

# ISSUE BRIEF

## SENATE POLICY DEVELOPMENT AND RESEARCH OFFICE

PREPARED IN CONJUNCTION WITH THE SENATE REPUBLICAN POLICY COMMITTEE

### Illegal Immigration

#### *Background*

A study done in March 2007 by Jeffrey Passel, of the Pew Hispanic Center, based upon [\*The Size and Characteristics of the Unauthorized Migrant Population in the US\*](#) report, shows that from 2000-2006 there was an average annual growth in the unauthorized immigrant population of about 500,000 per year. Overall, there were an estimated 11.5 to 12 million illegal immigrants living in the US in 2007. According to the White House, the United States Customs and Border Protection and Immigration and Customs Enforcement (ICE) returned or removed almost 1.2 million illegal aliens over the past year. Despite these administrative efforts, no federal legislation has been enacted to deal with the problem of illegal immigration. However, state and local governments have taken steps to address the situation, including the enactment of new enforcement bills, regulations and procedures, workplace raids, and restrictions on access to driver's licenses and other government services and benefits.

#### *State/Federal Response to Illegal Immigration*

The largest response to illegal immigration at the federal level, in 2007, was through increased border security. According to the Department of Homeland Security (DHS), since 2001, Congress has increased funding for border security and immigration enforcement by 159 percent (including emergency funds) from \$4.8 billion in 2001 to \$12.3 billion in 2008 and expanded the Border Patrol from 9,000 agents to nearly 15,000. Likewise, DHS has finished a total of 165 miles of pedestrian fence along the southwest border, for a total of 290 miles of pedestrian and vehicle fence along the entire border. According to Secretary of Homeland Security, Michael Chertoff, "when we get this done, (we will) have basically a barrier, either a natural barrier or a man-made barrier across the entirety of the stretch of border from the Pacific Ocean to Texas... That is a big step forward in answering the public outcry to have some protection at the Southwest border." Also, acting as a precursor to the Western Hemisphere Travel Initiative, starting January 31, 2008, all cross-border travelers must present documents establishing their identity and citizenship.

According to the National Conference of State Legislators (NCSL), as of July 2, 2007, as many as 1,404 pieces of legislation related to immigrants and immigration had been introduced in the 50 state legislatures. Of these bills, 182 became law in 43 states, and four were vetoed. The number of enacted bills on the subject more than doubled from 84 in 2006 to 170 in 2007. In the absence of comprehensive federal reform of the United States' immigration system, states have displayed an unprecedented level of activity and have developed a variety of their own approaches and solutions. Many states have focused on employment, health, identification and driver's and other licenses, law enforcement, public benefits, and human trafficking.

The highly publicized illegal immigration battle in Hazelton, Pennsylvania, which began in 2006, continued to receive attention in 2007. Hazelton Mayor Lou Barletta sought to impose fines on landlords of \$1,000 for each illegal immigrant discovered renting their properties, denying licenses to businesses that employ illegal immigrants, and requiring city documents to be in English only. In July 2007, U.S. District Judge James Munley found that the ordinances in Hazelton usurped the federal government's exclusive power to regulate immigration and deprived residents of their constitutional right to due process. As expected, the city has appealed the judge's ruling. Hazelton city filed a notice of appeal in federal court and is currently waiting for the appeal to be heard by the Third U. S. Circuit Court of Appeals.

Among the states that have enacted legislation, Oklahoma has gained recognition for a package of new laws to help the state combat illegal immigration. Among other provisions, the measures include:

- Making it a crime to transport or harbor illegal aliens;
- Stripping illegal immigrants of the right to receive most health care, welfare, scholarships or any other government assistance;
- Penalizing employers who hire illegal workers; and,
- Forcing businesses to verify the legal status of new hires.

In addition, Arizona has enacted legislation that will punish employers who knowingly hire illegal immigrants by suspending their business license for 10 days for the first offense and revoking it for a second infraction.

### ***Pennsylvania Legislation***

A number of legislative proposals have been introduced in Pennsylvania during the current legislative session. Included among these are:

[Senate Bill 9](#) (Scarnati) would require identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

[Senate Bill 979](#) (Rafferty) would create the Fair Employment Act to prohibit employment of illegal aliens; require participation in the Basic Pilot Program (electronic verification of work authorization program operated by DHS) as a condition for Commonwealth contracts or grants; prohibit business tax deductions for certain compensation; require suspension of licenses, registrations and certificates of incorporation under certain circumstances; and authorize a private cause of action.

[Senate Bill 980](#) (Rafferty) would provide for a memorandum of understanding between the Commonwealth and the United States Department of Justice or Department of Homeland Security concerning the enforcement of federal customs and immigration laws.

[Senate Bill 1124](#) (Orie) would amend the Crimes Code to require arresting authorities to inquire into the citizenship and immigration status of any person arrested for a felony or any offense involving violence or a minor. The bill would make it a third degree misdemeanor to refuse to cooperate with law enforcement's attempts to determine immigration status or to furnish false information. If an alien is verified to be unlawfully present in the United States, the arresting authority would be required to cooperate with any request by federal immigration authorities to detain the alien or transfer the alien to the custody of the federal government. The bill would further require statistical information concerning citizenship and immigration status to be included in the Pennsylvania Uniform Crime Reporting Program and published in any annual report.

[House Bill 2169](#) (Readshaw) would amend the Administrative Code of 1929 to provide for immigration matters; and imposing penalties and duties on the Department of Labor and Industry, Pennsylvania State Police, Secretary of State and Attorney General.

[House Resolution 176](#) (Harhart) directs the Legislative Budget and Finance Committee (LB&FC) to conduct a survey of all agencies providing social services and the cost of those services to individuals and their families who illegally immigrated to the United States and reside in the Commonwealth. The LB&FC would be required to report its findings to the House of Representatives.

[House Resolution 280](#) (Cruz) is a resolution establishing a select committee to study the impact of legal and illegal immigration on housing, health care and education in the Commonwealth.

[House Resolution 286](#) (Metcalf) encourages the United States Congress to prepare, introduce and actively support an amendment to existing federal law to address the influx of unauthorized aliens.

[House Resolution 494](#) (Saylor) is a resolution urging the Congress of the United States to enact legislation to ensure that the H-1B and L-1 visa programs are utilized for the purpose for which they were intended.