminated Georgia's infamous Immigration Enforcement Review Board. This board, which was established in 2011, authorized individuals and groups to file complaints against localities perceived to be friendly toward immigrants, potentially subjecting the jurisdictions to subpoenas or fines. The governor signed the bill eliminating the board on May 7, 2019. Georgia's governor also vetoed SB 15, which among other things would have increased information-sharing between K-12 schools, individuals, and local, state, and federal law enforcement agencies when individuals perceive a threat or suspicious, unsafe, or unlawful activity. Although not aimed at immigrant students specifically, the measure likely would have provoked more scrutiny of students of color and further criminalized them. See "SB 15 Threatens the Safety of Georgia's Students of Color" (Project South, Apr. 2019). In rejecting the bill, the governor noted the deep concerns about it expressed by many school administrators and nonpartisan advocacy groups.

*Immigrants in Tennessee were also fighting against the harmful effects of the Trump enforcement regime. In the wake of a devastating ICE worksite raid and in a hostile local and national political climate, the strength of the growing movement was elevated in the ways that communities—immigrants and native-born—came together to support families affected by the raid. Advocates at the Tennessee Immigrant & Refugee Rights Coalition (TIRRC) seized the moment to launch a new direction for advocacy: a 501(c)(4) organization, TIRRC Votes, that engages in electoral work. TIRRC Votes made significant strides to advance and protect the rights of immigrant families and communities across the state and engaged in supporting pro-immigrant candidates for statewide office.*





## VOTERS ALSO REJECTED IMMIGRATION ENFORCEMENT PROPOSALS

Oregon's initiative IRR 22 ("Stop Oregon Sanctuaries"), which would have repealed the state's longstanding law limiting the role of local police in federal immigration enforcement, was defeated resoundingly —by a 63 to 37 percent margin— in November 2018. This success emboldened advocates in Oregon to launch a successful campaign to restore access to driver's licenses. The anti-immigrant group behind the failed anti-sanctuary initiative (Oregonians for Immigration Reform, or OFIR, which the Southern Poverty Law Center has designated a hate group) had launched a referendum that repealed a 2013 driver's license law. It has threatened to challenge the new driver's license law as well. (See driver's license section, below.)

A Colorado initiative, the Public Safety Protection Against Sanctuary Policies Act (Compliance with Federal Immigration Law #169), did not garner enough signatures to qualify in 2018. Nevada's supreme court remanded a challenge to an anti-sanctuary initiative, agreeing with civil rights attorneys that its language was unconstitutional because it didn't describe its potential (anti-immigrant) effects. The court offered the sponsors an opportunity to revise the description and present it to the lower court. This delay, however, prevented the initiative from qualifying for the November 2018 ballot.

## ANTI-SANCTUARY LAWS WERE ENACTED IN A FEW STATES

On the other hand, the governor of Arkansas signed SB 411, which would deny discretionary state funds or grants to municipalities that adopt a sanctuary policy as defined in that law. And after years of successful resistance, advocates were unable to prevent an anti-sanctuary bill, SB 168, from becoming law in Florida. The city of South Miami and several nonprofit organizations filed a lawsuit challenging Florida's law, but most of its provisions have been upheld so far. A bill pre-filed for the 2020 session seeks to repeal the law.

In 2018, Iowa's governor signed an anti-sanctuary measure, SF 481. And although advocates in Tennessee defeated at least six anti-immigrant proposals in 2018, the governor allowed an anti-sanctuary measure, HB 2315, to become law by returning it without signature.





## STATES & LOCALITIES LIMITED ENTANGLEMENT & STRENGTHENED PRIVACY

Continued threats of large-scale raids at worksites and in communities, enforcement activities targeting prominent activists, and actions conducted on or near sensitive locations have deterred immigrants from seeking critical services for themselves or their family members. Federal agents have terrorized longtime residents and workers, separated families, and disrupted entire communities. But immigrants, allies, and advocates continued to speak out, march, create rapid-response networks, and take multiple actions to defend their communities.

States, cities, and counties have been largely successful in preserving their policies limiting local police entanglement in immigration enforcement. According to the Immigrant Legal Resource Center, localities have adopted more than 120 new sanctuary policies since President Trump took office. Localities have defeated multiple attempts by the federal government to deny funding to cities that limit their entanglement in federal immigration enforcement efforts, and there have been at least 20 federal court rulings in the municipalities' favor. Recently, a federal judge in California enjoined ICE from issuing detainers based solely on error-filled electronic databases or in states where the laws don't authorize law enforcement officers to make arrests for deportation purposes.

States took significant steps to limit their participation in federal enforcement efforts this year. Measures introduced in at least **21 states** sought to limit state and local entanglement in federal immigration enforcement or strengthen privacy protections for students, crime survivors, witnesses, patients, consumers, and individuals seeking shelter or access to justice. Successes include:

- » **Washington** enacted a sweeping measure, Keep Washington Working, SB 5497. The new law establishes a working group to develop strategies for supporting workers and businesses; requires the attorney general to publish policies limiting immigration enforcement to the fullest extent possible at public schools, state and local health facilities, courthouses, and shelters; encourages other entities offering physical or mental health and wellness, education, or access to justice to adopt protective policies; requires state agencies to review their confidentiality policies and make clear that public employees may not condition services on or request information or proof regarding immigration or citizenship status or place of birth; prohibits disclosure of such information except as required by law or court order, or as necessary to perform the agency's duties; requires agencies to ensure that public services are available to—and requires public employees to serve—all Washington residents without regard to immigration or citizenship status; prohibits law enforcement and school resource officers from inquiring about an individual's immigration status or place of birth unless necessary for state or local criminal investigation; and includes several other provisions that limit state and local law enforcement's entanglement in federal immigration enforcement activities.
- » **Colorado** enacted HB 1124, which represents a significant victory for immigrants' rights there. The Colorado Immigrant Rights Coalition (CIRC) was particularly proud of its role in securing this law, after decades of working with local law enforcement and immigrants' rights leaders to advocate for increasing the separation between police and ICE. The new law ends ICE holds, requires a written advisement of rights before ICE interviews a person in custody, and ends information-sharing between probation officers and ICE. After a written advisement of rights was implemented in counties like Denver and Boulder, local sheriffs attested that ICE no longer attempts to interview those in custody.
- » **Connecticut** enacted SB 992, which strengthens the state's Trust Act. It prohibits detention for immigration purposes without a judicial warrant; notification of custody status or release dates with limited exceptions; arrests based on civil immigration detainers or administrative warrants; interviews with individuals in state or local custody; 287(g) agreements; participation in registries; or sharing confidential information with immigration authorities unless the individual consents or the sharing is otherwise required by law. And SB 992 requires notice to individuals and their attorneys of any intent to notify immigration authorities about an individual or comply with a detainer. However, the governor also signed SB 1115, which adds exceptions for arrests, detention, or ICE interviews of people convicted of certain felonies, identified in a federal terrorist screening database or similar databases, or (for interviews) people subject to certain court orders.
- » **Illinois** enacted HB 1637, Keep Illinois Families Together, which prohibits state and local law enforcement agencies from entering into or remaining in 287(g) agreements to enforce immigration law.



- » California’s governor signed [AB 668](#), which seeks to prevent civil arrests in courthouses of people attending proceedings or with legal business, in the absence of a judicial warrant; and [AB 1747](#), which limits, with some exceptions, the use of the California Law Enforcement Telecommunications System (CLETS) database for immigration enforcement purposes and requires users to specify the reasons for any requests to use the database. In 2018, California’s governor signed [SB 785](#), which limits disclosure of information regarding immigration status in certain court proceedings and public court records; [SB 1194](#), which protects the privacy of hotel guests and passengers on private or charter buses; and [SB 244](#), which strengthens privacy protections for driver’s license and municipal identification card–holders, as well as for county health care consumers.
- » The Council of the District of Columbia unanimously passed [LB 485](#), the Sanctuary Values Emergency Amendment Act, on October 8, 2019. The act strengthens existing protections for immigrants living in DC. The act prohibits the following, absent a judicial warrant or order: holding individuals in custody beyond when they would otherwise be released; notifying ICE regarding the release date and time, name, or address of a person who is in law enforcement custody; providing space in a facility to ICE; and permitting people in custody to be interviewed by ICE without an opportunity to have counsel present. It also prohibits inquiries into the immigration status of individuals who are in custody. Advocates lauded this victory but expressed disappointment that people detained pursuant to agreements with U.S. marshals were excluded from the measure’s protections at the last minute.

*CIRC is most proud of helping pass HB 1124 in 2019, after decades of advocating with local law enforcement and political leaders for increased separation between police and ICE. HB 1124 ended ICE holds, required a written advisement of rights before ICE interviews, and ended information-sharing between probation officers and ICE. Since written advisement of rights has been implemented in several counties like Denver and Boulder, local sheriffs have attested that ICE no longer attempts to interview people in custody.*

Similar anti-enforcement/disentanglement measures introduced in Maryland, Hawaii, New Mexico, and other states made progress in 2019. Advocacy on these issues will continue at the state and local levels next session. Bills limiting entanglement have already been filed in at least four states so far.

## ADMINISTRATIVE POLICIES ALSO LIMITED ENTANGLEMENT

In May 2019, New Jersey’s supreme court issued a directive on the collection of immigration-related data and also protocols for responding to ICE activities at courthouses. In November 2018, New Jersey’s attorney general had issued the comprehensive Immigrant Trust Directive, which limits voluntary assistance provided by state law enforcement officers to federal immigration authorities and creates policies for prosecutors regarding defendants and witnesses who are noncitizens. The directive prohibits police officers from stopping, questioning, arresting, searching,

or detaining people based solely on their actual or suspected immigration status; participating in ICE civil immigration enforcement operations; or allowing ICE access to state or local law enforcement resources, including equipment, office space, databases, or property. In September 2019, the attorney general's directive was updated to end all state, county, and local law enforcement agencies' 287(g) agreements within seven days.

The Pennsylvania State Police adopted a policy in January 2019 that generally prohibits state troopers from holding people suspected of being undocumented in response to an administrative warrant from ICE and provides that “[p]assengers in vehicles stopped for a violation of the Pennsylvania Vehicle Code ... shall not be asked for identification on the sole basis of determining immigration status.”

The chief justice of Oregon's supreme court issued a rule in November 2019 that prohibits civil arrests inside or in the vicinity of a courthouse in the absence of a judicial warrant or order. As the justice explained, “Arrests in courthouses have interfered with judicial proceedings .... We are adopting the rule to maintain the integrity of our courts and provide access to justice—not to advance or oppose any political or policy agenda.”

Similarly, in 2018, New York's governor expanded an executive order to prohibit ICE arrests in state facilities without a judicial warrant or order and to require that any such arrest be related to a proceeding within the facility. New York's attorney general and legal aid attorneys recently filed lawsuits challenging ICE enforcement actions at state courthouses, arguing, among other things, that such arrests impair the state's judicial system. Pursuant to the California Values Act (SB 54), California's attorney general issued guidance to assist courts in responding to immigration enforcement, along with guidance protecting immigrants in settings such as health care, shelters, colleges, and K-12 schools.

For more resources, see NILC's Immigration Enforcement webpage and Sanctuary City Toolkit. See also “The Rise of Sanctuary: Getting Local Officers Out of the Business of Deportations in the Trump Era” (Immigrant Legal Resource Center, Jan. 2018), and ILRC's National Map of Local Entanglement with ICE.

*One major success in 2019 was the New Jersey attorney general's announcement and implementation of the Immigrant Trust Directive. The directive provides for limiting collaboration between ICE and all state and local law enforcement agencies. It reversed a previous attorney general directive that instructed law enforcement to proactively reach out to ICE in a range of cases.*

# IMMIGRANT-INCLUSIVE CAMPAIGNS ADVANCED SIGNIFICANTLY

## STATES & LOCALITIES INVEST IN ACCESS TO COUNSEL

States and localities continue to invest in universal access to legal counsel for immigrants, based on the recognition that these programs advance due process, strengthen economies, and significantly increase the likelihood that immigrants will win their deportation cases.

California's 2019-20 budget allocates approximately \$65 million for immigration-related services, including \$45 million in ongoing funding for legal representation; \$5 million for immigration-related emergencies; \$5 million for legal services to unaccompanied minors, current or former temporary protected status (TPS) recipients, and others; \$5 million to launch pilot programs offering mental health evaluations related to legal defense and a family reunification navigator that connects undocumented minors and their families with community services; \$7 million to serve students and families in the California State University system; and \$1.7 million to support the University of California's legal services program once the current funding expires. It also sets aside \$25 million for rapid-response grants to and contracts for entities that provide critical assistance to immigrants during emergent situations.

The Council of the District of Columbia approved \$2.5 million for DC's Immigrant Justice Legal Services grant program. New Jersey increased its investment in legal representation of immigrants in detention from \$2.1 million to \$3.1 million in 2019. New York's governor established Liberty Defense Project and Opportunity Centers to provide (1) rapid response to immigration enforcement actions and (2) legal consultations and assistance on immigration matters. For the first time, Oregon's budget dedicated \$2 million to immigration defense services. This funding allowed the program to expand beyond urban centers to reach under-resourced rural areas. Washington's supplemental budget allocated \$1 million for FY 2018 and FY 2019 to the Washington New Americans program, to offer grants to community-based organizations providing legal services to immigrants.

Momentum to create similar initiatives at the local level is building, with new programs established in diverse localities across the country, including Hennepin County, Minnesota; Denver, Colorado; Portland, Oregon; and Fairfax County, Virginia. The Vera Institute of Justice's SAFE network provides matching funds to local governments willing to commit public dollars to launch deportation defense programs. The SAFE network is currently active in 18 communities within 11 states and has expanded to include Long Beach, Oakland/Alameda County, Sacramento, San Francisco, and Santa Ana (California); New Haven (Connecticut); Atlanta (Georgia); Chicago (Illinois); Baltimore and Prince Georges County (Maryland); Ramsey County/St. Paul (Minnesota); Columbus (Ohio); Philadelphia (Pennsylvania); Austin, Dallas, and San Antonio (Texas); and Dane County (Wisconsin).

For more information on the access-to-counsel issue, see "Advancing Universal Representation: A Toolkit for Advocates, Organizers, Legal Service Providers and Policymakers" (Center for Popular Democracy, NILC, and Vera Institute; Dec. 2018). See also "Legal Representation in Immigration Courts Leads to Better Outcomes, Economic Stability" (New Jersey Policy Perspective, June 19, 2018); "The Meaning of Counsel in the Immigration System: New Jersey Case Stories" (American Friends Service Committee, Mar. 2018); "Blazing a Trail: The Fight for Right to Counsel in Detention and Beyond" (NILC, Mar. 2016); and "Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area" (Center for Popular Democracy, Mar. 2017).

## STATES FACILITATE ACCESS TO LAWFUL IMMIGRATION STATUS

Several states passed measures improving immigrants' ability to secure a lawful immigration status in the U.S. Maryland and Nevada enacted laws facilitating access to U nonimmigrant status for survivors of serious crimes. California's governor signed AB 917, which expedites the certification process for survivors seeking T or U nonimmigrant status. Colorado and Illinois enacted laws facilitating access to Special Immigrant Juvenile status in 2019.

Similar laws passed in 2018. For example, Washington enacted HB 1022, which facilitates certification of U-visa applicants. Connecticut enacted HB 5185, which improves the Special Immigrant Juvenile status process by allowing a probate court to make findings for applicants who are 18 to 21 years old. California enacted AB 2642, allowing nonprofits to serve as guardians for Special Immigrant Juvenile petitioners. And the Illinois legislature overrode the state governor's veto of SB 34, which facilitates certification of T and U status for trafficking and crime survivors.

The New Jersey attorney general's directive also facilitates access to T and U status by establishing certification procedures. It directs all state, county, and local law enforcement agencies to put in place, by March 15, 2019, a set of procedures for processing requests for T- and U-visa certifications from potential survivors of crime or human trafficking within 120 days of the request being made. Under the directive, each police department is instructed to post information about its procedures on its website, or, if the department does not have its own website, on the municipality's website, when feasible.

## CAMPAIGNS TO EXPAND ACCESS TO DRIVER'S LICENSES FOR IMMIGRANTS ESCALATE IN 2019

This year, campaigns in at least 21 states sought to extend or improve access to driver's licenses for immigrants regardless of immigration status. After almost two decades of advocacy and political controversy associated with the issue, New York's governor signed into law a bill, "Green Light NY," restoring access to driver's licenses for all qualified state residents. While the bill was pending in the legislature, Governor Cuomo expressed concern about privacy issues for drivers whose information would be stored in the Department of Motor Vehicles database. But once the state's solicitor general and attorney general approved the measure, he agreed to sign it into law.

In August 2019, Oregon became the fourteenth state to offer driver's licenses to eligible residents, regardless of their immigration status. In the prior year, Oregon's governor had signed HB 4111, which allows former recipients of Deferred Action for Childhood Arrivals (DACA) or TPS, as well as others who were previously issued a driver's license, to get or renew a temporary license after their work permit expires. *Now that Oregon has enacted its "licenses for all" law, almost half—49.4 percent—of the nation's foreign-born residents live in a state that offers or will soon offer driver's licenses to all eligible drivers.*

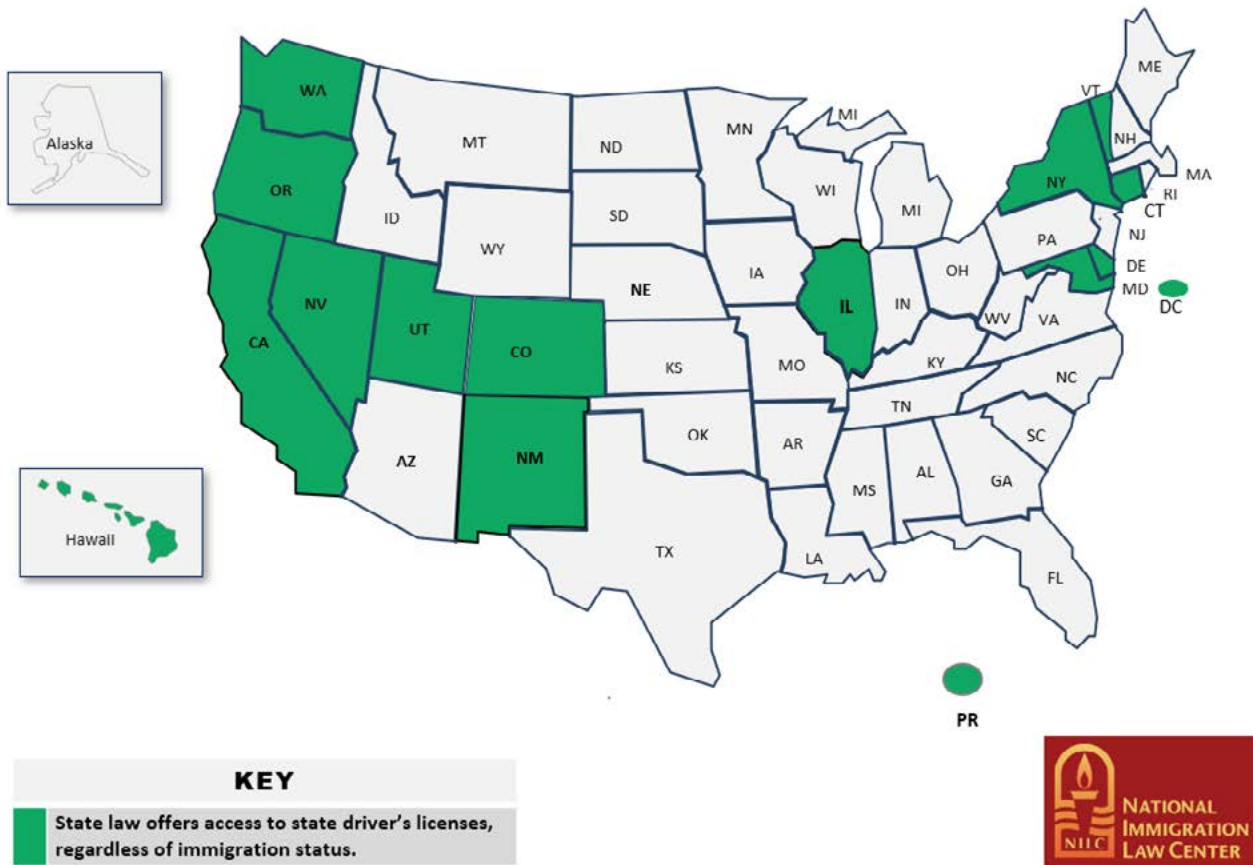
*In 2019, after a hard-fought battle that lasted over a decade, the major immigrants' rights organization in Oregon, Causa, succeeded in getting state lawmakers to make driver's licenses available to all Oregon drivers, regardless of immigration status. This victory was achieved through a vigorous organizing effort that brought together over 100 organizations, generated over 26,000 email messages, and turned out thousands of activists who descended on the state capitol to advocate for access to licenses.*

Nevertheless, the victories in New York and Oregon were followed by some pushback from opponents. In New York, county clerks filed a lawsuit challenging the Green Light NY bill, and several clerks vowed to refuse to issue licenses under the new law. New York advocates remain confident that these challenges will fail, but continued advocacy will be required to protect the new law and to ensure its successful implementation. Similarly, license opponents in Oregon filed a ballot measure (Initiative Petition 43) that sought to repeal the newly-approved driver's license law. In October 2019, however, the secretary of state rejected the petition because it failed to include the full text of the proposed law, as required by Oregon's constitution.

Following eight years of advocacy, two lawsuits, and statewide mobilizing, New Mexico's governor signed SB 278, which eliminates a fingerprinting requirement for applicants who can't show they are lawfully present, renames the state's non-REAL ID license the "New Mexico Driver's License," and prohibits discrimination based on the type of license a person presents.



## State Laws on Driver's Licenses for Immigrants | August 2019



In 2018, Colorado's governor signed [SB 108](#), which improves access to driver's licenses by accepting Social Security numbers from all immigrants and expanding options for renewing or replacing driver's licenses. This year, Governor Hickenlooper signed [SB 139](#), which increases from four to ten the number of Division of Motor Vehicles offices issuing licenses to undocumented applicants. A [budget provision](#) also lifted the cap on the number of licenses issued to undocumented immigrants. *Advocates project that the number of driver's license appointments per year will increase to 100,000 by July 2020.*

Policymakers and advocates in Hawaii were successful in maintaining access to [REAL ID driver's licenses](#) for individuals who enter the U.S. under the Compact of Free Association (COFA) with the Marshall Islands, Micronesia, or Palau. A [federal law](#) signed in December 2018 ensured that COFA migrants can get licenses that are valid for the same time period as others allowed to reside in the U.S. permanently. In implementing this law, U.S. Citizenship and Immigration Services had [restricted the documents](#) that these individuals could present to establish their status, making it difficult if not impossible for them to obtain a REAL ID license. Responding to pressure from advocates and members of Congress, the U.S. Department of Homeland Security issued a [formal rule](#) altering its policy and restoring their access to licenses.

Other efforts to expand access to licenses gained traction as well. In 2018, Rhode Island's governor signed H7982A, offering driver's licenses and state identification cards to former DACA recipients. Advocates there are pushing to eliminate immigration restrictions for other drivers. Minnesota's driver's license bill, HF 1500, passed the state's House of Representatives by a vote of 74-52 and was incorporated into the House version of an omnibus transportation bill. However, the provision failed to make it into the final bill. New Hampshire's HB 397 similarly passed the state's House of Representatives.



Wisconsin's governor included driver's licenses for immigrants in his proposed budget, but the legislature stripped this provision from the bill. Driver's license advocacy remains strong in the state, and advocates are building momentum for a multi-year campaign. New Jersey's governor indicated that he will sign a driver's license bill, which is expected to be debated in legislative committees in December 2019. In September 2019, the Massachusetts legislature held a hearing on a bill called the Work and Family Mobility Act, which brought hundreds of supporters from across the state to rally in support of the driver's license measure. Similar campaigns are moving in Georgia, Pennsylvania, Virginia, and other states.

On May Day this year, immigrants and advocates across the country organized marches and rallies in support of greater access by immigrants to driver's licenses.



## PROTECTING DRIVERS' PRIVACY

Advocates across the country engaged in legislative and administrative advocacy to protect the privacy of all drivers, seeking to limit to the greatest degree possible the collection, use, and disclosure of information for purposes that aren't strictly related to administering driver's license programs. Advocates sought to learn more about how information-sharing works in their states. And some states passed legislation or administrative policies limiting access to drivers' information.

In 2018, for example, California enacted SB 244, which strengthens privacy protections for driver's license and municipal identification card-holders. This year, consistent with California's Values Act (SB 54), the state enacted AB 1747, which limits the use of the

California Law Enforcement Telecommunications System database for immigration enforcement purposes, with some exceptions, and requires CLETS users to specify the reasons for any request to use the database. Washington also adopted administrative policies aimed at limiting access to drivers' information for immigration enforcement purposes. For more information, see "Protecting State Driver's License Information" (NILC, Aug. 2019).

Advocates are also considering how to limit access to photo images and other biometric information held by departments of motor vehicles. Following publicity about the use of face-recognition technology for immigration enforcement purposes, states began to reexamine their policies. After **San Francisco, Oakland, Somerville**, and other localities banned the use of face-recognition technologies by city departments, including the police, similar legislation was introduced at the state level. California's governor signed AB 1215, which bans the use of face-recognition technology or biometric surveillance by law enforcement for three years, beginning in January 2020.

For more information on this issue, see "How ICE Uses Driver's License Photos and DMV Databases" (NILC, Aug. 2019) and "Backgrounder: Face Recognition and Driver's License Photo-Sharing" (NILC, Oct. 2019). For resources on driver's license campaigns and policies, see NILC's Access to Driver's Licenses Toolkit.

## STATES ACROSS THE POLITICAL SPECTRUM IMPROVE ACCESS TO HIGHER EDUCATION FOR IMMIGRANT YOUTH

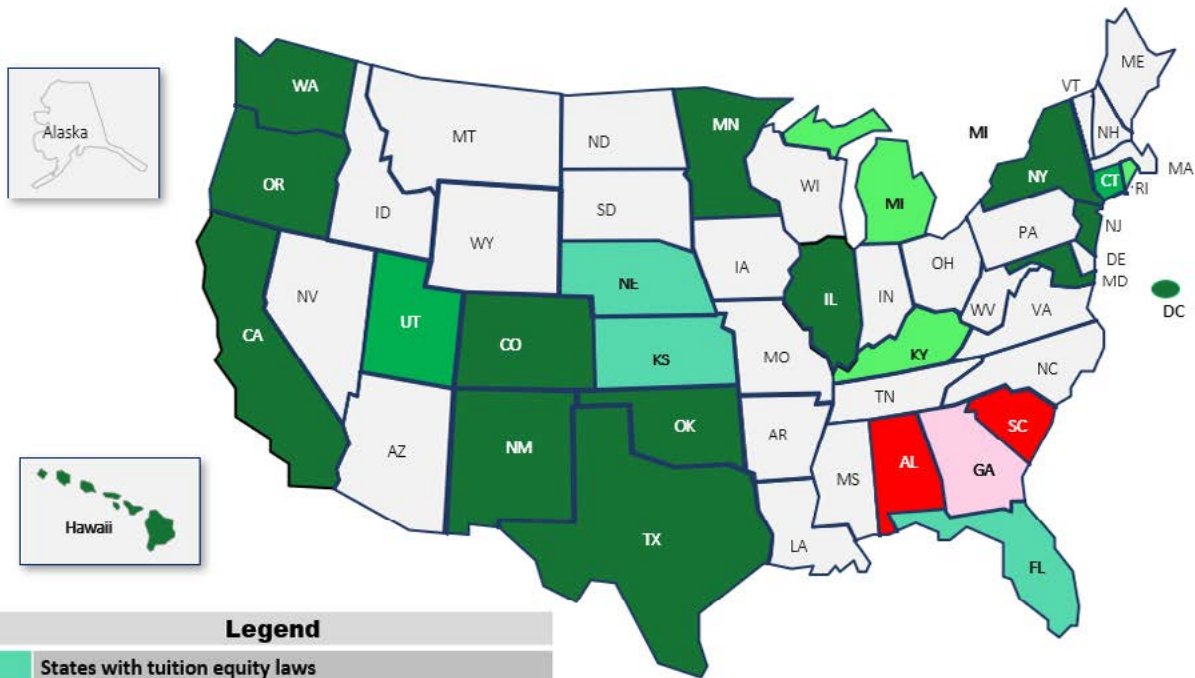
Proposals to improve access to higher education for immigrant students were introduced in at least 19 states this year, and many were signed into law. *At least 20 states, home to over 75 percent of the nation's foreign-born residents, have a "tuition equity" law or policy, offering access to in-state tuition rates to students who meet certain criteria, regardless of their immigration status.* At least a dozen states now provide access to state financial aid, scholarships, or institutional aid to immigrant students.

### IMPROVED ACCESS TO IN-STATE TUITION

Culminating years of advocacy, the governor of **Arkansas** signed a law offering access to in-state tuition to students with work authorization, DACA recipients, migrants from the Marshall Islands, and children of immigrants with work permits. **Oregon's** governor signed SB 859, which extends the state's tuition equity law to cover graduate students who meet certain criteria, regardless of immigration status. In 2018, Oregon's governor signed SB 1563, which removed the affidavit and Individual Taxpayer Identification Number (ITIN) requirements related to in-state tuition and financial aid and expanded access to in-state rates and financial aid at Oregon Health and Science University. **Colorado's** governor signed SB 18-087, which makes in-state rates available immediately to refugees as well as to Special Immigrant Visa-holders from Afghanistan and Iraq.

Some efforts to restore access to in-state tuition rates for immigrant students were at least temporarily thwarted. Wisconsin’s governor included a provision restoring the state’s tuition equity policy in his budget this year, but the legislature later stripped it from the bill. Another tuition equity measure has been filed for next session. A compromise reached by Missouri’s budget conference committee would have removed a condition that, for several years, has denied funding to public universities that fail to charge international tuition rates to students who don’t have a lawful immigration status. This would have opened access to in-state tuition for DACA grantees. However, on the final day of budget negotiations, the provision was stripped out by Republicans in the state’s House of Representatives.

Current State Laws & Policies on Access to Higher Education for Immigrants | June 2019



Legend	
<span style="color: #90EE90;">■</span>	States with tuition equity laws
<span style="color: #90EE90;">■</span>	States with tuition equity policies at major institutions
<span style="color: #3CB371;">■</span>	States with tuition equity laws and scholarships
<span style="color: #008000;">■</span>	States with tuition equity laws or policies and some state financial aid
<span style="color: #FF0000;">■</span>	States that ban enrollment to undocumented students
<span style="color: #FFB6C1;">■</span>	States where some college systems deny enrollment



An Arizona bill, SB 1217, proposed an intermediate tuition rate (between in-state and out-of-state rates) for state high school graduates, regardless of immigration status. It passed the state Senate with bipartisan support and stalled in the House of Representatives. But in August, the Arizona Board of Regents voted 8-0 to establish this policy at three state universities. Advocates are exploring strategies for making higher education more financially accessible for all Arizonans.



## EXPANDED ACCESS TO STATE FINANCIAL AID

A budget provision in New York made state financial aid available to students who meet certain criteria, regardless of their immigration status. A new law also offers eligibility for scholarships and establishes a “Dream fund” commission to raise money for scholarships and provide training to educators, counselors, and admissions and financial aid officers on educational opportunities and scholarships for the children of immigrants.

Colorado’s governor signed [HB 1196](#), which offers state financial aid to students eligible for in-state tuition, regardless of their immigration status. Illinois’s governor signed [HB 2691](#), which offers state financial aid to immigrant students and others who are ineligible for federal financial aid.

In 2018, culminating a multi-year campaign by students and immigrants’ rights groups, the newly-elected governor of New Jersey signed [S 699](#), which offers financial aid to students who meet certain criteria, regardless of their immigration status. And this year, California established a community service incentive grant and allowed students who meet certain criteria to apply for Competitive Cal Grants, regardless of their immigration status.



## SCHOLARSHIPS, INSTITUTIONAL AID, & OTHER INCLUSIVE EDUCATION POLICIES

Several states expanded access to scholarships or institutional aid for students regardless of their immigration status. Maryland's governor signed [HB 118](#), which provides access to senatorial and delegate scholarships for students who are eligible for in-state tuition. The governor vetoed [SB 537/HB 262](#), however, a bill that would have improved the state's tuition equity law. Utah approved [HB 260](#), which offers access to "Utah Promise Scholarships" for eligible students (potentially regardless of immigration status).

New Mexico enacted [HB 127](#), the College Affordability Act, which allocates \$25 million to increase scholarships to \$1500 per semester to help low-income students, including many immigrants. California's [SB 354](#) extends Dream loans to cover professional, graduate, and teacher credential programs at public colleges and universities. Another new law, [AB 1645](#), requires public colleges and universities to designate a Dream resource liaison at their campuses.

In 2018, Connecticut's governor signed [SB 4](#), which offers institutional aid to eligible students regardless of their immigration status. And Maryland's governor allowed [SB 532](#) to become law, opening access to certain scholarships and grants to students eligible for in-state tuition. Washington enacted [HB 1488](#), which expands access to college-bound scholarships and other aid for certain students.

In 2018, California's governor signed the following laws that increase access to education: [AB 1887](#), which allows students who are undocumented or eligible for in-state tuition to serve on college boards and commissions in the University of California, California State University, and community college systems; [AB 2210](#), which requires community colleges to post notices alerting students of Special Immigrant Visa-holders' eligibility for in-state rates; [SB 183](#), which prohibits discrimination based on immigration status in post-secondary education; [AB 3022](#), which offers a retroactive diploma to students who were in twelfth grade in good standing when deported; and [AB 2098](#), which establishes standards for integrating refugees and immigrants into adult education programs.

For more information and resources on these issues, see NILC's [Access to Higher Education Toolkit](#).

## EDUCATION RESTRICTIONS

All states that have inclusive higher education policies maintained them in 2019. Another effort to repeal Texas's tuition equity and state financial aid laws was unsuccessful after coalitions of educators, students, and businesses weighed in to support the longstanding policies.

However, Tennessee's governor signed [HB 939/SB 795](#), which will offer educational savings accounts, or "vouchers," to K-12 students in low-performing schools to use for private education, transportation, textbooks, or saving for college. The pilot program, which is set to begin in the 2021-22 school year, will have the effect of excluding U.S. citizen and immigrant children whose parents do not have an eligible immigration status.

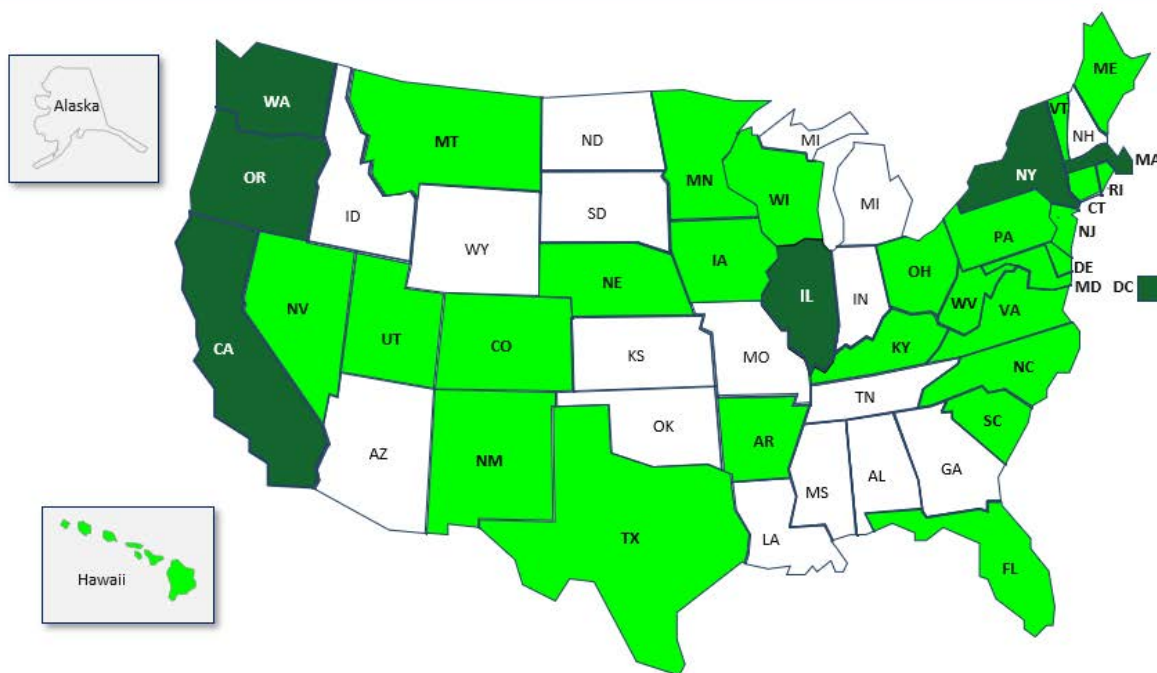
## STATES INVEST IN ACCESS TO HEALTH CARE COVERAGE & ADDRESS BARRIERS TO CARE

Despite the Trump administration’s attempts to penalize immigrants who use or are likely to use health care or other essential services and its efforts to deter access to these services by immigrants and their family members, states continued to invest in the health and well-being of their immigrant residents, including efforts to improve access to health care coverage and to address barriers to care.

### COVERING IMMIGRANT CHILDREN & PREGNANT WOMEN

At least 33 states offer health care coverage to lawfully residing children and/or pregnant women without a waiting period. Of those, 6 cover children regardless of their immigration status and 17 offer prenatal care regardless of a woman’s status. In 2018, South Carolina and Arkansas implemented the option to cover lawfully residing children and pregnant women under Medicaid. In 2019, Illinois made its “All Kids” program permanent.

Health Coverage for Immigrant Children | January 2018



**KEY**

- Medicaid/CHIP for lawfully residing children, regardless of date of entry
- Medical coverage for children, regardless of immigration status

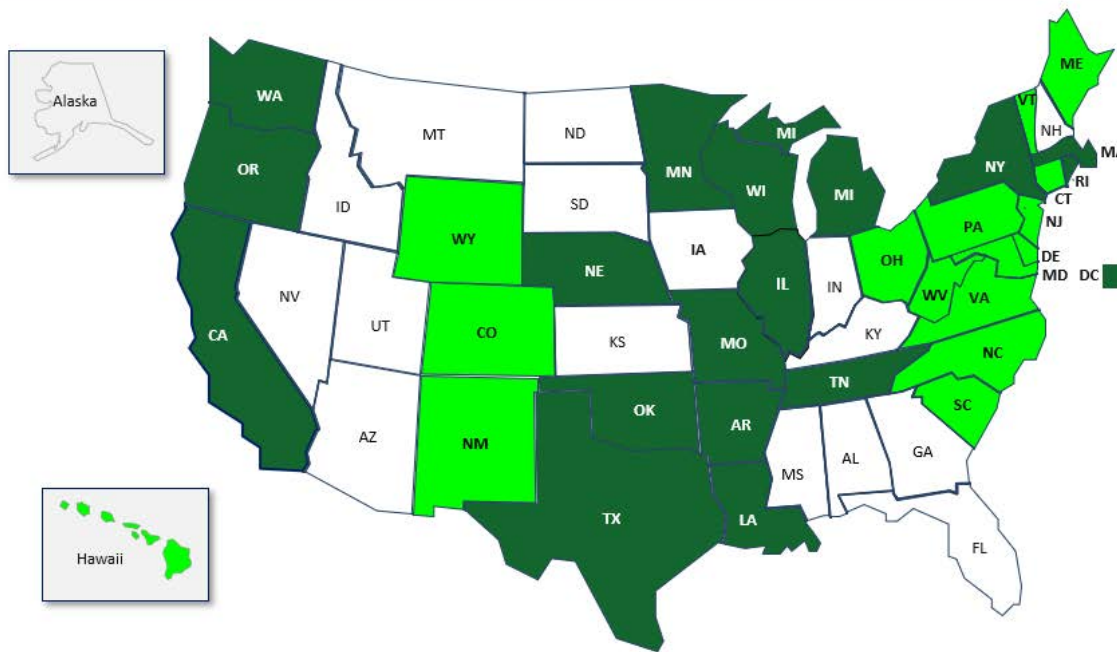


## COVERING IMMIGRANT YOUTH & COFA MIGRANTS

In 2019, measures introduced in about a dozen states sought to expand access to health care for immigrants and other state residents. California will become the first state to offer health care coverage to youth ages 19-25, regardless of their immigration status, effective January 1, 2020. This year, Washington’s governor signed [SB 5274](#), which offers dental coverage to residents who entered the U.S. under the Compact of Freely Associated States (COFA)—from the Marshall Islands, Palau, or Micronesia—who are enrolled in the state’s premium assistance program. In 2018, Washington had enacted [S 5683](#), which covers premiums and cost-sharing to COFA migrants earning under 133 percent of the federal poverty income level (FPL). Oregon, which similarly covers premiums for COFA migrants earning under 138 percent FPL, will study the feasibility of offering dental coverage to this population.

For more details on state health care coverage policies, see [Medical Assistance Programs for Immigrants in Various States](#) (NILC).

### Health Coverage for Pregnant Women | January 2018



KEY	
<span style="color: lightgreen;">■</span>	Medicaid for lawfully residing pregnant women, regardless of date of entry
<span style="color: darkgreen;">■</span>	CHIP or other medical coverage for pregnant women, regardless of immigration status





## MOVING TOWARD MORE UNIVERSAL COVERAGE

States explored options for expanding access to coverage for low- and moderate-income residents.

California will provide premium assistance for coverage through the state's health care marketplace for families earning up to 600 percent of the FPL. Proposals to extend health care coverage to all low-income California residents regardless of immigration status passed both houses of the legislature but did not make it into the final budget.

Washington's governor signed SB 5602, the Reproductive Health Access for All Act, which makes family-planning services available to state residents earning up to 260 percent of the FPL, regardless of their immigration status, and prohibits discrimination against transgender and gender-nonconforming individuals seeking these services. Oregon's legislature established a Task Force on Universal Health Care, which will make recommendations based on values of inclusion and equity.

New York City's mayor established NYC Care, which extends access to care for New York City residents regardless of their immigration status. Legislators and advocates in New Jersey launched a campaign to offer health care to all children. Advocates expect that a bill will be introduced by the end of 2019.

States are also exploring public options for their health care exchanges. On May 13, 2019, Washington's governor signed SB 5526, which establishes "Cascade Care," to create standardized plans for individual health care coverage to be offered by private insurers on the state's benefit exchange. Individuals must be eligible for the exchange to participate. Washington's budget also includes a provision to create a work group on establishing a universal health care system in Washington. Colorado's governor signed HB 1004, directing state agencies to study a similar state option for its health exchange.



## STATES PROTECT ACCESS TO HOUSING & PUBLIC BENEFITS

Illinois's governor signed SB 1290, which prohibits landlords from threatening or taking action based on their tenants' immigration status and authorizes tenants to sue their landlords for any violations. The law was modeled on a bill that California enacted in 2017.

This year, Maine's governor approved a regulation clarifying that lawfully present individuals, including DACA recipients, and asylum applicants, may receive General Assistance. Albuquerque, New Mexico, also voted to allocate \$250,000 to help asylum-seekers. A local ordinance, R-19-143, sought emergency funding for shelter, food, water, emergency transportation, toiletries, and feminine hygiene products.

## CAMPAIGNS LAUNCHED TO EXPAND ACCESS TO STATE TAX CREDITS

Campaigns to extend the state Earned Income Tax Credit (EITC) to taxpayers who use the Individual Taxpayer Identification Number gained momentum in several states this year. California's [AB 1593](#), which would make the state EITC available to ITIN filers, passed the Assembly. Although both houses included this provision in their proposed budgets, it was not included in the governor's negotiated agreement on the final budget.

Oregon's [H 3028](#), which would have increased the EITC and allowed ITIN filers to qualify, did not pass this year. A similar measure was introduced in Massachusetts ([HB 2434](#)). And Washington's [HB 1527](#), which would have established a working families tax credit for ITIN filers did not move far this year.

Illinois advocates are also drafting an immigrant-inclusive EITC bill, and New Jersey advocates are in the early stages of a campaign to expand state tax credits to immigrant tax-filers.

## STATES ENACT NEW LAWS TO ENFORCE & EXPAND WORKERS' RIGHTS

States passed several laws aimed at protecting the rights of workers, including but not limited to low-wage immigrant workers.

Oregon enacted [SB 370](#), which requires employers to provide notice to their employees before a federal agency inspects records regarding their identity and employment eligibility. Oregon's governor also signed [HB 2005](#), which provides paid family and medical leave to workers, making it the first state to offer 100 percent replacement wages to minimum-wage workers.

New Mexico's governor signed [SB 437](#), which gradually increases the state's minimum wage from \$7.50 to \$12 an hour over the next four years. She also signed [SB 85](#), which protects the rights of domestic workers, and [SB 489](#), the Energy Transition Act, which, among other things, helps low-income workers train and transition to clean-energy jobs.

After a decade of advocacy, New York's governor signed the Farmworkers Fair Labor Practices Act, [A8419/S6578](#). The law codifies a right to unionize, receive overtime pay (at 1.5 times workers' regular wage if they work over 60 hours per week), unemployment insurance, paid family leave, workers' compensation benefits, and other protections. New York's governor also signed [A5501/S5791](#), which establishes penalties for threatening, penalizing, or discriminating or retaliating against an employee, including contacting

immigration authorities about a worker or threatening to report an employee's or employee's family's or household member's suspected citizenship or immigration status.

New Jersey's governor signed [A2903/S1790](#), which combats wage theft and strengthens anti-retaliation protections for workers who file wage claims, including cases of immigration-related retaliation.

Colorado's governor signed [SB 188](#), which establishes a task force to study a family and medical leave program for workers regardless of their immigration status. Maryland's governor signed [HB 743](#), which strengthens the state's labor-trafficking law. In 2018, California's governor signed [SB 946](#), which protects the rights of sidewalk vendors. Also last year, New Jersey's governor signed [A 1827](#), which provides for earned sick leave and prohibits retaliation for claiming it, defined to include threats to report workers to immigration authorities.



## **MOST PROPOSALS TO RESTRICT WORKERS' RIGHTS FAIL**

Proposals to implement or expand the use of E-Verify, the federal government's internet-based system for verifying employees' authorization to work in the U.S., or to impose state penalties on employers who hire undocumented immigrants were introduced in at least 14 states this year. Many of the bills died, but a couple are still pending.

The House version of Ohio's [HB 80](#) would have required applicants for worker's compensation to specify whether they are unauthorized to work. Without altering eligibility, the provision was intended to intimidate eligible injured workers from filing a claim and would have reduced incentives for employers to address dangerous workplace conditions. The enacted law did not include this requirement.

However, Pennsylvania's legislature passed [HB 1170](#), which prohibits employers in the construction industry from hiring unauthorized workers, requires them to verify the Social Security numbers of their workers, and imposes penalties for violations. The measure became law automatically on October 7, 2019, when the governor failed to sign or veto it.

## **ACCESS TO PROFESSIONAL LICENSES EXPANDED**

Several states enacted measures that improve immigrant workers' access to professional licenses.

The governor of Arkansas signed [HB 1552](#), which offers access to nursing licenses for eligible DACA recipients. The bill passed the state's House of Representatives by a vote of 90-0 and its Senate by a 23-4 vote.

Nevada enacted [AB 275](#), which offers access to professional and occupational licenses to eligible applicants regardless of their immigration status. Illinois's governor signed [SB 1166](#), which adds new professional or occupational licenses to those available to eligible immigrants regardless of their immigration status. In 2018, Illinois enacted [SB 3109](#), which made professional licenses and certificates available to ITIN tax-filers regardless of their immigration status. Also in 2018, Indiana enacted [SB 419](#), which ensures that DACA recipients and other eligible individuals with work authorization can obtain a professional or occupational license in the state.

Mississippi's governor signed [HB 708](#), which, among other things, ensures that work-authorized individuals can obtain a provisional professional counselor's license. And California, which already offered professional licenses to qualified applicants regardless of their immigration status, enacted [AB 2184](#) to make business licenses available to ITIN filers.

In 2019, Oregon enacted [SB 855](#), which establishes a board to study how to remove barriers to professional licensing for immigrants and refugees. And Vermont's governor signed H 533, which creates a task force on workforce development opportunities for refugees, immigrants and asylum seekers.

## CRIMINAL JUSTICE REFORM LEGISLATION ADDRESSES ISSUES AFFECTING IMMIGRANTS

Several states enacted laws reducing the maximum sentence for misdemeanors from 365 to 364 days, to protect against the immigration consequences of a maximum one-year sentence. Utah's governor signed [HB 244](#), which reduces the maximum detention time for a misdemeanor from 365 to 364 days. Colorado's governor signed a similar measure, [HB 1148](#). The New York legislature adopted the 364-day rule in the budget bills [S1505-C/A2005-C](#), which were signed into law. Connecticut's proposal, [SB 948](#), did not become law this year.

States also took steps to limit the use of private prisons to detain immigrants who are in federal custody. California's governor signed [AB 32](#), prohibiting state contracts with private prisons, including ICE detention centers, and the incarceration of state inmates in private prisons, except to comply with a court-ordered prison population cap. Otherwise, the use of private prisons for state inmates should be fully phased out in California by 2028. (See Darwin BondGraham, "[California Bans Private Prisons—Including ICE Detention Centers](#)," *The Guardian*, Sep. 12, 2019.)

Similarly, Illinois enacted [HB 2040](#), which prohibits private contracts for detention. And culminating several years of organizing by immigrant leaders, a sheriff in Nashville, Tennessee, terminated a contract with ICE to use the jail the sheriff administers as a short-term immigration detention facility.





States considered other proposals that protect immigrants' rights in their civil or criminal justice systems. Colorado's governor signed [SB 30](#), which provides for the withdrawal of a plea if the individual was not advised of its potential immigration consequences. Nevada enacted [AB 376](#), which requires law enforcement officials to inform individuals held in city or county jails or detention facilities of the purpose of any inquiries regarding their immigration status before questioning them.

Illinois enacted [SB 1429](#), which excludes evidence of immigration status from court proceedings unless information related to the person's status "is essential to prove an element of a claim or an affirmative defense," is offered to prove an interest or bias of a witness, or is provided voluntarily. Oregon's governor signed [HB 2932](#), which prohibits state courts from inquiring about a defendant's immigration status or requiring defendants to disclose their immigration status when making a plea or at any time during criminal proceedings.

The Louisiana legislature adopted a resolution calling for a study of the breadth and depth of information provided to defendants prior to pleading guilty in the state. And Maine's governor signed [LD 1475](#), which prohibits profiling by law enforcement officials based on a person's race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry.

## STATES WELCOME & EXPRESS SUPPORT FOR IMMIGRANTS & REFUGEES

At least 25 states considered resolutions or bills that welcome refugees and immigrants, prohibit threats to report immigration status, establish state offices of immigrants and refugees or similar task forces, condemn the Department of Homeland Security's public charge rule, urge the Trump administration to consider the public health and environmental crisis at the border, urge Congress to adopt relief for TPS and DACA recipients, recognize the contributions of immigrants and refugees, prohibit discrimination based on immigration status, support the reunification of families, and invest in refugee resettlement agencies.

Oregon and New York invested \$2 million in refugee resettlement services. New York also adopted a measure to help ensure that families are reunited after a parent or guardian has been placed in removal proceedings or in detention. The governors of Nevada and New Jersey established an Office of New Americans this year. Illinois enacted a law allowing for the appointment of a short-term guardian for children in case a parent or guardian is detained by immigration authorities. Illinois also created an immigration task force to identify how the state can better support immigrants.





California's legislature adopted a resolution urging the federal government to stop using ruses, raids, and other unjust immigration enforcement tactics. The legislature condemned and urged the federal government to repeal the new public charge regulations issued this year by the U.S. Department of Homeland Security. California also passed [SB 225](#), which ensures that state residents, regardless of their immigration status, can hold appointed civil office.

Finally, Colorado's governor signed [HB 1192](#), requiring that public schools teach schoolchildren the history, culture, and social contributions of Latinos and racial minorities, LGBTQ people, and religious minorities as a condition for high school graduation.



# CONCLUSION

During the past two years, immigrants have mobilized to defend against ongoing threats to their safety and livelihoods. In stark contrast to the hostility expressed by the current president, states and localities have worked with immigrant communities and continued to adopt policies that support the well-being of all residents, regardless of their immigration status.

Immigrants and allies continue to build political power and to ensure that officials are accountable to immigrant communities. Although enforcement measures were enacted in a few states, organizing was effective in defeating virtually all other anti-immigrant proposals. Instead, many governors, state attorneys general, legislatures, and local governments chose to limit their role in federal immigration enforcement.

State legislators across the political spectrum voted to improve access to higher education, professional licenses, driver's licenses, and health care for immigrants. States and localities invested in legal representation for immigrant residents and took steps to protect the privacy of students, patients, drivers, and individuals seeking to assert their rights in courts.

State and local officials have played an active role in challenging inhumane immigration practices and in moving to dismantle the infrastructures that facilitate them. These widespread movements and policies reveal a nation that largely supports the well-being of immigrant residents, boldly paving the way for a more inclusive approach at the national level.