



NATIONAL CENTER ON
IMMIGRANT INTEGRATION POLICY

**REGULATING IMMIGRATION AT THE STATE LEVEL:
HIGHLIGHTS FROM THE DATABASE OF 2007 STATE
IMMIGRATION LEGISLATION AND THE METHODOLOGY**

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INTRODUCTION

The Migration Policy Institute (MPI), in conjunction with a research team at the New York University (NYU) School of Law, is cataloguing legislation introduced and/or enacted by state legislatures to regulate immigrants and immigration.¹

In an era of record levels of immigration to the United States, our online, searchable database offers a fine-grained picture of state legislative activity, which has accelerated rapidly in recent years. Our aim is to provide information that will enable the public, policymakers, researchers, and others to better understand which immigration-related matters are of greatest concern to legislators; which types of bills have the highest or lowest passage rate²; and the level of state activity that contracts the rights of immigrants versus protecting and expanding those rights.

We classify legislation in two distinct ways: by subject area and according to a legislative typology developed by MPI/NYU. The first approach classifies measures by general subject categories, such as education, housing, or employment. The second classification system categorizes legislation on the basis of whether bills contract or expand immigrants' rights, regulate employment, or address enforcement.

The database focuses first on 2007 and will later expand to include all immigration-related state legislation introduced since 2001, as well as for 2008. Additional data will be added in the coming months.

In Section 1 of this report, we provide an analysis of all immigration legislation proposed in 2007. In Section 2, we describe the methodology by which we found and categorized the bills contained in our database.

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² Passage is defined as bills signed into law by the governor, or in the case of resolutions, those that were passed by the relevant chamber, or by both chambers, if the resolution was a joint one.

I. Findings

State legislators in the 50 states introduced a total of 1,059 immigration-related bills and resolutions in 2007, of which 167 were enacted into law.³ Although public and media attention has focused primarily on state efforts that seek to curtail immigrants' rights or crack down on illegal immigration, the number and success of legislative proposals designed to integrate and protect immigrants have been overlooked.

Our key findings include:

- Measures that expand the rights of immigrants accounted for a significant number of passed bills and were enacted at a higher rate (19 percent of 313 bills) than measures that either contract immigrants' rights (11 percent of 263 bills), relate to law enforcement (11 percent of 264 bills) or regulate employment (10 percent of 237 bills).
- Bills that regulate employment and expand state and local participation in immigration enforcement were the most popular subject of 2007 legislation, accounting for 551 bills.
- Only a small percentage of immigration bills actually became law. Of the 1,059 immigration-related bills and resolutions introduced in 2007, just 16 percent (167 bills) were signed into law. The vast majority of bills proposed in 2007 either expired (33 percent) or remained pending (45 percent) without any legislative resolution.
- States choose to regulate an extremely wide variety of immigration-related subjects. Our classification found at least 38 different categories and subcategories, ranging from requests to fund immigration task forces or studies, to measures that penalize employers, to legislation that declares English the official language.
- Using our legislative typology, bills that expand immigrants' rights were the most popular type of measure introduced in 2007 in states with the largest foreign-born populations (such as California, New York, and Texas). These traditional immigrant-receiving states also legislated across a more diverse array of subjects and were more likely to introduce legislation concerning human trafficking, integration policy, and the provision of language access services.
- The trend was different for states that are newly experiencing the most rapid immigration growth, where bills that contract immigrants' rights were the most

³ In 2007, the District of Columbia Council introduced and passed four immigration-related bills. However, District bills are excluded from our overall analysis because our focus is on state legislative efforts and the DC bills were obtained through a separate database. All four District bills addressed immigrants and health care, including a bill requiring the mayor's office to submit data on the Medicaid enrollment of immigrant children, and three bills requesting an appropriation to support cultural competency training for HIV/AIDS clinicians that work with Latino and immigrant populations in the District.

popular type of measure introduced in 2007. Legislators in new destination states (such as South Carolina and Nevada) introduced more than twice the number of employment bills than those in traditional immigrant-receiving states. They also were more likely to introduce legislation regulating public benefit eligibility and criminal justice.

- The top three states to propose immigration measures were Texas (104 bills), New York (98), and Tennessee (83). But the top three states that actually saw the most immigration bills signed into law were Hawaii (15), Texas (11), and Arizona (9).

a. States Introduce Immigration-related Bills that Address a Wide Variety of Subjects but Few Bills Actually Pass

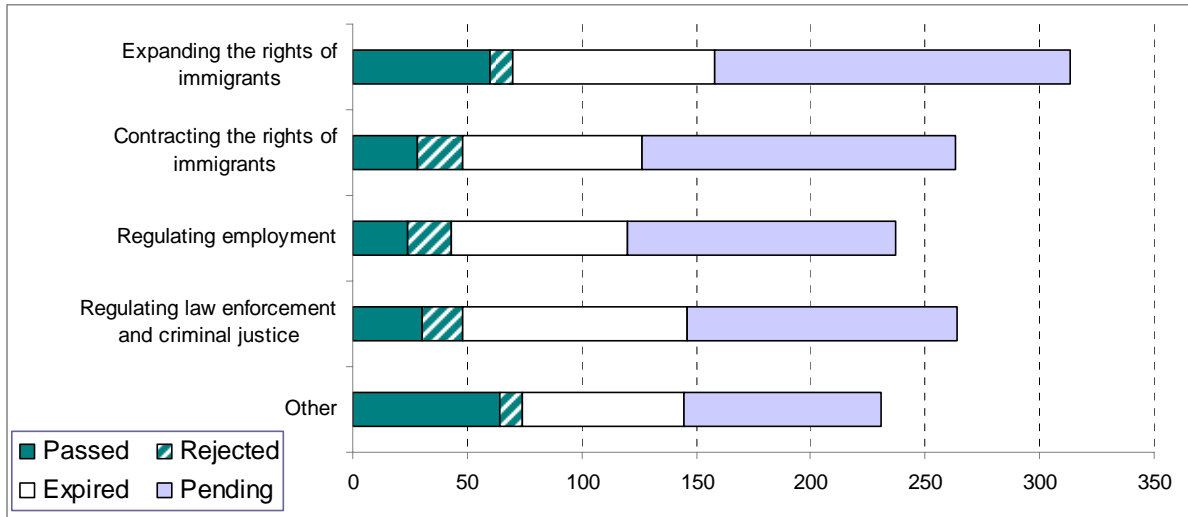
States choose to regulate an extremely wide variety of immigration-related subjects. We identified at least 38 different categories and subcategories, ranging from requests to fund immigration task forces or studies, to measures that penalize employers, to legislation that declares English the official language. (See Figure 2, Table 2). This varied response to immigration reveals a diverse set of approaches with respect to state-level immigrant and immigration policy. Of the 1,059 immigration-related bills and resolutions introduced in 2007, only 16 percent (167 bills) eventually passed. The vast majority of bills proposed in 2007 either expired (33 percent) or remained pending (45 percent) without any legislative resolution. (See Table 3)

b. Legislative Success with Laws that Aim to Integrate and Protect Immigrants

Measures that expand the rights of immigrants, as defined by MPI/NYU's legislative typology, accounted for a high number of bills introduced in 2007. Sixty such bills were signed into law, for a passage rate of 19 percent.⁴ Moreover, only 3 percent of the bills designed to expand immigrants' rights were rejected by legislators. (See Figure 1, Table 1).

⁴ With the exception of the 'Other' category, the 'Expanding the Rights and Benefits of Immigrants' category saw the highest number of bills signed into law. That said, the employment and enforcement categories include bills that may be characterized as both contracting and expanding the rights of immigrants, in part because they are omnibus bills that encompass a broader set of proposals. For a detailed discussion of our classification, please see *Section II: Methodology*.

Figure 1. Number of State Laws Introduced by Type, 2007



Source: MPI/NYU Database of State Immigration Legislation

The measures enacted in 2007 that expand or protect immigrants' rights include bills that:

- eliminate citizenship requirements for many state public occupations, such as police officers, firefighters, and teachers (New York A.B. 4602, New York A.B. 8975);
- make it an offense to obtain labor or services by threatening to report a person to immigration or other law enforcement authorities (Texas S.C.R. 90);
- create new crimes and penalties relating to involuntary servitude and trafficking in persons (Nevada A.B. 383).

Table 1. State Legislation by Legislative Typology and Bill Status, 2007

Legislative Typology	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Introduced Bills	Number of Bills	Percent of Introduced Bills	Number of Bills	Percent of Introduced Bills	
Expanding the rights of immigrants	313	60	19%	10	3%	88	28%	155
Contracting the rights of immigrants	263	28	11%	20	8%	78	30%	137
Regulating employment	237	24	10%	19	8%	77	32%	117
Regulating law enforcement and criminal justice	264	30	11%	18	7%	98	37%	118
Other	231	64	28%	10	4%	71	31%	86

Notes: A total of all the legislative typologies exceeds the 1,059 bills within our database because categories are not mutually exclusive, see *Part II: Methodology*. A bill can be classified under more than one legislative typology because of the existence of omnibus bills that address multiple aspects of immigrant and immigration policy.

Source: MPI/NYU Database of State Immigration Legislation

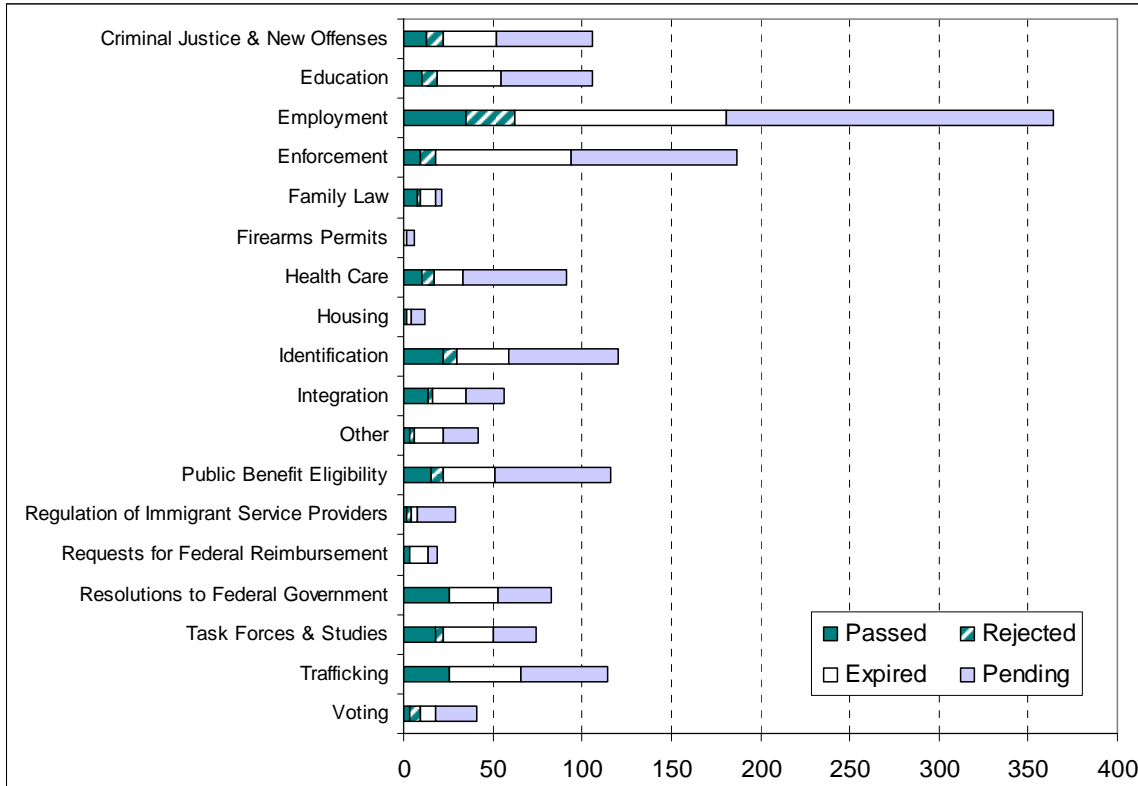
c. Most Proposed Bills Regulate Employment or Address Enforcement

Bills that regulate employment or address enforcement were the most popular subject of legislation introduced in 2007. However, the passage rate for these bills remained low as compared to other categories (10 percent for employment and 5 percent for enforcement). (See Figure 2, Table 2).

Legislation with the highest number of passed bills in 2007 addressed the following subjects:

- employment (35);
- human trafficking (26);
- immigrant status requirements for obtaining government identification (22);
- resolutions to the federal government requesting particular congressional action (26) and,
- task forces and studies (18).

Figure 2. Number of State Legislative Measures Introduced by Subject Area and Bill Status at End of 2007



Source: MPI/NYU Database of State Immigration Legislation

Table 2. State Legislation by Subject Area and by Bill Status, 2007

Subject	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Criminal Justice & New Offenses	106	13	12%	9	8%	30	28%	54
Education	106	10	9%	9	8%	36	34%	51
Enrollment Denial	13	0	0%	0	0%	7	54%	6
Status Information Collection	12	0	0%	1	8%	4	33%	7
In-State Tuition	44	2	5%	6	14%	15	34%	21
K-12 English Language Instruction	7	1	14%	0	0%	1	14%	5
Other	30	7	23%	2	7%	9	30%	12
Employment	364	35	10%	27	7%	119	33%	183
Civil Penalties & License Revocation	72	3	4%	7	10%	30	42%	32
Criminal Penalties	26	5	19%	0	0%	5	19%	16
State Contracts	80	5	6%	7	9%	31	39%	37
Professional and Commercial Licenses	23	6	26%	0	0%	10	43%	7
Employment Benefits	43	3	7%	3	7%	7	16%	30
Other	120	13	11%	10	8%	36	30%	61
Enforcement	187	9	5%	9	5%	76	41%	93
Federal Cooperation	77	2	3%	5	6%	27	35%	43
State Enforcement of Immigration Law	70	5	7%	3	4%	33	47%	29
Prohibit Sanctuary Cities	19	1	5%	1	5%	11	58%	6
Non-Enforcement	7	0	0%	0	0%	1	14%	6
Other	14	1	7%	0	0%	4	29%	9
Family Law	21	8	38%	1	5%	9	43%	3
Firearms Permits	6	0	0%	0	0%	2	33%	4

Table 2. State Legislation by Subject Area and by Bill Status, 2007, cont'd

Subject	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Health Care	91	10	11%	7	8%	16	18%	58
General Health Benefits	48	1	2%	2	4%	7	15%	38
Emergency Services	5	0	0%	0	0%	3	60%	2
Medicaid	6	2	33%	2	33%	2	33%	0
Children's Benefits	19	4	21%	2	11%	2	11%	11
Other	13	3	23%	1	8%	2	15%	7
Housing	12	2	17%	0	0%	2	17%	8
Identification	120	22	18%	8	7%	29	24%	61
Integration	56	14	25%	2	4%	19	34%	21
English as Official/Common Language	9	1	11%	1	11%	4	44%	3
Translation/Interpretation & Public Documents	10	1	10%	0	0%	5	50%	4
Adult English Language Education	3	2	67%	0	0%	0	0%	1
Other	34	10	29%	1	3%	10	29%	13
Public Benefit Eligibility	116	15	13%	7	6%	29	25%	65
Regulation of Immigrant Service Providers	29	2	7%	2	7%	4	14%	21
Requests for Federal Reimbursement	19	3	16%	0	0%	11	58%	5
Resolutions to Federal Government	83	26	31%	0	0%	27	33%	30
Task Forces & Studies	74	18	24%	4	5%	28	38%	24

Table 2. State Legislation by Subject Area and by Bill Status, 2007, cont'd

Subject	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Trafficking	114	26	23%	0	0%	40	35%	48
Voting	41	3	7%	6	15%	9	22%	23
Other	42	3	7%	3	7%	16	38%	20

Notes: A total of all the subject areas exceeds the 1,059 bills within our database because categories are not mutually exclusive, see *Part II: Methodology*.

Source: MPI/NYU Database of State Immigration Legislation

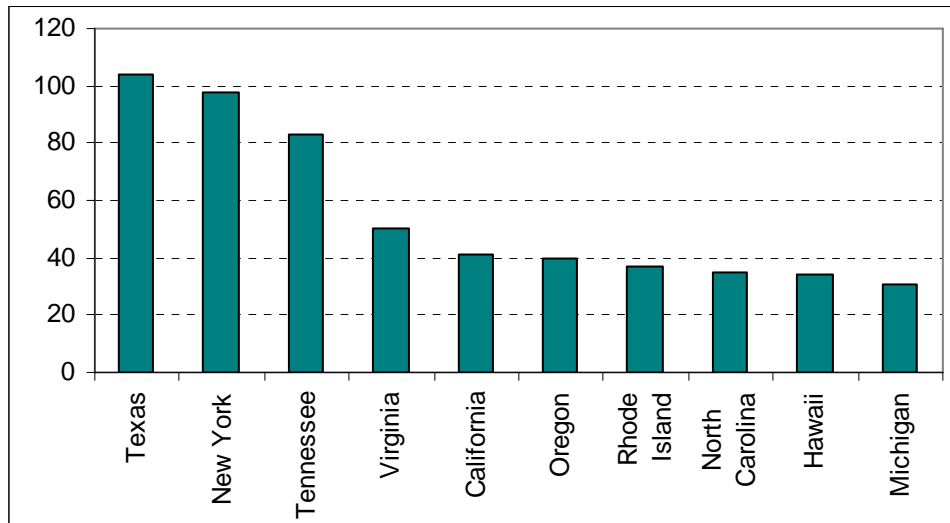
d. The Most Active States Considering or Enacting Legislation

The three states that introduced the most immigration measures in 2007 were Texas (104), New York (98), and Tennessee (83). (See Figure 3, Table 3). But, the three states that actually saw the most immigration legislation signed into law were Hawaii (15), Texas (11), and Arizona (9). (See Figure 4, Table 3).

Excluding measures that regulate employment or address enforcement, the states that enacted the most bills that expand the rights of immigrants in 2007 were Hawaii (7), Texas (7), and Virginia (5). (See Table 4). In 2007, Colorado, Kansas, and Texas enacted the most bills (3) that contract the rights of immigrants, again excluding measures that regulate employment or address enforcement.⁵ (See Table 4)

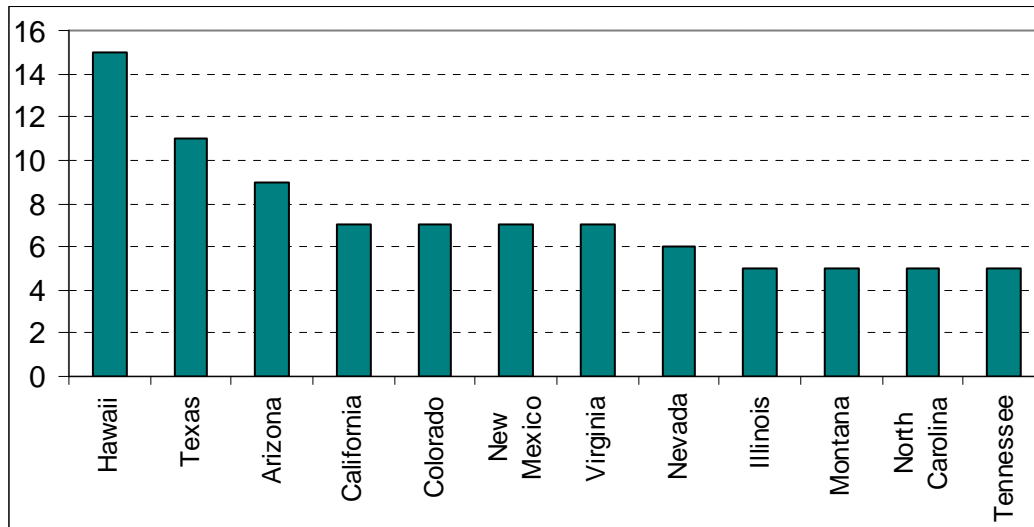
⁵ MPI/NYU's legislative typology excludes employment and enforcement measures from the categories "Expanding immigrants' rights" and "Contracting immigrants' rights" because some employment and enforcement bills can be characterized as both expanding and contracting immigrants' rights, see *Part II: Methodology*.

Figure 3. Top 10 States that Proposed Immigration Legislation, 2007



Source: MPI/NYU Database of State Immigration Legislation

Figure 4. Top 12 States that Passed Immigration Legislation, 2007



Source: MPI/NYU Database of State Immigration Legislation

Table 3. All Proposed Legislation by State and Bill Status, 2007

State	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Alabama	23	2	9%		--	21	91%	
Alaska	2		--		--	2	100%	
Arizona	30	9	30%	3	10%	18	60%	
Arkansas	5	2	40%		--	3	60%	
California	41	7	17%	5	12%	6	15%	23
Colorado	14	7	50%	5	36%	2	14%	
Connecticut	18	4	22%	1	6%	13	72%	
Delaware	5	3	60%		--		--	2
Florida	19	2	11%		--	17	89%	
Georgia	10	4	40%		--		--	6
Hawaii	34	15	44%		--		--	19
Idaho	4	2	50%		--	2	50%	
Illinois	15	5	33%		--		--	10
Indiana	11	3	27%		--	8	73%	
Iowa	12		--		--		--	12
Kansas	13	4	31%		--		--	9
Kentucky	18	2	11%		--	16	89%	
Louisiana	4	4	100%		--		--	
Maine	2	1	50%	1	50%		--	
Maryland	10	4	40%		--	6	60%	
Massachusetts	22		--		--		--	22
Michigan	31	2	6%		--		--	29
Minnesota	24	4	17%	1	4%		--	19
Mississippi	23		--	22	96%	1	4%	
Missouri	25		--		--	25	100%	
Montana	19	5	26%	14	74%		--	
Nebraska	6	3	50%		--		--	3
Nevada	10	6	60%	1	10%	3	30%	
New Hampshire	6	1	17%	2	33%		--	3
New Jersey	6		--		--	6	100%	
New Mexico	18	7	39%		--	11	61%	
New York	98	3	3%		--	2	2%	93
North Carolina	35	5	14%		--		--	30
North Dakota	4	2	50%	2	50%		--	
Ohio	6		--		--		--	6
Oklahoma	21	2	10%		--		--	19
Oregon	40	4	10%		--	36	90%	
Pennsylvania	16		--		--		--	16
Rhode Island	37	2	5%		--	2	5%	33

Table 3. All Proposed Legislation by State and Bill Status, 2007, cont'd

State	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
South Carolina	29	4	14%		--		--	25
South Dakota	4	1	25%		--		--	3
Tennessee	83	5	6%		--	6	7%	72
Texas	104	11	11%		--	93	89%	
Utah	9	3	33%		--	6	67%	
Vermont	7	2	29%		--		--	5
Virginia	50	7	14%	10	20%	33	66%	
Washington	18	4	22%	1	6%		--	13
West Virginia	12	3	25%		--	9	75%	
Wisconsin	3		--	1	33%	2	67%	
Wyoming	3	1	33%		--	2	67%	
TOTAL	1059	167	16%	69	7%	351	33%	472

Source: MPI/NYU Database of State Immigration Legislation

Table 4. Introduced and Passed Legislation by State and Legislative Typology, 2007

	Expanding the Rights of Immigrants		Contracting the Rights of Immigrants		Regulating Employment		Regulating Law Enforcement and Criminal Justice		Other		Total	
	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed
Alabama	1	0	5	0	8	0	2	0	7	2	23	2
Alaska	0	0	1	0	0	0	0	0	1	0	2	0
Arizona	3	0	4	0	7	1	12	5	9	5	35	11
Arkansas	1	0	0	0	1	1	1	0	2	1	5	2
California	18	4	5	0	4	0	4	0	12	4	43	8
Colorado	1	1	5	3	3	1	3	1	2	1	14	7
Connecticut	8	1	5	0	4	2	0	0	3	2	20	5
Delaware	1	1	2	1	1	0	1	1	1	1	6	4
Florida	7	1	3	1	4	0	6	0	3	0	23	2
Georgia	0	0	3	1	2	1	2	1	4	1	11	4
Hawaii	15	7	0	0	2	1	1	0	25	12	43	20
Idaho	2	0	1	1	0	0	0	0	1	1	4	2
Illinois	4	2	1	0	7	2	0	0	6	2	18	6
Indiana	2	1	5	2	3	0	4	1	1	0	15	4
Iowa	6	0	2	0	6	0	3	0	0	0	17	0
Kansas	0	0	5	3	3	0	4	1	1	0	13	4
Kentucky	8	1	1	0	5	0	7	1	3	2	24	4
Louisiana	1	1	1	1	1	1	0	0	1	1	4	4
Maine	0	0	2	1	0	0	0	0	0	0	2	1
Maryland	8	4	3	0	1	0	2	2	0	0	14	6
Massachusetts	14	0	1	0	5	0	1	0	2	0	23	0
Michigan	0	0	17	1	8	1	1	0	7	0	33	2
Minnesota	17	3	4	0	1	1	0	0	4	1	26	5
Mississippi	1	0	7	0	8	0	8	0	3	0	27	0
Missouri	4	0	12	0	7	0	6	0	5	0	34	0
Montana	2	1	7	1	5	2	3	1	4	1	21	6

Table 4. Introduced and Passed Legislation by State and Legislative Typology, cont'd

	Expanding the Rights of Immigrants		Contracting the Rights of Immigrants		Regulating Employment		Regulating Law Enforcement and Criminal Justice		Other		Total	
	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed	Introduced	Passed
Nebraska	1	0	1	1	2	2	0	0	2	0	6	3
Nevada	5	3	4	2	3	1	1	1	1	1	14	8
New Hampshire	1	1	1	0	2	0	2	1	2	1	8	3
New Jersey	6	0	0	0	0	0	1	0	0	0	7	0
New Mexico	5	1	3	0	1	0	3	0	10	6	22	7
New York	61	3	17	0	11	0	27	1	4	0	120	4
North Carolina	10	2	15	1	10	1	9	1	5	2	49	7
North Dakota	2	1	0	0	2	0	0	0	1	1	5	2
Ohio	4	0	1	0	1	0	4	0	2	0	12	0
Oklahoma	6	0	10	2	13	1	11	1	3	0	43	4
Oregon	8	2	3	0	6	0	11	1	20	4	48	7
Pennsylvania	2	0	4	0	5	0	4	0	4	0	19	0
Rhode Island	9	2	8	0	8	0	13	2	6	0	44	4
South Carolina	7	0	13	1	10	0	9	0	12	3	51	4
South Dakota	2	1	1	0	2	0	1	0	0	0	6	1
Tennessee	9	1	36	0	29	2	34	2	10	0	118	5
Texas	30	7	24	3	11	1	31	2	21	1	117	14
Utah	1	1	1	0	3	0	2	1	4	2	11	4
Vermont	1	0	2	1	3	0	1	0	2	1	9	2
Virginia	12	5	10	0	10	0	23	2	8	3	63	10
Washington	4	1	5	1	2	0	1	0	6	2	18	4
West Virginia	2	1	1	0	6	2	2	0	1	0	12	3
Wisconsin	1	0	0	0	1	0	1	0	0	0	3	0
Wyoming	0	0	1	0	0	0	2	1	0	0	3	1

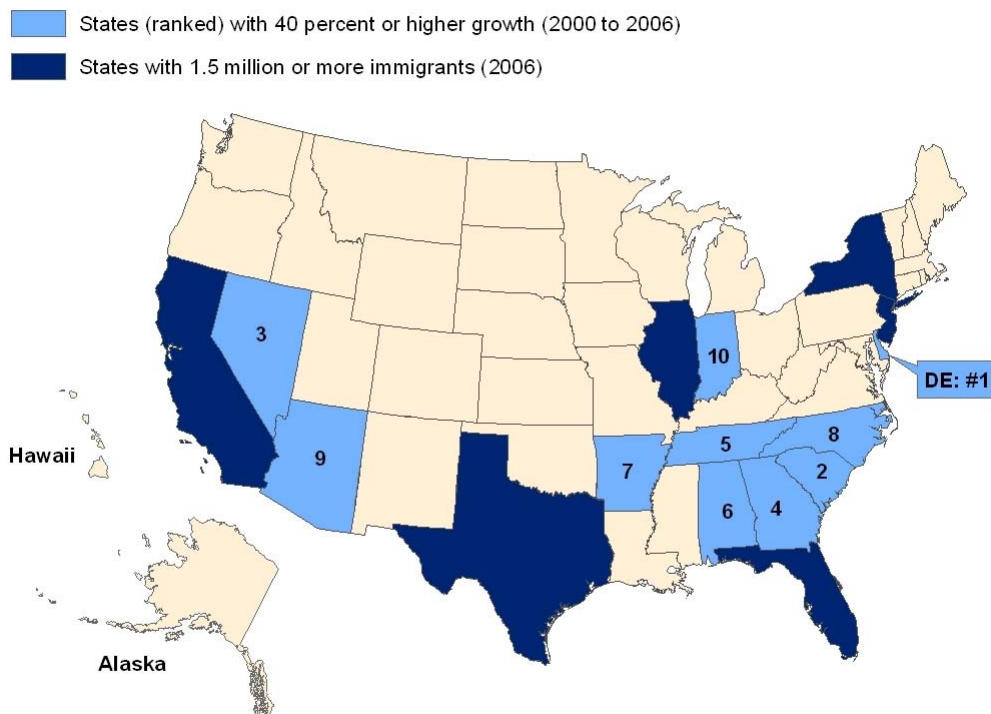
Source: MPI/NYU Database of State Immigration Legislation

e. Legislative Activity in States with Large and Fast-Growing Foreign-Born Populations

We also analyzed 2007 legislative activity in states that had a large foreign-born population or experienced significant growth in their foreign-born population. (See Figure 5). The six states with the largest immigrant populations, in descending order, are: California, New York, Texas, Florida, Illinois, and New Jersey.¹ These six traditional immigrant-receiving states account for two-thirds of the foreign-born population in the United States.²

The top 10 states experiencing significant growth from 2000 to 2006, in descending order of growth, are: Delaware, South Carolina, Nevada, Georgia, Tennessee, Alabama, Arkansas, North Carolina, Arizona, and Indiana.³ Though these 10 new destination states experienced growth upwards of 40 percent between 2000 and 2006, their combined immigrant population accounted for only 10 percent of the foreign-born population of the United States.

Figure 5. States with the Largest and Fastest-Growing Foreign-Born Populations in the United States



Source: US Census Bureau, 2006 American Community Survey and 2000 Decennial Census.

Using the MPI/NYU legislative typology, bills that expand immigrants' rights (126) were the most popular type of measure introduced in 2007 in traditional immigrant-receiving states.

¹ 2006 American Community Survey and Census Data on the Foreign Born by State, Migration Policy Institute, Washington, DC. Available at <http://www.migrationinformation.org/datahub/>

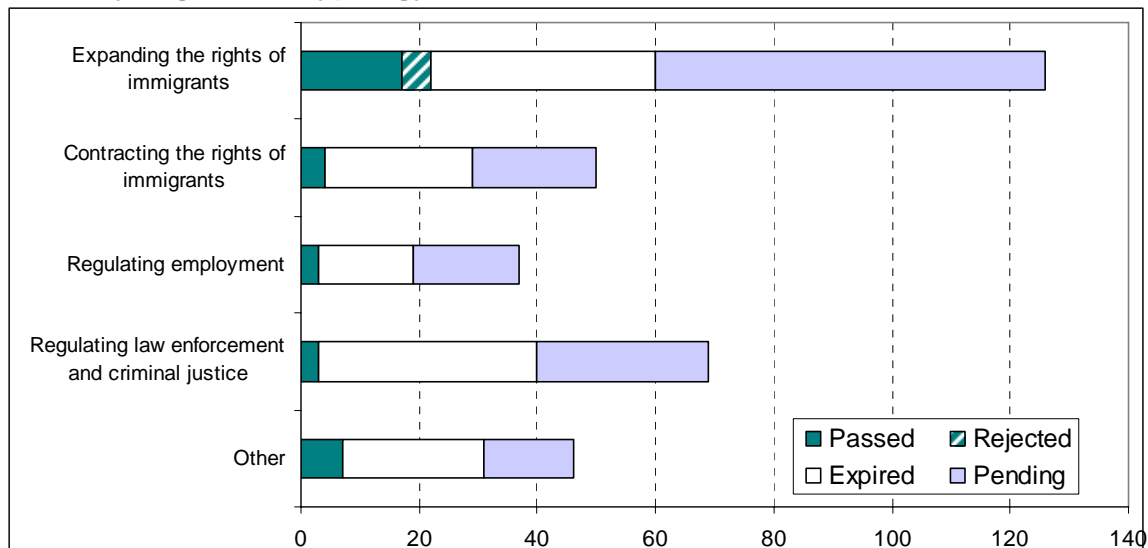
² Ibid.

³ Ibid.

The least popular type of legislation introduced in traditional immigrant-receiving states was measures that regulate employment (37). In contrast, the most frequent type of legislation introduced in 2007 by state lawmakers in new destination states was measures that contract immigrants' rights (87). The least popular type of legislation in traditional immigrant-receiving states was measures that expand immigrants' rights (39). (See Figures 6 and 7, Tables 5 and 6).

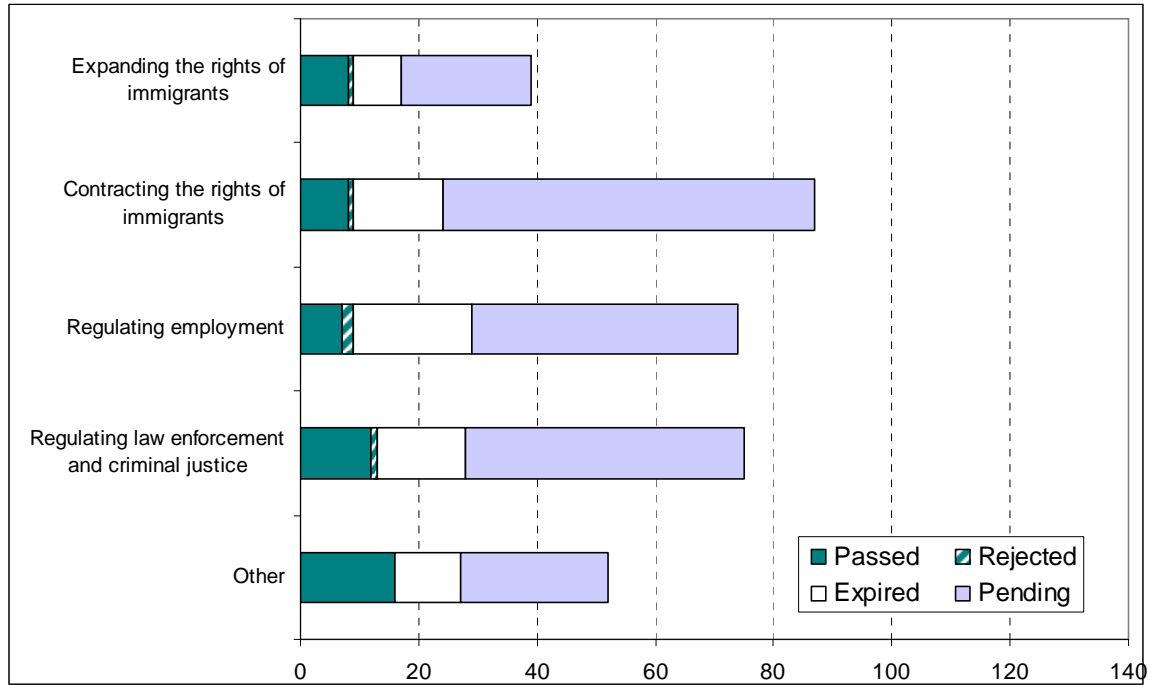
Bills that regulate law enforcement and criminal justice were popular in both traditional immigrant-receiving (69) and new destination states (75). See Figures 6 and 7, Tables 5 and 6. Patterns in traditional immigrant-receiving and new destination states differ from the national portrait where measures are more evenly distributed across all five legislative types. (See Figure 1.)

Figure 6. Number of State Laws Introduced in Traditional Immigrant-Receiving States by Legislative Typology, 2007



Source: MPI/NYU Database of State Immigration Legislation

Figure 7. Number of State Laws Introduced in New Destination States by Legislative Typology, 2007



Source: MPI/NYU Database of State Immigration Legislation

Table 5. Proposed Legislation in Top Six States with the Largest Foreign-Born Population, by Legislative Typology and Bill Status, 2007

Legislative Typology	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Expanding the rights of immigrants	126	17	13%	5	4%	38	30%	66
Contracting the rights of immigrants	50	4	8%	0	0%	25	50%	21
Regulating employment	37	3	8%	0	0%	16	43%	18
Regulating law enforcement and criminal justice	69	3	4%	0	0%	37	54%	29
Other	46	7	15%	0	0%	24	52%	15

Notes: A bill can be classified under more than one legislative typology because of the existence of omnibus bills that address multiple aspects of immigrant and immigration policy.

Source: MPI/NYU Database of State Immigration Legislation

Table 6. Proposed Legislation in Top 10 States with the Fastest-Growing Foreign-Born Population, by Legislative Typology and Bill Status, 2007

Legislative Typology	Number of Bills Introduced	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Expanding the rights of immigrants	39	8	21%	1	3%	8	21%	22
Contracting the rights of immigrants	87	8	9%	1	1%	15	17%	63
Regulating employment	74	7	9%	2	3%	20	27%	45
Regulating law enforcement and criminal justice	75	12	16%	1	1%	15	20%	47
Other	52	16	31%	0	0%	11	21%	25

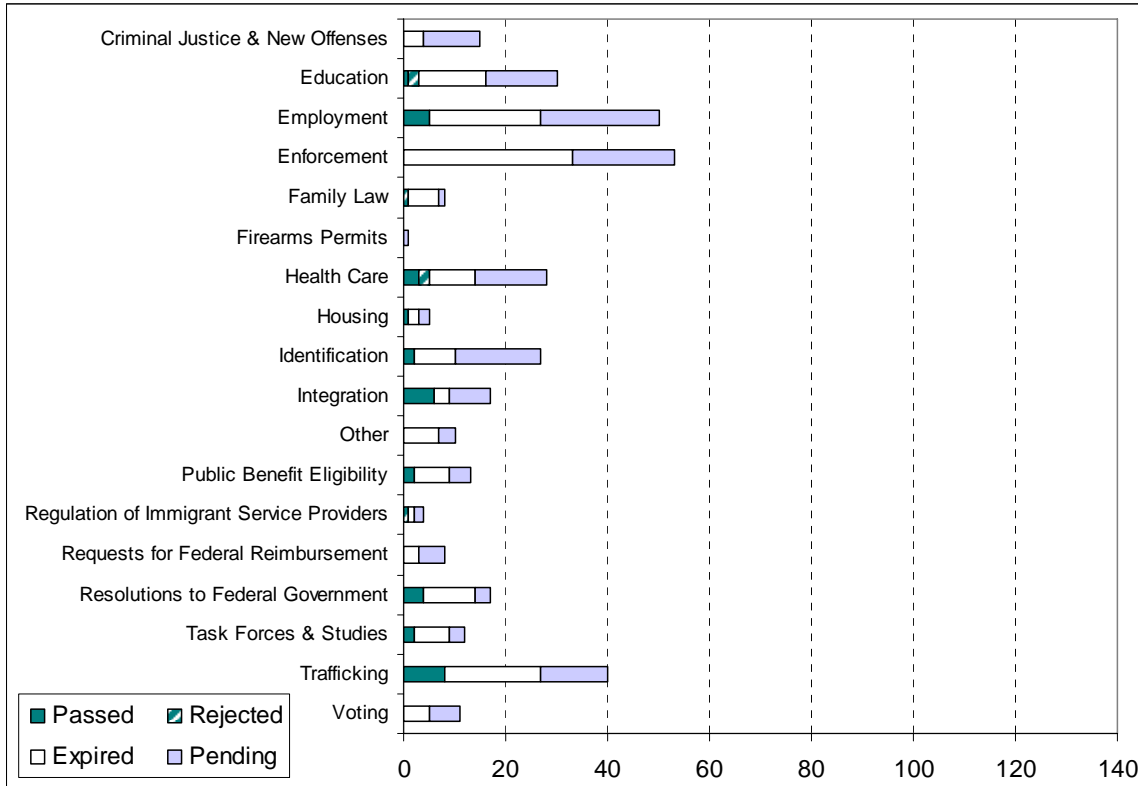
Source: MPI/NYU Database of State Immigration Legislation

Employment and enforcement legislation were the most popular subjects of legislation in both traditional immigrant-receiving states and new destination states. Legislators in new destination states, however, introduced more than twice the number of employment bills (122) than those in traditional immigrant-receiving states (50) in 2007, despite the significantly smaller population of the foreign-born in new destination states. (See Figures 8 and 9).

Lawmakers in states with the largest foreign-born populations legislated across a more diverse array of subjects and were more likely to introduce legislation concerning human trafficking, integration policy, and the provision of language services. (See Figure 8). Legislators in states with the fastest-growing foreign-born populations introduced more public benefit eligibility and criminal justice legislation than those in traditional immigrant-receiving states.⁴ (See Figures 8 and 9).

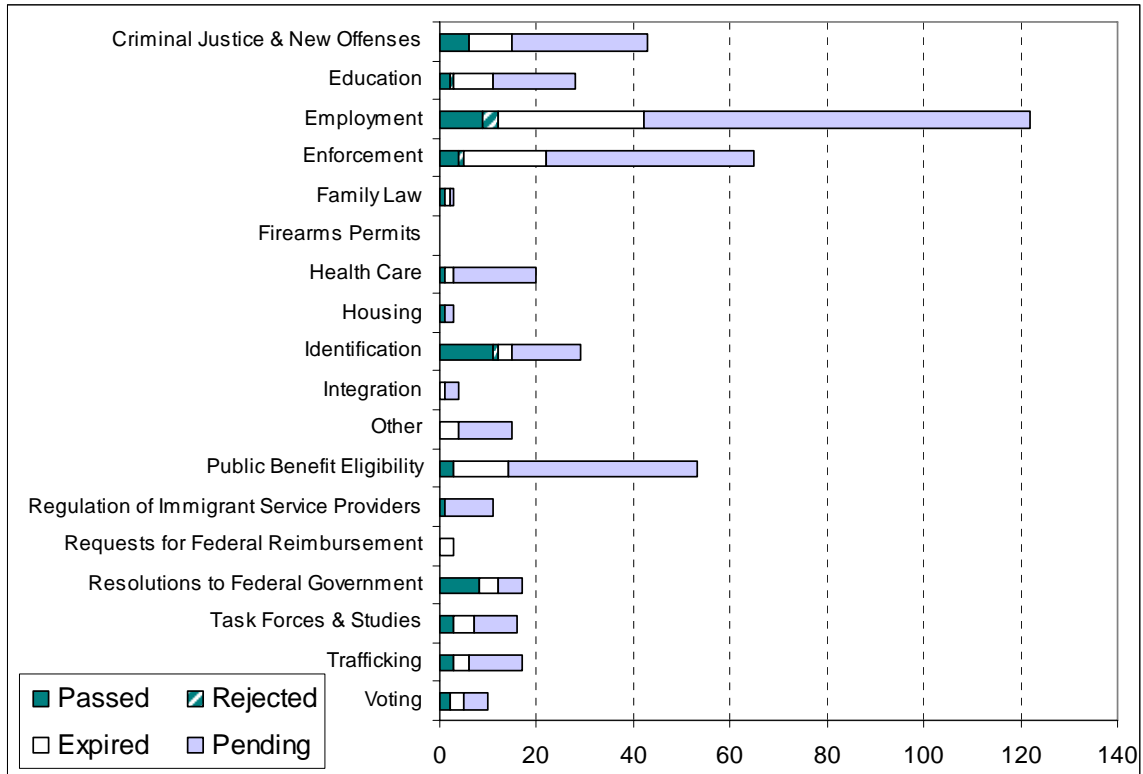
⁴ A bill-by-bill analysis using the State Immigration Legislation Data Tool will allow users to determine if these bills expand or contract public benefit eligibility.

Figure 8. Number of Legislative Measures Introduced by Subject Area and Bill Status in Traditional Immigrant-Receiving States, 2007



Source: MPI/NYU Database of State Immigration Legislation

Figure 9. Number of State Legislative Measures Introduced by Subject Area and Bill Status in New Destination States, 2007



Source: MPI/NYU Database of State Immigration Legislation

f. State Legislation Varies by Geography

The Southeast⁵ was the most active region in considering proposed immigration-related legislation, with 311 measures proposed in 2007. The West was the most successful in passing such bills, leading all other regions in both the number of measures enacted (54 bills) and their passage rate (28 percent) (See Table 7).

Table 7. Proposed State Legislation by Region and by Bill Status, 2007

Region	Number of Introduced Bills	Passed		Rejected		Expired		Number of Pending Bills
		Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	Number of Bills	Percent of Proposed Bills	
Midwest	154	24	16%	4	3%	35	23%	91
Northeast	227	20	9%	4	2%	29	13%	174
Southeast	311	40	13%	32	10%	106	34%	133
Southwest	173	29	17%	3	2%	122	71%	19
West	194	54	28%	26	13%	59	30%	55
TOTAL	1059	167	16%	69	7%	351	33%	472

Source: MPI/NYU Database of State Immigration Legislation

g. States Consider Immigration Packages

Some lawmakers have sought to address the impacts of immigration on their states by offering and enacting omnibus bills that address multiple subject areas. A number of the bills included in the database represent comprehensive approaches to immigration through omnibus regulation, which we define as bills combining three or more immigration measures into a single piece of legislation.

For example, in 2007, Arizona passed H.B. 2779 which:

- prohibits knowingly hiring an unauthorized immigrant;
- requires employers to sign affidavits establishing legal employment; and imposes criminal and administrative penalties for those who falsely fill out the affidavits, including suspension of business licenses, five-year probationary terms where

⁵ We defined our geographic regions as: the Midwest (Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Iowa, and Kansas), the Northeast (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont), the Southeast (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia), the Southwest (Arizona, New Mexico, Oklahoma, and Texas), and the West (Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming).

- employers must submit quarterly reports on new hires, and revocation of business licenses;
- provides and requires that the Arizona Attorney General or County Attorney notify US Immigration and Customs Enforcement and local law enforcement of unauthorized workers' presence;
 - requires employers to use the federal government's Basic Employment Verification Pilot Program by specified dates;
 - expands the definition of aggravated identity theft.

Oklahoma's H.B. 1804 is similarly comprehensive, creating immigration-related criminal violations and regulating the issuance of government identification, enforcement, employment, public benefits, and education. Ten other states considered omnibus bills during the 2007 legislative session. Table 8 displays the breadth of measures encompassed in omnibus immigration legislation.

Table 8. Proposed and Passed Omnibus Bills by Subject Area, 2007

STATE	TITLE(S)	Health Care	Public Benefits	Education	Employment	Regulation of Immigrant Service Providers	Enforcement	Criminal Justice & New Offenses	Identification	Request for Reimbursement	Trafficking	Task Force & Studies	Voting	Other
Passed Legislation														
Arizona	HB 2779				X		X	X	X					
Oklahoma	HB 1804		X	X	X		X	X	X					
Pending Legislation														
North Carolina	HB 55, SB 573, SB 1189, HB 1485		X		X	X	X	X						
Ohio	HB 308		X	X	X		X	X	X					
South Carolina	HB 3068, HB 3141, HB 3148, HB 4117, HB 4119, SB 392, SB 776	X	X	X	X	X	X	X				X		
South Dakota	SB 144				X	X					X			
Tennessee	HB 440, HB 593, HB 1216, SB 544	X	X		X		X	X			X			
Expired Legislation														
Florida	HB 999, SB 1810		X	X	X		X		X			X		
Indiana	HB 1283	X	X	X	X		X	X						
Missouri	SB 348, SB 461, SB 626		X	X	X		X			X				
Nevada	AB 451		X	X	X			X	X				X	X
New Mexico	HB 1284				X		X	X				X		
Tennessee	SB 576		X		X		X	X			X			

Notes: None of the omnibus bills considered in 2007 were rejected

Source: MPI/NYU Database of State Immigration Legislation

II. Methodology

The search for legislation was conducted using the StateNet database within LexisNexis and Westlaw, two online legal research services. We employed a combination of 17 search terms, including “alien,” “immigration,” “undocumented,” “lawful presence,” and “noncitizen.”⁶ A search of all 50 states and the District of Columbia was conducted.⁷ Bills and resolutions are reported for individual states and for geographic region.⁸

Our goal was to locate all state legislation that regulated immigrants or immigration in some way, including measures declaring support or opposition to particular federal immigration laws and regulations, and bills and resolutions calling for study of immigration and its effects. We included all activity by state legislatures, including bills and resolutions.⁹ Both binding and nonbinding resolutions were included, as they reflect state legislators’ concerns and debates.

Many of the bills found in our search were companion bills or were substantially similar to other bills introduced under different numbers in one or both houses of the legislature. Each of these bills is counted separately.

Bills and resolutions that did not specifically target immigrants or immigration were excluded. The database does not include, for example, bills or resolutions that:

- celebrate ethnic heritage or promote good citizenship;
- condition participation in state activities or programs on US citizenship or lawful permanent resident status when these criteria are listed as one among many criteria for participation;
- propose technical changes, such as updating references in state law from Immigration and Naturalization Service to Immigration and Customs Enforcement; and,

⁶ After conferring with research specialists at LexisNexis, the exact search terms devised were: alien OR immigra! OR "nonimmigra!" OR citizenship OR noncitizen OR "non-citizen" OR "not a citizen" OR undocumented OR "lawful presence" OR "legal! presen!" OR "legal permanent residen!" OR "lawful permanent resident" OR migrant OR "basic pilot program" OR "employment eligibility" OR "unauthorized worker" OR "human trafficking" AND NOT ("responsible citizenship" OR "good citizenship" OR "citizenship training" OR unborn OR alienate OR alienation OR "alien insur!" OR "alien company" OR "alien reinsur!").

⁷ We did not include bills from the District of Columbia within our overall totals for the United States and the Northeast region because these bills were obtained from a separate database within LexisNexis.

⁸ We defined our geographic regions as: the Midwest (Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Iowa, and Kansas), the Northeast (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont), the Southeast (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia), the Southwest (Arizona, New Mexico, Oklahoma, and Texas), and the West (Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming).

⁹ The database does not include ballot initiatives or executive orders as we wanted to focus primarily on activity by state legislators. Unless specifically noted, reference to ‘bills’ or ‘measures’ within this brief includes both bills and resolutions.

- make general appropriations for pre-existing state programs as part of omnibus appropriations legislation.

Each bill was scrutinized to ensure that its immigration-related portion was introduced in the relevant year. For example, immigration-related bills that were originally enacted before 2007 but were amended in 2007 to address an issue unrelated to immigration or immigrants were not included in the 2007 database.

Bills and resolutions were coded as passed, rejected, pending, or expired. Passed bills were defined as those signed into law by the governor. Passed resolutions were those passed by the relevant chamber, or by both chambers, if the resolution was a joint one. Rejected bills and resolutions include vetoed measures and those that were voted down on the floor of either chamber of the legislature. Rejected bills also included pocket vetoes – i.e. bills that passed both houses but were not signed into law by the governor. For states with two-year legislative sessions beginning in odd number years (2007-2008), bills not acted on in 2007 were classified as pending. For states with two-year legislative sessions beginning in even number years (2006-2007), bills not acted on in 2007 were considered expired.

Expired bills were those that were neither passed nor rejected in 2007 – no further action can occur unless the bills were reintroduced in a new legislative session. Bills that died in committee or were absorbed into other legislation were considered 'expired' in our classification system. Bills that passed both houses but failed to be reconciled in conference prior to the end of a one-year legislative session were also classified as 'expired.'

a. Legislative Typology

The bills were categorized according to two distinct classification systems. One approach classified measures according to five MPI/NYU devised categories that provide an easily accessible overview of the types of bills debated in states. These categories include bills that directly contract or expand immigrants' rights, as well as bills that regulate employment or address enforcement issues. The second approach classifies measures by general subject categories and subcategories, where appropriate, such as education, housing, or employment. We discuss the subject categories and regulation typologies at greater length below.

MPI/NYU typology classifies by whether they:

- Expand the rights and benefits of immigrants;
- Contract the rights and benefits of immigrants;
- Regulate employment;
- Regulate state and local enforcement of immigration law; or
- Other

A bill can be classified under more than one legislative type, primarily because of the existence of omnibus bills that can regulate multiple aspects of immigrant and immigration policy. *See discussion on omnibus legislation in Part I above.*

Notably, the employment and enforcement categories include bills that could be characterized as both contracting or expanding the rights of immigrants. For example, in May 2007, the Iowa Legislature introduced S.F. 436, “An Act concerning the employment of unauthorized aliens and human trafficking and providing penalties and other sanctions and an appropriation.” Although anti-human trafficking laws protect the labor rights of immigrants, employer sanctions arguably contract the rights and benefits accorded to unauthorized immigrants. To be sure, a substantial majority of the bills in these categories are designed to reduce unauthorized immigration, or to prevent employers from hiring unauthorized workers, and thus could be characterized as restricting the rights and benefits of unauthorized immigrants. But employer sanctions and other enforcement measures also could be construed as protecting the interests of lawful immigrant workers, or as unbiased efforts to enforce existing law, or as measures with negative spillover effects on lawful workers, depending on how a given law is implemented. In light of this complexity, rather than denote the numerous employment and enforcement bills as legislation that expands or contracts immigrants’ rights (or both), we placed these bills in their own categories to reflect the substantial amount of legislative activity devoted to these two topics.

i. Expanding the Rights and Benefits of Immigrants

Representative measures that expand the rights and benefits of immigrants include bills that:

- grant in-state tuition to unauthorized students (Texas H.B. 3829);
- remove citizenship and immigration status requirements from public benefits eligibility criteria for children (California A.B. 1);
- define human trafficking to include possession or destruction of immigration papers (Ohio S.B. 23).

ii. Contracting the Rights and Benefits of Immigrants

This category includes bills that condition access to benefits on immigration status, or otherwise directly limit the rights of immigrants due to their status. Examples include bills that:

- require proof of citizenship in order to obtain a driver’s license (New York S.B. 74);
- impose certain prohibitions on the receipt of state public benefits (Pennsylvania H.B. 754);
- exclude from workers’ compensation programs anyone who does not have proof of lawful immigration status (Virginia H.B. 2688).

iii. Regulating Employment

This category includes bills that regulate the employment of unauthorized immigrants, the treatment of immigrant workers in the workplace, the receipt of state contracts and licenses, and participation by employers or contractors in the federal E-Verify database. Bills that regulate employment also include measures designed to protect the rights of immigrants in the workplace or increase employment opportunities available to immigrants.

Representative measures include bills that:

- limit the award of state contracts to contractors who certify that they do not employ unauthorized immigrants (Oregon H.B. 2681);
- revoke the business license of an employer who employs unauthorized immigrants (Arizona H.B. 2779);
- condition professional or commercial licensing on citizenship or lawful immigration status (Alabama H.B. 287).

iv. Regulating state and local enforcement of immigration law

Legislation within this category includes measures related to state and local enforcement of immigration law, reform of the criminal justice system as it pertains to immigrants (i.e. bills dictating conditions of incarceration), and the creation of new immigration-related crimes at the state level. This category also includes measures that protect the rights of immigrants in the criminal justice system. Representative measures include bills that:

- authorize the attorney general or police commissioner to enter into a memorandum of agreement with the federal government to participate in the enforcement of federal immigration law (Indiana H.B. 1727);
- restrict bail for unauthorized immigrants (Kansas S.B. 125);
- require jail personnel to determine immigration status of persons charged with felonies and driving under the influence (North Carolina H.B.1485).

v. Other

This catch-all category includes diverse types of legislation, such as bills that require proof of citizenship status for voter registration, call for state and federal studies and commissions on particular immigration issues, request reimbursement for immigration-related expenses from Congress, direct Congress to enact immigration reform, and/or object to aspects of the REAL ID Act of 2005. Representative measures include bills and resolutions that:

- request reimbursement from the federal government (California A.B. 1082);
- call on Congress to reform immigration law (Rhode Island H.B. 5368);
- create a committee to generate information on the effects of illegal immigration on the state (Tennessee H.J.R. 52).

b. Subject Categories

The database classifies legislation into 18 distinct subject categories:

- Criminal Justice & New Offenses
- Education
- Employment
- Law Enforcement
- Family Law
- Firearms Permits
- Health Care
- Housing
- Identification
- Integration
- Regulation of Immigrant Service Providers
- Public Benefits Eligibility
- Voting
- Resolutions to Federal Government
- Requests for Federal Reimbursement
- Trafficking
- Task Forces & Studies
- Other

A bill can be classified under more than one subject, primarily because of the existence of omnibus bills that can regulate multiple aspects of immigrant and immigration policy. *See discussion on omnibus legislation in Part I above.*

The subject categories are defined as follows:

Criminal Justice & New Offenses: bills that create new immigration-related crimes, require judges to notify defendants of the immigration consequences of a guilty plea, and address other aspects of the criminal justice system (i.e. bills dictating conditions of incarceration).

Family Law: measures that address domestic violence, regulate adoption of foreign-born children, require proof of legal immigration status to obtain a marriage license, and take into account a parent's immigration status in the creation of a child custody agreement (i.e. the Uniform Child Abduction Prevention Act).

Firearms Permits: measures that restrict the issuance of gun permits to individuals who can prove lawful immigration status.

Housing: measures that require landlords to verify the immigration status of prospective tenants, or measures that regulate zoning.

Identification: measures that require proof of immigration status prior to the issuance of government identification, including driver's licenses.

Regulation of Immigrant Service Providers: measures that regulate notaries or non-attorneys who provide immigration services by requiring licensure, prohibiting the giving of legal advice, requiring postings related to the notaries' scope of authority, and providing civil or criminal penalties for violations.

Public Benefit Eligibility: measures that reinstate or restrict public benefits to individuals who can provide proof of lawful status.

Voting: measures that require proof of citizenship to vote and/or enact penalties for fraudulent voter registration.

Resolutions to Federal Government: measures that request clarification or seek action with respect to proposed and enacted federal law, including resolutions urging the enactment of comprehensive immigration reform, measures seeking clarification of the Fourteenth Amendment regarding children of unauthorized immigrants born in the United States, as well as petitions requesting that Congress change visa allocations.

Requests for Federal Reimbursement: measures that seek federal funds to reimburse the state for expenses related to immigrants or immigration (e.g. the cost of education, health care, incarceration, etc.).

Human Trafficking: measures that criminalize or define human trafficking, including measures that provide services to immigrant victims of trafficking or establish task forces to combat human trafficking.

Task Forces & Studies: measures that call for the creation of commissions or task forces to study and report on different aspects of immigration, ranging from fiscal and economic impacts to programs to improve immigrants' access to state resources.

Other: All other measures.

For five subject categories, bills are further divided into subcategories as follows:

- Education
 - Enrollment denial: measures that prohibit schools from enrolling unauthorized students.
 - Status information collection: measures that require schools to collect data on students' immigration status.
 - In-state tuition: measures that allow unauthorized immigrants who attended high school in-state to pay in-state tuition at public universities, or measures that prohibit the extension of in-state tuition to unauthorized students.
 - K-12 language instruction: measures that regulate language instruction programs for students who are English-language learners.
 - Other: all other education measures.

- Employment
 - Civil penalties & license revocation: measures that create civil penalties (eg. fines) or revoke business licenses for hiring an unauthorized worker.
 - Criminal penalties: measures that make it a misdemeanor or felony to hire an unauthorized worker.
 - State contracts: measures that prohibit state or local contracts from being awarded to employers who employ unauthorized workers.
 - Professional and commercial licenses: measures that regulate the provision of professional or commercial licenses to certain classes of immigrants.
 - Employment benefits: measures that restrict or extend unemployment benefits to immigrant workers and measures that restrict or extend workers compensation to unauthorized immigrants.

- Other: all other employment measures, including those that require public employers and state contractors to participate in the E-Verify program (formerly known as Basic Pilot/Employment Eligibility Verification).
- Enforcement
 - Federal cooperation: measures that direct state officials to cooperate with the federal government in the enforcement of immigration laws, including entering into a Memorandum of Agreement (MOA) with federal law enforcement officials.
 - State enforcement of immigration law: measures that authorize independent state enforcement of immigration laws, including those that require police to inquire into the immigration status of individuals detained for a violation of the criminal law.
 - Prohibit sanctuary cities: measures that prohibit the enactment of local (or state) bills that would direct municipal personnel to refrain from inquiring into immigration status or from enforcing federal immigration laws.
 - Non-enforcement: measures that prohibit state enforcement of immigration laws.
 - Other: all other enforcement measures.
- Health Care
 - General health benefits: measures that restrict health benefits to immigrants who can prove lawful status, or expand access to health benefits regardless of immigration status.
 - Emergency services: measures that regulate immigrants' access to emergency room services.
 - Medicaid: measures that relate specifically to state or federal-state Medicaid programs.
 - Children's benefits: measures that relate to the provision of health care to children.
 - Other: all other health care measures.
- Integration
 - Official/Common language: measures that declare English the official or common state language.
 - Translation/interpretation & public documents: measures that require public agencies to provide language access services, or measures that specifically require public documents to be printed only in English, or measures that prohibit the extension of services in languages other than English.
 - Adult English language education: measures that regulate, establish, or fund programs to provide English language instruction to adults.
 - Other: all other integration measures.

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