



Immigration: N.C. Continues to Be a Magnet State

While South Carolina, Arizona, and Oklahoma enacted comprehensive immigration reform during the 2007-08 biennium, the General Assembly passed piecemeal legislation that did little to discourage illegal aliens from coming to North Carolina. These measures included allocating \$1.35 million over two years to fund the 287(g) program, as well as requiring jail personnel to passively verify the immigration status of convicted felons. Meanwhile, the General Assembly failed to respond to public opposition regarding the extension of community college benefits to illegal aliens. Legislators also reluctantly continued to support Real ID reforms. The result: North Carolina had the third-fastest growing Hispanic population in the United States for 2007, with Hispanics accounting for an estimated 78 percent of the illegal alien population.

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Law Enforcement

The General Assembly's efforts at immigration reform were largely confined to law enforcement issues. Legislation that passed includes:

Reduced funding for immigration law enforcement

The FY2007-08 budget (HB 1473) made a one-time allocation of \$750,000 to assist the N.C. Sheriff's Association in implementing 287(g). The 287(g) program trains local law enforcement officers to help enforce immigration law. In spite of the fact that 88 percent of voters (July 2007) support 287(g), the General Assembly cut funding for the initiative by 20 percent, allocating only \$600,000 to 287(g) in the FY2008-09 budget (HB 2436).

Passive verification of legal status

During the 2007 session, the General Assembly passed legislation (SB 229) requiring jail personnel to verify the immigration status of felony/DWI convicts. According to the legislation, the mere fact that the state makes an inquiry through Immigration and Customs Enforcement (ICE) provides sufficient notice to federal authorities. By contrast, similar measures in South Carolina (HB 4400), Georgia (SB 529) and Colorado (SB 90) require jail personnel to formally alert federal immigration authorities regarding the legal status of jailed persons.

Early release of illegal alien prisoners

The 2008 session also saw the passage of legislation (SB 1955) that releases non-violent illegal alien inmates (such as drunk drivers) into the custody of ICE for deportation. Despite objections to the contrary, the bill does not provide for additional penalties for illegal alien criminals who return to North Carolina after being deported.

What the Legislature should have done:

Expand 287(g): The state needs to encourage every county to enroll in 287(g) by signing a statewide Memorandum of Understanding (MOU) with ICE and by increasing funding for the program. Instead, the legislative leadership cut \$1 million in nonrecurring funding for 287(g) from the proposed FY2008-09 House budget.

Ban sanctuary cities: Local jurisdictions (such as Durham and Carrboro) should be prohibited from establishing themselves as sanctuary cities (not introduced; cf. State Constitution of N.C., § 1.5).

Deny bail to illegal aliens: Judges should be able to consider immigration status when setting bail (not introduced). Sixty-seven percent of voters support this policy (September 2007).



Actively verify legal status: Legislation (SB 405) requiring jail personnel to formally notify ICE that an inmate is an illegal alien died in committee.

Education, Public Benefits and Jobs

The General Assembly failed to pass legislation that would have limited educational and public benefits for illegal aliens. This includes legislation aimed at preventing illegal aliens from attending publicly funded universities and colleges. Meanwhile, the state allocated \$44.3 million to Learn & Earn, which potentially extends higher educational benefits to illegal aliens. During the same two-year period, the state also allocated \$126.2 million to the Limited English Proficiency program. (Since 1995, LEP enrollment has increased by more than 400 percent.)

71 percent of voters would be less likely to vote for a candidate who supports admitting illegal aliens to community colleges.

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What the Legislature should have done:

Ban higher educational benefits: The General Assembly ignored a groundswell of public support in favor of prohibiting illegal alien adults from attending public universities and colleges (HJR 2237/SB 2019; cf. also HB 2717). Pending the results of an ongoing study by the State Board of Community Colleges, a ban on illegal alien admissions remains in place for degree-granting programs (only) in the community college system. This ban will likely be lifted before the General Assembly convenes in January 2009. Meanwhile, South Carolina prohibited illegal alien admissions to all of its public universities and colleges.

Verify employment status: A bipartisan proposal (SB 2002/HB 2610) to implement E-Verify died in committee. Ninety-one percent of voters support requiring employers to verify legal status (April 2008). Both Georgia and South Carolina, as well as the federal government, require E-Verify.

Limit welfare and other benefits: Several proposals (cf. SB 1189; SB 573) aimed at preventing illegal aliens from obtaining state public benefits never came up for a vote. Likewise, seasonal agricultural workers continue to be eligible for state unemployment benefits.

Identity Theft and Fraud

Over the past two years, legislators have boasted about making North Carolina's licenses more secure. These reforms, however, were mandated by the federal Real ID initiative, which makes it more difficult for illegal aliens to use fraudulent IDs to obtain employment and public benefits. Nevertheless, Real ID was repudiated by the House in 2008 (HB 2136). (The Senate did not vote on this bill (but cf. SB 1786)). Eighty-eight percent of voters support Real ID (May 2008).

What the Legislature should have done:

Ban the use of matricula consulars: In spite of FBI warnings that this Mexican ID card is vulnerable to fraud and forgery, the Department of Motor Vehicles accepts *matricula consulars* as proof of residency. Legislators ignored a bill that would have prohibited the use of consular cards to obtain or renew a driver's license (HB 1399). Community colleges throughout the state also continue to sponsor *matricula consular* events hosted by the Mexican consulate.

Discourage illegal drivers: All law enforcement officers should be equipped to verify the identity and immigration status of persons caught driving without a valid license (not introduced; cf. HB 2881(2006)).

Review driver's license database: Legislators should mandate a review of North Carolina driver's licenses for cases of likely fraud – e.g., duplicate photos, licenses containing all 9s, etc. (not introduced).