

**2011-2012**

**STATE ROLE IN  
IMMIGRATION POLICY  
HOUSE SELECT  
COMMITTEE**

**MINUTES**



Office of Speaker Thom Tillis  
North Carolina House of Representatives  
Raleigh, North Carolina 27601-1096

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HOUSE SELECT COMMITTEE ON THE STATE'S ROLE  
IN IMMIGRATION POLICY.

\*Revised December 2, 2011

TO THE HONORABLE MEMBERS OF THE  
NORTH CAROLINA HOUSE OF REPRESENTATIVES

**Section 1.** The House Select Committee on the State's Role in Immigration Policy (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26 of the Rules of the House of Representatives of the 2011 General Assembly.

**Section 2.** The Committee consists of the 9 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Rep. Frank Iler, Chair
Rep. Harry Warren, Chair
Rep. Dale Folwell
Rep. John Faircloth
Rep. Sarah Stevens
Rep. Edgar Starnes
Rep. William Brisson
Rep. Michael Wray
Rep. Garland Pierce
Rep. George Cleveland
Rep. Bert Jones
<del>Rep. Ray Rapp</del> Susi Hamilton

**Section 3.** The Committee may examine the State's role in immigration policy, including the effectiveness of laws already in effect pertaining to immigration as well as best practices in other states.

HOUSE SELECT COMMITTEE ON THE STATE'S ROLE IN IMMIGRATION POLICY

**Section 4.** The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

**Section 5.** The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

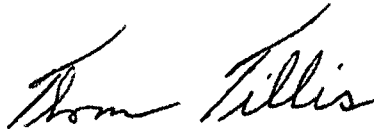
**Section 6.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 7.** The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

**Section 8.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

**Section 9.** The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2012, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2013 General Assembly by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library on or before December 31, 2012. The Committee terminates upon the filing of its final report.

Effective this the 23rd day of September, 2011.



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Thom Tillis  
Speaker

\*Revised on December 2, 2011 to add Representative Cleveland, Representative Jones and Representative Rapp.

**House Select Committee on the State's Role in Immigration Policy**  
**Membership List**

Representative Frank Iler, Co-Chair  
2515 Marsh Hen Drive  
Oak Island, NC 28465  
[Frank.Iler@ncleg.net](mailto:Frank.Iler@ncleg.net)  
(910) 294-1092

Representative Harry Warren, Co-Chair  
201 Kingsbridge Road  
Salisbury, NC 28144  
[Harry.Warren@ncleg.net](mailto:Harry.Warren@ncleg.net)  
(704) 603-8898

Representative William Brisson  
P.O. Box 531  
Dublin, NC 28332  
[William.Brisson@ncleg.net](mailto:William.Brisson@ncleg.net)  
(910) 862-7007

Representative Bert Jones  
229 Fairfield Road  
Reidsville, NC 27320  
[Bert.Jones@ncleg.net](mailto:Bert.Jones@ncleg.net)  
(336) 342-6171

Representative George Cleveland  
224 Campbell Place  
Jacksonville, NC 28546  
[George.Cleveland@ncleg.net](mailto:George.Cleveland@ncleg.net)  
(910) 346-3866

Representative Garland Pierce  
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Wagram, NC 28396  
[Garland.Pierce@ncleg.net](mailto:Garland.Pierce@ncleg.net)  
(910) 369-2844

Representative John Faircloth  
2332 Faircloth Way  
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[John.Faircloth@ncleg.net](mailto:John.Faircloth@ncleg.net)  
(336) 841-4137

Representative Edgar Starnes  
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Hickory, NC 28601  
[Edgar.Starnes@ncleg.net](mailto:Edgar.Starnes@ncleg.net)  
(828) 326-9653

Representative Dale Folwell  
299 S. Westview Drive  
Winston Salem, NC 27104  
[Dale.Folwell@ncleg.net](mailto:Dale.Folwell@ncleg.net)  
(336) 748-0046

Representative Sarah Steven  
2161 Margaret Drive  
Mt. Airy, NC 27030  
[Sarah.Stevens@ncleg.net](mailto:Sarah.Stevens@ncleg.net)  
(336) 789-0639

Representative Susi Hamilton  
206 Nun Street  
Wilmington, NC 28401  
[Susi.Hamilton@ncleg.net](mailto:Susi.Hamilton@ncleg.net)

Representative Michael Wray  
P.O. Box 904  
Gaston, NC 27832  
[Michael.Wray@ncleg.net](mailto:Michael.Wray@ncleg.net)  
(252) 535-3297

**Staff**

Drupti Chauhan	Research	(919) 733-2578
Kara McCraw	Research	(919) 733-2578
Ben Stanley	Bill Drafting	(919) 733-6660
Carla Farmer	Committee Clerk	(919) 301-1450

# House Select Committee on the State's Role in Immigration Policy

## 2011-2013 Committee Budget Estimate

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**Carla Farmer (Rep. Iler)**

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**From:** Carla Farmer (Rep. Iler)  
**ent:** Thursday, November 17, 2011 3:10 PM  
**Subject:** <NCGA> Room Change - House Select Committee on the State's Role in Immigration Policy

**NORTH CAROLINA GENERAL ASSEMBLY**  
Raleigh, North Carolina 27601

**November 17, 2011**

**MEMORANDUM**  
**ROOM CHANGE**

**TO:** Members, House Select Committee on the State's Role in Immigration Policy

**FROM:** Rep. Frank Iler and Rep. Harry Warren, Co-Chairs

**SUBJECT:** Meeting Notice

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>ROOM</b>
Wed.	December 7, 2011	1:00	445 1228

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

If you are unable to attend or have any questions concerning this meeting, please contact Carla Farmer at 919-301-1450.

cc: Committee Record   
Interested Parties

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN  
IMMIGRATION POLICY**

**AGENDA**

**December 7, 2011**

**1:00 P.M., ROOM 1228 Legislative Building**

Representative Iler, presiding

**Welcome and Introductions**

Representative Iler, Co-Chair

**Adoption of Committee Budget**

Representative Iler

**Review of Committee Charge**

- Committee Staff: Drupti Chauhan

**Review of Major NC Legislation Related to Immigration (2006-2011)  
and Review of Pending and Introduced Bills from 2011 Legislative  
Session**

- Committee Staff: Drupti Chauhan, Kara McCraw, and Ben Stanley

**Overview of the 287(g) Program and Its Implementation in North  
Carolina**

- Sheriff Terry Johnson, Alamance County

**Overview of the Secure Communities Program and Its Implementation  
in North Carolina**

- Sheriff Sam Page, Rockingham County

**Committee Discussion**

**Adjournment**



## **MINUTES**

### **House Select Committee on the State's Role in Immigration Policy**

Wednesday, December 7, 2011  
1:00 PM  
Room 1228, Legislative Building

The House Select Committee on the State's Role in Immigration Policy met on Wednesday, December 7, 2011 at 1:00 p.m. in Room 1228 of the Legislative Building. Representatives Iler, Warren, Folwell, Faircloth, Stevens, Starnes, Wray, Pierce, Cleveland and Jones attended.

Representative Iler presided and welcomed the committee members, staff and visitors. The visitors log is attached to these minutes as Attachment 6. Approval of the budget was postponed until the next meeting due to the addition of two new members.

#### **PRESENTATIONS**

Drupti Chauhan, NCGA Staff Attorney was introduced to explain the committee charge, (Attachment 1) highlighting section 3. "The committee may examine the State's role in immigration policy, including the effectiveness of laws already in effect pertaining to immigration as well as best practices in other states. The committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2012."

Ms. Chauhan reviewed Attachment 2, Major North Carolina Legislation Related to Immigration (2006-2011). No legislation was found prior to 2006 that affected immigration law or policy.

Attachment 3, Pending & Introduced Bills Relating to Immigration was reviewed.

Representative Starnes was recognized and asked how much latitude states have when dealing with immigration policy? States that have tried to attack the issue are now in litigation. The federal government's power over immigration is supreme. The Supreme Court has not ruled on any of these issues other than E-Verify. Some of the legislation may not be in litigation but is still subject to "tweaking". Representative Starnes was recognized for a follow up question. He explained a situation where a Hispanic employee would claim several dependents to keep the withholding low. The individual would then leave the state prior to the tax filing deadline to avoid paying additional taxes on the income. Has the Dept. of Revenue established rules regarding the way the number of deductions are used and are their limitations to that? The NC Dept. of Revenue has been asked to present at our next meeting to review the problems associated with this issue.

## Overview of 287(g) Program

Sheriff Terry Johnson of Alamance County was introduced to present an overview of the 287(g) Program. (Attachment 4).

Currently there are six counties participating in the 287(g) Program and they are Wake, Cabarrus, Buncombe, Mecklenburg, Henderson and Alamance. This program helps divulge the true identity of the individuals that are being held in our jails. Approximately 80% of the people who are arrested and are here illegally give a false name upon arrest. Once in the system and fingerprinted, the program allows law enforcement to identify and investigate how many encounters the arrestee has had with customs and law enforcement.

The program was instituted in 1996 due to the lack of manpower for immigration enforcement. The local authorities do not remove anyone; they are only a processing agent. Upon becoming a 287 (g) site, two ICE agents are assigned to the site and are responsible for the work that is carried out under the program including all procedures. The program only applies to criminals who are also illegal aliens. You must commit a crime and be arrested to be processed. An individual can avoid being processed if they are able to post bond and are released. The ICE system has identified many criminals wanted nationwide.

If an illegal is convicted of committing a crime, they must serve their sentence before being deported. Once the charges are disposed of, the individual is transferred over to ICE custody. If at any point during the process the subject is determined to be a legal resident no further actions is necessary by ICE.

Representative Pierce was recognized and asked if the detained individual was given a bi-lingual representative to assist them in understanding their rights. In Alamance County, the employees are taught Spanish at the community college in an effort to communicate with the perpetrators as well as the victims.

Representative Starnes was recognized and ask how many documents are returned undeliverable due to the individual giving a false address? In Alamance County, about 75% of the addresses given are incorrect. The mail is handled by ICE, not by the Sheriff's Dept. What is the procedure for follow up on individuals who do not show up in Immigration Court? A warrant is issued and outstanding for their removal when/if they are picked up or caught. Many times there is no information in the database because the individual has never been encountered.

Representative Faircloth was recognized and asked what happens if someone is stopped and they do not have identification. In Alamance County the person is brought to the jail and held until they can be identified. If they are given a bond right away and have the money in their pocket to pay the bond, they are released.

Representative Warren was recognized and asked what is the average length of incarceration? If someone is arrested on a state charge, the Sheriff doesn't have any control over when the DA transfers the individual over to court on the state charges. If they are in court the next day and the charge is disposed of, they roll over immediately into ICE custody. In Alamance County, per day, per inmate the cost is around \$46.70.

Representative Pierce was recognized and asked at what point in the process is the individual allowed to make a phone call? Once the processing has finished, they are allowed to make a call. Representative Pierce asked if there was any profiling. The answer was not because probable cause is needed to make any type of vehicle stop.

Representative Starnes was recognized and asked if most stops are made on the interstate since Alamance County is a cross roads for I 40 and I 85. The answer was no, and the City of Burlington is the agency that brings the most people to the processing site. The majority of stops and arrests are made in neighborhoods and cities. Representative Starnes asked what were the top reasons a person is stopped and then arrested. DWI, erratic driving and excessive speeding are the most likely causes for a stop.

Representative Iler asked if the 287(g) counties have more ICE agents than non 287(g) counties. How many ICE agents are in NC and how are they distributed throughout the state? There is a district office that covers the state. Alamance County has 2 ICE officers. Do you have to be a 287(g) county to have ICE agents assigned to your detention center?

Yes. Does ICE have their own holding facilities? No. They have to contract with Sheriff's across the nation to contract to be a 287(g) holding facility; they have to guarantee 50 beds.

Representative Starnes asked once an individual is determined to be here illegally, are they turned over to Immigration? Once state charges are disposed of, they are rolled over into ICE custody. Once they leave the facility, it's an ICE issue. If an individual is taken into custody for DWI and is processed and found to be here illegally the Immigration officer puts a detainer with ICE on the individual. Once he is tried and his sentence is finished, then ICE takes over. They can then go to Immigration court, they can waive court and go back to their own country or they can be charged at the federal level. Their sentence must be served before they can be released.

### **Secure Communities Program**

Representative Iler introduced Sheriff Sam Page of Rockingham County and the Chairman of the NC Sheriff's Association to review the Secure Communities Program (Attachment 5).

Sheriff Page informed the committee that the week before, he was in Washington, DC to speak with the House Judiciary Committee on Immigration explaining the successes of the Secure Communities Program in our state.

The main goal for Secure Communities is to identify all criminal aliens held in our jails and prisons. In 2009, the NC Sheriff's Association became involved with the immigration project and 4 counties were included in the Secure Communities Program. At the time there was no other access to the Immigration database. In October of 2010, Rockingham County joined the program and as of March 2011, all counties in NC were participating. The program is a partnership with Immigration to better identify individuals who are arrested, brought into the jails and then when they are determined to be illegal, that data is given to Immigration so they can do their job. Unfortunately, the Immigration Department has fallen short when explaining the program to the citizens of our state.

Once a person is arrested and committed to a jail, the arrestee is interviewed and if it is determined that the person was not born in the United States, their finger prints are compared in several different databases. This process takes about 20 minutes. Local officers are trained to call a local ICE agent and a phone interview is set up between the arrestee and the ICE agent. ICE makes the determination on the issuance of a federal detainer. If a federal detainer is issued and the person is under bond, if the bond is posted, then ICE is called and has 48 hours to pick that person up except on a weekend or holiday. If a person does not have a federal detainer and only a bond, then once the bond is posted they are released from the facility.

The most important act a Sheriff can perform to protect citizens is to have the ability to know who is being arrested and placed in jail and who is being released back into the community and the Secure Communities Program provides this.

Representative Starnes commented on the perception that local law enforcement makes the arrest and then ICE releases them. What can be done to keep this from happening? Everyone is doing their part but Immigration and ICE are the decision makers when it comes down to what happens to the individuals.

Representative Pierce asked if the family of an illegal alien as put in jeopardy when they are arrested. Civil immigration is not enforced by the Sheriff's Department. When a person calls for assistance, their immigration status is not an issue. There are not enough resources or commitment with the laws that are in place to pursue persons associated with an arrestee who may also be here illegally.

Representative Starnes asked if North Carolina could be a magnet for illegal immigrants. Our border is not secure and 90% of the drugs that come into our country are trafficked in from Mexico. Our roads make it easy to transport drugs illegally. We also have many agriculture and construction jobs available that make our state an easy place for illegal aliens to settle.

Representative Jones asked if other states are taking legislative measures to make their state less attractive for illegal immigrants and what can our legislature do to help. The best thing that can be done to help is to support the programs that are in place that help identify illegal aliens.

Representative Stevens asked if the Secure Communities program was a nationwide effort. By 2013 all states will have this program in place.

The cost of illegal aliens to our state is 2 billion 63 million dollars. This figure includes our K-12 education, Medicaid, Justice, Welfare, State Children's Health Insurance Plan, etc. These are funds that could be used to cover our current and future budget shortfalls.

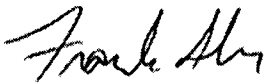
Representative Starnes asked about the latitude of our state to provide the services that were included in the 2.63 billion dollar figure. All benefits are governed by federal law. K-12 education must be provided. What is required and what is optional can be provided at a later date.

Representative Faircloth was recognized and suggested that we have someone from ICE come and speak to the committee about the process the Immigration Department takes custody of an arrestee.

Representative Jones was recognized and asked what the DMV in other states are doing to assist in the legal documentation of foreigners and this should be considered as a point of entry for illegal aliens.

Representative Pierce was recognized and suggested that the Mexican Consulate General be invited to speak to the committee.

The meeting adjourned at 2:55 and will meet again on January 25<sup>th</sup>, 2012 at 1:00 in room 544.



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Representative Frank Iler  
Chairman



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Carla Farmer  
Committee Assistant

# Major North Carolina Legislation Related to Immigration (2006-2011)

## 2006

### **E-VERIFY MADE MANDATORY FOR NEWLY HIRED EMPLOYEES OF PUBLIC AGENCIES**

*Section 23.1 of S.L. 2006-359*

- Each State agency, department, institution, university, community college, and local education agency is required to verify the work authorization of newly hired employees through what is now known as the E-Verify system.
- Does not apply to contractors or subcontractors.

### **287(G) PROGRAM PARTICIPATION MADE NOT VIOLATIVE OF DUAL OFFICE HOLDING PROHIBITION**

*Section 24 of S.L. 2006-259*

- Permits local law enforcement participation in the 287(g) program.
- Clarifies that participation in the program does not violate the prohibition on dual office holding.

### **SOCIAL SECURITY NUMBER REQUIRED TO OBTAIN A DRIVERS LICENSE, LEARNERS PERMIT, OR ID**

*Section 35.2 of S.L. 2006-264*

- Requires that applicants for drivers licenses, learners permits, or identification cards provide a valid social security number (except for those in the country for a limited duration who possess a valid visa of limited duration, in which case the license shall expire no later than the period of lawful presence).
- Prior law had allowed applicants to present an Individual Taxpayer Identification Number (ITIN) as an alternative.

## 2007

### **JAILORS MUST ATTEMPT TO DETERMINE IF CERTAIN CONFINED PERSONS ARE LAWFULLY PRESENT**

*S.L. 2007-494*

- Requires the administrator of a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, to attempt to determine whether persons confined and charged with a felony or impaired driving offense are lawfully present in the United States.
- If the determination cannot be made, the administrator must, where possible, make a query of the person's status through the federal Immigration and Customs Enforcement (ICE) agency.

### **\$750,000 APPROPRIATED TO SHERIFF'S ASSOCIATION FOR IMMIGRATION ENFORCEMENT**

*2007 Budget Money Report, Page I-15, Item 80*

- Provided \$750,000 for a nonrecurring Governor's Crime Commission grant to the North Carolina Sheriff's Association to be used for technical assistance and training associated with immigration enforcement.

## 2008

### LIMITED RELEASE OF INMATES FROM PRISON FOR DEPORTATION AUTHORIZED

*S.L. 2008-199*

- Authorized the conditional release into ICE custody of inmates who (i) were convicted of certain nonviolent criminal offenses; (ii) are subject to a final order of removal (deportation); (iii) have served at least half of their sentence; (iv) were not convicted of an impaired driving offense resulting in death or serious bodily injury; and (v) agree not to unlawfully return to the United States.

## 2011

### E-VERIFY MADE MANDATORY FOR LOCAL GOVERNMENTS AND SOME PRIVATE EMPLOYERS

*S.L. 2011-263*

- Requires counties and municipalities to use E-verify for all new employees, effective October 1, 2011.
- Requires private employers with 25 or more employees to use E-Verify with staggered implementation based on number of employees, fully effective July 1, 2013.
- Penalties for failure to use E-Verify are based on how many violations an employer has and can be as high as \$2,000 for each required verification that an employer failed to make.
- Private citizens may file complaints; the Commissioner of Labor investigates, holds hearings, and imposes penalties.

# Pending & Introduced Bills Relating to Immigration

## Pending

### PROHIBIT CONSULAR DOCUMENTS FROM SERVING AS BASIS FOR DETERMINATION OF IDENTITY OR RESIDENCY FOR STATE AND LOCAL GOVERNMENT PURPOSES

*H33 – Representatives Hagar & Cleveland (In Senate Rules Committee)*

- Adds a new statutory section prohibiting judicial officials, law enforcement officers, other government officials, and local governments from accepting consular documents at proof of a person's identity or residency.
- Deletes language in drivers license, auto insurance, and Medicaid statutes authorizing use of consular documents as support of residency.

### REQUIRE CERTAIN DOCUMENTS TO PRESENTED AS PROOF OF ELIGIBILITY FOR PUBLIC BENEFITS

*S205 – Senator Allran (In House Rules Committee)*

- Requires applicants for federal public benefits and state or local public benefits to present one of an enumerated list of documents in support of their application.
- Requires sworn affidavit as to tendered document's authenticity.
- Makes it a misdemeanor for an employee of an agency that administers a public benefit to fail to report violations of federal immigration law discovered during the course of administering the benefit.

### REQUIRE DISTINGUISHING MARK ON DRIVERS LICENSES OF LIMITED DURATION

*S303 – Senator Allran (In House Transportation Committee)*

- Requires that drivers licenses of limited duration bear a distinguishing mark on their face to clearly designate them as such.

## Introduced During the 2011 Session (But Did Not Make Crossover)

### PROHIBIT UNDOCUMENTED ALIENS FROM ATTENDING COMMUNITY COLLEGE OR PUBLIC UNIVERSITIES

*H11 – Representative Cleveland (In House Education Committee)*

- Includes exceptions for those who are still in high school or who are not in the U.S.
- Allows those enrolled on the date the bill becomes effective to finish their degrees.

### REQUIRE INSTITUTIONS OF HIGHER EDUCATION TO REPORT ALIEN ATTENDANCE LAPSES TO THE FEDERAL GOVERNMENT

*H198 – Representative Torbett (In House Education Committee)*

- Requires public and private institutions of higher education to report alien attendance lapses to U.S. Immigration and Customs Enforcement.
- An attendance lap is defined as a period of 10 or more consecutive school days during which a student is absent.
- A private institution's failure to report results in ineligibility to receive any State funds the following fiscal year.

**ENACT AN ARIZONA-STYLE COMPREHENSIVE IMMIGRATION BILL**

*H343 – Representatives Cleveland, Blust, and Hilton (In House Judiciary Subcommittee A)*

*S604 – Senator East (In Senate Rules Committee)*

- Prohibits sanctuary policies; requires law enforcement to check immigration status of persons lawfully stopped where there is a reasonable suspicion that the person is in the U.S. unlawfully; requires notice be given to federal authority whenever an undocumented alien is released from custody or pays a fine; criminalizes failing to carry alien registration documents; criminalizes transporting, concealing, harboring, or moving undocumented aliens; authorizes warrantless arrests of persons who are removable from the United States; criminalizing the smuggling of human beings; require E-Verify use by various parties; making it unlawful to employ unauthorized aliens and creating an elaborate enforcement scheme; creating additional requirements regarding benefit eligibility verification; making undocumented aliens ineligible for admission to public institutions of higher education.

**MAKE WILLFUL FAILURE TO COMPLETE OR CARRY AN ALIEN REGISTRATION DOCUMENT A CRIME**

*S179 – Senator East (In Senate Rules Committee)*

- Makes it a misdemeanor to violate federal laws requiring aliens to complete and carry alien registration documents.

**MAKE PUBLIC ENTITIES & CONTRACTORS/USE E-VERIFY**

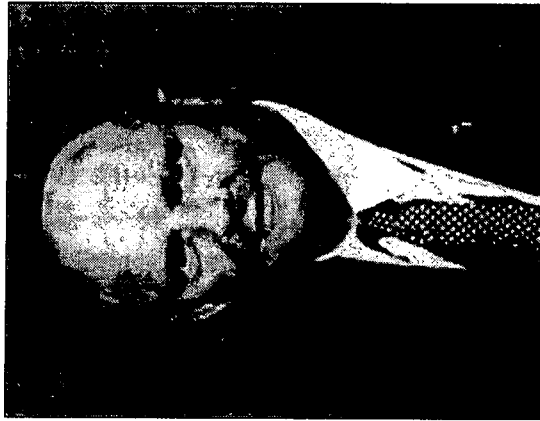
*S204 – Senator Allran (In Senate Rules Committee)*

- Sections 1 and 2 require county and municipalities to use E-Verify (enacted in S.L. 2011-263).
- Remainder of the bill prohibits State agencies, counties, municipalities, and entities required to report to the Department of Administration on contract purchases from contracting with any contractor unless that contractor uses E-Verify.

# Immigration and Customs Enforcement

## *287(g) Program &*

## *Secure Communities*



**Terry S. Johnson**  
Sheriff of Alamance County

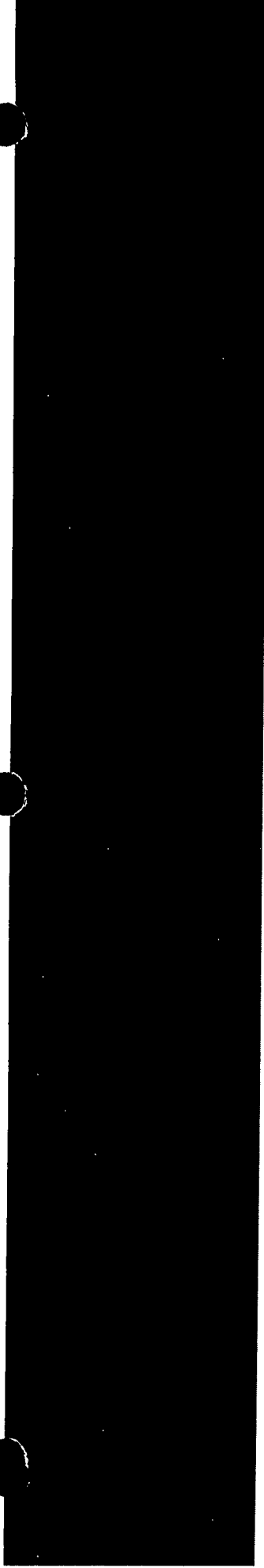


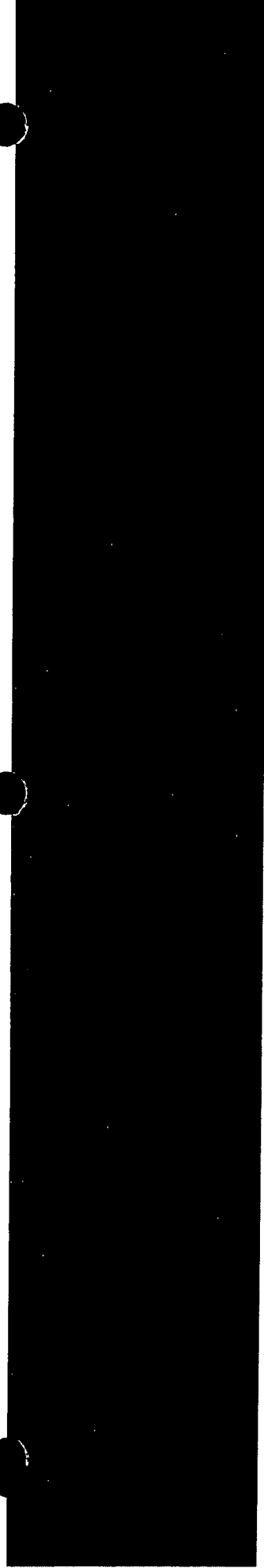
**Samuel S. Page**  
Sheriff of Rockingham County

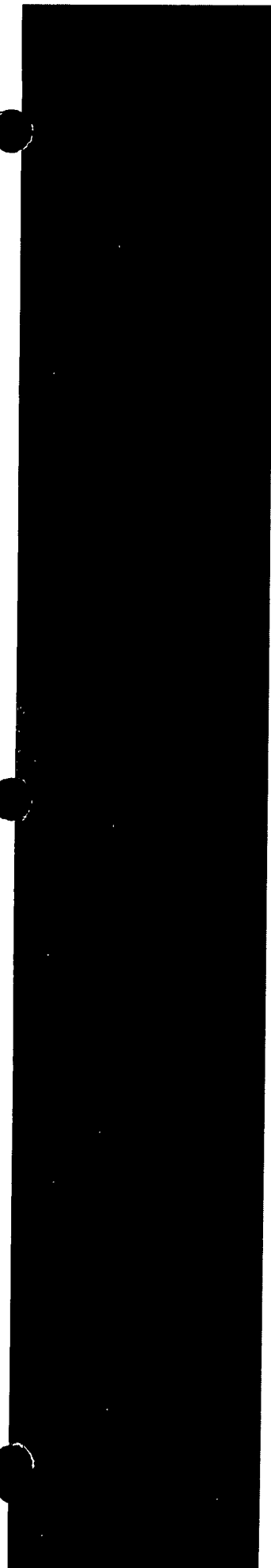
# 287(g) Program Presentation

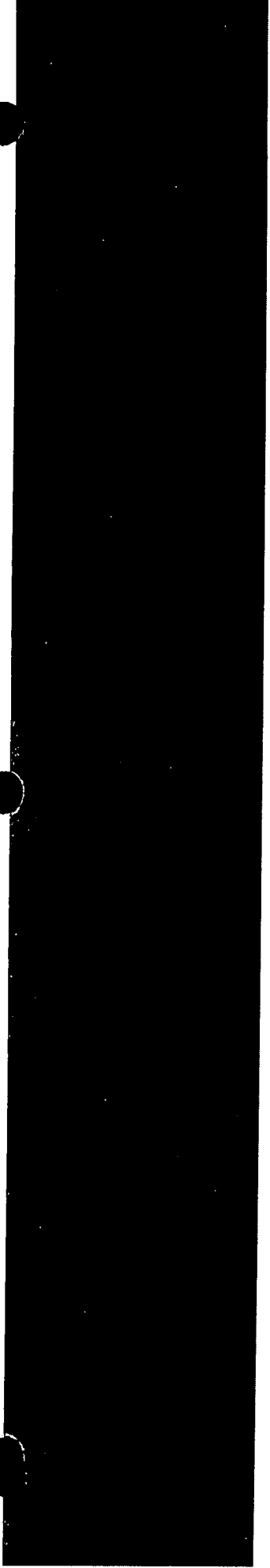



Honorable Sheriff Terry S. Johnson  
Alamance County

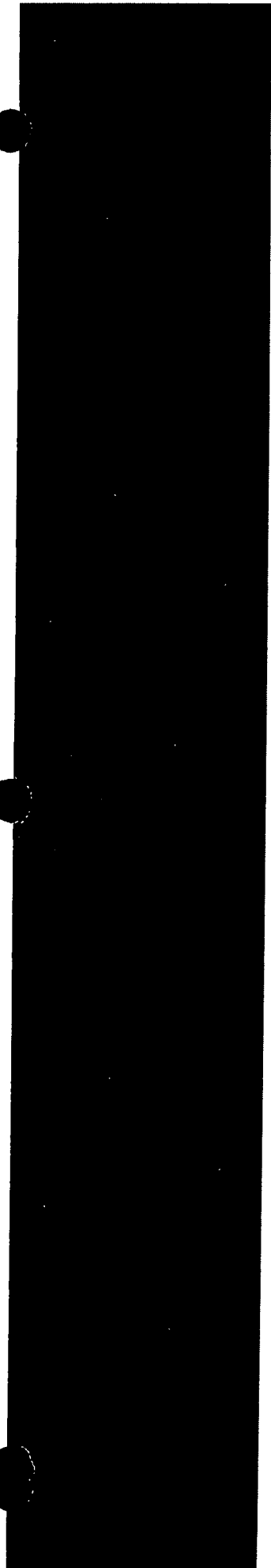
- 
- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. This authorizes the Deputy Director of ICE to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, provided that the local law enforcement officers receive appropriate training and function under the supervision of ICE officers.

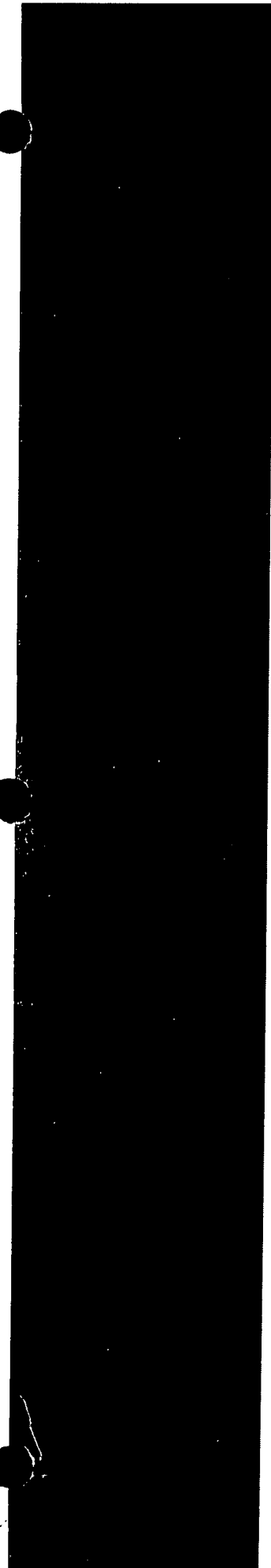
- 
- The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA). The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.
  - There are two types of 287(g) officers:
    - TFO - Task Force Officer
    - JEO - Jail Enforcement Officer (Current Model used by Alamance County S.O.)


- 
- Currently ICE has 287(g) agreements with 69 law enforcement agencies in 24 states. Since January 2006, the 287(g) program is credited with identifying more than 217,300 potentially removable criminal aliens.
  - ICE has trained and certified more than 1,500 state and local officers nationwide.
  - Currently ICE has six (6) 287(g) sites in North Carolina and all 100 counties are participating in Secure Communities.

- 
- It only applies to Criminals who also happen to be illegal aliens.
  - Persons identified by the program “**self select**” by committing a crime and being arrested.
  - Illegal aliens in NC who are not arrested will not be identified through the 287(g) Jail Enforcement Model program in NC.

- 
- A subject is arrested by a local officer on state/local charges and is transported to a detention facility for processing and appearance before a judicial official.
  - While in pre-booking the arresting officer fills out a property sheet; there are two questions on the property sheet: “Where were you born?” and “What country are you a citizen of?”
  - If a subject indicates that he/she is foreign born or a citizen of another country, a 287(g) officer is notified.

- 
- Detention Officers who are *I.C.E.* certified may interview all non-U.S. citizens and nationals brought into the Alamance County jail for criminal process in order to determine status and removability.
  - Interview forms are used which require both the subject's and the officer's signature and the subject's right index fingerprint.

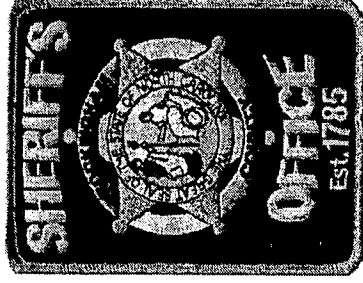
- 
- Subject is interviewed by 287(g) officers to determine alienage and removability.
  - Subject is fingerprinted through IDENT/IAFIS.
  - Checks are made through CIS, NCIC, CJLEADS, and CLAIMS.
  - Subject then served with Notice of Legal Services, Change of Address form, Consular Notification, Notice of Online Detainee System and Notice of Rights.
  - An "A" file is created (if subject has existing "A" file a copy is requested).

- 
- Prepare a Notice to Appear (NTA) or other removal charging documents, such as Notice of Intent to Administratively Remove, or Notice of Intent to Reinstate Removal, or Notice of Intent to Expeditiously Remove.
  - Subject is allowed to make phone calls.
  - The file is reviewed for completeness and approval by on-site I.C.E. supervisor.
  - Subject awaits disposition of state charges.
  - Once state charges are disposed, subject rolls into I.C.E. custody.

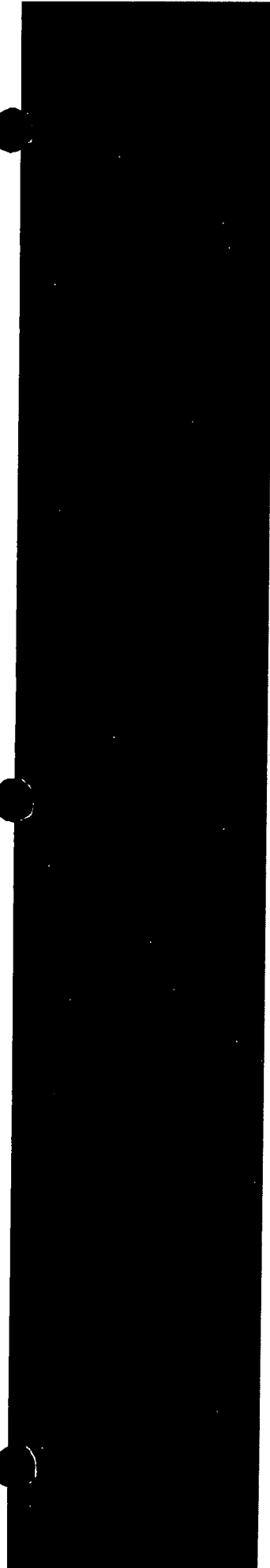
\* If at any point during the process the subject is determined to be a legal resident no further action is necessary by I.C.E.

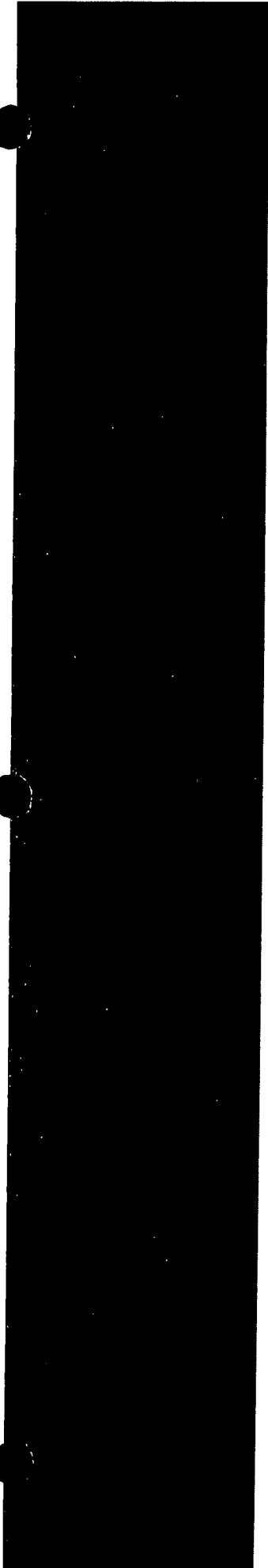
- **Inmates Interviewed:** 2285  
(Number of inmates charged and brought into jail that are non-U.S. born)
- **Inmates Processed for Removal:** 1779  
(Number of inmates placed in removal proceedings)
- **Prior Arrest Record:** 253  
(Number with prior immigration or criminal arrest records)  
*(Statistic not recorded prior to 1/1/2010)*
- **Prior Deportation:** 120  
(Number processed that had been removed and re-entered U.S.)
- **Outstanding Warrant for Removal:** 60  
(Number ordered removed but remained in U.S.)

# Secure Communities Presentation



Honorable Sheriff Sam S. Page  
Rockingham County

- 
- Secure Communities' first goal is to identify all criminal aliens held in jails and prisons.
  - The program relies on the sharing of national and local immigration and law enforcement data through a technology and process called IAFIS/IDENT Interoperability.
    - IAFIS is FBI's fingerprint database.
    - IDENT is Homeland Security's fingerprint database.

- 
- Local officers take fingerprints of all persons booked in the jail and submit them to the FBI and ICE through the SBI.
  - The prints will automatically be checked against IAFIS and IDENT for potential matches
  - Local officers and ICE will be notified of previous convictions and whether the person has an immigration record.
  - Along with the fingerprints, booking information will include whether the person has declared a foreign place of birth.

- If a hit is confirmed with the immigration database, an I.C.E. detainer is placed on subject.
- As of March 15, 2011, all 100 N.C. Sheriffs participate in Secure Communities.

Los Angeles Police Department officers arrested a man for a minor offense – an outstanding warrant. During booking, his fingerprints resulted in an IDENT/IAFIS interoperability match, which automatically notified ICE of his arrest and his immigration history. The man had been removed from the United States four times since a 1992 homicide conviction. He also had several DUI convictions and a conviction for cocaine possession. Because both criminal and immigration biometric systems were checked during booking, ICE was alerted to his arrest, criminal history and prior removals. ICE took him into custody and the U.S. Attorney's Office accepted his case for criminal prosecution.

## Since Secure Communities began in Rockingham County October 2010:

- **58 Criminal Illegal Aliens have been identified.**
- 49 were placed on Federal Detainer.
- 36 were picked up by I.C.E.
- 10 re-offended and were placed **BACK** in the Rockingham County Jail.
- 25 were D.W.I. offenses
- 4 were Assault on a Female charges
- 1 was charged with Attempted Murder

# Consequences and Effects

# Questions?

**Sheriff Terry S. Johnson**  
Alamance County Sheriff's Office  
109 S. Maple St.  
Graham, NC  
336-570-6311  
Terry.Johnson@alamance-nc.com

**Sheriff Sam S. Page**  
Rockingham County Sheriff's Office  
170 NC 65  
Reidsville, N.C.  
336-634-3239  
sheriffpage@gmail.com

ROCKINGHAM COUNTY  
SHERIFF



Sheriff Terry Johnson  
ALAMANCE CO.

Sheriff Sam Page  
ROCKINGHAM CO.

## VISITOR REGISTRATION SHEET

State's Role in Immigration Policy (House Sel. Comm.) 12/7/2011

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BEVERLY LUNG	US CITIZEN NCFIRE TRIAD
Brian Long	Wilmington, NC
Flora Banister	Charlotte N.C.
Angelica M. Gonzalez	Jesus Ministry (Concord N.C.)
Albino Perez	Jesus Ministry Concord N.C.
Juan Lozano	Jesus Ministry Concord N.C.
carlos canales	Jesus Ministry Concord N.C.
Judy Page	Raleigh, NC
Solomon Mendez	Forest City NC
Marta Navarro	Charlotte NC
Norma Almanza	Charlotte N.C.

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NAME	FIRM OR AGENCY AND ADDRESS
Gerardo Almanza	Charlotte, NC
Yovana Esquivel	Charlotte, NC
Cristobal Movel	Charlotte, NC
Israel Santana	Forest City, N.C.
Ivan Mejia	Forest City, N.C.
Marlon Pennington	Charlotte, NC
Jami Albido	Monroe, NC
Gregorio Gonzalez	Concord, NC
Jo Mordini	35 Forest Lane Pinehurs, NC 28374
Judith Pineda Moreno	Charlotte, N.C. 28212
Jose Rico	NC DREAM team

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NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Margaret Smetana	Pinehurst, NC
MIRIAM E. Castillo	Charlotte N.C.
Bruno Castillo	Charlotte, NC
Los Llamas	Raleigh N.C.
Carly Mendez	Macon County.
Dany Escobar	Rutherford, N.C.
Carina Escobara	Rutherford, NC
Reimundo Diaz	Charlotte, NC.
Benita Cortez	Apex, N.C.
GABRIEL REYES	KNIGHTDALE, N.C
SERGIO Hernandez	Fredell NC.

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NAME

FIRM OR AGENCY AND ADDRESS

Mary Kottke	Kernersville, NC
Thomas Kottke	Kernersville, NC
PHILIP BIENVENUE	PITTSBORO, NC
JOHN GORDON	HOUSTON, TX
Chellie Mason	Greensboro, NC
Camille Barden	Pittsboro, NC
Yrene Godinez	Latin Am. Coalition -
Jennifer Epperson	NC DOJ
Dineira Paulino	NC Justice Center
Asana Shirley	Pittsboro, NC
Olivia Dye	Pittsboro, NC

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NAME	FIRM OR AGENCY AND ADDRESS
Ivania C. Hernandez	Iredell, NC
William Lyle	Charlotte, NC
JOHN W. MAYR	CHARLOTTE, NC (GROUP MENTIONED)
Guillaume Melgar	Forest City, NC
LINDA BIENVENUE	Pittsboro, NC
Chris Liu-Beers	NC Council of Churches
Jessica Rocha	NC Justice Center
Lisa Chun	NC Justice Center
Eric Burnette	Witness for Peace Southeast
Paul Mitchell	First Friends, GREENSBORO
Wesley King	Wilmington, NC

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State's Role in Immigration Policy (House Sel. Comm.) 12/7/2011

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Date

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NAME	FIRM OR AGENCY AND ADDRESS
Cindy & Melanie Carvion	Clemmons, NC
Kate Toppini	Orange County, NC
James B. Walden	Tredell N.C.
Andrew Cagle	NC Sheriffs' Assn.
Karen Duquette	Civitas
Susan Myrick	Civitas
John L. Pimm	American Immigration Lawyers Association
Nolo Martinez	Forsyth County
BAponte	NC State PT/HS
Charles Hodges	Copstat
Thomas Rhyne	Wake County

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State's Role in Immigration Policy (House Sel. Comm.) 12/7/2011

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Date

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NAME	FIRM OR AGENCY AND ADDRESS
Constance Hanna	Costa Carolina Taproom Assoc. CCTA
E.A. Timm	TEA PARTY Stokes County
R. Timm	TEA PARTY Stokes County
Walter Emery	Tea Party WSFC
John Cardillo	G. PARENTS <u>LEGAL</u> immigrants from Mexico! TEA PARTY; concerned citizen + that
Mary Ellen Cardillo	3 BILLION DOLLARS SPENT YEARLY ON <u>ILLEGAL</u> IMMIGRATION. Concerned about impact on education.
PAUL GOSWICK (CITIZEN) NC USA	NCFIRE - DURHAM, NC
BOB KENT RV	TEA PARTY FORSYTH COUNTY
Bob Obensham	NSFC TEA PATRIOTS
Dick Linville	WSFC Tea Party
Bohys Hildebrand	Moore Tea Citizens

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Nancy Mayor	3020 Pickett Rd Durham, NC
Maudia Melendez	Jesus Ministry INC 4901 Statesville Rd Charlotte, NC 28269
Ron Cox	Jesus ministry same as above
Hans Lsonartz	Monartz Lao Office + American Immigration Lawyers Assn PO Box 1629, Raleigh, NC 27602-1629
Justin Gross	233 Forest Hill Rd. Chapel Hill, NC 27514
Eduardo Turruabares ?	4901 STATEVILLE RD. CHARLOTTE, N.C. JESUS MINISTRY INC.
Gregory Moss	1401 Allen St Charlotte N.C. H.E.I.P.
Alice Bennett	Helping Empower Local People / St Paul Baptist Church 1401 Allen St Charlott NC
Susanna Davis	Gov. Office
C. MARIA MACON	4901 STATESVILLE, AVE. CHIT. NC JESUS MINISTRY, INC. 28269

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State's Role in Immigration Policy (House Sel. Comm.) 12/7/2011

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Date

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NAME	FIRM OR AGENCY AND ADDRESS
Lynn Childs	<sup>Grown/Panted/</sup> Coastal Carolina Tapestry Association Jones 4914 Cypress Shore Dr New Bern NC 28562
M. Wilson	NC FILE P.O. Box 273 Wade, NC 28395-
Marion Latabox	NC minister 1030 Tebo Rd New Bern NC 28562
M.L. Mingus	2523-C Miller Pk. Cir., W-S, NC 27103
S. Emery	6758 Forest Oak Dr, W-S, NC 27103
Viviana Morel	Viviana Morel 81-21 Brisbin Rd N.C. JESUS MINISTRY 28173
YUMA EULDA MOSQUERA	5305 Wisbech Ct. "JESUS MINISTRY" CHARLOTTE, NC 28215
Julian ALFREY	Julian Alfreu 8904 CITIZENCI RD 8308 POOLE RD. KNIGHTDALE NC 27545 27619
REV. CARLOS CORTIZ	PRIMERA ASAMBLEA DE DIOS

# VISITOR REGISTRATION SHEET

State's Role in Immigration Policy (House Sel. Comm.) 12/7/2011

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Fernando Mendes

Ministries of Jesus

Thomas DeAngelo

unemployed Carpenter

Rogelio Valencia

NC DSS

Megan Nava

North Carolina Council of Churches

Louis Spanard

Willow Spring NC

Sean Holmes

NC School Boards Assn.

Paula Page

NC FARM BUREAU



N.C. General Assembly

### Members' In-State Reimbursement Form

Form: PR008

Administrative Division  
Financial Services Section

This form is used to request for in-state reimbursement for subsistence and travel for Committee, Commission or Other In-State Meetings/Legislative Business by members.

Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Dale Folwell

Total Number of day's subsistence claimed  
(This line **MUST** be completed to be reimbursed)

1

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes

No

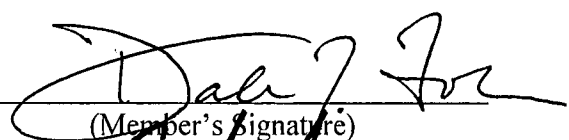
Car Mileage

(Fill out this line if mileage is different than what is certified on file)

\_\_\_\_\_

Number of Round Trips

1

  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

  
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s)

\_\_\_\_\_

Car Mileage claimed for other meeting

Yes

No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy  
(**Complete** Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. George Cleveland

Total Number of day's subsistence claimed 1  
(This line **MUST** be completed to be reimbursed)

Arrived the day prior to meeting day Yes  No   
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage \_\_\_\_\_  
(Fill out this line if mileage is different than what is certified on file)

Number of Round Trips 1

George G. Cleveland  
(Member's Signature)

[Signature]  
(Approval Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s) 0

Car Mileage claimed for other meeting Yes  No

Committee Assistant Name: \_\_\_\_\_ Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Garland Pierce

Total Number of day's subsistence claimed  
(This line **MUST** be completed to be reimbursed)

1

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes

No

Car Mileage

(Fill out this line if mileage is different than what is certified on file)

on file

Number of Round Trips

1

(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s)

\_\_\_\_\_

Car Mileage claimed for other meeting

Yes

No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

**Financial Services Use:**

**Budget to Charge**

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Sarah Stevens

Total Number of day's subsistence claimed 1  
(This line **MUST** be completed to be reimbursed)

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes  No

Car Mileage on file  
(Fill out this line if mileage is different than what is certified on file)

Number of Round Trips 1

*Sarah Stevens*  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

*F. L. L.*  
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:  
\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s) \_\_\_\_\_

Car Mileage claimed for other meeting

Yes  No

Committee Assistant Name: \_\_\_\_\_ Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(**Complete** Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Bert Jones

Total Number of day's subsistence claimed 1  
(This line **MUST** be completed to be reimbursed)

Arrived the day prior to meeting day Yes  No   
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Car Mileage 172  
(Fill out this line if mileage is different than what is certified on file)

Number of Round Trips 1

Bert Jones  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

[Signature]  
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:  
\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s) \_\_\_\_\_

Car Mileage claimed for other meeting Yes  No

Committee Assistant Name: \_\_\_\_\_ Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Edgar Starnes

Total Number of day's subsistence claimed

(This line **MUST** be completed to be reimbursed)

2

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes  No

Car Mileage

(Fill out this line if mileage is different than what is certified on file)

360

Number of Round Trips

1

Edgar V Starnes  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

ML

Edgar V. Starnes  
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

Revenue Laws

Number of day's subsistence claimed for other meeting(s)

2

Car Mileage claimed for other meeting

Yes  No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Frank Iler

Total Number of day's subsistence claimed

(This line **MUST** be completed to be reimbursed)

1

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes

No

Car Mileage

(Fill out this line if mileage is different than what is certified on file)

~~263~~ 366

Number of Round Trips

1

[Handwritten Signature]  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

[Handwritten Signature]  
(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s)

\_\_\_\_\_

Car Mileage claimed for other meeting

Yes

No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

**Financial Services Use:**

**Budget to Charge**

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Harry Warren

Total Number of day's subsistence claimed  
(This line MUST be completed to be reimbursed)

1

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes

No

Car Mileage  
(Fill out this line if mileage is different than what is certified on file)

263

Number of Round Trips

1

(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s)

\_\_\_\_\_

Car Mileage claimed for other meeting

Yes

No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. John Faircloth

Total Number of day's subsistence claimed

(This line MUST be completed to be reimbursed)

1

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

Yes

No

Car Mileage

(Fill out this line if mileage is different than what is certified on file)

182

Number of Round Trips

1

(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

(Approval Signature)

Names of other official legislative or state government meetings attended during this visit:

\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s)

\_\_\_\_\_

Car Mileage claimed for other meeting

Yes

No

Committee Assistant Name: \_\_\_\_\_

Ext.# \_\_\_\_\_



N.C. General Assembly

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Rev: 04/2010

Financial Services Use:

Budget to Charge

House Select Committee on the State's Role in Immigration Policy

(Complete Name of Committee or Commission or Description of Meeting/Business)

Location of Meeting (City): Raleigh, NC

Date(s) of Meeting: 12/07/2011

Member: Rep. Michael Wray

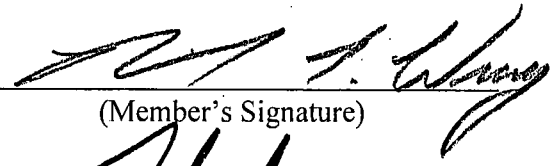
Total Number of day's subsistence claimed 1  
(This line **MUST** be completed to be reimbursed)

Arrived the day prior to meeting day  
(Claim one day for each meeting day you attended. If spending the night prior to the first meeting day, you are entitled to an extra day.)

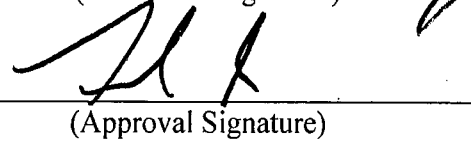
Yes  No

Car Mileage 180  
(Fill out this line if mileage is different than what is certified on file)

Number of Round Trips 1

  
\_\_\_\_\_  
(Member's Signature)

[Must be approved by Chairperson,  
Senate President Pro Tempore or  
House Speaker]

  
\_\_\_\_\_  
(Approval Signature)

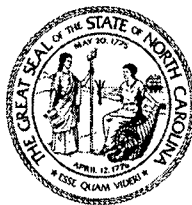
Names of other official legislative or state government meetings attended during this visit:  
\_\_\_\_\_  
\_\_\_\_\_

Number of day's subsistence claimed for other meeting(s) N/A

Car Mileage claimed for other meeting

Yes  No

Committee Assistant Name: \_\_\_\_\_ Ext.# \_\_\_\_\_



**NORTH CAROLINA GENERAL ASSEMBLY**  
Raleigh, North Carolina 27601

**December 29, 2011**

**MEMORANDUM**

**TO:** Members, House Select Committee on the State's Role in Immigration Policy  
**FROM:** Rep. Frank Iler and Rep. Harry Warren  
**SUBJECT:** Meeting Notice

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>ROOM</b>
Wed.	January 25, 2012	1:00	544

Parking for non-legislative members of the committee/commission is available in the visitor parking deck #75 located on Salisbury Street across from the Legislative Office Building. Parking is also available in the parking lot across Jones Street from the State Library/Archives. You can view a map of downtown by visiting <http://www.ncleg.net/graphics/downtownmap.pdf>.

If you are unable to attend or have any questions concerning this meeting, please contact Carla Farmer at 919-301-1450.

cc: Committee Record   
Interested Parties

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN  
IMMIGRATION POLICY**

**AGENDA**

**January 25, 2012**

**1:00 P.M., ROOM 544 Legislative Office Building**

Representative Warren, presiding

**Welcome and Introductions**

Representative Warren, Co-Chair

**Adoption of Committee Budget**

Representative Warren

**Overview of Aliens' Interaction with the Department of Revenue**

- Alan Woodard, Director of Examinations, N.C. Department of Revenue

**Overview of Aliens' Interaction with the Division of Motor Vehicles**

- Michelle Mobley, Immigration Verification Supervisor, Driver Services Section, NC Department of Motor Vehicles

**The Eligibility of Aliens to Receive Benefits Administered by the Department of Health and Human Services**

- Food and Nutrient Services (FNS), Work First and Energy Assistance
  - Dean Simpson, Chief, NC Division of Social Services, Economic and Family Services
- Child Welfare
  - Kevin Kelly Section Chief, Child Welfare Services, Division of Social Services
- Aging and Adult Services
  - Dennis Streets, Director, NC Division of Aging and Adult Services
- Medicaid
  - Shelia Platts, Assistant Director Assistant Director, Recipient and Provider Services, NC Division of Medical Assistance
- Child Care
  - Dr. Deb Cassidy, Director of Division of Child Development Early Education
- Public Health Programs
  - Dr. Kevin Ryan, Section Chief, Women's and Children's Health, Division of Public Health

**Review of Omnibus Immigration Bills Enacted in Other States in 2011 and of the Status of Legal Challenges against Them**

- Committee Staff: Kara McCraw and Ben Stanley

**Committee Discussion**

**Adjournment**



## MINUTES

### House Select Committee on the State's Role in Immigration Policy

Wednesday, January 25, 2012

1:00 PM

Room 544, Legislative Office Building

The House Select Committee on the State's Role in Immigration Policy met on Wednesday, January 25, 2012 at 1:00 p.m. in room 544 of the Legislative Office Building. Representatives Iler, Warren, Brisson, Cleveland, Folwell, Faircloth, Jones, Pierce Stevens, Starnes, and Wray attended.

Representative Warren presided and welcomed the committee members, staff and visitors. The visitor's log is attached to these minutes as Attachment #1. A motion to approve the minutes from the December 7<sup>th</sup> meeting (Attachment #2) was made by Representative Cleveland. The motion carried. Representative Stevens was recognized for a motion to approve the committee budget that was displaced at the previous meeting due to the addition of two new members. The motion carried.

## PRESENTATIONS

### Overview of Tax Compliance Issues

Mr. Alan Woodard, Director of the Examination Division of the NC Department of Revenue (NCDOR) was introduced and began his presentation. (Attachment 3) The intent of his presentation was to give an overview of the areas of noncompliance that have been encountered by the Department as well as the initiatives that have been implemented to address the problems. (See Attachment 3)

Mr. Woodard stated that the Individual Taxpayer Identification Number (ITIN) is issued to any individual who is not eligible to obtain a Social Security number (SSN). You cannot have an ITIN and a SSN number. Many times an employee will fill out withholding paperwork that includes a false SSN and this information is then used by the employer when issuing the W-2 form. The employee uses the ITIN when filing taxes that does not match the SSN reported to the IRS.

Representative Pierce was recognized and asked if there was any way possible to run a Social Security number to determine its authenticity. Mr. Woodard responded that the Social Security Administration has the ability to do this type of research; however, the NCDOR does not have access to this database.

Representative Starnes was recognized and asked if an ITIN filer was eligible for a refundable portion of the earned income tax credit and if there is a penalty for filing a return with a false SSN. Mr. Woodard indicated ITIN filers are not eligible to take advantage of the earned income tax credit and there are no penalties in the revenue regulations for the use of a false SSN number on tax returns.

Representative Starnes was again recognized and asked if the majority of incorrect returns were self-prepared or created by paid tax preparers? Both categories were included in the incorrect returns and Mr. Woodward did not know the percentages. Representative Starnes asked if a certain number of dependents claimed would trigger a review by the NCDOR. Mr. Woodward stated that if an individual claimed nine or ten dependents, they would essentially become non-filers because that claim would exempt them from taxes being withheld.

Representative Stevens was recognized and asked if there was an additional cost involved or was this program normal operation of the office to implement the ITIN initiative? Mr. Woodward responded that five full time employees are assigned to examine returns that fall under this criterion. The cost of these employees was not determined.

Representative Cleveland was recognized and asked if the ITIN filings increased in 2008, 2009 and 2010 since these years were not shown in the data? Mr. Woodward will obtain that information and submit his findings to the Committee. Representative Cleveland asked if someone is identified with a false SSN number and they are traced back to an ITIN, is any other action taken besides the attempt to collect any unpaid taxes. Mr. Woodward stated that once the tax liability is determined, nothing else is done.

Representative Folwell asked if any of our bordering states issue penalties for the falsification of SSN. Mr. Woodward stated that no penalties are issued in the revenue regulations. The new legislation that took effect on January 1, 2010 was implemented to insure that four percent was withheld from all ITIN contractors. The new law has only changed the behavior of individuals who intend to defraud the tax department. To deter this, a withholding requirement on all 1099 miscellaneous non-wage compensation would be helpful.

Representative Faircloth was recognized and inquired if the NCDOR is making any effort to identify cash payment industries and the impact of cash payments to the state. There are auditors that investigate these claims and help determine the payments made to cash employees. Mr. Woodward did not have any statistical information regarding the impact of cash payments without withholding taxes to our State.

Representative Starnes was recognized and asked when the ITIN is received and coupled with a false SSN, is the employer notified that the employee has used a false SSN to insure the 4% withholding in the future? The DOR is not allowed to notify the employer of false SSN. The NC 4 is corrected and sent back to the employer. Representative Starnes followed up by asking if the statutes prohibit the NCDOR from notifying the employer that the employee is using a false SSN. Staff will get back to the committee with an answer.

Representative Folwell was recognized and asked if there was any way to determine if individuals are receiving unemployment or workman's compensation benefits while working as a cash paid employee? Mr. Woodward indicated that the answer was no. Is there any way to determine if the companies that are receiving State contract money are following the rules and procedures in place for insuring the employees are paying taxes? Mr. Woodward stated the NCDOR does receive information on companies that are awarded contracts by the state and any potential compliance issues are investigated.

### **North Carolina DMV Identification Requirements and Verification of Lawful Status in the US**

Representative Warren introduced Michelle Mobley, Immigration Verification Supervisor, Driver Services Section, NC Department of Motor Vehicles. Ms. Mobley provided and followed a PowerPoint Presentation, Attachment #4.

Representative Cleveland was recognized and asked how many valid drivers' license are in circulation that do not have Social Security numbers. This information will be provided to the committee at a later date.

Representative Jones was recognized and asked if our laws regarding the proof of legal presence are in line with other states in comparison. NC has partnered with Indiana and other states for document verification. Representative Jones requested information on what other states are doing, and Ms. Mobley indicated that the information would be provided to the committee.

Representative Pierce was recognized and asked if we have a record of the number of accidents for individuals that do not have a valid driver's license. Ms. Mobley indicated that the Traffic Records section may be able to break down the statistics.

## **The Eligibility of Aliens to Receive Benefits Administered by the Department of Health and Human Services**

### **Food and Nutrient Services, Work First and Energy Assistance**

Representative Warren introduced Dean Simpson, Chief, NC Division of Social Services, Economic and Family Services. Ms. Simpson followed a PowerPoint presentation that is Attachment #5.

Representative Cleveland was recognized and asked if DSS can monitor what the recipient is doing with the EBT debit cards that are issued. Ms. Simpson responded that only certain items can be purchased with the EBT card but the purchases are not monitored. If a card is lost or stolen, once the replacement card is issued, the original card is invalid.

Representative Folwell was recognized and asked if Ms. Simpson had the opportunity to go to a DSS office and sit in the lobby and witness the process. Representative Folwell explained his concern regarding "coyotes" bringing individuals into the office and walking them through the process in an effort to receive a portion of the collected benefits. Representative Folwell asked for a statistical percentage of the applicants that do not meet the requirements. Ms. Simpson agreed to provide that information at a later date.

### **Child Welfare**

Representative Warren introduced Mr. Kevin Kelly, Section Chief, Child Welfare Services, and Division of Social Services. Mr. Kelly provided a one page handout that is Attachment #6.

Representative Folwell was recognized and asked why the number of unqualified aliens is unknown and why is this information not captured. Mr. Kelly indicated that the information systems are limited in the ability to capture this information. The information systems used today are based on what the federal government requires our state to report to them so the database is not programed to do so.

### **Aging and Adult Services**

Representative Warren introduced Mr. Dennis Street, Director, NC Division of Aging and Adult Services. Mr. Street provided and followed Attachment #7.

Representative Iler was recognized to inquire about regular notification and updating to each of the DSS boards in our State so they have the most recent information on the programs provided and the eligibility requirements. Mr. Street stated that training is provided regularly for adult protective services and for guardianship as well as other areas.

Representative Warren asked if information was available online and by county regarding the number of people that are being served by Adult Protective Services (APS) and Guardianship Services and if these people are documented or not. Mr. Streets will provide the number of persons served by APS by county and statewide. In

December there were approximately 3,300 wards and most of those, more than 80 percent, were with the county social services.

### **Medicaid/Health Choice Policy Undocumented Immigrants**

Representative Warren introduced Ms. McClanahan who filled in for Ms. Sheila Platts, Assistant Director for Recipients and Provider Services, Division of Medical Assistance. Ms. McClanahan spoke from a PowerPoint presentation titled Medicaid/Health Choice Policy Undocumented Immigrant, provided by Ms. Platts. (Attachment #7)

Representative Folwell was recognized and requested an analysis of people who go to the emergency rooms in NC and the propensity of those visits to be classified as an emergency versus our border states and also the propensity of the people who come into the emergency room that are admitted versus being released after emergency care for Medicaid recipients.

Representative Jones was recognized and asked if the committee could receive information from Medicaid with the numbers from GA, SC and AL to compare to our statistics.

Representative Pierce was recognized and asked if prenatal care was included in the labor and delivery benefit. Ms. McClanahan indicated it was not if the individual was undocumented.

### **The Child Care Subsidy Program and the NC Pre-K Program**

Representative Warren introduced Dr. Deborah Cassidy, Director of the Division of Child Development Early Education. Dr. Cassidy provided a short PowerPoint presentation. (Attachment #8) Representative Cleveland was recognized and asked how many non-citizen families are currently being served. Dr. Cassidy did not have the numbers but will obtain that information for committee members. Representative Cleveland asked who decided the NC Pre-K Program was an educational program that fell under the Supreme Court ruling. The program was transferred from the Department of Public Instruction last summer to the Division of Child Development and Early Education in DHHS.

Representative Faircloth was recognized and asked about the term "US Citizen" and how it was used in the slide presentation and if the person was here illegally, were they still entitled to the benefits. Dr. Cassidy responded that the answer was yes.

### **Public Health Programs**

Representative Warren introduced Dr. Kevin Ryan, Section Chief, Women's and Children's Health, Division of Public Health. Dr. Ryan's presentation included a one page handout. (Attachment #9) Dr. Ryan read directly from his handout and no questions were asked.

### **Overview of 2011 State Enacted Immigration Legislation and Court Challenges**

Representative Warren introduced Kara McCraw, Staff Attorney, Research Division of the North Carolina General Assembly, to discuss enacted legislation. (Attachment #10)

According to the National Council of State Legislatures (NCSL), in 2011 there were approximately 1600 bills and resolutions relating to immigration introduced in the 50 states. As of December, almost 200 new laws relating to immigration had been enacted. Due the large number of bills, the chart focuses on the five states that enacted omnibus legislation, packages that addressed immigration in a various number of ways. Those five

states were Alabama, Georgia, Indiana, South Carolina and Utah. Arizona was included from 2010 because their litigation has proceeded the furthest of any state that is currently facing challenges with the omnibus legislation. Of the six states covered in the chart, all have had lawsuits brought by private plaintiffs challenging all or part of the omnibus Act. Four of the six, (Arizona, Alabama, South Carolina and Utah) have also had challenges to part of the law filed by the federal government. None of the cases are final and injunctions have been issued, but those are not the final ruling of the court. The standard that courts use to issue a preliminary injunction is a three part test:

- 1.) Whether the party seeking the injunction is likely to succeed on the merits of the case.
- 2.) Whether the party will suffer irreparable harm without the relief.
- 3.) Balance of the equity in public interests, whether those things favor granting an injunction.

The Supreme Court has ruled on the issue of Arizona's E-Verify provision, but many of the other issues related to federal law and federal sovereignty over the issue of immigration and state law are still unclear. Cases are still in the process of being filed even as late as December of last year. South Carolina stayed their case pending the US Supreme Court ruling in the Arizona case.

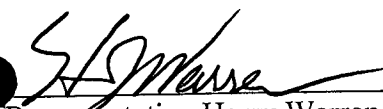
Arizona enacted their law in 2010 and there was a grant of a preliminary injunction for 4 of the provisions by the District court. That was appealed up to the 9<sup>th</sup> Circuit and the 9<sup>th</sup> Circuit affirmed the decision and that is now in front of the US Supreme Court. The Supreme Court has not set the oral arguments for the case, but the estimated date is most likely April or May with an opinion issued by the end of June.

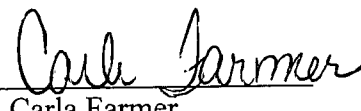
Representative Iler was recognized and asked if any laws have been passed by other states regarding the prohibition of sanctuary cities? Also, with regards to the 287(g) program the words "encouraging and authorizing" were used instead of "requiring" Sheriff's to use the 287(g) program. Committee staff, Ms. McCraw and Mr. Stanley, responded that Georgia had the most information about the 287(g) program and they were creating state level immigration enforcement and wanted a state level 287(g) agreement. Georgia was also creating a grant program to provide funding to local governments to assist with the 287(g) program, but this participation was not a requirement. Many states enacted laws that prohibit restricting federal immigration law enforcement to less than the full extent possible and that would include within its sanctuary policies. There were provisions in some states that would allow offending agencies to be fined up to \$5,000.00 as well as be denied state funds until they were in compliance.

Representative Starnes was recognized and asked about the timeline for cases in the Court of Appeals. Committee staff responded that there is no standard timeline, but the hope is the opinion will be released before June and that will resolve many of the issues in question at this time.

Representative Cleveland was recognized for a comment regarding a discussion he had with a supporter of illegal aliens. This person stated that only individuals that were caught for driving offenses, misdemeanors and minor violators were the majority of incarcerated aliens. Representative Cleveland provided a list from the Department of Corrections that included a list of alien offenses, number of alien offenders and the crimes committed. The information was given to committee members and is Attachment 11.

The meeting adjourned at 3:28 pm to reconvene on February 29, 2012 at 1:00.

  
Representative Harry Warren  
Chairman

  
Carla Farmer  
Committee Assistant

# FOOD AND NUTRITION SERVICES DENIALS FOR SFY2011

SFY	FSIS Case Count Distinct	Action Code	Action Code Description
2011	1,079	01	Out of county
2011	427	02	Out of state
2011	204	04	Excess resources (Not related to a vehicle)
2011	1,966	05	Excess net income at time of application, recert, or change within the cert period
2011	3,002	06	Ineligible due to FSU composition definition
2011	18	10	Refusal to cooperate other than with QC Review
2011	4,937	11	Request withdrawal prior to certification
2011	252	12	Institutionalized/Incarcerated
2011	699	13	Unable to locate client for interview
2011	2,869	16	Application opened in error
2011	3	17	Change in State law or agency policy
2011	1	22	Transfer of resources with intent to become eligible
2011	40	24	Death
2011	2,879	26	Other
2011	29	27	The principal wage earner voluntarily quit
2011	5,075	28	Ineligible student
2011	38,088	36	Denied at 30 calendar days from date of application because required info is not provided
2011	10	37	Denied at 60 calendar days from the date of application because the case file is not complete enough for any eligibility decision, county delay
2011	8,100	38	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU MISSED YOUR SCHEDULED INTERVIEW APPOINTMENT AND IT HAS BEEN 30 CALENDAR DAYS FROM YOUR DATE OF APPLICATION.
2011	62	39	Denied at 60 calendar days from the date of application because the FSU does not provide required information
2011	3	46	Request application withdrawal prior to certification rather than comply with IEVS requirement
2011	209	49	Principal wage earner failed/refused to comply with E&T requirements
2011	1,874	51	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE OF A CLASS H OR I CONTROLLED SUBSTANCE FELONY CONVICTION IN N.C.
2011	2,510	52	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU ARE PERMANENTLY DISQUALIFIED DUE TO A CONTROLLED SUBSTANCE FELONY.
2011	4,647	53	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU ARE CURRENTLY RECEIVING FOOD STAMP BENEFITS ON ANOTHER CASE.
2011	536	54	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU DO NOT MEET THE U.S. CITIZENSHIP REQUIREMENTS.
2011	11,939	55	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU FAILED TO PROVIDE VERIFICATION OF INCOME.
2011	1,317	56	YOUR APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU FAILED TO PROVIDE INFORMATION FOR A LATE RECERTIFICATION.
2011	267	58	Unknown
2011	10	65	YOUR SNAP APPLICATION HAS NOT BEEN APPROVED BECAUSE YOU ARE NO LONGER RECEIVING SSI.
2011	4	71	All food stamp members are ineligible ABAWD's
<b>TOTAL</b>	<b>93,056</b>		

## Agency Answers to Committee Questions Raised at the January 25 Meeting

### Department of Health and Human Services

**WHAT PERCENTAGE OF APPLICATIONS FOR BENEFITS APPLIED FOR THROUGH DSS WERE DENIED FOR CERTAIN CODES DURING THE LAST TEN YEARS. AS A PRELIMINARY STEP TOWARDS ACQUIRING THIS INFORMATION, WHAT ARE THE DIFFERENT CODES?**

[In the attached Excel spreadsheet] is the denial information on Food and Nutrition Services for SFY 2005-2011 on undocumented immigrants. We only have data for the past 7 years.

**HOW MANY PEOPLE ARE SERVED BY ADULT PROTECTIVE SERVICES IN EACH COUNTY? OF THESE, TO THE EXTENT THAT YOU CAN DETERMINE THE IMMIGRATION STATUS OF PERSONS SERVED, HOW MANY OF THOSE SERVED ARE UNDOCUMENTED ALIENS?**

[Below] is a spreadsheet with information on Adult Protective Services reports received by county departments of social services for SFY 2011. We have also included data by county on the Public Guardianships managed by county DSSs. We cannot determine the immigration status of persons served for either of these two services as I explained in my presentation to the Committee:

- **Adult Protective Services (APS)** – Limited to screening and evaluation – APS can provide limited assistance to elderly persons or persons with a disability who are reportedly abused, neglected or exploited. Undocumented immigrants are eligible for screening and evaluation of reports of abuse, neglect and exploitation since the county DSS is considered the same as a first responder. If the DSS substantiates a need for APS, no federal, state, or county resources can be used to provide protective services. Efforts are made to refer to religious or charitable organizations. Funds used for APS screening and evaluation of undocumented immigrants are not tracked separately from funds used to provide APS. Administrative Letter 03-2002 – developed in collaboration with the NC Attorney General’s Office and the UNC School of Government - describes the exception to citizenship status for the purposes of responding to reports of abuse, neglect and exploitation at: [http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps\\_032002.pdf](http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps_032002.pdf) Citizenship status is not verified by APS or guardianship specifically; it normally comes to their attention from other programs required to verify citizenship (e.g., Medicaid) or the referral source (e.g., an acute care hospital).
- **Guardianship** – local DSS’ may be appointed guardians, but no publicly funded services may be provided to the ward. When adults have been adjudicated incompetent by the Clerk of Court, directors or assistant directors of county departments of social services may be appointed to serve as guardians. However, no publicly funded services can be provided for a ward who is an undocumented immigrant. Administrative Letter 03-2002 describes how county DSS’s should handle guardianship for undocumented immigrants: [http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps\\_032002.pdf](http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps_032002.pdf)

County	* APS Reports Received 2011	** DSS as Guardian
Alamance	312	55
Alexander	103	2
Alleghany	51	8
Anson	49	3
Ashe	91	25
Avery	2	4
Beaufort	216	19
Bertie	27	3
Bladen	68	24
Brunswick	215	9
Buncombe	1,230	2
Burke	172	37
Cabarrus	336	33
Caldwell	487	34
Camden	7	3
Carteret	211	43
Caswell	76	16
Catawba	299	50
Chatham	60	22
Cherokee	96	28
Chowan	49	4
Clay	33	1
Cleveland	733	16
Columbus	190	12
Craven	156	22
Cumberland	428	59
Currituck	26	8
Dare	109	15
Davidson	305	48
Davie	95	14
Duplin	125	5
Durham	653	70
Edgecombe	65	11
Forsyth	655	134
Franklin	66	11
Gaston	691	46
Gates	35	1
Graham	47	5
Granville	44	13
Greene	49	8
Guilford	388	199
Halifax	26	8
Harnett	143	22
Haywood	122	28
Henderson	300	28

County	* APS Reports Received 2011	** DSS as Guardian
Johnston	239	12
Jones	13	0
Lee	73	21
Lenior	140	9
Lincoln	130	18
Macon	89	2
Madison	86	7
Martin	86	9
McDowell	116	32
Mecklenburg	1,869	310
Mitchell	10	16
Montgomery	63	12
Moore	168	24
Nash	48	11
New Hanover	787	64
Northampton	22	8
Onslow	288	36
Orange	51	17
Pamlico	11	3
Pasquotank	58	30
Pender	133	14
Perquimans	36	6
Person	125	10
Pitt	243	43
Polk	59	4
Randolph	317	24
Richmond	67	5
Robeson	380	17
Rockingham	228	49
Rowan	310	54
Rutherford	234	14
Sampson	97	20
Scotland	46	20
Stanley	113	8
Stokes	104	26
Surry	95	28
Swain	97	14
Transylvania	77	10
Tyrrell	10	3
Union	93	22
Vance	57	4
Wake	1,177	387
Warren	55	9
Washington	20	5
Watauga	82	9

Hertford	31	11
Hoke	98	14
Hyde	11	1
Iredell	303	18
Jackson	162	22

Wayne	315	45
Wilkes	192	22
Wilson	103	22
Yadkin	65	27
Yancey	30	7
<b>Totals</b>	<b>19,553</b>	<b>1,274</b>

Data Source:

\*APS Survey

2011

\*\*CSDW Summary of Wards as of 2/1/2012

**HOW MANY PEOPLE PRESENT THEMSELVES AT EMERGENCY ROOMS ANNUALLY AND WHAT PERCENTAGE OF THEM HAVE CONDITIONS THAT ARE DETERMINED TO CONSTITUTE AN EMERGENCY? HOW DOES THIS PERCENTAGE COMPARE WITH STATES THAT BORDER NORTH CAROLINA?**

We don't know if undocumented aliens are seen at doctor's offices or elsewhere and then referred to emergency rooms. We can get data on the undocumented (or aliens within the 5 year bar) who are approved for emergency Medicaid and the claims paid for the days they are authorized. It is important that the Committee understands that we do not cover undocumented aliens for all visits to the emergency room. As shown in our slides, there has to be a medical determination of a condition that meets the definition of life-threatening or putting their health in serious jeopardy in order for Medicaid to cover the services. That determination is made by our contractor who reviews medical records submitted (mostly by hospitals).

The vast majority of emergency room visits do not meet that requirement. Conditions such as broken limbs, flu, etc. do not meet the requirements. Also, just because they are admitted to the hospital does not mean they have a condition that meets the definition for Medicaid eligibility. If we could cover all those, the numbers of individuals served would be much, much higher.

**WHAT PERCENTAGE OF UNDOCUMENTED ALIENS WHO PRESENT THEMSELVES TO NON-EMERGENCY ADMISSIONS ARE THEN REFERRED TO THE EMERGENCY ROOM?**

We don't know if undocumented aliens are seen at doctor's offices or elsewhere and then referred to emergency rooms. We can get data on the undocumented (or aliens within the 5 year bar) who are approved for emergency Medicaid and the claims paid for the days they are authorized. It is important that the Committee understands that we do not cover undocumented aliens for all visits to the emergency room. As shown in our slides, there has to be a medical determination of a condition that meets the definition of life-threatening or putting their health in serious jeopardy in order for Medicaid to cover the services. That determination is made by our contractor who reviews medical records submitted (mostly by hospitals).

The vast majority of emergency room visits do not meet that requirement. Conditions such as broken limbs, flu, etc. do not meet the requirements. Also, just because they are admitted to the hospital does not mean they have a condition that meets the definition for Medicaid eligibility. If we could cover all those, the numbers of individuals served would be much, much higher.

**HOW MANY UNDOCUMENTED ALIENS RECEIVE BENEFITS FROM THE NC PRE-K PROGRAM?**

The NC Pre-Kindergarten program is currently serving 267 children that are recorded in our database as a "no" answer to the following question:

6. Is Child a U.S. Citizen? Choose Yes if you know child is a U.S. Citizen; otherwise, choose No/Do not know.

**HOW MANY UNDOCUMENTED ALIENS RECEIVE EMERGENCY CARE THROUGH MEDICAID IN GEORGIA, ALABAMA, AND SOUTH CAROLINA?**

Information for [this question] is not readily available that staff knows of, they have looked at several web sites and cannot locate anything.

Department of Revenue

**HOW MANY ITIN RETURNS HAVE BEEN FILED IN THE YEARS SINCE 2007? ALSO, HOW MUCH IS BEING PAID IN REFUNDS TO ITIN HOLDERS DURING THIS PERIOD?**

Tax Year	Number of returns filed with ITINs	Number of ITIN returns requesting refunds	Total Amount of refunds originally requested	ITIN returns reviewed as part of ITIN initiative	Amount of original returns reduced or assessed add'l tax	Total amount of refunds after adjustments
2008	117,735	97,021	\$38,278,693	4,042	\$4,350,354	\$33,928,339
2009	123,230	104,218	\$35,133,442	8,750	\$6,847,761	\$28,285,681
2010	104,640	89,029	\$35,620,309	5,993	\$5,759,598	\$29,860,711
<b>Totals</b>	<b>345,605</b>	<b>290,268</b>	<b>\$109,032,444</b>	<b>18,785</b>	<b>\$16,957,713</b>	<b>\$92,074,731</b>

**WHAT PROHIBITS DOR FROM NOTIFYING EMPLOYERS WHEN IT DISCOVERS FALSE SOCIAL SECURITY NUMBERS?**

The answer to follow up question #2 is G.S. 105-259; Secrecy required of offices; prohibits disclosure of tax information.

Division of Motor Vehicles

**HOW MANY VALID DRIVERS LICENSES DON'T HAVE SOCIAL SECURITY NUMBERS ASSOCIATED WITH THEM?**

There are currently 7,558 special identification cards, 1,324 learner permits and 29,055 driver licenses issued without a social security number on the DMV record. These issuances do not have social security number on the record, because at the time of application the customer had not been assigned a social security number. If and when the customer is assigned a number, they must provide the Division with proof of that number and it will be added to the DMV record. All of the issuances are valid, not expired.

**WHAT IS BEING DONE IN OTHER STATES TO STRENGTHEN DRIVERS LICENSE ELIGIBILITY VERIFICATION PROCEDURES? IN OTHER WORDS, IS THERE ANYTHING NORTH CAROLINA COULD DO TO IMPROVE THE STRENGTH OF OUR ELIGIBILITY VERIFICATION PROCEDURES?**

- To address the growing concern of fraudulent documents the National Highway Traffic Safety Administration (NHTSA) and the American Association of Motor Vehicle Administrators (AAMVA) developed a Fraudulent Identification Prevention Program (FIPP).
- In the spring of 2002, AAMVA created a Fraudulent Document Recognition (FDR) Model Training Program to provide state DMVs training to optimize detection of fraudulent documents.
- Since the inception of FDR, 92% of State DMVs have downloaded the FDR courseware.
- Fraudulent Document Recognition Training is a REAL ID requirement.
- To date, all NCDMV driver license examiners have received FDRT.
- FDRT is included in driver license basic training for new hires.
- To address the concern of undocumented immigrants, as of 03/2011, 32 State DMVs have implemented some level of legal presence requirements or has local laws that require applicants to provide proof of legal presence.



# **TAX COMPLIANCE ISSUES**

**Presentation to the House Select Committee**

**Alan Woodard  
Director, Examination Division**

**January 25, 2012**

## **OVERVIEW**

- **What is an ITIN?**
- **Identification of Taxpayer non-compliance**
- **Areas of non-compliance**
- **ITIN filing statistics**
- **NCDOR compliance initiatives**

# WHAT IS AN ITIN?

- Individual Taxpayer Identification Number
- Issued to any individual with a U.S. tax filing requirement
- Ineligible to obtain a Social Security Number
- ITIN does not authorize work in the U.S.
- Is not valid for employment purposes
- Begins with a 9 and the fourth digit is a 7 or 8
- ITIN's issued after April 2011 the fourth digit may also include a 9

The Internal Revenue Service (IRS) advises "generally, you can get a social security number if you have been lawfully admitted to the United States for permanent residence or under other immigration categories that authorize U.S. employment"

# **IDENTIFICATION OF TAXPAYER NON-COMPLIANCE**

- **Worker employed under a false social security number (SSN)**
- **Issued an ITIN for tax filing purposes**
- **Employer issues W-2 using the SSN**
- **Worker files tax return using ITIN**

# **AREAS OF NONCOMPLIANCE**

- **Non-filers**
- **Incorrect filing status**
- **Non-qualifying dependents**
- **False documents**
- **Excessive credits**
- **Incorrect NC-4**

# ITIN FILING STATISTICS

<u>Tax</u> <u>Years</u>	Number of returns filed <u>with ITIN</u>	Number of refunds <u>issued to ITINs</u>	Total amount of refunds <u>issued to ITINs</u>
2005	69,080	53,423	\$ 14,103,315
2006	75,754	59,494	\$ 23,464,512
2007	<u>84,030</u>	<u>68,973</u>	<u>\$ 26,063,564</u>
<b>Totals</b>	<u>228,864</u>	<u>181,890</u>	<u>\$ 63,631,391</u>

## **ITIN COMPLIANCE INITIATIVE**

- **ITIN compliance initiative commenced 2004; modified for the year 2008**
- **Request documentation prior to processing return**
- **Determine proper refund/additional tax liability**
- **Release correct refund amount to taxpayer**
- **Assess any additional tax liability properly due**
- **Minimize collection resources & uncollectible accounts receivable**

# INFORMATION DOCUMENT REQUEST

- Request for additional information to process the tax return
  - ✓ Copy of W-2
  - ✓ Relationship to dependents
  - ✓ Physical address of dependents
  - ✓ Birth certificates for all dependents claimed on the return
  - ✓ Copy of SSN card and/or ITIN assignment notice
  - ✓ Documentation to substantiate support of dependents
  - ✓ Divorce decree or custody agreement
  - ✓ Wire transfers
  - ✓ Copy of Marriage Certificate
- Review documentation
- Adjust return to reflect proper filing status and dependents
- Issue proper refund or assessment for additional tax liability

# MEASURE OF NON-COMPLIANCE

## Tax Savings as a result of the ITIN initiative:

- 2008 tax year
  - 4,042 tax returns reviewed
  - \$4,350,354 tax savings
  - 93% of returns reviewed were adjusted
  
- 2009 Tax year
  - 8,750 tax returns reviewed
  - \$6,847,761 tax savings
  - Broadened selection criteria
  - 77% of returns reviewed were adjusted
  
- 2010 Tax year
  - 5,993 tax returns reviewed
  - \$5,759,598 tax savings
  - 85% of returns reviewed were adjusted

**ITIN HOLDERS RECEIVING MISCELLANEOUS/NON-WAGE  
INCOME (1099 MISC)**

- **Non-filers**
- **Cash transactions**
- **Underreported income**
- **Overstatement of expenses**
- **False identification documents**
- **Locating income earner**
- **Change name and identification documents**

# LEGISLATION

- ▣ **G.S. 105-163.3 effective January 1, 2010**
- ▣ **4% withholding on compensation paid to ITIN contractors**
- ▣ **\$1,500 non-wage compensation threshold**
- ▣ **Annual Statement to ITIN holder of amount withheld**
- ▣ **Payers must register for withholding tax payments**
- ▣ **Withholding payments made by payer directly to the Department**

# CURRENT COMPLIANCE ISSUE

- Assessments for failure to properly withhold 4%
  - Period June 1, 2010 through December 31, 2011
    - 278 cases
    - \$2,190,262
- **Emerging issue:**
  - Independent contractors (with ITIN) are providing false Federal Employer Identification Number (FEIN)
  - Providing false SSN

## **CLAIMING EXEMPTIONS**

- ▣ **You may generally claim one exemption for yourself and one exemption for your spouse if filing a Married Filing Joint return**
- ▣ **You may claim one exemption for each person you can claim as a dependent**
- ▣ **The term “dependent” means**
  - **A qualifying child, or**
  - **A qualifying relative**

# DEPENDENTS

You can claim an exemption for a qualifying child or relative only following three tests are met:

- ✓ Dependent Taxpayer Test
  - If you could be claimed as a dependent, you may not claim anyone else as a dependent, if you have a qualifying child or relative

- ✓ Joint Return Test
  - You generally may not claim a married person as a dependent if he or she files a joint tax return

- ✓ Citizen or Resident Test
  - You may not claim a person as a dependent unless that person is a U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada or Mexico

## **QUALIFYING CHILD**

There are five tests that must be met for a child to be your qualifying child

**Relationship**

**Age**

**Residency**

**Support**

**Joint return**

## QUALIFYING RELATIVE

There are four tests that must be met for a person to be your qualifying relative:

- **Not a qualifying child**
- **Member of household or relationship test**
- **Gross income**
- **Support**

# NCDOR COMPLIANCE INITIATIVE

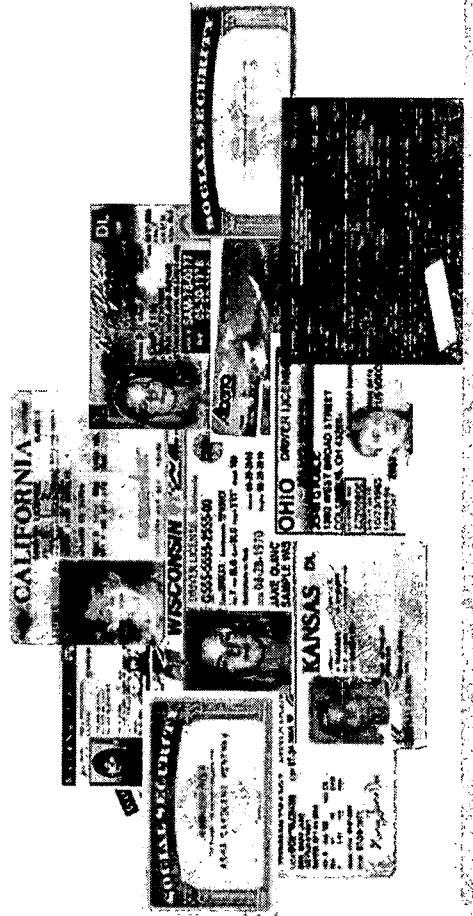
Additional initiatives that address  
filing status and dependent issues

- Refund fraud identification
- SSN initiative
- Fraudulent Return Preparers
- IRMF
- NC-3
- Amended returns
- Schedule A
- Schedule C

# NORTH CAROLINA DMV

## Identification Requirements and Verification of Lawful Status in the U.S.

Wednesday, January 25, 2012



## Step 1 – Documents Required as Proof of Identification to receive a DL/ID

At this time customers whose identity has not been established with a DL/ID must provide 2 forms of identification

- Driver License or State Issued Identification Card from another state, Puerto Rico, a U.S. territory, or a Canadian province
- Certified Birth Certificate issued by a government agency in the U.S., Puerto Rico, a U.S. territory, or Canada
- Social Security Card
- Official North Carolina School Transcripts
- Unexpired U.S. Military Identification
- Valid, unexpired passport from any nation
- Certified copy of marriage certificate from a Register of Deeds or appropriate government agency in the U.S., Puerto Rico, U.S. territory or Canada
- Valid, unexpired documents issued by the U.S. Bureau of Immigration Services
- Court documents from U.S. jurisdictions, Puerto Rico, U.S. territories or Canada

## Identity Document Requirements

One of the documents must have the person's date of birth

The examiner may hold documents for a brief period of time to verify authenticity

Name must be the same on both documents

- Exception – Name change by marriage or divorce



## Identity Documents Acceptable for Duplicate and Renewal

An examiner may issue a duplicate or a renewal DL/ID if the customer provides at least two forms of identification that displays the same name

In lieu of two forms of identification, a customer may present an expired or unexpired NC driver license, learner's permit, or ID card that displays a photo

Or the customer may go online and request a duplicate DL/ID providing the customer enters all required information online as DMV has on file for the customer.

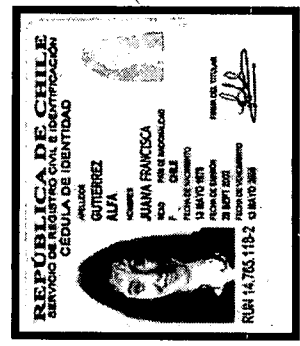
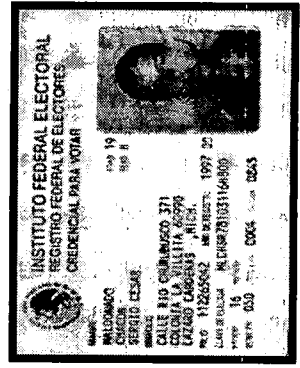
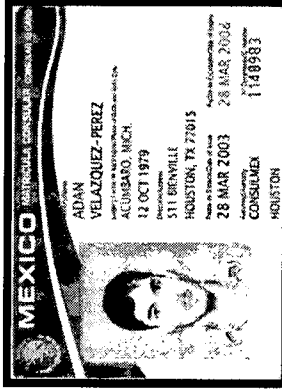
# Customer Photo History

Examiners must review a customer's DMV photo file to further verify the customer's identity. This is to ensure that only one identity exist on a customer's record.

The screenshot shows the NCDMV Face Explorer Image Query website. At the top left is the logo for the State of North Carolina Department of Transportation, with the text "Welcome to NCDOT". To the right is the title "NCDMV Face Explorer Image Query". Below this is a heading "Accessing DMV Customer Information". The main content area contains a login form with fields for "User ID" and "Password", and buttons for "Login" and "Reset". A small map of North Carolina is visible to the right of the heading. At the bottom, there is a disclaimer: "North Carolina General Statute 20-41(a). All records of the Division, other than those specified by law to be confidential for the use of the Division, shall be open to public inspection during office hours in accordance with G.S. 20-41. A photographic image or signature recorded in any format by the Division for a driver's license or a special identification card is confidential and shall not be released in whole or in part for law enforcement purposes." The text "EXP0205" is visible in the bottom right corner of the screenshot.

# Additional Identity Documents that are Accepted for a DL/ID Renewal or Duplicate

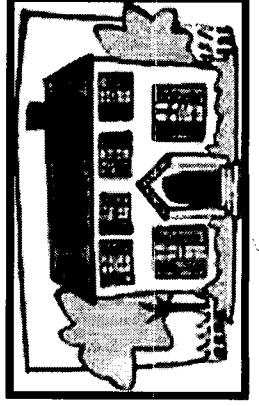
- Tax records
- Limited driving privilege
- Valid vehicle registration card
- Certified birth certificate from any country
- Matricula Consular
- Credencial Para Voter
- Cedula
- Cartilla National Photo ID or Military ID card issued by Nacional Secretary of Defense of Mexico
- Official school records
- Authentic documents from USBIS
- Proof of residency documents





**Step 3 – Proof of N.C. Residence  
For First Time Customers**

**Every customer applying for an original DL/ID must provide one document as proof of residence in N.C. The document presented must have the customer's current N.C. residence address and the customer's name.**



Acceptable Documents for Proof of N.C. Residence Guided by G.S. 20-7(b3)(b4)

- A document issued by the state of N.C. or a political subdivision or by the federal government
- Correspondence on preprinted business letterhead
- Contract for housing reflecting an N.C. residence signed by the applicant
- Any document issued by an agency of the U.S. government or by the government of another nation
- A document issued by another state
- Valid N.C. vehicle registration
- Property tax statement or receipt for taxes paid
- Utility bill, electric, cable, water, etc.
- School records signed by school official
- Auto insurance policy
- Computer generated check stub reflecting payees N.C. address
- N.C. Voter Registration Card
- A preprinted bank or corporate statement

Matricula Consular from Government of Mexico



## Proof of N.C. Residence Cont'd

If customer is unable to provide documented proof of residency, a customer may complete and sign an affidavit to that affect.

The cost is \$2.00



## Request for Name Changes

**A customer may request a name change providing one of the following documents is submitted:**

- A marriage certificate issued by government agency within the U.S.
- Documented proof from the courts or office of Register of Deeds
- Divorce decree, reflecting the name change
- DL -101 Affidavit Form
- Administrative Office of Courts-SP-600



# Immigration Verification



Can undocumented immigrants receive a driver's license or other form of identification through the DMV?

No, the Division is unable to issue a driver's license or other form of identification to undocumented immigrants or undocumented non-immigrants.

G. S. 20 -7(s)

The Division shall issue a driver license of limited duration to an applicant present in the United States who holds valid documentation issued by or under the authority of the United States government.





Temporary I-551 Stamp on a passport or I-94 is temporary evidence of permanent residence status.

★	Upon enlistment, serve as temporary I-551 evidencing permanent residency for one year	★
★	Issue Date _____	★
★	Officer _____	★
★	EMPLOYMENT AUTHORIZED	★
★	Valid Until _____ 54321	★

Document (3)

PROCESSED FOR I-351.  
TEMPORARY EVIDENCE OF  
LAWFUL ADMISSION FOR  
PERMANENT RESIDENCE  
VALID UNTIL  
EMPLOYMENT AUTHORIZED

Employment Authorization Card is issued to non-citizens who  
 not permanent residents but have been granted permission to be  
 stayed in the United States for a specific period of time.

U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

**EMPLOYMENT AUTHORIZATION CARD**

The person identified is authorized to work in the U.S. for the validity of this card.

NAME VOID, VOID V

*James W. Cristoforetti*

AS 000-000-002  
 CARD # WAC000000000002

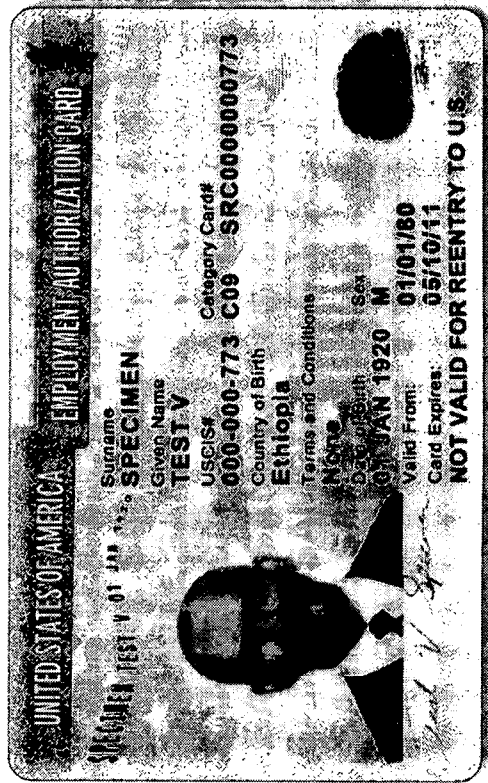
Birthdate: 01/01/80  
 Category: C09  
 Sex: M



NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM 01/01/50 EXPIRES 01/01/50

**Document (4)**







94 Arrival/Departure Record is issued to non-immigrants. The documents the date the individual entered the U.S., the date legal presence in the U.S. expires and their class of admissions

Document (7)

Departure Number	SAMPLE
742832036 01	
U.S. IMMIGRATION 250 WAS	
Immigration and Naturalization Service	SEP 13 1991
1-94 Departure Record	ADMITTED <u>B-2</u> UNTIL (CLASS)
14. Family Name DOE	July 10, 1993
15. First (Given) Name JOHN	16. Birth Date (Day Mo Yr) 16.04.62
17. Country of Citizenship U.K.	



ertificate of Naturalization is issued to aliens once the alien  
 mes a U.S. citizen.

Document (9)

**U.S. DEPARTMENT OF JUSTICE**  
**IMMIGRATION AND NATURALIZATION SERVICE**

No. **XXXXXXXXXXXXXXX**

*It is hereby declared that the following person is an alien, and that the photograph of said person is a likeness of him.*

Name: \_\_\_\_\_ Complete and true surname of holding

Height: **5'10"** inches

Married status: \_\_\_\_\_

Country of former nationality: \_\_\_\_\_

*It is likewise declared, pursuant to an application filed with the Attorney General at \_\_\_\_\_*

*that said person is entitled to an opinion of the United States of America.*

U.S. DISTRICT COURT  
 FOR THE U.S. DISTRICT OF \_\_\_\_\_

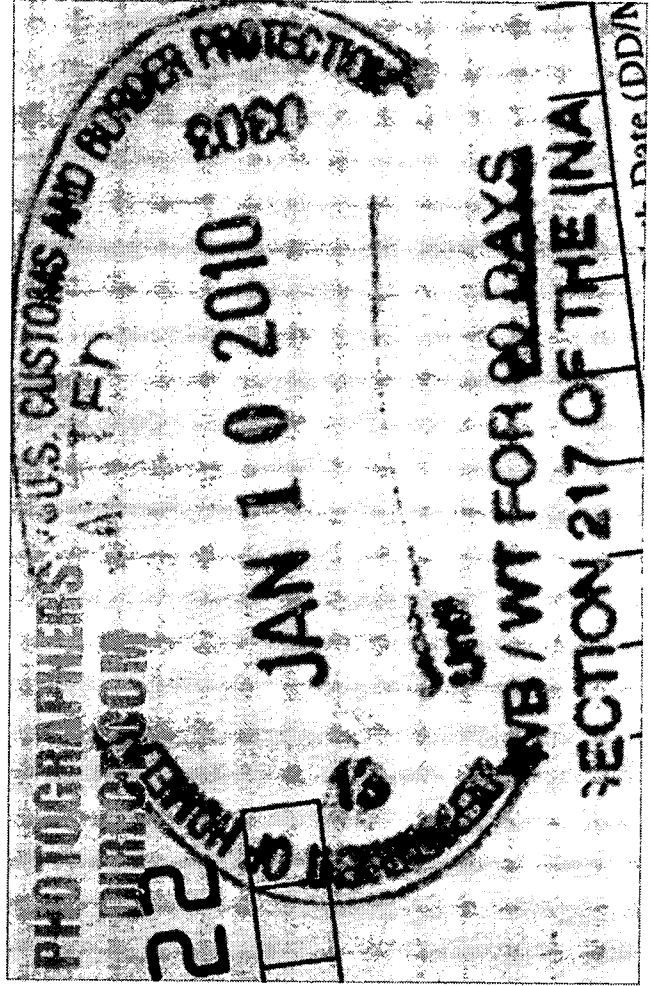
Date: \_\_\_\_\_

Secretary of Immigration and Naturalization

U.S. GPO: 1964 O - 348-700  
 OFFICIAL BUSINESS PENALTY \$300

Traveler/Waiver Business (WT/WB) Admission Stamp in Unexpired Foreign Passport.  
For WB stamps indicate and individual has entered the US under the Visa Waiver  
Program. The program allows nationals of participating countries to travel to the US for  
tourism or business purposes only for stays of 90 days or less.

Document (10)





safeguards are in place to ensure the validity of documentation  
d to the DMV?

Each driver license examiner is required to pass Fraudulent Document Recognition Training. Each examiner is issued a document inspection kit that may be used during routine inspections of documents.

When a customer requests an issuance, duplicate or renewal of a driver license, learner permit or identification card, the documents that are presented as proof of legal presence are verified through the Systematic Alien Verification for Entitlements (SAVE) program. This program provides a way for the DMV to verify the status of a customer's legal presence in the U.S. before DMV mails the DL/ID to a customer. The SAVE program is a service that is furnished by the Department of Homeland Security and the United States Citizenship and Immigration Services.

have other states addressed the issue of driver's licenses/identification and undocumented immigrants and the requirement of valid documentation to receive a license?

address the growing concern of fraudulent documents the National Highway Traffic Safety Administration (NHTSA) and the American Association of Motor Vehicle Administrators (AAMVA) developed a Fraudulent Identification Prevention Program (FIP).

In the spring of 2002, AAMVA created a Fraudulent Document Recognition (FDR) Model Training Program to provide state DMVs training to optimize detection of fraudulent documents.

Since the inception of FDR, 92% of State DMVs have downloaded the FDR software.

Fraudulent Document Recognition Training is a REAL ID requirement. Currently, all NC DMV driver license examiners have received FDR training.

FDR is included in driver license basic training for new hires.

To address the concern of undocumented immigrants, as of 03/2011, 32 State DMVs have implemented some level of legal presence requirements or has local laws that require applicants to provide proof of legal presence.



# QUESTIONS

Presentation before  
The House Select Committee on the  
State's Role in Immigration

Division of Social Services  
DHHS

Dean Simpson, Chief  
Economic & Family Services

January 25, 2012

1

1. Which programs administered or overseen by DSS are undocumented immigrants eligible for, and under what circumstances?

- Each FNS, Work First and Energy unit member must be a United States citizen or an eligible alien who is admitted lawfully into the US to receive benefits. The applicant or unit member must certify, under penalty of perjury, the citizenship or alien status of himself and all individuals in the assistance unit.

2

2. Is the requirement to offer services to undocumented immigrants for each of these programs federal or state law?

- Recipients must be US citizens or an eligible alien who is admitted lawfully into the U.S. to receive FNS, Work First or Energy Program benefits.

3

3. How many undocumented immigrants are served through the various DSS programs?

- Undocumented immigrants are not eligible to receive FNS, Work First or Energy Program benefits.

4

4. What is the cost for service to undocumented immigrants for FNS, Work First or Energy Programs?

- Each FNS, Work First or Energy Program unit member must be a U.S. citizen or an eligible alien who is admitted lawfully into the U.S.

5

**House Select Committee on the State's Role in Immigration.  
January 25, 2012**

**DHHS, Division of Social Services**

**Presenter: Kevin Kelly, Section Chief, Child Welfare Services**

**What are the primary services covered under child welfare services? Provide the number of undocumented children if known.**

**DHHS Responses:**

1. Primary function is to ensure children are safe from abuse and neglect. When children are identified as being maltreated, the interventions are tailored to address the maltreatment, and to enhance the capacity of the parents to provide for the child's needs.
2. Child Welfare Services fall within the scope of the US DHHS Administration for Children and Families (ACF). The provision of these services is spelled out in the Social Act as well as the Child Abuse Prevention and Treatment Act (CAPTA). The Personal Responsibility and Work Opportunities Act provide an exception to the ineligibility provisions. US DOJ passed AG order No. 2353-2001 which is spelled out in 66 FR 3616
3. The number of children who are unqualified aliens is unknown, as this information is not captured.

**House Select Committee on the State's Role in Immigration**  
**January 25, 2012**

**Department of Health and Human Services**  
**Division of Aging and Adult Services**

**Presenter, Dennis Streets, Director**

**Undocumented immigrants are not eligible for the following programs and services under the Division of Aging and Adult Services:**

- **Special Assistance Program** – provides funds to pay for care in adult care homes and supervised living (group homes), and at-home when possible. To verify that citizenship has been established, Special Assistance uses the Social Security Data Match for recipients other than those on SSI. The Social Security State Data Exchange (SDX) Database is used for SSI recipients. Current information is available through the Online Verification System (OLV); otherwise the worker must go directly to SDX. The SAVE system would be used to verify “alien” status for those whose citizenship cannot be verified through the Social Security Administration.
- **Key Program** – provides rental assistance for persons with disabilities who are at risk of homelessness or who are homeless. Only persons, who have received Disability through the Social Security Administration, either SSI, SSDI, or through the VA, are eligible for Key support. These persons must show legal status to receive these benefits. Therefore, no undocumented persons qualify for assistance.
- **Senior Community Service Employment (Title V of the Older Americans Act)** – provides part-time, work-training opportunities to low-income adults 55 years of age and older. To verify that citizenship has been established, each participant is required to complete an I-9 Form (Employment Eligibility Verification) and to furnish the appropriate documentation that supports both their identity and employment authorization. Documentation could include a Passport, Permanent Resident Card or driver's license and a social security card or birth certificate. Each participant must have a social security number in order to be paid; therefore, individuals without proper documentation cannot qualify for program.

**Undocumented immigrants are eligible for the following services, but in a limited manner:**

- **Adult Protective Services (APS)** – Limited to screening and evaluation – APS can provide limited assistance to elderly persons or persons with a disability who are reportedly abused, neglected or exploited. Undocumented immigrants are eligible for screening and evaluation of reports of abuse, neglect and exploitation since the county DSS is considered the same as a first responder. If the DSS

substantiates a need for APS, no federal, state, or county resources can be used to provide protective services. Efforts are made to refer to religious or charitable organizations. Funds used for APS screening and evaluation of undocumented immigrants are not tracked separately from funds used to provide APS.

Administrative Letter 03-2002 – developed in collaboration with the NC Attorney General's Office and the UNC School of Government - describes the exception to citizenship status for the purposes of responding to reports of abuse, neglect and exploitation at: [http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps\\_032002.pdf](http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps_032002.pdf) Citizenship status is not verified by APS or guardianship specifically; it normally comes to their attention from other programs required to verify citizenship (e.g., Medicaid) or the referral source (e.g., an acute care hospital).

- **Guardianship** – local DSS' may be appointed guardians, but no publicly funded services may be provided to the ward. When adults have been adjudicated incompetent by the Clerk of Court, directors or assistant directors of county departments of social services may be appointed to serve as guardians. However, no publicly funded services can be provided for a ward who is an undocumented immigrant. Administrative Letter 03-2002 describes how county DSS's should handle guardianship for undocumented immigrants:  
[http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps\\_032002.pdf](http://www.ncdhhs.gov/aging/adultsvcs/aps/adm/aps_032002.pdf)

**Undocumented immigrants are eligible for the following services and programs:**

- **Home and Community Services under the Older Americans Act (OAA)** – Services under the federal Older Americans Act include congregate nutrition, home-delivered meals, in-home support services, legal services, access services, ombudsman services, wellness and health promotion programs and family caregiver support programs. Non-citizens, regardless of their alien status, can receive services authorized by the OAA. Per the U.S. Administration on Aging, Older Americans Act programs are not “Federal public benefits” and screening for citizenship is not permitted. The official policy guidance reads: “Non-citizens, regardless of their alien status, must not be banned from services authorized by the Older Americans Act and wholly or partially funded with Federal resources based solely on their alien status.” Although applicants are not screened for citizenship and thus the cost for services to undocumented immigrants is not tracked, we would expect very few, if any, services are being provided to undocumented aliens because of the age cohort. See the following citation for federal policies:  
[http://www.aoa.gov/AoARoot/AoA\\_Programs/Tools\\_Resources/civil\\_rights.aspx](http://www.aoa.gov/AoARoot/AoA_Programs/Tools_Resources/civil_rights.aspx)
- **Operation Fan Heat Relief (OFHR)** – provides free fans during the summer for those 60 and older and adults with disabilities whose health, safety and comfort is at risk from extended heat in their home. OFHR has no federal, state, or local funding. Private contributors (Dominion NC Power, Duke Energy, Progress Energy and Valassis Corp.) designate eligibility criteria for adults living in their service area. Citizenship status is not collected.

- **Emergency Shelter/Solutions Grant (ESG)** – ESG is a federally funded program that provides financial assistance to agencies that offer shelter to persons who are homeless. Federal regulations require that local governments receiving ESG funds determine residency status, but it does not for nonprofits providing homeless services. If a nonprofit determines status of one participant, they must check for all participants. Due to the limited administrative staff of homeless shelters, the rapid turnover of residents, and recognition of shelters as an option of last resort, nonprofits tend to not require information about residential status. However, no agency, including a nonprofit agency, is allowed to knowingly serve someone who is an undocumented immigrant. Costs for services and the number of undocumented immigrants that are serviced are not collected. Federal policies can be found in 'Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,' 63 Federal Register 61344 (Nov. 17, 1997), available at <http://www.gpoaccess.gov/fr/advanced.html>. (Select 1997 Federal Register and search for page 61344. Scroll down through the list provided to find 'Interim Guidance of Verification of Citizenship, Qualified Alien.')

Presentation Before the House Select  
Committee on the State's Role in Immigration  
January 25, 2012

## MEDICAID/HEALTH CHOICE POLICY UNDOCUMENTED IMMIGRANTS



Sheila B. Platts  
Assistant Director for Recipient and Provider Services  
Division of Medical Assistance

north carolina  
*medicaid*

January 2012

## Medicaid Definition



- Non-U.S. citizens
- Proof of alien status
- Undocumented
  - No citizenship, identity or alien documentation

*medicaid*

2

## Federal Regulations



- Title 8 U.S.C. 1611(b)(1)(A)
- Personal Responsibility and Work Opportunity Act of 1996

## Federal Regulations



- Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA)
  - Extend Medicaid/CHIP coverage to qualified alien pregnant women and children under 19 without waiting the 5 years restriction

## North Carolina



To be eligible for full Medicaid or Health Choice:

–U.S. citizen or admitted under a specific immigration status.

- Verified through SAVE

An inter-governmental information service designed to aid benefit-granting agencies in determining an applicant's immigration status, and thereby ensure that only entitled applicants receive benefits and licenses.

–Must meet the categorical and financial eligibility requirements.

## North Carolina



Undocumented aliens:

- eligible for emergency medical services only

- must meet categorical and financial eligibility requirements for the program/category

## Emergency Services



- Labor and delivery
- Treatment after sudden onset of a medical condition (acute, severe)
  - Patient's health in jeopardy
  - Serious impairment
  - Serious dysfunction

## COSTS



	ACS Enrollment	Expenditures	State	Federal
2009	1,858	5,240,181	1,467,251	3,772,930
2010	1,909	4,841,303	1,210,326	3,630,977
2011	1,749	4,494,974	1,348,492	3,146,482
2012	1,489	3,807,692	1,332,692	2,475,000



# QUESTIONS

**Presentation to the House Select Committee on  
State's Role in Immigration**

**Division of Child Development & Early Education**

The Child Care Subsidy Program & the NC  
Pre-K Program

Dr. Deborah Cassidy, Director

1

**Citizenship Requirements for  
Child Care Subsidy**

- The Federal Child Care & Development Fund considers the citizenship and immigration status for eligibility purposes.
- State legislation establishes the following citizenship criteria for families:
  - a. **Applicant is a U.S. Citizen;**
  - b. Child is a U.S. Citizen; or
  - c. Applicant or child is a legal U.S. Non-Citizen
- ***Non-citizen families who are not legal residents*** may receive services in the following instances if all other eligibility criteria are met:
  - The child needs child care to support child protective services or the child is receiving foster care services
  - The child needs child care to support his/her developmental needs.

2

## **Citizenship Verification: Child Care Subsidy**

- Verification is determined at the local level.
- If the applicant is a recipient of Work First Family Assistance benefits, citizenship and residency are established at the time of application for Work First benefits.

3

## **NC Pre-K Program**

- A 1982 Supreme Court decision determined that citizenship status was not a permissible basis for denying access to public education.
- Consistent with this statute as adhered to by public school programs, Head Start, and Title I, U.S. citizenship is not required for eligibility.
- However, the child's U.S. citizenship and NC residency status are collected for purposes of counting eligible NC Pre-K expenditures for TANF match requirements.

4

**House Select Committee on the State's Role in Immigration**  
**January 25, 2012**

**Department of Health and Human Services**  
**Division of Public Health**

**Presenter: Dr. Kevin Ryan, Section Chief, Women's and Children's Health**

- Nonqualified aliens are ineligible to receive “federal public benefits.” 8 USC 1611(a). This term is defined by federal law to include some health benefits. 8 USC 1611(c). However, federal law also specifically exempts some health benefits from the definition. 8 USC 1611(b). In August 1998, HHS published an interpretation and concluded that, of the programs it administers or supports, 31 provide federal public benefits which must be denied to nonqualified aliens. 63 Fed. Reg. 41657. If a benefit or service is not supported by one of the 31 programs listed, then according to HHS it is not a federal public benefit and nonqualified aliens are eligible to receive it. HHS has directed all states and localities that administer HHS-supported programs to comply with its interpretation with respect to any benefit or service that is funded wholly or partially with HHS funds. \*
  - U.S. Department of Justice: If a benefit is not restricted for aliens, then “the benefit provider is not required to, and should not attempt to verify an applicant’s status” (62 Fed. Reg. 61344, Nov. 17, 1997). \* Therefore cost information is not maintained based on citizenship status.
- Nonqualified aliens receive services when allowed by law when circumstances require testing or care for communicable diseases (tuberculosis, HIV/sexually transmitted diseases) as the appropriate public health response to prevent the spread of the disease. These services are most effective when universally applied. These services significantly reduce transmission to others in the community and decrease healthcare costs and morbidity for all.
- Prenatal care, maternal and child health care services, and immunization services are provided when allowed by law. These services result in decrease healthcare costs and morbidity for newborn citizens.
- The Early Intervention (EI) Program is governed by the federal law, Part C of the Individuals with Disabilities Education Act. Part C has no residency or immigration status requirements as conditions for eligibility which exist for certain other Federal or state benefits. Federal Statute Title I/C Section 633 states that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families.

- The Medical Examiner (ME) System investigates death in North Carolina that is the result of injury or accident; that is sudden, unexpected or suspicious; that occurs in jail, prison, correctional institution, police custody or state-operated facility; or that is not attended by a doctor. The system ensures that the cause and manner of death is properly certified, regardless of immigration status. There is no specific reference to the decedent's citizenship in the General Statutes (NC General Statute 130A-383).
- The Child Fatality Prevention Team investigates deaths of children from injury or neglect, regardless of immigration status. There is no specific reference to the decedent's citizenship in the General Statutes (NC General Statute 7B-1404-1407).

# Overview of 2011 State Enacted Immigration Legislation and Court Challenges<sup>1</sup>

Issue Area	Jurisdictions	Enjoined Provisions <sup>2</sup>
<b>Enforcement and Courts</b>		
<b>287(g) Agreements</b> Various provisions encouraging or authorizing state and local officials to enter into MOAs for 287(g) agreements with the federal DHS, and providing funding and certain incentives.	Alabama (HB 56, Sec. 4) Georgia (HB 87, Sec. 9-11, 14) South Carolina (SB 20, Sec. 17)	
<b>Arrest Authorization for Immigration Violations</b> <ul style="list-style-type: none"> <li>• Authorizes law enforcement to arrest individual based on removal order issued by immigration court and detainer issued by DHS or probable cause of indictment or conviction of aggravated felony.</li> <li>• Authorizes law enforcement to arrest without a warrant any person the officer has probable cause to believe has committed a public offense that makes the person removable from the US.</li> </ul>	Indiana (SB 590, Sec. 20) Utah (HB 116, Sec 38, HB 497, Sec. 11) Arizona (SB 1070, Sec. 6)	<ul style="list-style-type: none"> <li>• Enjoined by District Court (IN)</li> <li>• Enjoined by District Court (UT – HB 497)</li> <li>• Enjoined by District Court, Affirmed by 9th Cir., Appealed to US Supreme Court (AZ)</li> </ul>
<b>Bail Considerations</b> Adds a defendant's status as an undocumented alien as a consideration in court's determination of bail, and places additional requirements on bail posting.	Indiana (SB 590, Sec. 21-22)	
<b>Determination of Immigration Status</b> <ul style="list-style-type: none"> <li>• Requires reasonable attempt by law enforcement to determine immigration status of persons, where there is reasonable suspicion the person is an undocumented alien, during lawful stops, arresting and booking, failure to produce license, charge of crime requiring bail, jail confinement, and committed criminal offenders.</li> <li>• Prohibits verification of immigration status for individuals whose contact with law enforcement is as witness or victim or crime, or for purposes of reporting crime.</li> </ul>	Alabama (HB 56, Sec. 12, 18, 19) Georgia (HB 87, Sec. 8, 13) Indiana (SB 590, Sec. 3, 8) South Carolina (SB 20, Sec. 6-7) Utah (HB 497, Sec. 3-4) Arizona (SB 1070, Sec. 2(b))	<ul style="list-style-type: none"> <li>• Injunction denied by 11<sup>th</sup> Circuit (AL)</li> <li>• Enjoined by District Court (GA)</li> <li>• Enjoined by District Court (SC)</li> <li>• Enjoined by District Court (UT)</li> <li>• Enjoined by District Court, Affirmed by 9<sup>th</sup> Cir., Appealed to US Supreme Court (AZ)</li> </ul>
<b>Notice to Federal Government</b> Requires notification to federal or state authorities involved in immigration enforcement when an undocumented alien has paid a fine or is released from incarceration.	Alabama (HB 56, Sec. 20) Arizona (SB 1070, Sec. 2(C))	Injunction denied by District Court (AL)

<sup>1</sup> The above chart provides a general overview, rather than a state by state comparison of individual variations in approaches to enacted immigration laws. Five states enacted major packages of immigration legislation in 2011 and are included in this chart (Alabama, Georgia, Indiana, Utah, and South Carolina). States which enacted immigration legislation, but did not enact a major package have not been included for purposes of this general overview, due to the volume of legislation. Only one state's legislation package enacted prior to 2011, Arizona, is included, because the court challenge to that law has proceeded to the US Supreme Court.

<sup>2</sup> Some legal challenges to legislation sought injunctions of the bill as a whole, in addition to challenges of specific portions of legislation. In Utah, a preliminary injunction was granted barring enforcement of the law (HB 497) as a whole, pending a trial on the merits.

<p><b>Stay of Proceedings against Alien</b> Provides for stay of legal proceedings against an unlawfully present alien if the alien is a victim of a crime or a critical witness in any prosecution, or the child of one of the above, until completion of the collateral proceeding.</p>	Alabama (HB 56, Sec. 21)	
<p><b>Federal and State Law Compliance</b></p> <ul style="list-style-type: none"> <li>• Requires that state agencies and officials comply with federal immigration law.</li> <li>• Forbids limits or restrictions on enforcement of federal and state immigrations law. Creates civil actions to enforce.</li> <li>• Creates various state-level boards to enforce penalties against violations of immigration provisions by state and local governments.</li> <li>• Authorizes private citizens to bring actions against political subdivisions of the State to enjoin enactments of policies that limit enforcement of state and federal immigration laws and communication regarding immigration status.</li> <li>• Creates Illegal Immigration Enforcement Unit in Department of Public Safety to enforce federal and state immigration laws.</li> </ul>	Alabama (HB 56, Sec. 5, 6) Georgia (HB 87, Sec. 20) Indiana (SB 590, Sec 2) South Carolina (SB 20, Sec. 1, 17) Utah (HB 497, Sec. 6) Arizona (SB 1070, Sec. 2(A), (H))	<ul style="list-style-type: none"> <li>• Enjoined by District Court (UT)</li> </ul>
<p><b>Documentation</b></p>		
<p><b>Alien Registration Documents</b> Makes it a crime for aliens to fail to carry alien registration documents.</p>	Alabama (HB 56, Sec. 10) South Carolina (SB 20, Sec. 5) Arizona (SB 1070, Sec. 3)	<ul style="list-style-type: none"> <li>• Enjoined by 11th Circuit (AL)</li> <li>• Enjoined by District Court (SC)</li> <li>• Enjoined by District Court, Affirmed by 9th Cir., Appealed to US Supreme Court (AZ)</li> </ul>
<p><b>Secure and Verifiable Documents</b></p> <ul style="list-style-type: none"> <li>• Requires state and local governments to accept only secure and verifiable documents for official purposes requiring identification, unless otherwise provided by federal law.</li> <li>• Excludes acceptance of consular identification issued by foreign nation.</li> </ul>	Georgia (HB 87, Sec. 19) Indiana (SB 590, Sec. 18)	<ul style="list-style-type: none"> <li>• Challenge dismissed by District Court (GA)</li> <li>• Enjoined by District Court (IN)</li> </ul>
<p><b>Government Relations, Public Benefits, and Voting</b></p>		
<p><b>Information on Immigration Status</b> Permits exchange of information regarding immigration status between agencies for determination of benefit status or verification of residency.</p>	Alabama (HB 56, Sec. 5, 6) Georgia (HB 87, Sec. 9) Utah (HB 116, Sec. 6, HB 497, Sec. 7) Arizona (SB 1070, Sec. 2(F)) South Carolina (SB 20 Sec. 6)	<ul style="list-style-type: none"> <li>• Enjoined by District Court (UT)</li> </ul>
<p><b>Verification of Eligibility for Public Benefits</b></p> <ul style="list-style-type: none"> <li>• Prohibits receipt of state benefits by undocumented aliens except as required by federal law and requires various types of documentation for citizens to receive benefits.</li> <li>• Requires use of Systematic Alien Verification for</li> </ul>	Alabama (HB 56, Sec. 7) Georgia (HB 87, Sec. 15-18) Indiana (SB 590, Sec. 13) Utah (HB 497, Sec. 8)	Enjoined by District Court (UT)

Entitlements (SAVE) program to verify status.		
<b>Proof of Citizenship for Voter Registration</b> Requires presentation of evidence of US citizenship for voter registration.	Alabama (HB 56, Sec. 29)	
<b>Prohibits State Transactions with Unlawful Aliens</b> Prohibits undocumented aliens from entering into business transactions with state or local governments, including application or renewal of license plates, driver's licenses, or business licenses. Does not include marriage licenses.	Alabama (HB 56, Sec. 30)	Injunction denied by 11 <sup>th</sup> Circuit (AL)
<b>Education</b>		
<b>Post-Secondary Education Limitations</b> Prevents undocumented aliens from attending public postsecondary educational institutions and from receiving postsecondary education benefits.	Alabama (HB 56, Sec. 8)	Enjoined by District Court (AL)
<b>Determination of Status of K-12 Students</b> Requires determination of immigration status and qualification for assignment to an ESL program for public K-12 students at the time of enrollment.	Alabama (HB 56, Sec. 28)	Enjoined by 11 <sup>th</sup> Circuit (AL)
<b>Employment and Business Regulations</b>		
<b>E-Verify and Employment</b> <ul style="list-style-type: none"> <li>Requires use of E-Verify for some combination of private employers, government employers, or those contracting with state or local governments or receiving state funds, subject to various penalties such as loss of business license or loss of government contract.</li> <li>Prohibits public and private employers from hiring unauthorized aliens to work. Punishable by suspension of business license.</li> </ul>	Alabama (HB 56, Sec. 9, 15, 16, 26) Georgia (HB 87, Sec. 2,-3, 12, 15) Indiana (SB 590, Sec. 16) South Carolina (SB 20, Sec. 2-3, 8-14)	Arizona E-verify requirement upheld by US Supreme Court ( <u>Chamber of Commerce v. Whiting, 2011</u> )
<b>Employment Related Crimes</b> Creates various employment related crimes, including an unauthorized alien seeking or performing work, and the hiring and pick up of workers on roadways.	Alabama (HB 56, Sec. 11) Arizona (SB 1070, Sec. 5)	<ul style="list-style-type: none"> <li>Enjoined by District Court (AL)</li> <li>Enjoined by District Court, Affirmed by 9th Cir., Appealed to US Supreme Court (AZ)</li> </ul>
<b>Prohibited tax deductions</b> Prohibits use of wage and other business expenses paid to unauthorized aliens as deductible business expenses or other tax credits.	Alabama (HB 56, Sec. 16) Indiana (SB 590, Sec. 4-7)	Enjoined by District Court (AL)
<b>Discriminatory practice to not hire lawful workers</b> Makes it a discriminatory practice for employers to not hire or discharge lawfully present workers while retaining or hiring unauthorized aliens.	Alabama (HB 56, Sec. 17)	Enjoined by District Court (AL)
<b>Action to Reclaim Unemployment Benefits</b> Permits state to file civil action for reimbursement of unemployment benefits from employer that knowingly employed an unauthorized alien.	Indiana (SB 590, Sec. 14-15)	
<b>Prohibition on Day Labor</b> Prohibits day labor employment without completion of individual attestation of employment authorization.	Indiana (SB 590, Sec. 17)	

<p><b>Guest Worker Program (Effective 2013)</b></p> <ul style="list-style-type: none"> <li>• Creates guest worker permits for unauthorized alien to obtain work in the state of Utah upon meeting certain requirements. Permits employers to only hire unauthorized aliens who hold permits.</li> <li>• Creates Utah Pilot Sponsored Resident Immigrant Program to allow an immigrant to reside, work, and study in Utah.</li> <li>• Creates Migrant Worker Visa Pilot Program to allow Utah businesses to obtain legal foreign migrant workers through use of US nonimmigrant visas through MOU with Nueva Leon, Mexico.</li> </ul>	<p>Utah (HB 116, Sec. 9-26) Utah (HB 466, Sec. 6-7) Utah (HB 469)</p>	
<b>Other</b>		
<p><b>Criminal Concealment, Transporting, and Renting to Aliens</b></p> <ul style="list-style-type: none"> <li>• Creates various crimes for concealment, harboring, or shielding of an undocumented alien, encouraging or inducing an undocumented alien to come to the state in violation of federal law, transporting, or conspiring to transport an undocumented alien in furtherance of the alien's unlawful presence, or harboring an undocumented alien by renting accommodations to that person. Some exceptions for humanitarian or religious purposes.</li> <li>• Authorizes law enforcement to lawfully stop a motor vehicle upon reasonable suspicion of violation of any civil traffic law in enforcement of human smuggling laws.</li> </ul>	<p>Alabama (HB 56, Sec. 13) Georgia (HB 87, Sec. 7) Indiana (SB 590, Sec. 24) South Carolina (SB 20, Sec 4) Utah (HB 116, Sec. 37, HB 497, Sec. 10)) Arizona (SB 1070, Sec. 4, 5)</p>	<ul style="list-style-type: none"> <li>• Enjoined by District Court (AL)</li> <li>• Enjoined by District Court (GA)</li> <li>• Enjoined by District Court (SC)</li> <li>• Enjoined by District Court (UT – HB 497)</li> </ul>
<p><b>False Identification</b></p> <ul style="list-style-type: none"> <li>• Creates offense for manufacture or use of false identification or vital records, with some limitation for minors, or in some states limited to fraudulent use for obtaining employment or for use by undocumented alien.</li> <li>• Creates offense of false identity statement for repeated inconsistent statements regarding personal identity to public servants.</li> </ul>	<p>Alabama (HB 56, Sec. 14) Georgia (HB 87, Sec. 4-5) Indiana (SB 590, Sec. 23) South Carolina (SB 20, Sec 6, 15)</p>	<ul style="list-style-type: none"> <li>• Section 6 of SB 20 enjoined by District Court (SC)</li> </ul>
<p><b>No Contracts with Unlawful Aliens</b> Prohibits courts from enforcing contracts between a party and an undocumented alien under certain conditions.</p>	<p>Alabama (HB 56, Sec. 27)</p>	<p>Injunction denied by 11<sup>th</sup> Circuit (AL)</p>

**VISITOR REGISTRATION SHEET**

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109

House Select Com. on the State's Role in Imm. Policy 1/25/2012

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Shelby Payne	8690 Cottonwood Trail Concord NC 28027
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Judy Linville	220 Oxford Ridge Ln. Kernersville, NC 27284
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Lay Linville	420 Swannock Ln. Kernersville, N.C. 27284
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Mary Dickinson	3720 Kerklees Road Winston-Salem NC 27104
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Catherine mixon	401 S. Church St Box 334 Winston-Salem, NC 27101
-----------------	---

Viridiana Martinez	NC Dream Team/Kaleigh, NC 7 C. Raleigh Pl.
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Robbye Hildebrand	Moore Tea Citizens Pickett 35 Forest Lane
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Jo Martini	Moore Tea Citizens Pickett NC
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Gordie Martini	" " " "
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Carol Whittaker	Moore Tea Citizens Pickett NC
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John Candilio	N.C. Fire
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Mary Ellen Candills	NC Fire
STEVE STORRS	—
WILLIAM C BARWES	No lobbying group - citizens concerned about illegal immigration
Judith Pineda Mairena	Jesus Ministry Charlotte, N.C.
Nancy Kasko	Moore Tea Citizens, Pinehurst NC
JOSEPH KASKO	MOORE TEA CITIZENS PINEHURST, NC
Jesus Ministry	
Hugo Hernandez	Jesus Ministry
Ivania Hernandez	Jesus Ministry
Sergio Hernandez	Jesus Ministry
Birgida Villanueva	Jesus Ministry

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FIRM OR AGENCY AND ADDRESS

Victoria Lereg	League of Women Voters - Wake Co
Gaby Rocha	Hispanic-American Dem Party Winston-Salem
German Garcia	Hispanic-American Demo-Party Winston-Salem
Hema Setu	Hispanic American Dem Party
Ramona Durán-Jimm	NC Fire, Stokes Co, NC
Reynoldo Emonds	Messers
Nicholas Pisanello	Hispanic American Dem. Party
GREG FLYNN	gregflynn.org
Rev. Jacqueline Toval	IDDP MI
Rev. Carlos Cortez	PRIMEA ASAMBLEA DE DIOS
Raymonde Koonce	Citizen

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Lizette Aguilar	Jesus Ministry, Charlotte NC
Jami Gallardo	Jesus Ministry, Matthews NC
Fernando Mendes	Jesus Ministries Matthews NC
José Arandica	Jesus Ministry Lenoir NC
Severiana Castellano	Jesus Ministry Concord NC
Jairo Herrera	Jesus Ministry Hickory NC
Tamara Perez	Jesus Ministry - Charlotte NC
FRED BRASSON	NC LISTEN,
Mauricio Castro	NC Latino Coalition - STATEWIDE
Nadeen Bir	Student Action with Farmworkers 1317 W. Pettigrew Durham NC 27705
Betty Ellerbee	League of Women Voters

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NAME	FIRM OR AGENCY AND ADDRESS
Lizbeth D. la Garza	Jesus Ministry
Chellie Mason	Retired
Gerardo Almanza	Jesus Ministry
Norma Almanza	Jesus Ministry
Martha Navarro	Jesus Ministry
Jovana M. Esquivel	Jesus Ministry
Raquel Alvarado	Jesus Ministry
Fabreola Auci	Jesus Ministry
Adan Hernandez	Jesus Ministry
Rev. Luis Rios	Jesus Ministry
Jack Stevens	Retired 50 Lake Pt DR Pinehurst NC 28374

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NAME

FIRM OR AGENCY AND ADDRESS

Maudia Meloude	Jesus Ministry
Ron Cox	Jesus ministry
M. C. Diaz	Jesus Ministry
F. Alvarez	Jesus Ministry
Kay Polkoy	NASW-NC
Sharon Arline	8709 Yucca Trail Rural NC
Bria Arline	8709 Yucca Trl R
M. A. Wilson	NC FIRE - Wilm. NC
V. P. AWES	NC FIRE Wilm. NC
B. Sneed	NC DOT
C. Lowry	Gov Office

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NAME

FIRM OR AGENCY AND ADDRESS

Richard Linville	NFIRE
Peggy Smetana	Moore TEA Citizens 2 Squirrels Ln Pinchurst NC 28374
Frank Tozzolina	NC FIRE
Kate Tozzolina	NC FIRE
James Johnson	NC FIRE
RON WOODARD	NC LISTEN
BEV LUNG	NC FIRE TRIAD
Bob Obenshan	NC FIRE TRIAD
ML Mingus	NC FIRE TRIAD
Stephanie Emery	NC FIRE TRIAD
Walter Emery	NC FIRE TRIAD

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NAME	FIRM OR AGENCY AND ADDRESS
Bob Mason	NC FIRE
George	JESUS MINISTRY
Emeterio Cuistola	JESUS MINISTRY
Diego A. Piedrahita	Jesus Ministry
Erika Moreno	Jesus ministry
Joseph Julio	WE ARE NC
Rogelio Valencia	NC DSS
Joel Mora	SAF
Alison Scott	Independent Weekly
Mary Kottke	NC Fire
Thomas Kottke	NC Fire

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NAME	FIRM OR AGENCY AND ADDRESS
R Van Rompaey	4100 Salem Springs Ct W5 NC 27107
Lacey Williams	Latin American Coalition 4938 Central Ave CLT 28205
Janet Walden	405 S. Magnolia St. <sup>28114</sup> Morristown NC
Angela M. Cozart	Seamless Ministry
Josephine Savanollo	Jesus Ministry
Craig Shader	CONCORD NC
Gwen Shader	Citizen, Concord, NC
Irene Godinez	Latin American Coalition
Lisa Chun	NC Justice Center
Megan Newz	NC Council of Churches
Sarah Preston	ACLU-NC



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NAME

FIRM OR AGENCY AND ADDRESS

Jessica Rocha

N. C. Justice Center

Dineira Paulino

N.C. Justice Center

Ronald Garcia-Figarty

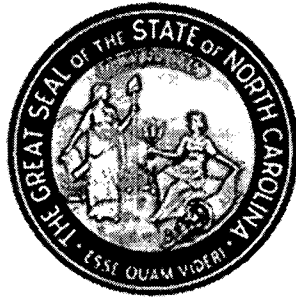
N.C. Justice Center

John Herrera

C.C.S.A.

Benjamin Smith

I.P. Camp



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
2011-2012 SESSION**

You are hereby notified that the Committee on **House Select Committee on the State's Role in Immigration Policy** will meet as follows:

**DAY & DATE:** Wednesday, February 29, 2012  
**TIME:** 1:00  
**LOCATION:** 643 LOB  
**COMMENTS:**

Respectfully,  
Representative Iler, Chair  
Representative H. Warren, Chair

I hereby certify this notice was filed by the committee assistant at the following offices  
at  
**2 PM** o'clock on **February 07, 2011.**

Principal Clerk  
Reading Clerk – House Chamber

**Carla Farmer** (Committee Assistant)

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN  
IMMIGRATION POLICY**

**AGENDA**

**February 29, 2012**

**1:00 P.M., ROOM 643 Legislative Office Building**  
Representative Iler, presiding

**Welcome and Introductions**

Representative Iler, Co-Chair

**Adoption of Minutes**

Representative Iler

**Recommendations from the Business Community on the State's Role in  
Immigration Policy**

- NC Home Builders Association
  - Lisa Martin, Director of Government Affairs, NC Home Builders Association
- Carolinas AGC
  - Claudia Dodgen, Vice-President Employee Services, Crowder Construction Company and Member, Human Resource Committee, Carolinas AGC
- North Carolina Growers Association
  - Lee Wicker, Deputy Director, North Carolina Growers Association
- Immigration Works USA
  - Tamar Jacoby, President, Immigration Works USA

**Committee Discussion**

**Adjournment**



## MINUTES

### House Select Committee on the State's Role in Immigration Policy

Wednesday, February 29, 2012

1:00 PM

Room 643, Legislative Office Building

The House Select Committee on the State's Role in Immigration Policy met on Wednesday, February 29, 2012 at 1:00 p.m. in room 643 of the Legislative Office Building. Representatives Iler, Warren, Brisson, Cleveland, Folwell, Faircloth, Jones, Pierce, Stevens and Starnes attended.

Representative Iler presided and welcomed the committee members, staff and visitors. The visitor's log is attached to these minutes as Attachment #1. A motion to approve the minutes from the January 29<sup>th</sup> meeting (Attachment #2) was made by Representative Brisson and the motion carried. Representative Iler explained that today's speakers were invited to present the industry side of the immigration issue. The following groups were invited and declined to speak: Immigration and Customs Enforcement (ICE), NC Chamber, NC Restaurant Association, and the Green Industry Council.

## PRESENTATIONS

### North Carolina Home Builders Association

Chairman Iler introduced Ms. Lisa Martin, Director of Government Affairs, NC Home Builders. Ms. Martin thanked the committee and chairs for the opportunity to speak. She stated the immigrant community has played an important role in the construction industry. Each wave of immigrants from the Irish to Italian to German to Hispanic have been active participants in the industry, bringing their trade related experience and skills to enhance the quality of the finished product. Immigrant and American workers working beside one another is not a new development. Immigrants who have come to the United States and to North Carolina and joined the home building industry have been able to develop their skills, start their businesses and get a firm foothold in the middle class. There has been a significant presence of immigrants in the home building industry and in 2009, foreign born workers accounted for almost 21 percent of the workforce in residential construction nationwide. However, the influx of illegal immigrants to the United States is a concern for all business owners. The NC Home Builders do not support illegal immigration. They believe immigration is a federal issue and the National Organization of Home Builders has supported congressional efforts to examine illegal immigration and find way to appropriately address the problem. They believe that a significant driver of illegal immigration is a broken legal immigration and visa system in the United States. The first question staff had asked speakers to address was what can the state do to help the construction industry deal with issues related to immigration? NC Home Builders were willing participants in the discussion last year for HB 36 regarding E-Verify and agreed that the home building industry and their members would be subject to the requirements of the E-Verify system. However, the majority of NC Home Builders members (not all general contractors or companies are members) are small businesses and would be exempt from E-Verify. Many of these businesses are much smaller now than they were and hopefully that will change.

Ms. Martin continued her comments, explaining there are some concerns with the E-Verify system. The first concern is employer liability. Under the mandatory E-Verify system, all employers should be held liable for the work authorization status of their employees. They should be required to run their employees through the E-Verify system if they meet the threshold and NC Home Builders agrees with this mandate. However, the government should not create a cross-liability by making those employers responsible for sub-contractors. If a subcontractor has individuals that work for them, the general contractor can only be expected to rely on the information given to him by his subcontractors. As with current law, employers who knowingly use subcontract labor to violate immigration laws, should be prosecuted.

Ms. Martin states that the second concern is federal preemption. If the federal government ever gets their hands around the issue and implements an immigration program, NC Home Builders would want to insure that the state program didn't preempt any of the federal requirements.

The majority of the members are small businesses and they don't have access to the internet. A phone verification system or be given a period of time to get the employee verified would be beneficial. Construction hires are often done on site and have to rely on the information on hand, to act in good faith and abide by the law but to be allowed to have some timeframe that will allow the person hiring to get back to the office and process the paperwork provided by the potential worker.

Ms. Martin explained that the "phasing in" issue is cause for some concerns because most members of the NC Home Builders are not subject to the very large company requirements, but the NC Home Builders would be supportive in adjusting those deadlines to make it easier for larger companies that are having trouble complying with E-Verify requirements and HB 36 at this time.

Ms. Martin stated that the second question was what are the practices that other states have implemented in addressing issues related to immigration that would be helpful to your industry in NC? Ms. Martin stated that there are many states this year and in previous years that have proposed and/or passed legislation to address immigration. These requirements range from mandatory use of E-Verify to asking for identification from people that are stopped for other reasons to requiring schools and hospitals to inquire about the immigration status of students and patients. At this time the NC Home Builders declines to take a position on any measure other than the support and willing compliance with the requirements in HB 36. The NC Home Builders Association and the entire construction industry need a strong and ready work force. For this reason, they are interested in what other states have done with respect to guest worker programs. The association maintains strong support for vocational education programs for construction trades and for training and re-entry programs for workers laid off during the recent economic downturn.

Ms. Martin addressed the last question concerning the practices that other states have implemented in addressing issues related to immigration that would be harmful to the construction industry in North Carolina. Ms. Martin stated that the association would rather not take a position on any of those measures.

Representative Faircloth was recognized and asked if the building industry is aware of any organized worker's visa type programs that are available. Ms. Martin replied not at the state level, but Dave Simpson with the Association of General Contractors and their organization would include the larger companies that would have the need for a large number of workers on a job. The NC Home Builders Association has not been involved in any such program.

Representative Folwell was recognized and asked if we did a better job in K-12 education of teaching kids to use their hands and not their thumbs, would that help produce a more "job ready" work force. Ms. Martin replied that absolutely the vocational education system in the high school is important to the industry. Representative Folwell followed up with a comment regarding a recent graduate from high school and any regrets he had in his high school resume. The young man had responded to Representative Folwell that he should have taken more vocational education classes instead of so many AP classes and he regretted not being able to work with his hands more during his K-12 experience.

Representative Starnes was recognized and asked why the construction industry hires so many Hispanic workers with unemployment so high and a large pool of people to draw from. Ms. Martin didn't have an answer other than an availability issue and the skill level is higher for some trades with the Hispanic population.

Representative Warren was recognized and asked what is the average pay, the length of employment, turn-over rates and does the job come with benefits in the construction trade. Ms. Martin responded that most of the employees are generally paid more than minimum wage. Those employers that can do provide benefits. Many of the members have laid off workers and then hire them back when permits are approved due to the economy.

### **Carolinas AGC (Associated General Contractors)**

Chairman Iler introduced Claudia Dodgen, Vice-President Employee Services, Crowder Construction Company and Member, Human Resources Committee, Carolinas AGS. Ms. Dodgen read from a handout (Attachment #3.)

Representative Stevens was recognized and asked about the statement of "avoiding legislation that creates more red tape and paperwork". She asked if with the implementation of E-Verify, are there other state procedures that could be eliminated. Ms. Dodgen replied that the recent Davis-Bacon Law changes have added a huge administrative burden to the construction industry and competitive wages are needed across the industry, but contractors are dealing with changes when someone goes on and off a job and how that paperwork is certified. Small contractors are struggling with the burden of figuring out the law that is federal legislation. If your company is awarded a Davis-Bacon job, you are required to pay a certain rate and sometime other benefits.

Representative Warren was recognized and asked Ms. Dodgen if she has any recommendations that are state requirements that we may be able to address to submit those to the Committee.

Representative Cleveland was recognized and made the comment that if the rest of the industries and businesses in North Carolina had been as proactive as Crowder Construction has been, we wouldn't be having the problems we are having now.

Representative Starnes was recognized and asked if there was a requirement when work is subcontracted if E-Verify is required to be used by the subcontractors. Ms. Dodgen answered that based on the size; the subcontractor may be subject to the E-Verify guidelines and on some federal contract jobs that may be the case. At the state level until the deadlines hit, based on company size, there is no E-Verify requirement. Crowder does require that all subcontractors comply with IRCA. (Immigration Reform and Control Act)

Representative Starnes was recognized for a follow up clarification, asking about HB 36, if you have less than 25 employees, you are exempt from E-Verify, which was correct. Ms. Dodgen stated that if a subcontractor was not willing to sign an affidavit regarding IRCA, they were not allowed to work on a Crowder jobsite.

Representative Faircloth was recognized and asked if Crowder was having any problems securing enough workers. Ms. Dodgen responded that the company has plenty of potential workers due to the economy; however, finding good craft worker with a good work ethic is a challenge. The Hispanic community has the craft skills and the work ethic to fill the void that was experienced in 2007 before the recession.

Representative Jones was recognized and asked if any other states where Crowder does business have the 25 employee threshold for E-Verify. Ms. Dodgen replied that the state of Georgia has gone with staggered implementation with a 50 employee minimum.

Representative Jones was recognized for a follow up and asked if there were any computer systems in place that could assist these smaller companies to make it easier for them to comply. Ms. Dodgen stated the Carolina's AG committee is looking for answers in this area. The cost has to be relevant for this to be a reality.

### **North Carolina Growers Association**

Chairman Iler recognized Lee Wicker, Deputy Director of the North Carolina Growers Association.

Mr. Wicker also stated that agribusiness is the number one industry in NC generating over 70 billion dollars in annual revenues and employing over 20 percent of the workforce in NC. North Carolina Growers Association (NCGA) is a 750 member farm cooperative that exists primarily for the purpose of assisting farmers in complying with federal and state immigration labor and worker protection laws. The farms grow tobacco, sweet potatoes, cucumbers, Christmas trees and many more labor intensive diversified crops from the mountains to the coast. NCGA is the largest user of the federal H-2A program in the nation and will likely employ over 7,000 legal foreign workers in North Carolina this year. H-2A is a temporary non-immigrant agriculture guest worker program administered at the federal level by the US Departments of Labor and Homeland Security, and on the state level by the NC Departments of Labor and Commerce. The members of this group have made it possible to grow labor intensive crops and comply with the law. H-2A is a classic story of an over

regulated government program, sometimes good but more often bad and occasionally ugly. While presenting testimony in Washington DC, Mr. Wicker has discussed why North Carolina farmer like and rely on H-2A, what is broken in H-2A, what needs to be done to repair H-2A so more farmers can and will participate in the program and what will likely happen to domestic fruit and vegetable production if reforms are not made. Mr. Wicker stated that our country can have a reasonable, fair and predictable agriculture guest worker program that treats workers well and carefully balances the critical elements of worker protections, preference for US workers and economic viability for our farms. A workable program would solve the systemic problem of a largely unauthorized temporary work force on our farms. Mr. Wicker stated that it is clear there is bipartisan political agreement that the current program is broken and in need of reform. Farmers and farm workers want to comply with labor and immigration laws, congress must take action to make this possible. The NCGA Board of Directors voted unanimously to endorse US House Judiciary Chairman Lamar Smith's agriculture reform program, HR 2847 The American Specialty Agriculture Act and Senate Bill 1384, The Harvest Act. These two measures offer substantial improvements to the agriculture guest worker program and would generate hope and inspire farmer and farm worker confidence in complying with the law. The NCGA board also voted to support Chairman Smith's mandatory E-Verify bill because the Association is not afraid of checking employees.

Mr. Wicker stated that a resolution by the North Carolina General Assembly encouraging Congress to reform the H2A program would show strong support for the North Carolina farmers who are going to great expense to insure they have a legal workforce. The resolution should also acknowledge that as Americans attain higher levels of education and increasingly reject farm employment, especially seasonal work, that a predictable and sustainable legally admitted temporary foreign work force will be needed to secure the labor intensive agriculture production into the future. A strong resolution will send a powerful message to Congress that critical reforms are needed now. Other states have already passed these resolutions. The North Carolina General Assembly should follow Georgia's lead in appropriating funds to the Department of Agriculture earmarked to hire an employee whose exclusive role is to develop easy to understand educational materials for farmers to facilitate compliance with respect to labor, employment, worker protection, and immigration laws. Another measure that could be adopted would be a cost share program that helps farmers that participate in the legal guest worker program to defray a portion of the staggering fixed program costs that are incurred when bringing legal workers to North Carolina.

Mr. Wicker continued that in 2009, 96 North Carolina House members sponsored such a program called the Agriculture Relief Act, including some members of this Committee. This type of program would be a positive, proactive step that acknowledges and rewards farmers' compliance with the law and encourages other to do the same. Unfortunately, the Agriculture Relief Act was blocked in the Senate for political reason.

Mr. Wicker indicated that the agriculture sector, especially small family farmers appreciate the provisions in the existing state E-Verify law that implements enforcement in phases and does not require employers with less than 25 employees to participate, however, recognizing that as a percentage of the workforce, agriculture has the highest number of unauthorized workers among all sectors of the economy, Mr. Wicker recommended that the NC General Assembly could pass one piece of additional legislation that borrows one of the concepts from Chairman Lamar Smith's original E-Verify proposal which offered agriculture an additional temporary transitional period by not requiring returning farm workers to be verified for a few years. This type of provision buys time for agriculture to achieve compliance while we all wait for an encourage Congress to act.

Representative Warren was recognized and asked if the H-2A program has a limit of the number of people allowed in each year. Mr. Wicker responded that there is no cap.

Representative Cleveland was recognized and stated that he would be more than willing to sponsor a resolution.

Representative Stevens was recognized and stated that anyone who has applied to be here and been given permission to be here is not an illegal. She asked if H-2A documentation is submitted to the State so others are aware that these workers are here legally. Mr. Wicker responded that all the workers are issued a visa by the US Department of State. There is extensive background screening that captures all 10 finger prints twice; they are run through the Homeland Security Database, FBI Database, they are interviewed one on one to insure they don't have ill intent when they cross the border intending to stay in NC. They are given a Visa and then screened again when they approach the border by border patrol and they are issued an I-94 card. The I-9 is completed through a centralized orientation. It's a huge undertaking to coordinate 750 farmers with 7,000 workers in a timely manner and be in compliance at the base rate of \$9.70 per hour. 85 percent return year after year and want to stay and work.

Representative Starnes was recognized and asked if the 7,000 workers was an increase or decrease. Mr. Wicker responded that the peak was 10,000 workers until the federal tobacco buyout and the number then dropped to around 5,500 and has picked back up. If Hurricane Irene had not wiped out the tobacco crop in eastern NC, he indicated that there would have had a shortage of workers for the sweet potato harvest.

Representative Folwell was recognized and asked if the workers would be eligible for unemployment in NC. Mr. Wicker responded absolutely not. The employment service checks with the federal government before employment benefits are granted for unemployment insurance.

Representative Folwell was recognized for a follow up question and asked if the growers have ever received an experience modification form similar to what every other company is receiving at this time. Mr. Wicker didn't know the answer to that question. The average member employees an average of 9 workers. The majority of the membership are small family farmers so the best guess would be no.

Representative Folwell asked if one of these workers did get into the Employment Security Commission of NC, would that small farmer receive an experience modification bill associated with the benefits that worker was receiving. Mr. Wicker deferred the question to the Department of Commerce.

Representative Folwell stated there is close to double digit unemployment in NC and the underemployment is even higher. He asked Mr. Wicker if, as a citizen of this state, he had any creative ideas on how we can get North Carolinians back to work so this program wouldn't be as necessary. Mr. Wicker replied that their association doesn't just employ 7,000 legal foreign temporary workers. They also employ 1,000 other United States workers, and yes, they are usually the equipment operators and supervisors with a higher skill set and pay rate. The seasonality of the work is the largest challenge. The US worker will go to the farm and work for one day to make \$150.00, but they only want to work that one day. When they are ready to work again, the crops will be rotten in the field.

Representative Faircloth was recognized and asked how many growers are in the market that are not members of the association. Mr. Wicker responded that his best guess was around 2,000. At the peak of harvest there are approximately 90,000 workers in the state. If that's the right number, only 10 percent are H-2A workers. The NC Department of Labor Agriculture Safety and Health Inspections include migrant housing; the number is 15,000 beds certified last year.

Representative Faircloth was recognized and asked how many of these in the workforce are illegal. Mr. Wicker responded that the best guess estimate is around 75 percent of season agriculture worker are here without the proper work authorization and that would be proportionate with North Carolina.

### **Immigration Works US**

Chairman Iler introduced Ms. Tamar Jacoby, President of Immigration Works USA. Ms. Jacoby read directly from a handout that is attachment #4.

Representative Piece was recognized and asked what amendments were made to the Alabama bill. Ms. Jacoby responded that the amendments have not been made public yet and those should be forthcoming in the next few weeks.

Representative Jones was recognized and asked if the number of immigrants stated in the presentation could be divided into separate categories for legal and illegal immigrants. Ms. Jacoby responded that there is no number that divides the two.

Representative Stevens was recognized and for several questions. First, what study was referred to in the presentation. Ms. Jacoby answered that the UNC study done in 2004 was used. Second, is one of the main oppositions for traditional citizenship labor unemployment? Ms. Jacoby responded that unemployment has been exceeded and the American workforce is more educated. In 1960, 50 percent of US men in the labor force were high school dropouts and now only 10 percent are high school dropouts. Third, while NC has the need for more legal immigrants to help with the workload, we don't have the power to bring those legal immigrants in nor the power to keep out the illegal immigrants that we don't need or want here.

Representative Folwell was recognized and asked if the report in the presentation was done by Jim Johnson at the Kenan Business School. Ms. Jacoby replied that, yes, he was the author of the report. Representative Folwell was recognized for

a follow up and stated that he had made a request to Dr. Johnson in 2006, 2007 and 2009 for the report and the back data that went into report. He was told that even though he was using the UNC logo that the report was done by him and his private consulting business and no one would have a right to it. Ms. Jacoby responded that the report itself is widely available on the web, but not the back data. There were several studies done in other states also. Representative Folwell was recognized for a follow up and stated that it's not the summary that's important, it's the questions that were asked and how the data was compiled. When someone uses States assets and the UNC logo, the citizens and taxpayers of North Carolina are entitled to the back data that resulted in the report that is published.

Representative Cleveland was recognized and stated that the report did not differentiate between legal and illegal immigrants and nobody in the room has a problem with people who are here legally, so the report from Dr. Johnson has no bearing on the Committee. The illegal aliens in North Carolina are costing in excess of 2 billion dollars each year, not to mention the criminal element that is coming along with them. That is the problem the Committee is charged to address and any suggestions would be helpful. Ms. Jacoby responded that E-Verify was a very good first step in addressing the problem, however, the complexity is the danger of throwing out those workers without bringing in a legal immigrant workforce. The industries in NC need a legal immigrant workforce with no way to provide that.

Representative Cleveland was recognized and stated the idea that illegals being forced out of the State is going to cause economic hardship is overblown and it would be a benefit to the State to have the illegals gone. After a raid on a packing plant where several illegal workers were removed, the plant reopened two days later with American workers filling the jobs. Ms. Jacoby replied that she does not condone illegal immigration; however, states such as Georgia, Alabama and Arizona have found that driving these workers out of the state has been bad for industry. The states are caught between a rock and a hard place on what can be done to help these companies get legal immigrant workers.

Representative Cleveland was again recognized and asked what was the actual monetary number for the loss in agriculture and what is the real truth since nobody has an honest figure. If the numbers were true, the state of Georgia would be back peddling and they aren't. Ms. Jacoby responded that NC is on the right path with E-Verify and time must be given to allow it work.

Representative Iler asked if the 25 employee number for HB 36 should be higher or lower. Ms. Jacoby answered that the number is a good balance. Other states such as Utah have a 14 employee threshold and Tennessee has a 10 employee threshold before E-Verify must be used.

Representative Iler asked if any solution in relation to a state issue ID have been proposed in other states. Ms. Jacoby stated she had not seen this in any state than for guest worker programs.

Representative Warren was recognized and asked about any potential programs that would transition people from the unemployment line or penal system to the fields. Ms. Jacoby responded that Georgia had tried this and the results were not promising. Workers were fleeing the fields around 3:00 in the afternoon and it was harder work than they want to do. Representative Warren was recognized for a follow up and stated that E-Verify does nothing to stop identity theft.

Representative Cleveland was recognized for a comment regarding a large drug bust in Rockingham County confiscating \$600,000.00 and over 1,000 pounds of marijuana from two illegal aliens.

At this time, several members of the audience stood and made the statement that they were "illegal and unafraid". These demonstrators were removed from the committee room and three arrested for disorderly conduct.

Chairman Iler stated that demonstrations and outbursts will not be tolerated by the committee.

He announced that the next meeting is tentatively scheduled for March 28<sup>th</sup> at 1:00 pm in room 643. The meeting adjourned at 2:55.



Co-Chairs Iler and Warren, and other members of the committee, thank you for asking for input from Carolinas AGC (Associated General Contractors) on the immigration issue.

My name is Claudia Dodgen, and I am Vice President of Employee Services for Crowder Construction Company, a North Carolina-based contractor working primarily on heavy construction projects with around 850 employees. Although we are headquartered in Charlotte, NC, and operate primarily in the Carolinas, we also extend across those borders into Georgia, Virginia, and occasionally Florida and Alabama. I also chair the Carolinas AGC HR Committee, and Carolinas AGC asked me to make this presentation today on behalf of the construction industry.

First and foremost, we applaud the NC Legislature for enacting the HB36 legislation to help solve the problem of undocumented workers seeking employment opportunities in North Carolina. For years, we struggled with the challenges of complying with the Immigration Reform and Control Act (IRCA), which essentially requires our hiring managers to be document experts at the point of hire. With E-Verify, the guesswork on whether someone is legally eligible to work in the US is removed, and our hiring managers can now focus on filling positions with the most qualified candidates.

The construction industry is highly dependent on the Hispanic workforce, and Crowder has benefited from the excellent craft skills as well as strong work ethic. Nearly 30% of our craft workforce is minority, and of that group, 68% are Hispanic with service history ranging from 3 months to 13 years. We provide all of our documents in English and Spanish, maintain Bulletin Boards in both languages, and have Hispanic Liaisons on our Safety Team and at our corporate office. Needless to say, we made a commitment to building long-term relationships with the Hispanic community, and it has paid off in low turnover and a great reputation. We are known as a great place to work, but we are also known as a place where you need to be legally eligible to work in the US.

In regards to the three questions which bring me here today:

1. ***What can the state do to help your industry deal with issues relating to immigration?*** To the N.C. General Assembly's credit, you have already done what is needed most by moving us into a system that helps us do a better job ensuring only people who are legally eligible to work in the United States are employed on our jobsites. That is a goal which the construction industry overwhelmingly supports. E-Verify is a much more accurate approach than the visual inspection of documents required through IRCA. The system has improved considerably since we first began using it in 2007, and now allows for an immediate confirmation as well as visual matching of documents.

The challenge that we could use your support on is the implementation of the E-Verify program as HB36 goes into effect through July 2013. With that said, we have three requests:



- a. Help us with the education on HB36—what is the law, when does it go into effect based on company size, and the specifics of how to implement E-Verify in our hiring practices. As we prequalify subs to work on our construction projects at Crowder, it is clear that many are simply not aware of the Act or the ramifications to their business. Carolinas AGC , which has provided its members with extensive information about HB36, is hosting an HR workshop in mid-April where we will have many smaller contractors from the Carolinas in attendance. A key item on the agenda is compliance with HB36, and we will be demonstrating the E-Verify system and teaching our contractors the specifics of implementing it in the coming months. We ask you to join us in this education effort, and help us to proactively get the word out to the contractor community as well as all businesses this new law affects. Ideas to consider include setting up a toll-free number for businesses to call for support and/or a website page for HB36. It could include a portal to the USCIS E-Verify site for NC employers.
- b. Minimize or avoid any legislation that continues a Federal trend of increasing the administrative burden on our industry. Through Executive Orders and changes at the OFCCP level, we are dealing with significant increases to our documentation and paperwork requirements. E-Verify is a necessary addition, but it, too, requires a change at an administrative level. Help us keep the focus on the things that are helpful, such as this new legislation, and away from the things that create paperwork that does not necessarily benefit our end goal—creating jobs to move people from unemployment to gainful employment.
- c. Help us think through and close the gap on the increased technology needs for smaller contractors. Larger contractors such as Crowder will be fine, but the smaller contractors and subcontractors, many working on our jobsites today, will struggle with the administrative burden of not only changing their practices but also embracing the technology required to E-Verify. Their issues range from simply “how to use a computer” to internet connectivity in rural locations.

We are addressing this issue on many of our jobsites by allowing our subs to utilize our wireless access, but that doesn't solve the problem across the Carolinas. We would recommend a focus in the coming years on community broadband initiatives and internet connectivity so that all employers and certainly our industry have affordable, effective and convenient internet access across our state.

2. ***What are practices that other states have implemented in addressing issues related to immigration that would be helpful to your industry in NC?*** I am very aware of the proposed and existing legislation in the states that we work in, and have researched the various laws in place or up for discussion across the U.S. In reviewing these laws, I believe HB36 is one of the more effective laws in place as it focuses on E-Verify as the primary goal, levels the playing field across all industries in how we implement it, and builds



accountability for compliance. I have not seen any additional components in the states that I have studied that would be helpful to the construction industry in N.C.

3. ***What are practices that other states have implemented in addressing issues related to immigration that would be harmful to your industry in NC?*** I don't know of an issue that would directly harm our industry, but I do believe that we should focus on getting people to work (in regards to immigration) and not on redirecting law enforcement into the immigration reform battles. So many states are trying to put in place legislation that makes our police force enforcers of immigration laws, and I think that keeping our state safe is a better focal point.

Thank you again for this opportunity to speak on this important issue for our industry and for all employers in N.C.



## REMARKS

# House Select Committee on the State's Role in Immigration Policy

Tamar Jacoby  
President, ImmigrationWorks USA  
February 29, 2012

Thank you, Chairmen Iler and Warren, for this opportunity to appear before you today.

I'm Tamar Jacoby, president of ImmigrationWorks USA, a national federation of employers working to advance better immigration law. Our national network links major corporations, national trade associations and 25 state-based coalitions of small to medium-sized business owners concerned that the broken immigration system is holding back the growth of the U.S. economy. Our shared aim: legislation that brings America's annual legal intake of foreign workers more realistically into line with the country's labor needs.

I'm here today at the suggestion of the North Carolina Chamber of Commerce. ImmigrationWorks and the North Carolina Chamber are working to form a partnership to develop a set of immigration principles for the state. And the Chamber thought it might be helpful for me to give the committee some perspective on how other states are handling immigration and what the consequences have been for businesses in those states. I worked closely with President George W. Bush in his ill-fated push to overhaul the immigration system in 2006 and 2007. And my organization and its 25 state-based affiliates now work with lawmakers across the country as they attempt to fill the vacuum left by Congress' failure to come to grips with immigration.

My remarks respond to three questions posed by committee staff – plus an additional, in my view essential, question about immigrants' contribution to the state economy. The employers in my organization's national network come from every sector that relies on immigrant workers – agriculture, hospitality, food processing, construction and, at the high end of the skill ladder, information technology and the STEM professions. So I will address these questions broadly – not as they relate to one industry, but rather to employers across sectors and by extension to the state economy.

### **What can the state do to help employers who rely on immigrant workers?**

The overwhelming majority of employers support immigration enforcement. Of course, there are bad apples – shady, unscrupulous employers trying to cut corners, including by exploiting vulnerable workers. But most business owners who hire immigrants want to be on the right side of the law. It's their obligation as citizens, and it makes good business sense – any other course puts their investment and, for a larger company, their brand name at risk.

The problem for most businesses that hire immigrant workers: there aren't enough *legal* foreign workers available to fill jobs for which employers are unable to recruit U.S. workers. Even in the worst days of the recession, farmers, restaurants, hotels and seasonal businesses had trouble recruiting enough Americans to fill many jobs. And even with today's

persistent high unemployment, employers in many of these sectors continue to need immigrants to keep their businesses open and contributing to the economy.

The bottom line, grim news for many businesses: the supply of available *legal* immigrant workers does not begin to match demand. And as a result, many employers in vulnerable industries are caught between a rock and hard place – unable to recruit enough Americans, but also unable to find enough legal immigrant workers to keep their operations open and growing.

In a perfect world, the market would deliver enough legal foreign workers to keep these employers in business. Authorities would expand and streamline existing temporary worker programs. They would create new guest worker programs for industries not served by existing programs. And they would increase the supply of employment-based permanent visas, or green cards. Of course, employers in any sector, high- or low-skilled, should have to try to hire Americans first. But if and when they cannot find enough Americans, they should be able to hire foreign workers – quickly, easily and legally.

The challenge for a state like North Carolina: only the federal government can increase the supply of legal foreign workers. Only the federal government can issue visas. Only the federal government can authorize the creation and expansion of temporary worker programs.

So in a sense, states too are caught between a rock and hard place. Although they are well positioned and understandably eager to do what they can to enforce immigration law, they alone are unable to change that law in a way that would benefit employers who rely on immigrant workers to keep their business open and contributing to the economy.

### **What do immigrants contribute to the North Carolina economy?**

The economics of immigration are simple. Immigrant workers are valuable because they are different from American workers – either more or less educated. And by filling niches for which there are few or no Americans available, immigrants create jobs for mid-skilled U.S. workers.

Consider the low end of the skill ladder. In 1960, half of all the American-born men in the U.S. workforce were high school dropouts eager to do unskilled outdoor work. Today, less than 10 percent of the American-born men in the workforce are high school dropouts. But North Carolina's farms, restaurants, nurseries and food processing plants still need an abundant unskilled labor force.

Without an ample supply of unskilled workers, these businesses cannot grow. But – and this is the critical point – a farm or restaurant or nursery that *is* able to grow because it has hired foreign workers inevitably adds jobs for Americans. When a restaurant that used to serve only lunch expands to serve dinner, that's more work for the U.S.-born waiters, the U.S.-born chef, the manager, the accountant and all the rest of the staff. A growing business also generates work for other businesses up and downstream in the local economy: in the case of a restaurant, for farmers, food processors, an advertiser, the firm that prints the menu, the supplier who replaces the refrigerators when they wear out – the list goes on and on.

Economists call this the multiplier effect. And according to estimates, every high-skilled immigrant hired in the U.S. correlates with five additional jobs in the surrounding economy. Every foreign agricultural worker correlates with 3.5 jobs, and even seasonal workers generate an average 2.5 additional jobs.

A 2006 study by the University of North Carolina captured this economic dividend in stark relief. Between 1990 and 2004, the Latino population of North Carolina grew by more than 600 percent. Most of these new residents were immigrants, most fairly poor, and like all poor people, they used more in state services than they paid in taxes, costing the state \$61 million a year. This was obviously not a good thing for North Carolina. But there was also a bright side – a very bright side. Because these Latino newcomers were also contributing to the growth of the state economy – through their purchasing power and the multiplier effect just described. According to the UNC study, in 2004, new Latino residents were responsible for \$11 billion of state economic growth. And that's 11 billion with a B – compared to a \$61 million fiscal cost.

### **What practices have other states implemented in addressing immigration that would be harmful to employers in NC?**

With Congress deadlocked and unable to act on immigration, state lawmakers across the country are taking matters into their own hands. States are experimenting with every kind of law enforcement they can think of – and understandably so. No one likes endemic disregard for the rule of law.

The problem arises in states that go beyond implementing the law and try to use the enforcement tools at their disposal to drive immigrant workers out of the state. The theory behind this kind of lawmaking is known as "attrition through enforcement" – the goal is to make unauthorized immigrants' lives so miserable that they voluntarily leave the state. And there's only one catch – the policy sometimes works. It's one of those cures that's worse than the disease – and a situation where lawmakers should tread very carefully.

Tens of thousands of immigrant workers, legal and illegal, have fled from Arizona, Alabama, Georgia and other states pursuing attrition through enforcement. And all of those states' economies are reeling as a result.

Consider just a few numbers.

- According to a study by the University of Alabama, as many as 80,000 immigrants, legal and illegal, have fled from Alabama since the state passed its omnibus immigration enforcement law – widely regarded as the toughest in the nation – in June 2011. With the multiplier effect, that's thought to be more than 140,000 total jobs lost in Alabama – or 6 percent of state GDP.
- In Georgia, which enacted a tough immigration enforcement law in April 2011, an estimated \$75 million worth of crops rotted in the fields last year because there were not enough workers to pick them. In July, half of Georgia restaurateurs surveyed by the state restaurant association reported that they too are facing worker shortages.
- In Arizona, the state that pioneered attrition through enforcement and has been working to advance it since 2004, between a quarter and a third of the unauthorized immigrants in the state are thought to have fled in the past eight years, and agriculture in particular is facing dire shortages. Meanwhile, boycotts against the Arizona hotel and lodging industry – boycotts driven by opponents of the attrition policy – have cost the state an estimated \$500 million.

In the face of numbers like these, it's not surprising that some states are having second thoughts. The architect of Arizona's attrition policy, former Senate president Russell Pearce, was removed from office in November 2011 in a special recall election – and in 2012, for the first year in many years, immigration is not expected to come up in the Arizona legislative session.

Closer to home, in Alabama, it's the architects themselves who are rethinking the state's attrition policy. Republican Gov. Robert Bentley, who played a leading role in enacting Alabama's 2011 bill, HB 56, is pushing this year to amend it – a push thought to have broad support across party lines in the legislature.

The lesson from other states: immigration enforcement is essential, and states have an important role to play, working in cooperation with the federal government to implement the nation's immigration laws.

But what Alabama and Arizona remind us is that the immigration system is broken. Existing law does not accommodate many American businesses' legitimate needs for a legal immigrant workforce. And in that situation, enforcement that goes too far can be economic suicide for a state.

**What practices have other states implemented in addressing immigration that would be helpful to employers in NC?**

This is the nub of the question: what can North Carolina do?

How can the state act constructively to help enforce federal immigration law? How, given its limited room to maneuver, can the state help employers who desperately need immigrant workers to keep their businesses open and contributing to the economy – and want to hire those workers legally? Is it possible for the state to strike a balance – upholding the rule of law but not undermining the state economy.

In my view, North Carolina HB 36, mandating E-Verify for employers and local government, does just that – it gets that balance just about right.

How so? The worksite – far more than on the border or in the street – is the most effective place to get control of illegal immigration. Employers trying to comply with the law welcome effective worksite enforcement. E-Verify is the best tool at our disposal to monitor immigration compliance – to catch bad apple employers and reassert the rule of law. And the U.S. Supreme Court's 2011 *Whiting* decision gives the states a green light to require that employers enroll in E-Verify.

But HB 36 is also a balanced bill, written with an eye to the well-being of the state economy. And I believe North Carolina lawmakers were wise to exempt small businesses and seasonal employers for whom E-Verify would pose a significant burden.

Perhaps most important, I would suggest, it's premature to revisit a statute enacted less than a year ago. Surely it makes more sense to give HB 36 time to go into effect – the E-Verify requirement is phased in over two years and won't be fully implemented until July 2013. Meanwhile, monitor the outcome – the consequences for the rule of law and for the North Carolina economy. And then reconsider if needs be – in the 2014 legislative session.

Is there anything the state can do in the meantime? Any way to help North Carolina employers in agriculture and other sectors who cannot find enough American workers and are seeking to hire legal immigrants?

A number of states are experimenting with policies. The Republican legislature in Utah enacted an innovative triple-barrel bill last year that combined immigration enforcement with a guest worker program for immigrants from Mexico applying to come to the U.S. legally and also – the third barrel – a worker authorization program that would grant work permits to the unauthorized workers already living and working in Utah.

Neither of the latter provisions can go into effect without a federal waiver or some other kind of federal approval, and so far the feds have not been forthcoming. To date, then, the Utah law is more a protest or a message bill than effective law – it's not yet delivering any workers for Utah employers. But interestingly enough, lawmakers in several other states are considering similar measures – either stand-alone state guest worker programs or worker authorization bills for the unauthorized immigrants already living and working in the state. Provisions to provide employers with a legal immigrant workforce were introduced this year in Kansas, Oklahoma, New Mexico, California and Vermont. And although none of these proposals are expected to be enacted this year, they send a powerful message to Washington and to the American public.

What exactly is the message? That the immigration system is broken. That important sectors of the state economy depend on immigrant workers. That existing immigration law does not accommodate these employers' legitimate labor needs. And that essential as enforcement is, it must be accompanied by policies that recognize and meet demand for legal immigrant workers to fill jobs for which not enough U.S. workers are available.

Ultimately, only the federal government can square this circle – only the federal government can fix the supply side of the immigration equation. But as Utah has shown, states can play an important role in reminding the federal government of its failure to create a system that works for the states – and for U.S. employers and the U.S. economy.

North Carolina may or may not be interested in sending a message of this kind – I understand that message bills are more appealing to some legislatures than to others. I think it would make sense at some point for North Carolina to consider what can be done to make the state more appealing to high-skilled immigrants – making it easier, for example, for talented foreigners getting degrees from North Carolina universities to remain in the state and work after they graduate, helping to make North Carolina more competitive, rather than the countries these students now go home to. But that's another big subject – we don't have time for that today.

And in the meantime, I submit, North Carolina would be wise to stay the course it set with HB 36 – a balanced, careful, pragmatic approach that combines immigration enforcement with a realistic concern for the health of the North Carolina economy.

Thank you again for this opportunity to appear before you. I hope I can be a resource to the committee going forward – I'm eager to be helpful in any way I can as you consider what you as a state can do to make immigration, skilled and unskilled, work for the state of North Carolina.

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Wooten Gough	El Cambio
Giovanna Hurtado	EL CAMBIO
SANDRO PEREIRA	JESUS MINISTRY
Edmilson Bral	JESUS MINISTRY
Estephania Mijangos	NC DREAM TEAM
Cynthia Martinez	NC DREAM TEAM
Jaime Perez	NC Dream team
Uriel Alberto	EL Cambio
Moises Semano	EL Cambio (The Change)
Sergio Fonseca	El Cambio (The changes)
ANGELA ARNOLD	PUBLIC

## VISITOR REGISTRATION SHEET

House Select Committee On Immigration

2-29-2012

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
BERRY Jenkins	CA RO LINAS AGC
Rogelio Valencia	NC DSS
CHAS MILLIS	
Benjamin Smith	Pentano for Congress / Warfighter Creators.com
Jason Britt	Pentano for Congress
Pat Kelly	St Francis of Assisi
Marcos Cervantes	NC Dream Team
Claudia Salazar	NC DT
Monica Martinez	NC Dream Team
Karla Coronado	NC Dream Team
Dani Moore	NC Justice Center
Scott Holmes	Brock, Payne + Muehl

### **Eden, NC- 07/16/2011**

Rockingham County Sheriff's Deputies arrested a suspect ... after responding to a **domestic assault** call at a home in Eden that left one woman severely injured and covered in blood.

- digtriad.com

### **Mount Airy, N.C. - 11/06/09**

A man accused of **murdering four people** in Mount Airy Sunday was in the **U.S. illegally and had been deported previously**, an official with a federal agency confirmed Friday.

- Mt Airy News

### **Ayden, N.C. - 06/04/11**

A suspected **illegal immigrant** is accused of committing "**countless**" **break-ins and larcenies** that targeted the Hispanic community in Pitt County...

[...]

He was also put under a **detainer by the U.S. Immigration and Customs Enforcement.**

- WRAL News

### **Raleigh, N.C. - 05/23/10**

A 23-year-old Raleigh man was arrested Saturday in connection with the **alleged rape of a 12-year-old girl.**

[...]

He was also placed under a detainer by Immigration and Customs Services, which believes he is **in the country illegally.**

- WRAL News

Wilson, N.C. - 06/22/07

An illegal immigrant was arrested Friday morning and charged with a rape that occurred in Wilson 10 years ago, police said.

[...]

...had been deported in 1998 and re-entered the U.S.

- WRAL News

Graham, N.C. - 07/05/11

A Burlington man pleaded guilty to two counts of indecent liberties with a child Monday and will spend up to three years in prison before he is deported.

[...]

...also under a U.S. Immigration and Customs Enforcement detainer...

- Burlington Times News

Burlington, N.C. - 06/17/11

The Alamance County Sheriff's Office and N.C. Alcohol Law Enforcement busted a counterfeit document operation in Burlington on Thursday after a two month investigation.

[...]

...was charged with possession of fraudulent identification and manufacturing of fraudulent identification.

[...]

...a federal immigration detainer was filed against ... by Immigration and Customs Enforcement.

- Burlington Times News

**Fayetteville, N.C. – 03/31/09**

Cumberland County sheriff's detectives said they have charged an **illegal immigrant from Mexico with sexually inappropriate behavior with a 6-year-old girl.**

[...]

...**charged with first-degree statutory rape, first-degree statutory sex offense and taking indecent liberties with a child.**

[...]

...being held in the Cumberland County Detention Center under a \$100,000 secured bond.

[...]

...also being detained by Immigration Custom Enforcement.

- WRAL News

**Raleigh, N.C. – 06/20/07**

A man charged in connection with a **fatal wreck on interstate 40** two weeks ago was indicted Wednesday on a federal charge of being an **illegal immigrant.**

...is being held in the Wake County Jail on a \$1.2 million bond. He is charged with **DWI, felony death by motor vehicle, two counts of assault with a deadly weapon, no operator's license and careless and reckless driving...**

...**attempted to enter the U.S. illegally twice in 2004.**

- WRAL News

**Burlington - 04/07/09**

**A woman charged with the death of a 43-year-old man killed while riding a motorcycle in downtown Burlington Sunday was cited last summer for driving with no operator's license.**

[...]

**...who is from Mexico, is allegedly using an alias and is in this country illegally, received a citation July 11, 2008...**

[...]

**...pronounced dead on the scene. His 9-year-old son... was taken by helicopter to Duke University Medical Center in Durham...**

- Burlington Times News

**Charlotte, N.C. - 08/12/10**

**A man living in this country illegally is charged with raping two young girls.**

- WBTV News

**Graham, N.C. - 05/07/08**

**A woman who purchased a Texas woman's name and Social Security number to get a job in Alamance County has been charged with identity theft.**

[...]

**"...an illegal immigrant from Mexico, advised that she purchased the name and Social Security number..."**

- Burlington Times News

	K-12	LEP	MEDICAID	SHIP	JUSTICE	WELFARE	GENERAL	TOTAL (Millions)
Alabama	\$159.2	\$27.7	\$26.3	\$6.1	\$18.7	\$21.4	\$38.3	\$298.0
Arkansas	\$129.9	\$26.1	\$19.4	\$4.2	\$17.9	\$16.7	\$29.9	\$244.0
Florida	\$2,780.1	\$559.1	\$530.6	\$129.2	\$578.9	\$317.1	\$567.6	\$5,463.0
Georgia	\$1,453.5	\$217.8	\$265.5	\$52.0	\$194.6	\$77.1	\$138.0	\$2,399.0
Louisiana	\$109.5	\$22.0	\$17.5	\$4.2	\$19.2	\$18.4	\$32.9	\$224.0
Mississippi	\$59.9	\$10.4	\$9.4	\$2.1	\$7.8	\$6.1	\$10.8	\$106.0
North Carolina	\$1,032.4	\$207.6	\$190.5	\$59.5	\$155.4	\$149.7	\$267.9	\$2,063.0
South Carolina	\$221.6	\$44.6	\$30.2	\$7.2	\$28.0	\$21.2	\$37.9	\$391.0
Tennessee	\$231.8	\$49.8	\$53.5	\$14.2	\$41.4	\$55.9	\$100.1	\$547.0
Texas	\$5,089.0	\$1,023.4	\$1,167.5	\$250.7	\$727.9	\$212.9	\$381.2	\$8,878.0
Virginia	\$882.7	\$401.7	\$205.0	\$60.4	\$132.6	\$79.8	\$142.9	\$1,905.0

Courtesy of Federation for American Immigration Reform

*Per Year*

## VISITOR REGISTRATION SHEET

House Select Committee On Immigration

2-29-2012

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
Juorio PANTANO	PANTANO For CONGRESS, com
Fred Johnson	NC FIRE
David Smith	NC Fire
ROBERT KEAT	RV TRIAD
Patricia Heininger	NC Fire RV TRIAD
BEVERLY LUNG	NC FIRE TRIAD.
Kate Tozzolina	Orange County, NC Lister
Frank Tozzolina	u u u u n
Don Paganì	Angier, N.C.
Ron Cox	Jesus Ministry
Corrie Wilson	ECNC

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NAME

FIRM OR AGENCY AND ADDRESS

Meredith Doughridge	NC Chambers
Bert Lemkes	Van Wijgerden Intl. Inc.
Paul B. Papp	NC FB
Jessi Hayes	NCHBA
Lisa Martin	NCHBA
Susanna Davis	Office of the Gov.
Robert Colton	att
Larry Bewley	am Exp
John Faison	CIR <del>4501</del> 3033-3 Stony Brook Dr Rd NC 27604 j.faison@ciraleigh.org
Daniel Lara	JESUS ministry
Jose Rico	NC DREAM Team

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NAME

FIRM OR AGENCY AND ADDRESS

Irene Godinez	Latin American Coalition, Raleigh
Sarah Preston	ACLU-NC
Kim Stasio Swenson	NC Latino Coalition
John Herrera	CCSA.
Henry Jones	Jordan Price
Bob Ford	NC Poultry Fed.
Annette Newkirk	NC Child Care Coalition
Ray Stalling	NCDA+CS
Dave Simpson	Carolina's AGC
Claudia Dodson	Carolina's AGC + Crowder Construction
Karen Dye	Cities

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2-29-2012

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NAME

FIRM OR AGENCY AND ADDRESS

SARA MEJIA

JESUS MINISTRY

REV. CARLOS CORTES

JESUS MINISTRY / MINISTER ABANDONED

Fernando M. Mendes

Jesus Ministry

Laura Mendes

Jesus Ministry

Ivexy Gonzalez

Jesus Ministry

LORENA Casas

Jesus Ministry!

Oscar Alcantar

jesus ministry

Elva Alcantar

Jesus Ministry

Ivania Hernandez

Jesus Ministry

Sergio Hernandez

Jesus Ministry

Gabriel Pelayo

Jesus Ministry

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NAME

FIRM OR AGENCY AND ADDRESS

Marta Navarro	Jesus ministry
Yovana Esquivel	Jesus Ministry
Jaime Martinez	Jesus Ministry
Carlos Drozco	Jesus Ministry.
Miriam Enid Castillo	Jesus Ministry
Braulio Castillo	Jesus Ministry
Graciela Alga	Jesus Ministry
Kimberly Jinorio Swanson	NC Latino Coalition
Thomas/Mary Kottke	NC Listen
Paul Mitchell	First Friends Meeting (Quaker) Greensboro
Whitney Vander- werff	League of Women Voters, Greensboro

Piedmont  
TRIAD

## VISITOR REGISTRATION SHEET

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2-29-2012

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NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Chellie Mason	Greensboro, NC
Leslie Forrest	North Carolina Council of Churches Raleigh, NC
Megan Nerz	North Carolina Council of Churches Raleigh, NC
Pamela Gallo	Raleigh - NC Listen
Lisa Chun	NC Justice Center
Betty Ellerbee	League of Women Voters
ROBERT Page	Raleigh, NC
Judy Page	Raleigh, NC
Jimmy THOMAS	BROADWAY NC.
Julio Hernandez	Jesus Ministry
Monica Miramontes	Jesus Ministry

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NAME

FIRM OR AGENCY AND ADDRESS

Carmen E Peris	Jesus Ministries
Angelica Mc Gonzalez	Jesus Ministry Inc.
Romy Radhicans	La Noticia Newspaper
Eustacio Murga	Jesus Ministry Inc.
Francisca Diaz	Jesus Ministry Inc.
Maria Carmen	JESUS MINISTRY
LUIS SIMENZ	JESUS MINISTRY
Jairi Galardo	JESUS MINISTRY
David Ortiz	Jesus Ministry
Johana Perez Toledo	Jesus Ministry
Nancy Castillo	Jesus Ministry

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Nancy Kasko	Moore TEA Citizens
Joseph Kasko	Moore TEA Citizens
Andrea N. Barnes	NC Listen
JACK STEVENS	MOORE TEA CITIZENS 50 <del>50</del> PT DR Pinehurst NC 28374
Jo Mordini	MOORE TEA CITIZENS 35 Forest Lane Pinehurst, NC 28374
S. McAuliffe	<del>Moore</del> Moore TEA Citizen
PATRICK O'Neill	<del>INTERNATIONAL REFORM</del> CATHOLIC WORKER 124 PERDUE ST GARNER NC 27529
Shelley Alonso-Marsden	Duke University/NC Listen 709 Gerard St. Durham, NC 27701

# VISITOR REGISTRATION SHEET

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

MAUREEN Wilson

NC FIRE

James Johnson

NC FIRE

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Javier Becio-Valdez	Jesus Ministry
Marco Herrera	JESUS Ministry
Yolibeth Mejia Delcid	Jesus Ministry
Jose' mejia Sanchez	Jesus ministry
Rigoberto Trejo	Jesus Ministry
Maudia Melendez	Jesus Ministry
Alicia Tomas Don	NC DREAM Team
Amy Fischer	NC DREAM Team
Jessica Rocha	N.C. Justice Center
Peggy Smetana	Moore Tea Citizens
Dee Park	MOORE TEA CITIZENS PO Box 4381 Rochester, NC 28374

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NAME

FIRM OR AGENCY AND ADDRESS

Carlos Franco	Jesus Ministry
Maria Velazquez	Jesus Ministry
Carol Wheldon	MOORE TEA CITIZENS
STEVE STORRS	NC LISTEN
RON WOODARD	NC LISTEN
KERRY ALZNER	moore tea citizens
Bob Obenshan	NC FIRE
Cindy Carriva	NC FIRE
Stephanie Gray	NC FIRE
Mary Ellen Cardillo	NC Fire
John C. Cardillo	NC FIRE

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN  
IMMIGRATION POLICY**

**AGENDA**

**March 28, 2012**

**1:00 P.M., ROOM 643 Legislative Office Building**  
Representative Warren, presiding

**Welcome and Introductions**

Representative Warren, Co-Chair

**Adoption of Minutes**

Representative Warren

**Jesus Ministries**

- Maudia Melendez, Executive Director, Jesus Ministries

**NC FIRE**

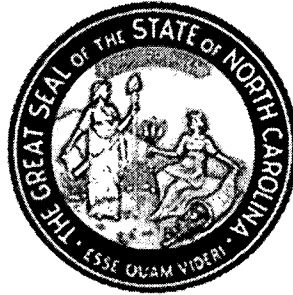
- James Johnson, President, North Carolinians For Immigration Reform and Enforcement (NC FIRE)

**Public Hearing**

**Adjournment**

**Subject:**

FW: 3-28-2012 Immigration Minutes.docx



**MINUTES**  
**House Select Committee on the State's Role in Immigration Policy**

Wednesday, March 28, 2012

1:00 PM

Room 643, Legislative Office Building

The House Select Committee on the State's Role in Immigration Policy met on Wednesday, March 28, 2012 at 1:00 p.m. in room 643 of the Legislative Office Building. Representatives Iler, Warren, Cleveland, Faircloth, Jones, Pierce, Stevens, Starnes and Wray attended.

Representative Warren presided and welcomed the committee members, staff and visitors. The visitor's log is attached to these minutes as Attachment #1. A motion to approve the minutes from the February 29<sup>th</sup> meeting (Attachment #2) was made by Representative Cleveland and the motion carried. Representative Warren read a short letter from the Consulate General of Mexico, Mr. Carlos Flores Vizcarra (Attachment #3).

**PRESENTATIONS**

**Jesus Ministries, Charlotte, NC**

Chairman Warren introduced Ms. Maudia Melendez, Executive Director, Jesus Ministries. Ms. Melendez thanked the committee and the chairmen for the opportunity to address the committee. Ms. Melendez did not speak from a handout and her testimony is below.

I myself am an immigrant. I came from Nicaragua 39 years ago to New York City. I lived there until 25 years ago when I moved to North Carolina. God has blessed me here in North Carolina. I call this my home and I appreciate it very much. I love the state of North Carolina. In the course of living here in North Carolina, I have worked with the immigrant community and since 1999 when our house was completed; we had the immigrants coming to this land, to this great state of North Carolina. When all our buildings were already in place and our streets were already built, I have seen a terrible thing being committed to the immigrants. They were invited to come. I remember because I was here in 1987 when there were no immigrants in North Carolina. We invited the immigrants because our state was growing. It was an underdeveloped state and we required extra hands and we invited the immigrants. They came and they did all the work

and they continue to do the work. Never the less, we had called them. And I want to tell you that I wrote and rewrote this speech and I want to be consistent on the five minutes you are giving me, but I want to tell you that through the years I have seen so much corruption in some, not all politicians. There are good politicians who have good hearts. There are politicians that know how to say thank you. Politicians that know the heart of the immigrants. But through the years they have called the immigrants, and I want to read some of the things that they have said about the immigrants. Number one, they said "Immigrants are here committing crimes; they are drug dealers, prostitutes and gang members. They are the ones who are bringing all the ills of the world to North Carolina." I want to tell you that the Latin community and the immigrant community are people of faith and they believe in God and Jesus is their God. I want to tell you that I have been around the state visiting churches and thousands upon thousands of immigrants gather in churches to praise the Lord. To praise to the Lord and praise His name. Those are the immigrants. But now, they also say that "they are dragging all our resources, they are taking hospitals, welfare, Medicaid. I want to tell you that no one, and we have heard these things over and over again in these meetings that immigrants are not allowed to take any aid from the government unless they have been in the United States, being residents, legal residents of the United States for 5 years. Only children who are born here are allowed to get help. Something else we hear and I want to move quickly, they say "they don't contribute to our economy". I want to tell you that all of those buildings, Bank of America and all of those buildings built were built by immigrant hands. And today we spend more money; we spend billions of dollars in North Carolina. And quickly, you say they taking our jobs. I want to tell you in 30 seconds that I have a young man here that after Katrina he decided to go with a crew to work in the aftermath of the terrible hurricane. And I want to tell you that he is here today. He doesn't have his eyesight because he worked there very hard in collecting the debris. Finally, he was building houses and apartments and unfortunately he came in contact with contaminated water, toxic water. It took his sight away. This is Jose and Jose has three children, American children, and he gets no help from anybody. He has no government help and his children don't take any welfare. And today he's lonely, he has no money, he is a man that deserves to hear a thank you. And today he can show you his eyes. He has no eyesight. Have mercy on the immigrants and stop calling them all of the things you think they are. Please in the name of Jesus, we serve a great God and one day there is a land where nobody is going to be an immigrant. I appreciate your time very much and thank you.

#### **NC Fire**

Chairman Warren introduced Mr. James Johnson, President, NC Fire.

Good afternoon and I would like to thank the chairmen and the committee for inviting me to speak here today. I appreciate the law enforcement community showing up and the citizens that support immigration enforcement. What I would like to address today is illegal immigration in North Carolina. Last year 32 states passed strong immigration enforcement laws to protect their citizens from the undue burdens associated with illegal aliens. Some of those states passed up to 15 different laws regarding illegal immigration, including our neighbors Virginia, West Virginia and Tennessee, along with South Carolina, Georgia and Alabama that included the very tough SB 1070 type legislation. Last year North Carolina passed just two laws (an E-Verify law, a bill that was so weakened as to exclude the very businesses the employ most of the illegal aliens and the Safe Students' Act that was stripped of anything that had to do with illegal alien children in our public schools.) Currently North Carolina has little more than nothing to deter illegal aliens from coming to this state. If we do not pass very strong immigration enforcement measures immediately, we will be unable to absorb the influx and the associated cost of illegal aliens that are currently self-deporting from these other states. It is already costing North Carolina taxpayers over 2.1 billion dollars per year just to educate, incarcerate, and provide emergency medical treatment to the illegal aliens and their children that are here now. That figure does not include the physical and emotional costs that are being inflicted upon us and our children, but the rampant and unchecked criminal activity of many of these illegal aliens. We also need to take into account and consideration the number of North Carolina citizens that are out of work and the ones that are being displaced by the illegal alien workers that are here. Now our law enforcement community and you are being asked by the pro-illegal immigration group represented here today to exempt a certain group of people from our laws simply because of their ethnicity and lack of personal responsibility in applying for and obtaining citizenship. This entire situation makes no sense. So we come here today to ask the committee to relieve us of these undue burdens by writing or recommending strong immigration enforcement legislation. The citizens of North Carolina have suffered enough. Thank you.

#### **Public Hearing**

Mr. Michael Hunn, Episcopal Priest of the Episcopal Church in the Dioceses of North Carolina.

The Holy Bible is full of stories of immigrants, exiles and refugees. From the first pages of Genesis, when Adam and Eve are exiled from the Garden of Eden, until the pages of the book of Revelation which describe the Kingdom of God as a city with gates which never shut welcoming the poor from all nations. Abraham and Sarah were undocumented immigrants, first in Canaan and then in Egypt and then in Canaan again. Jacobs's son Joseph was sold into slavery by his brothers and carried by human traffickers into Egypt where he worked his way up through a foreign government system and eventually welcomed the rest of his family. Immigrants seeking better economic provisions in Egypt because of a famine in their native land. Moses you recall was a Hebrew born illegally and sent down the river by his mother who was afraid that his undocumented status would put his life at risk. He was raised and rescued by Pharos daughter, who raised him as her own hiding his undocumented identity until he could hide it no longer and he lead the exodus out of Egypt. The people of Egypt wondered in the wilderness before seeking refuge in the Promise Land, where again, God's people were immigrants in a foreign land. Once there in the Promise Land, they wrote laws inspired by God. One of which reads "When a foreigner resides among you in your land, you must not mistreat them. The foreigner residing among you must be treated as your native born. Love them as yourself, for you were once foreigners in the land of Egypt. I am the Lord your God." My Lord and savior Jesus of Nazareth was born to an immigrant mother traveling in a foreign land to Bethlehem. He and his family then fled Egypt as exiles from a country that persecuted and chased after him. "Love your neighbor as yourself", He commanded. And when a man needed clarification about that he asked "who is my neighbor?" prompting Jesus to tell the story of the Good Samaritan. I concerns me greatly that there is legislation I believe before this House and certainly in this country that would make it a crime to act as a good Samaritan giving aid and shelter to those in need. Today, I call for immigration reform, not from a so called liberal perspective or a so called conservative perspective, but from a Biblical perspective, from a Christian perspective. We need a clear system of work permits for immigrant workers. We need to stop separating children from their families creating orphans and single parent households and children of criminals through deportation. We must not hold undocumented people indefinitely without legal representation when their only crime is doing work which needs doing in this country. And by the way, immigrants should be able to pay taxes like the rest of us because they contribute to the economy the rest of us enjoy. Thank you.

Joanne Peree was called to the podium to speak; however, she did not come forward.

Mr. Steven Wiles was called to the podium.

I would like to thank you for recognizing me today. I'm Steven Wiles from Winston Salem, North Carolina. As we all know the United States is not made up of an indigenous people. It has been a destination for people from all over the world since its inception. Some came to settle new lands and build new lives, broaden their horizons or escape persecution. This is today the destination of choice for people all over the world. We are a welcoming nation of immigrants. This is the strength of our nation and we embrace this as the basis of a conglomeration of American culture. In America, people are the source of power. The founders wrote the Constitution as a document of laws and of people, not rulers. It protects the people from the harmful acts of other people, but more importantly it protects us from our own government. The framers knew that governments are imperfect and abuse power. This was the foundation based on the concept of government of laws, not of rulers. And so the Declaration of Independence states specifically that government derives its power from the content of the government. Today we confront serious issues, which prove the founders were right. Our leaders have abused the trust of the people. They expect the rule of laws to be supreme, but selectively choose which laws will be enforced. Millions of immigrants seek legal status at great cost and time and money. But we have ignored the law and allowed sanctuary communities. Those legal immigrants are law abiding tax payers, but you chose to protect those who break the law. You impede justice; you discriminate against every legal alien. At a time of multi-billion dollar budget shortfalls, you approve the education of an estimated 50,000 children of illegal immigrants. We had to spend almost 200,000 dollars per student to educate citizens through high school. How can you look our citizens in the eyes and ask them to pay for the education of someone who is not here legally? How do you justify this violation of your oath of office? How can we respect you if you do not respect the laws you pass. As a candidate for commissioner for the county of Forsyth, I cannot and will not ask the residents of my county to shoulder this burden. I cannot allow the Constitution to be trodden under foot as it has been. I ask you to stop this miscarriage of justice and uphold the Constitution of the United States and of the State of North Carolina as you swore that you would when you took office.

My question today is this. Will you stand true to your word or will you continue to break your oath and in doing so lie to the American people. Thank you.

Mr. Hector Vaca was called to the podium.

Good afternoon. My name is Hector Vaca and I am an American born from New York and raised in South Carolina. I am here representing Action NC and We Are NC, to talk to you today not as the son of immigrants: but as a citizen and a voter. It concerns me very much that this body of elected officials whose duty is to represent the interests of the electorate has chosen to drag North Carolina into the immigration debate, a debate better left to Washington. It concerns me more that many Americans are out of work and this committee and the elected body it represents has seen fit to dedicate more time and resources to policies that hurt North Carolinians rather than help us. Legislation like the E-Verify bill passed last year here in North Carolina hurts North Carolina workers. According to the National Immigration Law Center, because of clerical errors, over 70% of those affected negatively by E-Verify are US citizen workers and those with documents. In many cases employers use this program to keep wages down or coerce employees into not speaking up when they are treated badly. The opposition claims that immigrants take jobs and that is why many Americans are out of work. This is a fallacy. What we need is for American corporations to stop keeping wages down and shipping jobs overseas. A more productive use of your time is passing legislation that would help North Carolinians get back to work. The opposition claims that immigrants do not contribute to North Carolina. This is false. According to the Celig Center for Economic Growth, "Latino and Asian entrepreneurs and consumers add tens of billions of dollars and tens of thousands of jobs to North Carolina's economy." The 2010 purchasing power of North Carolina's Latinos totaled \$14.2 billion dollars. Asian buying power totaled 6.9 billion. According to the US Census Bureau's Survey of Business Owners, North Carolina's over 20,000 Asian owned businesses had sales and receipts of 5.9 billion and employed 44,000 people. The state's Latino-owned businesses (21,000) had sales and receipts of 4.2 billion dollars and employed over 18,000 people in 2007. Immigrants are essential to North Carolina's economy as workers and consumers. If all unauthorized immigrants were removed from North Carolina, the state would lose 14.5 billion dollars in economic activity, 6.4 billion dollars in gross state product and approximately over 101,000 jobs. Rather than spending time and passing legislation that will in the end hurt North Carolina's economy, I urge you to please work to get North Carolinians back to work. Please go after the real bandits; the corporations that keep wages down and ship our jobs overseas.

Ms. Mary Dickinson was called to the podium.

Good afternoon. My name is Mary Dickinson and I'm from Winston Salem, North Carolina. I want to thank you, the elected servants of the people of North Carolina for this opportunity to speak with you about the North Carolina legislature and what it has already done to impact our undocumented immigrant population. I'm sure you've voted on bills over the years that had unexpected outcomes. In 2006, Senate bill 602 was such a bill. In that bill was the mandate that anyone living in North Carolina without proper documentation could not receive a driver's license. This bi-partisan bill is in place to this day. While you may think this was the proper call, it has created a nightmare for young, undocumented people who grew up here in the United States and who were approaching the age of driving a car. Do you remember what it was like to be 15 years old? You are neither here nor there. You are not yet an adult and you're no longer a kid. But for DREAMERS, born here to undocumented parents, 2006 was the beginning of a year when they became homeless. They had no homeland. These children were and are today thrown into the shadow. The North Carolina Legislature helped to put them there. We all make mistakes. When I do so, I try to own up to it and correct the error. Because of this bill, car dealers suffer because they cannot sell cars to car to people without valid licenses. Because of this bill, insurance companies suffer because they cannot sell car insurance to anyone who doesn't have a license. Because of this bill, citizens driving on our roads are less safe because there are drivers out there who have never had to show they understand the rules of the road. Although I fully support the Dream Act and in state tuition, today I am asking for a simple "undo". Undo this law. Let all people go through the process of getting a license. Then you will know who is in your state. You will have an official record. Help our businesses, make our roads safer and take this inhumane bill off of the books. Thank you.

Ms. Patricia Adams was called to the podium.

Good afternoon. My name is Patricia Adams and I am here with "We Are North Carolina". *Esse quam videri* (to be rather than to seem). Sound familiar to anyone? It should to public servants as our state motto. We are North Carolina and our state motto says it all. We are a state that seeks to be and not just seem. In this case, we are here to tell you that We Are North Carolina and we want our state to actually be inclusive, honorable and just....not just seem as such. With this so called select committee, we seem a lot more potentially exclusive, dishonorable and unjust. While many of us work tirelessly to create a state that is welcoming and inclusive of all, we wish that you would have been a little less inviting to the likes of Tom Tancredo and Kris Kobach - your bedfellows and backers on this committee - who bring into our state

and into this room the decidedly un-American values of racism, bigotry, exclusion and hate. We've seen what they are doing in their own and other states. We are North Carolina, and we are here to tell you that is not welcome here in our state. We are North Carolina and agriculture is the leading industry in our state. Here in North Carolina, and throughout the country, we are celebrating National Farmworker Awareness Week. Every year in North Carolina, no less than 150,000 farm workers labor to support an industry, one that farmers themselves admit would never survive if it weren't for the labor of farm workers. Those same workers face substandard housing, grinding poverty, food scarcity, child labor and hazardous work. And additionally, they are excluded from many of the labor laws in this country and this state. 85% of the produce that we all eat every single day is grown and harvested by hand by farm workers, not all of whom are undocumented, but there is a variety of status situations among the farm worker community. Farm workers are mothers and fathers, sons and daughters, grandmothers and grandsons. Farm workers too are North Carolina. We are North Carolina. We have a history of struggle and a history of blazing trails. Today we want to blaze a trail of inclusion. We want to break ranks with other states including neighboring Southern states by refusing to entrench exclusion into our states policies. As concerned North Carolinians, we ask members of the House Select Committee on the State's Role in Immigration Policy and all members of the North Carolina General Assembly to heed the call of reason and fairness. Stop the dehumanization of immigrants in our community. Enough is enough. Immigrants want the same things as the rest of the people in North Carolina: a roof over their heads, an education for their children, a steady job, and to live free of harassment and discrimination. Legislators should stop dividing our communities and instead, work for policies that unite and make us stronger. Let us be as North Carolina, actually be inclusive and not just seem as such. Thank you.

Mr. John Candillo was called to the podium.

Mr. Chairman and committee members, my name is John Candillo and my grandparents were legal immigrants from Mexico. I am an example of what can be accomplished if immigrants come into this country legally. When my grandparents came into this country, they did not expect special privileges or rights. They believed if they worked hard, followed society's rules and became legal citizens, that they and their future descendants could live the American dream. As you know, our Constitution begins "We the people of the United States". It is clearly referring to legal citizens of the United States. It grants no special privileges or rights to those individuals who come into this country illegally. When illegals understand this, they will fully understand the anger and outrage we feel because of their mass illegal invasion. We resent them breaking into our country, plundering our pockets and demanding special privileges such as reduced tuition to the institutions of higher education. Further, illegals take much more than they give. It is well documented the billions of dollars that North Carolina spends on educational, social and medical services. At our last meeting three illegals disrupted this committee. I think the committee now understands the disregard that they have for our governmental procedure and laws. I speak in hopes today that this committee will do two things. Number one, mandate 287 G. This mandate in all counties will help law enforcement to enforce our immigration laws. Number two, photo ID for voting in 2012. In working the election in 2008, I saw how easy it would be for illegals to go to multiple locations within a county and vote multiple times. Much is said about illegals living in the shadow and they do this because they know they are violating our municipal and our moral laws. When they understand that we are a nation of laws and that they must follow the rule of law, then and only then will they receive our full respect and acceptance. Thank you very much.

Mr. Rene' Van Romfay was called to the podium.

I'm Rene Van Romfay, an immigrant from Belgium. I came to this state almost 2 years ago and I really appreciate first of all that I can speak here. I appreciate the friendliness that the state gave to me when I was not born in this country. Unfortunately, not all immigrants are treated as myself and that's the reason I would like to express my support and rights for immigrants. I believe that the state of North Carolina and the economy of North Carolina benefits from the work of all immigrants and that they have all contributed a lot. On March the 7<sup>th</sup>, the Honorable Speaker, Thom Tillis in the Town Hall meeting in Lewisville, NC, admitted that the number of surrounding states made mistakes in approving laws which hurt their economies. And he said he was very concerned not to make the same mistakes or that we would not make the same mistakes in this state. He also admitted that a number of jobs that are done by immigrants, but these are not jobs taken away from United States citizens. These are jobs that no United States citizen will do. I really believe that North Carolina has to look first of all in this committee meeting for the best of North Carolina. As the Speaker mentioned, a number of states around here, Georgia, South Carolina, Alabama and Arizona made laws that finally hurt their economy. There is a lot of free market there. Why don't we try in North Carolina to take advantage of the free

market? Please, I ask this committee to focus on the benefits and the good and the advancement of this state also on the advancements of the immigrants who are benefiting this state. Thank you.

Pastor Sandro Pereira was called to the podium.

Good afternoon. I want to say thank you for the opportunity. My name is Sandro Pereira. I am the pastor of the church Assembly of God in Charlotte and I want to say a little bit of my history. I came to this country 15 years ago and I don't know how to explain, but when I got here I felt this is my home. I was illegal for 9 years and for 9 years illegal I paid my taxes, I applied for a Tax ID number and paid all my taxes. I accepted Jesus as my Savior in this country. I married here. I had my kids born here and now that I am a pastor, we do missions in Africa and Brazil and I travel a lot. The most beautiful thing that I can hear is when I come back the immigrants says "welcome home". I was illegal, but I had a dream to be an American one day and today I am proud to be American. Just like myself, there are thousands of people, thousands of families that they have the same dream. They want to live here, they want to obey the laws, they want to pay their taxes and they want to make a difference. I just want to say that I used to live in New York and the immigrants here are different than New York. New York, Boston and other cities, you can make much more money, but here in North Carolina you can live better. The immigrants here, they don't want to make money to come back to their country. They want to live better, they want to stay here, they want to pay their taxes and I want to ask for a law. I know this is not an easy case, it's not just yes or no and there are many things involved but I want to ask you to look close and you are going to find a lot of immigrant families that is a blessing to this country. And also I want to say thank you for this country that opened its doors to me and my family and I love this place. One more time, I am proud to be an American. Thank you.

Ms. Sonya Gressel was called to the podium.

My name is Sonya Gressel. Ladies and gentlemen, we are all immigrants here. A hundred years ago, my grandparents came to this country with no more than the clothes they stood up in, fleeing famine and the dislocations of the Industrial Revolution. Like all new immigrants, they came in for their share of abuse, being called "blockheaded Swedes," and reviled for "taking jobs from real Americans". They did not, however, have to face the roadblocks currently suffered by the undocumented students of our own day. They did not face arrest and deportation, they were not denied green cards, they were not forced to pay higher tuition and they were not denied a path to citizenship. My grandparents worked hard. They prospered, they educated their children and they made a genuine contribution to this country, just as these young people would do, given half a chance. I speak today of behalf of fairness for the students of El Cambio. I would be ashamed to stand in their way. Thank you.

Guillermo Mendoza was called to the podium.

Good afternoon everyone. My name is Guillermo. I'm an 18 year old high school student and first of all I would like to say why I have such a big passion for this. My best friend was an undocumented immigrant. Her mom got a misdemeanor one day and they got deported. She used to tell me every single day of the struggles that she had to live with. She would tell me how hard it was to try to drive to school every day knowing that she did not have a license. Knowing that they could be deported at any time. I do a lot of youth advocacy. I've been to Washington two times and I went to Greensboro and Raleigh to be a lobbyist. One of the words that I will never forget was a word said to me by Representative Cleveland. I chased him down one day and he told me when I asked him about one of the Arizona copycat laws. He said "it's because you guys here don't deserve to be here. You guys don't pay taxes and you guys are worthless". That motivates me because the word worthless tells me that someone is challenging me to do something that they think I can't do, but I think that I can do it. I want to tell you guys to try to propose a law to help us out. We are struggling. We need you. Thank you.

Mr. William Gheen was called to the podium.

My name is William Gheen and I am president of the nation's third largest illegal immigration enforcement advocacy organization known as ALIPAC Americans for Legal Immigration. So many legal immigrants that support our organization and feel strongly about immigration enforcement highly resent the use of the term immigrant to describe illegal aliens, illegal immigrants, trespassers, gate crashers, those that have avoided the laws of the United States of America. We are clearly a nation that honors our immigrant population. We admit more than 1.6 million people legally

per year which is more than every other nation on earth combined. We are the champion of immigration. But that same population has been crying out. And every law maker here, and I'm going to sound a little disturbed today because we've been fighting for 7 years now. Your email accounts, your phone lines have lit up with the 65 percent of the people out there that supports the Arizona, Oklahoma, South Carolina laws. The 77 percent of the people in the country that oppose licenses for illegal immigrants and the 81 percent found to oppose in state tuition for illegal immigrants in national and state polls. You know this. If you are a state law maker, how could you have not heard the voices of the dead and those who have been killed by illegal immigrants in this state? Each one of your districts. Somebody just chuckled. Don't chuckle about the death of Scott Gardner, Faye Comen and Ming Chang and the names that I could recite for hours that are dead because of the unenforcement of existing border immigration laws. Do not mock and do not laugh about the dead. Billions of dollars in tax payer resources stolen and then people come up here and mock the Bible and Christianity as if it's some justification for mass lawlessness. The Bible says "thou shalt not steal; thou shalt not covet thy neighbor". The Bible is very clear about how we are supposed to treat and interact with each other and it should not be used as justification of the mass lawlessness that harms innocent, defending American citizens that are defending ourselves from this aggressive invasion. It's all something in our imagination. We don't like people with brown skin. It's not the death and injuries, it's not the stolen taxpayer resources, and it's not the industries, the construction industry and the hospitality industry in each of your districts that have jobs that our suffering American citizens that are being marched out of their homes in unprecedented numbers of foreclosures need those jobs. Give them the jobs today. Stop being cowardly. Get on board with the brave heroes down in Arizona, down in South Carolina, down in Georgia. Be leaders. Move now. I'm asking you to be bold. I'm asking you to be just. I'm asking you to move now and if we go through another year without significant immigration enforcement laws in North Carolina, the public out there threw the Democrats out of power after 133 years and one of the biggest issues on their minds was illegal immigration. If we've got to throw Senator Burger out as president of the Senate or Thom Tillis out as Speaker of the House, let's do it. Let's throw whoever we have to throw out of power until the people, the 70 to 80 percent of North Carolinians out there that want you protecting their lives and communities from illegal immigration until you take action we will keep throwing you out of office.

Mr. Ron King was called to the podium.

Good afternoon committee. I'm glad to be talking before you today. I'm standing here as an American citizen to stand up for enforcement and the removal of benefits and assistants for illegal aliens that comes at the expense of Americans, American families, the kids in our colleges, our education and healthcare. These impacts continue to happen because we do not enforce the law and prevent the continued intrusion upon North Carolina. It's simply justified for North Carolina to enact enforcement. One of the things that I will have to say here is that I was personally impacted by illegal aliens, by illegal immigration. It happened to be in the banking profession. I was a bank teller and I was fired from my job because of the situation that occurred with a fake ID that was given to me to cash a check. I've seen fake ID's, counterfeit ID's, I've been handed a Mexican driver's license, the Guatemalan Consular Card, the Matricular Consular Card, the Mexican ID card. It is pivotal, this particular card, the Mexican ID card, is a way, is a foreign government, and is showing its ID card directly for the action of facilitating illegal aliens to continue their livelihood in the US at the violation of the US laws. In that respect, I would promote the legislature to outlaw the Mexican ID card as a valid ID that should not be allowed. In that regard, the Mexican ID card happens to be, what we have here, the bigger picture being that, we have a foreign government that wants to continue an intruding policy on the United States. To continue its place, to continue benefiting its people to the violation of the United States. So, this is not a matter of Hispanic or Latino issues, this is a legal or illegal entry into the United States and of North Carolina. You know, it doesn't matter that we have illegal aliens of all kinds. So, but this is not a state issue and the states have the right to protect the citizens and intact laws such as E-Verify, outlawing the Mexican ID card, enforcement by police to detain illegal aliens and the proof to show ID to get state benefits. But the more, the bigger picture is the ongoing invasion that should be dissuaded and stopped to continue this action. Thank you.

Brianna Miller was called to the podium.

Good afternoon. My name is Brianna Miller. I'm an immigration paralegal in Greensboro, North Carolina. I'm here today to speak up for my friends, family, co-workers and community. I would like to share this with the committee about what I experience at work. I'm not only a paralegal, but also a translator. On a daily basis, I have to explain to more than one family that there is no way for them to receive documentation. I have to tell wives, husbands, children and parents that their loved ones do not qualify for any immigration benefits without a change in the law. It is a widely spread misconception that undocumented immigrants can go home and come back the right way. Some relatives qualify to

petition for their relatives, but to limits on the number of immigrants allowed in each year the lines are extremely long. In fact, they can be as long as 20 years. I am 24 years old. I cannot imagine having to wait nearly my entire life to reunite with my family. The other common myth is that their parents migrate here to have kids and have an anchor baby. Children cannot petition for their parents until they are 21 years old. During this time, an undocumented person would have to stay in the United States and wait. If they leave the country and come back again, they risk triggering a permanent bar to receiving benefits. Our immigration system is already harsh and nearly impossible to navigate. I urge this committee to consider recommending reform instead of closing the doors on our friends, family and neighbors. I am here for immigration reform. I am here for a brighter future. I hope to one day look back on this period in history and be proud of the decision we made as a state when we were at this crossroads. I am for uniting families and keeping contributing members of society here in our communities. I will also vote in the next election and I will vote for Representatives that understand the need for immigration reform. I thank the committee for allowing us to speak and have our voice heard today. Please consider our side and recommend that we do not copy Arizona, Alabama, Georgia and other states with these horrible and dehumanizing laws. They have no place in North Carolina. Thank you for your time.

Pastor Angela Ayala was called to the podium.

Hello. My name is Angela Ayala and I'm the pastor of RCBM Ministries in Gastonia, North Carolina. In that city I've got several families, several kids that were brought to the United States of America. By the way, I'm a proud American and I love this country. I love this country and I love North Carolina but these families came to North Carolina looking for a better future, a brighter future and they brought their kids with them. At the same time they have been in school and now I've got five, five 17 and 18 year olds that are about to graduate from high school. After that, they don't have nowhere to go. It's like their dreams of becoming better students, as a matter of fact I've got one in particular that he's at the Highland Tech High School which is a very prestigious high school that allows kids that succeed in math and science and other good stuff, for them to come to this high school, not necessarily, they don't care about their immigration status. They just care about their brains and how to develop them. The only problem is that they don't have nowhere to go after that. What are we going to do? I'm asking this committee to give them an opportunity, to go forward and to become citizens. Better citizens to our United States of America. Thank you.

Catherine Chandler was called to the podium.

Thank you. My name is Catherine Chandler. I'm a North Carolina native, an NC State graduate, a Durham resident and a self-employed licensed landscape contractor since 1975. In thirty five years, the best person I ever worked with was an undocumented immigrant. After eleven years together, he returned to Mexico, leaving his wife, daughter, and two sons. The frustrations and growing fears of daily criminalization (basically through driver's license, his driver's license expired eventually) made him take this drastic step. He and each member of his family have worked hard, gone to school, paid state and federal taxes, and made contributions to our community. His daughter is a college senior in North Carolina. Recently on NPR, a discussion on global entrepreneurship revealed that China and India now supply 60 percent of all entrepreneurial start-up companies. The United States has fallen to 20 percent. Our immigrant population has supplied 90 percent of that 20 percent. The speaker strongly advised that immigrants graduating from college be immediately given a green card to promote their innovative spirit. Also, any immigrant who starts a business that hires one person, other than a family member, should get a Visa. To criminalize people by denying them driver's licenses and educational opportunities in our public schools, community colleges and universities jeopardizes the possible achievements of students, workers and professionals who could otherwise make measurable contributions to our communities. We are all losing from this injustice. North Carolina needs the energy, creativity and productivity from this segment of our population. Let's step out in front of the punitive laws that have criminalized and dehumanized undocumented immigrants in Alabama, Arizona, Georgia and South Carolina. We have everything to gain by embracing, educating and supporting these people in our communities. Thank you.

Juan Ramos was called to the podium.

Good afternoon. My name is Juan Ramos. I came here from Charlotte, North Carolina and I am representing the immigrant community. We want our voice to be heard. Already we have heard about, from the past generations and we are the future generation of this state. We need a lot of opportunities. You are asking for a person to pay taxes and all of those things. If you don't give us the opportunity to receive an education, more than a high school diploma, how do you want us to give you more than that? You know, we don't want no; maybe you don't want to waste your time just passing laws against us and then telling us to pay our taxes or our families to pay our taxes. I'm about to graduate from high

school. I'm a senior and graduating in the top percent of my class and many of my friends told me "I wish you could go to college because you deserve it". I want to tell everyone here that I'm going to college, no matter what. I have been already accepted. I'm not afraid of saying that I'm undocumented and unafraid and I only ask for opportunities. I know I came here three years ago. I didn't know the language. I started in high school. I have seen many of my friends struggling in high school because they didn't know the language. My freshman year, I remember getting harassed or teased because I didn't know the language and I still, right now, have a good GPA. Based on other students who have been here their entire life and have a very poor GPA. And that is something that I'm really proud about. If you want to take this from me, then go ahead. I'm not going to say thing but just to let you know, I'm not scared. Thank you.

Irene Godinez was called to the podium.

Thank you for allowing me to speak this afternoon. My name is Irene Godinez. I'm the Legislative Director for the Latin American Coalition, a native North Carolinian and a child of immigrants and the proud sister of a US Army Veteran. I write you today or I am standing here before you today with people from all walks of life and people who are here eager to express to you our support for making North Carolina an inclusive state and continuing in that tradition. When this committee first started its work, co-chairman Iler promised a dispassionate look at the issue of immigration in North Carolina. But news reports of private meetings and the experience of trying to get information in a timely way about the committee's action has us concerned that this committee is anything but dispassionate. WE remind the 12 committee members today what you have heard up until this point. You have heard that undocumented immigrants do not qualify for almost any public benefits, that they cannot get drivers licenses. WE have heard of the costly legal battles being fought in Arizona, Alabama, Georgia, South Carolina and I also want to point out that we, as North Carolinians, never have tried to be like South Carolina, so why in this regard would we. We have heard from business community asking the state to leave well enough alone and to let the federal government deal with the federal issue of immigration. I am also part of the We Are NC, an alliance of organization and individuals working to shift the debate on immigration in our state. We come, and you will receive by the end of the day, over 700 signatures to a petition asking the state to focus on things that improve our state instead of spending time making life difficult for immigrants. We also come with over 200 comments to be submitted to the committee, more than 50 of them from clergy from around the state. We know that our state has a history that has given great results. We were the first in flight, first to grant access to higher education, and the first to stage sit-ins when parts of our communities were denied basic human rights. We call on all North Carolinians to continue to live up to our legacy of doing what is right in times of great challenges, and legislators, you have a higher calling in a higher charge in creating good laws when bad ones are in our midst, particularly when they hurt our most vulnerable communities. Immigration can only be fixed at the federal level and we all must together work to pressure congressional representatives, but today I call on you, members of this committee to cease any plans that you may have of pushing any sort of legislation that would further divide North Carolinians as you have here today by looking out in the room. And I ask that you, I just want you to realize that North Carolina cannot afford anti-immigrant legislation and you're looking at North Carolina's past versus North Carolina's future here today.

Gioranna Hurtod was called to the podium.

Hello. My name is Gioranno Hurtod. I am from Yadkin County, part of El Cambio. I wanted to let everybody know that I am undocumented. I graduated from Elkin High School and since then I have not been able to return to school because the cost of in-state tuition has been too high. Up here, I've heard people talk about how we get benefits, how we vote. We can't vote if we don't have a social security number. We can't get benefits if we don't have a social security number. I, my family, myself, everybody that is an undocumented person and their families have been administered ITIN numbers, which is tax identification numbers to pay your taxes. So, we do pay them, it's the American way of life. You pay your taxes; you give back to the country that I love. They say your home is where your heart is and my heart is that of a North Carolinian heart and I will not leave here because this is my home. I don't remember what Mexico looks like. I don't know where, I don't have any memories, this is my home and I don't ask for any handouts. All I want is to prove myself and to prove how much I want to work for this state.

Juan Ortega was called to the podium.

Hello everyone. My name is Juan Ortega. I am an undocumented student here in North Carolina. Basically, we can't stereotype each other. First of all because, for instance, California wants to help the immigrant people. They want to give out social security numbers to all the people who contribute and are good people to the society of that place. But that's only a state and we would like for it to be a national event. Because, first of all, you see that there are people who actually

want to help out the immigrants and you have other people who are vague about what they don't know. I have a friend who works at Food Lion and they asked her many times "are you legal". "Can you really work?" Well, first of all, you can't work anywhere unless you have a social security number and basically the American people, not everybody, like I'm saying, there are good people and there are bad people and basically everybody needs to just look closely in detail as to what this topic is all about. Basically, the real Americans are the Native Americans who came here first of all. Then, Christopher Columbus came over here and said "this is America". OK, well, second of all, how can we call each other American's really if we took out the actual people who were here at the start? And I just refuse to; I refuse to see that, that basically, not too long ago, two days ago actually, my dad was pulled over because the official saw that he was brown. Basically, how can you do that? You say, first of all I can say that the melting pot is over. You know, if we take out everything that America has, such as like pizza, burgers and all that stuff, then America pretty much would be nothing at all. If it wasn't for all the immigrant people that have come here, but yet, it's difficult because throughout the years it's become a difficulty trying to come here legally because of all the weight that we have to have. I would just like to ask that, I would like a future, a brighter tomorrow for the dreamers who want to go to school and have and be productive citizens of these United States of America.

Cindy Caraboo was called to the podium.

I'm Cindy Caraboo and I would like to defer to Sheriff Sam Page.

Chairman Warren explained that the rules set forth prior to the committee meeting prohibit any substitutions.

Ok, well, I would just like to say that I'm sorry for the sad stories that I've been hearing, but as a taxpayer in the state of North Carolina, I believe that there are people waiting in line, like they said, it may take 20 years to get here legally, there are people in Africa, people in China, people all over the world that are waiting their turn to get here. We don't even know how many people we have here and our nation is being pulled down because we can't run a welfare state when you don't know how many people are taking it. And the use of our roads is free, the police, the fire department protection, the interpreters for every time you go into a public place now you have to have someone who speaks Spanish. This cannot continue. I've got three kids and I don't know if they can get jobs because they don't speak Spanish. So, I mean, this is supposed to be American. We all had to come here. My family came from another place and they had to learn English and it was hard for them too, but they came legally, they worked hard and they made it because they were working and doing it legally. I'm sorry that they can't get ahead, but if you're not here legally, you are stealing from all the rest of us and it is not right. We cannot just open everything to everybody in the world. We need to check who the people are, make sure they want to be here and are willing to go along with what our rules and our laws are, the main one being that you don't come here unless you're invited. You don't just come here and say "Ok, well I'm here now and you're gonna have to take care of me. You're going to open the schools up for me, open our colleges up for me". No. There are a whole lot of immigrants that are waiting their turn fairly and they should be allowed to come here. We should know how many people we have here first and as we find them, kindly send them home. Don't charge them for all that they have taken from us, but we need start legally.

Michael Curry was called to the podium.

I am Michael Curry, Bishop of the Episcopal Diocese of North Carolina and I thank you for this opportunity. Langston Hughes, long ago in the last century composed a poem from the prospective of being one disfranchised as an African American. The first sentence of that poem was "I too sing America". I stand here to sing America, proud of her heritage, proud of her honor, proud that this is a nation who opens her arms and declares "bring me your tired, your hungry, your huddled masses, yearning to breathe free". This is a nation of immigrants. A nation of people who have come seeking only to sing America. I call on you as members of this committee, to fashion only legislation that reflects the best of this nation, one nation under God. I implore you; please listen to facts and not myths, not stereotypes. Listen to the facts of the contributions of immigrants to this country, to this very day. The next time you eat a salad, remember an immigrant picked the lettuce. The next time you dine, the next time your grass is cut, the next time someone reaches out and welcomes you even in another language, remember, I too sing America. I too believe in the rule of law. I stand before you as a Christian, as a Bishop of the Episcopal Church. A church that has in successive conventions called for comprehensive immigration reform. But I too believe in the rule of law, but it is the rule of a higher law. We are one nation under God. A God, who for me, came in the person of Jesus of Nazareth. Who said on that great judgment day "We will not be judged by our church, but we will be judged by whether we fed the hungry, clothed the naked, visited the prisoners, showed compassion, for as you did it to the least of these, who are members of my family" said Jesus of

Nazareth, "You have done it unto me". I too sing America and I implore you, please sing American in all that you do. Thank you.

Mr. John Faison was called to the podium.

Good afternoon. I am John Faison. I'm a husband, a father, a community leader, a Christian and a voter. I'm grateful for this opportunity to speak about North Carolina's role on immigration. I've listened to each of the sub-committees hearings, as government and business and private citizens have expressed their views on the impact of immigration on our state and lives. We've heard about its economic impact. We've heard about its social impact. Opponents and proponents have presented data to support their positions but what has been missing in this committee hearing is "what does God think". I know that some may scoff at this and say this prospective does not belong in the public sphere. But the majority of North Carolinian's report that religion plays a very important role in their lives. Our state constitution recognizes all mighty God, the sovereign ruler. Beyond the many persons in the narrative of the Bible who are themselves immigrants, God also repeatedly commands his people to love and seek justice for immigrants. Beyond his direct commands, the Bible teaches us that each was made in the image of God. As we consider how we, as a state, should respond to immigrants its incumbent upon us to recognize that as image bearers, immigrants have certain dignity and rights in spite of their national origin or legal status. Secondly, from the very foundation of creation, the Bible says teaches that the family is the basic sociality unit. I'm convinced that how we respond to immigrants is an issue of Christian discipline and we need our leaders to recognize that our governments' complicity in creating morally hazardous and dysfunctional systems. And also seek to implement laws that recognize the basic dignity of each person as an image bearer and elevate the family above utilitarian sociality concerns. It is clear that the immigration process is in dire need of reform. It is the role of the federal government to regulate migration and to defend its borders and laws. We need comprehensive reform on the federal level. We need to demand that our representatives in Washington, DC address this issue since the states do not have the authority to do so. A patchwork of laws within our states that lack proper authority cannot adequately and morally address the federal issues. Just as individual citizens must submit to the authority of the state in certain areas of live, the state must submit to the federal government in regards to immigration. I believe that we in North Carolina must not follow the path of several other states that have enacted immoral, unjust laws that lack the proper legal authority. As a state, we want our response to immigration to be one that is rooted in proper authority, that is just and not a knee jerk reaction that demonstrates attitudes that resemble racist overtones of our not too distant past. We in North Carolina want to move ahead together, under the primary authority that our constitution defines as the all mighty God, the sovereign ruler. And be submissive to the proper authority in the area of immigration, which is the federal government. We want the government of our people to recognize the right that each of us as an image bearer who also commands us to welcome a stranger.

Isaac Villegas was called to the podium.

My name is Isaac Villegas. I am a Mennonite pastor and I serve on the governing board of the North Carolina Council of Churches. We at the council have put together two sets of statements that we would like to present to the chairs of this committee, if we may do so. They are statements gathered from various religious leaders throughout our state. As I begin my remarks here, it's hard to follow Bishop Curry and it almost made me want to become an Episcopal. Now I don't have any illusions about the United States of America being a Christian nation. I don't think it is and that's fine with me. I don't have any illusions that North Carolina is a Christian state. I don't think it is and that's fine by me. I don't have these illusions because if a story in the Bible was important to us we wouldn't be so worried about foreigners. We wouldn't be so afraid of immigrants. Because the story of the Christian gospel centers on a man named Jesus. Jesus, who was born on a migrant trail, moving from place to place, Born to parents who did everything they could to protect him from Herod and his government. Parents who even defied the will of Herod and snuck away under the cover of darkness. Crossing into Egypt without proper documentation. Parents who did all this for the sake of their child. For the sake of Jesus. As a Christian, I'm sure glad that Mary and Joseph were faithful parents and kept Jesus safe from the goverments hands as they crossed borders. Not as they relied on the hospitality of strangers in Egypt and Bethlehem. Like I said, I have no illusions that this story will be important to you as you consider how to guide our state. But those of us who are Christians and who call North Carolina our home, we can't help but see the world through the Bible's eyes. We can't help but see our state, our representatives, and our communities through the story of Jesus. And when we look at the laws you've passed, we'll be wondering where you fit into this story. In the story of the Bible. In the story about Jesus. Could we count you among those people who welcomed Jesus and his parents, who received them with open arms? Or should we count among Herod's people. Please, as you consider new laws, please do not stand in the way

of Christians and churches that are practicing their faith in our state as they extend hospitality to foreigners. As they welcome immigrants. Immigrants like Jesus. Thank you.

Chellie Mason was called to the podium.

I'm Chellie Mason, League of Women Voters of the Piedmont Triad. I am a Greensboro member of the League of Women Voters of the United States, a respected non-partisan organization founded 92 years ago to promote civic education, advocacy and involvement. We thank the House Select Committee on the State's Role in Immigration Policy for the public comment opportunity today. The League of Women Voters of the United States Public Policy position states: "The League supports a system for unauthorized immigrants already in the country to earn legal status. The League does not support deporting unauthorized immigrants who have no history of criminal activity. The League supports due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and right to humane treatment." Based upon these sound public policy positions, we urge North Carolina not to adopt anti-immigration laws similar to those in Alabama and Georgia. No one would argue that dangerous criminal be tolerated. But the anti-immigrant laws now being considered blatantly disregards America's fundamental values of fairness and equity. Moreover, the backlash against the Alabama and Georgia laws provides a reality check: crops are not being harvested because immigrant workers are staying away. Some children stay away from schools, all in fear: and citizens and non-citizens are being wrongfully arrested. Because of the backlash, Alabama's lawmakers are now trying to persuade foreign executive and their companies that they are still welcome in the state. Let's have the wisdom to learn from others' mistakes and to recognize the growing support, as evidence here today, for undocumented people in North Carolina. Rather than dividing us and dehumanizing people of color, let's recognize the social, cultural and economic contribution of immigrants and work together for a reasonable, fair and just State's Role in Immigration policy. Thank you.

David Brockman was called to the podium.

Good afternoon. I am Monsignor David Brockman, Vicar General of the Catholic Diocese of Raleigh. I come before the committee today on behalf of Bishop Michael Burbidge, Bishop of Raleigh, and Bishop Peter Jugis, Bishop of Charlotte, who shepherd approximately one-million Catholics throughout the state of North Carolina. I extend my gratitude to the committee for the opportunity to address this important issue of human dignity that has generated such considerable debate throughout our country, including here in the state of North Carolina. While others may address the economic impact of immigration in our states, I wish to present our Catholic social teaching on the formation of a just immigration policy. This teaching is two fold. First, we support the role of the federal government to regulate migration and to defend its borders and laws; and secondly, as Catholics, we advocate for the recognition that immigrants, as members of God's human family, are deserving of and must be granted the appropriate dignity as our brothers and sisters in the Lord. The Catholic Church recognizes and upholds this great dignity, not only in each human person, but also of the entire human family as the basic social unit of society, from the very foundation of creation. The Bible clearly demonstrates that this God given dignity is given to refugees, migrants, and to all those who are immigrants. Jesus himself was a refugee as a child and an itinerant during his public ministry. He taught us to welcome the stranger (Matthew 25:35) and to realize that in welcoming the stranger, we are welcoming Christ himself. It is clear that the immigration process is in dire need of reform. Without the needed comprehensive reform on the federal level, states throughout our great nation have attempted to address the issue legislative on a local basis. In 2007, the Catholic Bishops of the United States proposed five principles to be considered in drafting any immigration legislation that is just, respectful of human dignity and that of the human family. Should the General Assembly choose to introduce legislation with regard to immigration policy, we believe that the guidelines, proposed by the Catholic Bishops of our country, provide the necessary foundation to formulate sound and just legislation. In addition to this written text of my remarks, I respectfully submit to the committee, these five principals in greater detail, which I will now briefly summarize. The first principle, people have a right to work and to support their family in dignity and safety of their homeland. Second, when work in their homeland is not possible due to economic hardships, people have a right to migrate to other countries to work and support their family. As Catholics, we believe that these five principals in the biblical tradition and we respectfully propose them to the committee as a guide should the General Assembly consider new immigration legislation for our state. I will submit these to you for your review.

Susan Taylor was called to the podium.

Good afternoon. My name is Susan Taylor and I am employed by the North Carolina Coalition against Domestic Violence. Thank you very much for allowing me to speak with you today. We, as the Coalition against Domestic

Violence, understand clearly that there are many complex issues involving immigration. Our concern is for the prevention and the elimination of domestic violence and we ask that you consider the impact of any legislation upon victims of battering and upon their children. We will be happy to work with you on your committee in any way possible in your consideration of this issue. Thank you very much for allowing me to speak with you today.

Ralf Walters was called to the podium.

Thank you. My name is Ralf Walters. I am a legal and documented resident of Winston Salem, North Carolina. Because the United States federal government will not exercise its constitutional duties to protect our national borders, the duty to do so has fallen on the shoulders of the state. While North Carolina is thousands of miles from the US Mexican border, nevertheless, the effects of this illegal invasion is at our doorstep and the unwanted burden of protecting our towns, cities and counties from the unplanned and excessive costs associated with illegal immigration has fallen to you. We, the legal citizens of the United States and North Carolina demand that our state government enforce the same laws that Mexico itself does not regard as unreasonable. The time aid and abet the failed state of Mexico is now. Mexico is rich in natural resources and the time is now for Mexico to reform itself and stop the mass exodus of its citizens. This is the heart of the issue. North Carolina can send Mexico that message by taking responsible action to enforce our immigration laws and protect our borders. Thank you.

Roxana Bendezu was called to the podium.

Good afternoon. I'm here to read a petition that we started not long ago and we already have 700 plus people that have adhered to it. We named it "North Carolina Can't Afford Empty Immigrant Policies" and it's from our group "We Are NC". We, the undersigned are proud to call North Carolina home. Many of us are immigrants and the children and grandchildren of immigrants. We are the friends, neighbors, family members, co-workers and classmates of immigrants and refugees. All of us, regardless of where we were born, affirm the dignity and the rights all people in North Carolina. We oppose the efforts of the current state legislature to enact immigration policies the lead to discrimination, criminalization, racial profiling, hate and economic exploitation. We oppose policies like 287g and the so called "Secure Communities Program" that separate families, deny due process and equal opportunity and divide our communities along lines of national origin, immigration status, language, skin color, religion and culture. Such policies are a direct attack on immigrant communities, but they also erode of all workers and result in the harassment of people of color, both immigrants and US born. We have seen the negative consequences of anti-immigrant legislation in places like Arizona, Alabama, Georgia and South Carolina. In those states, the economy has deteriorated, losses have been filed and people are being treated in ways that concern us greatly. Children that are afraid to go to school, farmers and workers are losing their livelihood as food lies rotting in the fields, citizens and immigrants alike are being wrongfully arrested. As concerned North Carolinians, we ask members of the House Select Committee on the States' Role in Immigration Policy and all members of the North Carolina General Assembly to heed the call of reason and fairness. Stop this dehumanization of immigrants in our community. Enough is enough. Immigrants want the same thing as the rest of the people in North Carolina. A roof over their head, an education for their children, a steady job, and to live free of harassment and discrimination. Legislators should stop dividing our community, and instead, work for policies that unite us and make us stronger. Immigrants and refugees in North Carolina contribute positively to the social, cultural and economic fabric of our cities, towns, state and nation. In the coming months, there will be many opportunities to build bridges and to work to a reasonable and fair public policy decisions that create a stronger and healthier North Carolina. The kind of state that we all need and deserve. Please join us. Thank you.

Kerry Alzner was called to the podium.

My name is Kerry Alzner from Carthage, North Carolina. I would like to thank the committee for all of us who are getting a chance to speak today. I was a Sargent in the Army. I retired after 26 years of defending this country. I thought it was a privilege to do so. I've noticed that we've had a lot of people come up here and talk about God and taking care of people. A lot of people come up here demanding that "hey, you gotta give me a job, you gotta give me an education and help me do this". I ask that you think about one thing here. You're in your home and somebody jumps over your back fence. They make entrance into your home. That's a criminal. Now this individual is sitting their gonna tell me that I have to feed that person. I now have to house that person. I have to give them a place to stay. I have to make sure that I get their children to school and all the time, I'm working my butt off paying for this to happen and their saying "hey, give me more...I want a voice". In America we have the privilege to stand up and speak for our rights, even the illegal aliens. Notice I didn't say immigrants, I said aliens...illegal. That's the word meaning a criminal, someone who is

breaking the law. I understand why they come here. I've gone to a lot of different countries. I've seen people in poverty that would make many of us sick to look at. I've watched children starve and I've given them food. And many of them, all of them want to come here to the United States. Why? Because we are the greatest nation in the world and we take care of people. But we can only take care of so many. I only have so much food in my pantry to feed a person walking by the store. I mean, what do you expect from us, the American people to all you criminals breaking into my country. I ask that you come here legally. All of us did. Not one person in this room did not come to this country legally. Everyone, including the American Indians were immigrants. Every human being migrated to this country and made it a great country. We've had great people come from all over the world with great ideas because of freedom. The ability to think and see and do as they wanted to. But we can't be a country that allows criminals to break the law. It's that simple fact. Please, if you want to come to the states, put in your paperwork and do your time. Just because you can come in from Mexico and go to Canada and walk across the border and say "hey, take care of me". The so called "anchor babies" that come across here. No, illegals can't get welfare stuff, but their anchor baby child can. Then they can live here for a long time on my tax dollars until their family can go "Oh, give me a green card finally, thank you government". Not good. I mean, why should this be allowed? It's not part of the 14<sup>th</sup> Amendment. That just because you're born in the United States you're an American citizen. Your parents have to be naturalized citizens before you are. Just because you walk in here and go "hey, I had a kid, I'm an American citizen now". No. Everybody, we have to earn the right to be here and everybody had to earn the right to come here. I thank you for your time.

Ms. Joan Walsh was called to the podium.

Good afternoon and thank you for your time. My name is Joan Walsh and I'm with the Durham Bill of Rights Defense Committee and the Durham Immigrants Solidarity Committee. Like most people in this country, nearly everyone in fact, depending on one's definition, my family is an immigrant family. My great-grandparents came here during the Irish famine in the mid- 19<sup>th</sup> century because they wanted a chance to live and feed their children. That's the same reason most immigrants come here today. My ancestor's endured discrimination, but they were not persecuted and deported in the way immigrants are now. If they had been, I wouldn't be here, and I'm sure that's true for most of you. In those days, there were few restrictions on immigration. Unfortunately, that changed drastically over the last half of the 20<sup>th</sup> century, not that long ago. Our federal immigration system is severely broken, but it's not the responsibility of states to try to fix it. Immigrant workers enrich our communities and our economy. They are healthy and hardworking, and on average much younger than those of us that have been here longer. They have tremendous energy and determination to work hard to make it possible for themselves and their families to live with hope and dignity. They're exactly what our aging society needs, yet they cannot obtain legal documentation under our broken system. For nearly all of today's immigrants, if documentation is possible at all, it takes 15 or more years to obtain. Nearly all immigrants pay taxes, despite the fact that they cannot access many benefits they pay for, such as Social Security. The repressive laws recently passed in Arizona, Alabama, Georgia and South Carolina has not served those states well. They've lost immigrants, for sure, and this has meant rotting crops, as others have mentioned, and huge economic losses for their states. Why should North Carolina pass laws that will only hurt our economy? To satisfy those whose main fear is that white people may not be the majority forever? Let's take the high road and welcome immigrants to our state. They have much to teach us about family values and work ethics, and their youth and vigor will contribute enormously to our state's well-being. Thank you again for your time.

Dani Moore was called to the podium.

Hello everyone and thank you for you the opportunity to speak today. I am Dani Moore, here today from the North Carolina Justice Center. An independent, nonprofit organization working for prosperity and opportunity for all. I was present at the last public meeting of this committee and heard people saying that immigrants should go work on their papers. My remarks to today are factual details prepared by immigration law experts at the North Carolina Justice Center. Why it's not as easy as getting in line. This is immigration law by the numbers. The notion that it is easy for people to legally immigrate to the US, if they're willing to get in line, is an often mistaken and misinformed idea. The reality is that our immigration system is an extremely complex and confusing set of laws and it may take more than 20 years, as you've heard, to legally enter the US. Here are the numbers. 20. That's the minimum number of years the adult son or daughter of a US Citizen from Mexico must wait before he or she can get a Visa to live in the United States. 20 years. Three is the number of times in the last six years the line to wait for a Visa has actually moved backwards. In two of these years, the line moved back by four years. That's three. Zero. Zero is the number of family based preference categories that are not experiencing major backlogs due to the numerical limitations on immigrant Visas. That's zero. Seven percent is the annual cap on Visas available for immigrants coming from any single country, which means

Visa's issued to any single country per year may not exceed this seven percent figure. 140,000. 140,000 is the number of employment based immigrant Visas available per year to all US employers. It's subject to the seven percent per country cap or no more than 9,800 Visa's per any single country. 10,000. 10,000 is the total number of Visa's available per year to all US employers who want to bring low skill immigrant workers into the US to live. That's 10,000 total number of Visa's available. 7.5 is the minimum number of years on average, a low skilled immigrant worker must wait to get a Visa before they can come to the US, due to numerical limitations. That's 7.5 years. Zero. Zero is the number of US citizen children under 21 who can apply for an immigrant Visa for their parents or siblings. Zero. Thank you for your time.

Nancy Mayer was called to the podium.

Good afternoon. My name is Nancy Mayer. I'm an attorney who works on immigration issues. I also have a niece who has applied for a green card for four years and will probably have to wait another five years for her number to come up. She is a daughter and a granddaughter of an American citizen and she cannot legally work in this country. This is just one example of how our current immigration laws in this country are not working. For some people, the wait is long. Like for my niece. For others, there is no line at all. There is no line for them to be able to get in or to even wait on line. The current rules encourage individuals to hide in the shadows so they can live with their American parents, children and spouses. They encourage individuals to use others identities so they can earn money to support their American dependents. Enforcement is erratic and difficult. Children have been left at daycare centers when their parents have been picked up by enforcement actions, Even lawyers have trouble locating individuals that have been picked up for immigration violations. This is not fair or compassionate to anyone involved. It's easy to say "people who enter here unlawfully should just leave". But what about the American relatives who love these individuals and depend on them for financial and moral support? Something needs to be done to help our fellow citizens. I and other attorneys want to work with you to develop more reasonable regulations that can be uniformly applied so that everyone knows what's expected of them. We want just and reasonable laws that provide a way for all individuals to lawfully provide support and love for their American relatives. We want state laws that will withstand court review since most immigration issues are reserved by the US Constitution for federal, nation action. Any rule that covers issues that are considered federal will be thrown out by a court. We do not want to waste valuable time and effort writing rules that will never become effective. We stand here ready to help draft such regulations or to review regulations drafted by others to insure clarity of purpose, uniform application and rules that will withstand court scrutiny. Thank you for allowing this presentation this afternoon.

Ron Woodard was called to the podium.

I'm Ron Woodard, a citizen and Director of North Carolina Listen. I wasn't going to get into this but because it's been brought up, I've read the Bible, front to back, even Leviticus. There are different definitions of what the word "stranger and alien" mean and I won't get into that today, but I will send it to the committee if you would like to hear it. I think the Bible is a great set of books and letters. I think that it's inappropriate to cherry pick verses to be used to justify people breaking our laws. Not once in the Bible do I remember reading that it's ok to jump in front of someone else, to steal someone identity, to take services that don't belong to you and take jobs that don't belong to you. I don't think that's in the Bible anywhere. I think we need to use the Bible as a general guide, but again, not use it to somehow justify breaking our laws. There is no injustice. We allow more than one million legal immigrants each year to come to the United States, more than any other nation on earth. Hispanics and Asians are treated the most generously with legal immigration to America. Mexico is allowed to send twice as many legal immigrants to the USA each year than any other sending country. And oh, by the way, with all the talking today, I think all of you on this committee do understand the difference between legal immigrant and illegal alien. That these words have been twisted today. The other side is basically saying that the rule of law doesn't apply to them. That's really an essence what they are saying. There is no racism or unfairness. These are just words that are thrown about to make their cause sound better. By the way, if illegal immigration is such a money maker, why is California up to its eyeballs in debt? In North Carolina, illegal immigration has a major negative impact on our unemployment rate, our education system, health care, government budgets to include crime and drug trafficking. It's evident to most citizens, as confirmed by statewide NC Civitas polls, that the North Carolina General Assembly has a mandate to take action. How fair is it to allow illegals to remain in our state and compete against poor Americans for jobs and drive down their wages? Our unemployment rate hovers around 10 percent with the Bureau of Labor Statistics U-6 number approaching 15 percent. While at the same time we have over 250,000 illegal immigrants in North Carolina. By the way, only 14 percent are doing agricultural work. So I would love to see us further tighten how House Bill 36 that passed in 2011. Senate Bill 205 made crossover and I think it should be passed and we should deny access to illegals to our state community colleges and UNC system. HB 33 made crossover and I hope it will be passed in the North Carolina Senate. In conclusion, these recommendations will benefit taxpayers by lowering the

costs of government services, protect the competitiveness of companies who only hire legal residence, give poor citizens a chance to make their life better and in effect, taking action on illegal immigration will be a jobs program for citizens. Thank you very much.

Reverend Carlos Cortez was called to the podium.

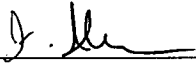
Good afternoon and thank you to the committee for giving us the opportunity to come and voice our opinion about the laws that North Carolina is considering to bring to our state. My name is Carols Cortez and I'm a pastor here in one of the local churches in Knightdale, North Carolina. I'm also a Sergeant First Class retired from the United States Army. I come to you with, as we did in the Army, I don't come with problems, we come with solutions, with solutions to the problems. And the problem doesn't lie in committee, it lies in the people, we the people. And as we come together, I love the prelude of our brothers and other speakers, how greatly they put it into Biblical terms, social terms, and human terms. I only want to add to what has already been said. Number one, I want to make sure that everybody knows that we do not support illegal immigration. We have serious immigration challenges and a broken system to work with. But there is a tool that can solve this issue and it is called immigration reform. If we can only find the right way to do it. If we can only reach out to the people and the lawyers and the law makers of our state and our government, we can find a logical solution to the problem that we as a nation face. We also believe that we are overlooking the contribution that immigrants make to our economy and to our society and implementing laws that are not conducive to a solution will cause both an economic and sociological chaos in our state and in our country. Laws like Alabama and many other states that have been mentioned this afternoon here that has not contributed to anything conducive to a good thing in our country. We have a chronic problem with not knowing who lives in our community. Who they are and what they do. There is a tool that will provide the solution to this problem and it is called "driver's license". Such a tool will provide hundreds of millions of dollars in revenue to our state in addition to other things. We are a country that is always ready to lend a hand to the needy and the misfortunate of the world, but we have very serious problems dealing with our own problems. Let us be the spearhead, the state that spearheads the solution to this problem, not follow the broken laws that other states have followed and finish up with the flag, the American flag, saying "we are American's, we are standing here for a solution. We love our neighbors. We are Christians first and God Bless because we are a nation under God".

Ramona Tim was called to the podium.

Thank you and thank you to all of you that are here to hear us and our concerns for the great state of North Carolina. I am Ramona Tim from Walnut Cove, North Carolina. I came here 23 years ago, but my forbearers were on this continent when the Pilgrims landed in 1492. They came from Mexico. My grandparents came to the United States just after the turn of the last century. They did not have welfare. They lived in shacks. They did not have handouts. They came here legally. They gave me a heritage that I can stand before you today. They gave a heritage to my parents that they did not have to live in the shadows. They did not have to hide. They were able to, my father in particular, to develop a successful business. They both came through the Great Depression, through much suffering, but they made it. My mother became a registered nurse and graduated from high school at the age of 21 and was able to go on and get her nursing degree because she was not going to let anything stand in her way. It is not a shame to be legal and I do not count it a shame to say that I am American citizen, even though I have Hispanic background. I am an American, first and foremost. And I must remind you too, that ancient Israel had borders. When the children of Israel left Egypt, they were not allowed to go in Eden because they would not allow them in their country, so they had to go the long way around. That's just the tip of the iceberg when it comes to borders in ancient Israel, but I want to remind you one last thing. One good word that will help all of us and that's integrity. If we obey the laws, that is best economic, social, psychological area that will give us the greatest happiness. No matter where we come from, if we commit ourselves to doing what is right, because God does not contradict himself in his word. He tells us to be honest, not to lie. To honor our parents, not to covet. He does not contradict himself and God believes in legal immigration.

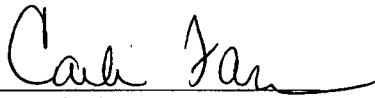
Chairman Warren thanked all the speakers and audience for the participation and good behavior. As discussed in prior meetings, the US Supreme Court will be ruling this summer on various laws such as the Arizona laws. The chairs believe it would be prudent for the committee to have the benefit of the anticipating rulings to be handed down by the US Supreme Court in June before proceeding with recommendations for legislation or interim report, particularly since the report is not required by the authorizing letter. Therefore, the Select Committee on the State's Role in Immigration, which has an approved budget for six meetings, will conduct its final two meetings in the fall after the short session adjourns with the goal of considering and approving a report incorporates member's suggestions. We would welcome any suggestions from members of the committee which may be forwarded to the co-chairs or committee staff.

The meeting adjourned at 3:03 p.m.




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Representative Frank Iler  
Chairman



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Carla Farmer  
Committee Assistant



**CONSULATE GENERAL OF MEXICO  
RALEIGH, NC**



**SECRETARÍA DE  
RELACIONES EXTERIORES**

**SRE**

Raleigh, North Carolina; March 27th, 2012

**The Honorable  
Frank Iler  
Representative of North Carolina**

Dear Rep. Iler,

Firstly, I want to thank you for inviting me to appear before the Committee on Immigration that you preside over, on Wednesday the 28<sup>th</sup>, 2012.

Unfortunately I will not be able to participate due to scheduling matters.

I look forward to meeting with you in the near future.

Respectfully,

  
Carlos Flores Vizcarra.  
Consul General of Mexico.

**Last year 32 states passed strong immigration enforcement laws to protect their citizens from the undo burdens associated with illegal aliens. Some of those states passed up to 15 different laws regarding illegal immigration, including our neighbors Virginia, West Virginia and Tennessee, along with SC, GA, and Ala. that included the very tough SB1070 type legislation.**

**North Carolina passed just 2 laws (an E-Verify bill that was watered down to exclude the very businesses that employ most of the illegal aliens and the Safe Students' Act that was stripped of anything that had to do with illegal alien children in our public schools). Currently NC has little more than nothing to deter illegal aliens from coming to this state.**

**NC is completely surrounded by states that that can no longer afford illegal aliens and are doing something about it. If we do not pass very strict immigration enforcement measures soon, we will be unable to absorb the influx and the associated costs of illegal aliens that are currently self deporting from these other states.**

**It is already costing NC taxpayers over 2.1 billion dollars per year just to educate, incarcerate, and provide emergency medical treatment to the illegal aliens that are here now. That figure amounted to over ½ of our 3 billion dollar budget shortfall last year and that figure does not include the physical and emotional costs, that are being inflicted upon us and our children, by the rampant and unchecked criminal activity of many of these illegal aliens.**

**Now, we are being told by the pro-illegal group represented here today, and by the Consul General of Mexico as well, to ignore our laws... to just look the other way... for a certain group of people simply because they are Hispanic and choose NOT to follow the law, regardless of their circumstances.**

**How these traits impart special treatment for anyone is beyond us.**

**I ask the members of this committee to please relieve the citizens of NC from this undo burden, by writing or recommending strong immigration enforcement measures.**

**The citizens of NC have had enough.**

**Thank you,**

**James Johnson  
President- NCFIRE**

James Johnson- NC Fire

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Thank you,

James Johnson  
President- NCFIRE

Speaker #1  
Michael Hunn

The Holy Bible is full of stories of immigrants, exiles, and refugees. From the first pages of Genesis, when Adam and Eve are exiled from the Garden of Eden, until the final pages of the book of Revelation which describes the Kingdom of God as a City with gates which never shut into which all the nations pour, God is almost without exception on the side of the immigrant, the exile, and the refugee.

Abraham and Sarah were undocumented immigrants, first in Canaan and then in Egypt, and then in Canaan again. They sent their sons back to their mother country to take wives and they brought those wives back to Canaan.

Jacobs son, Joseph was sold into slavery by his brothers, and was taken to Egypt by human traffickers where he was a slave first in Potiphar's house and then in Pharaoh's. His story is the story of an exile whose economic success allows his family to survive. Jacob, and his sons, you will remember, leave their homeland in the midst of famine, immigrating to Egypt seeking better economic prospects.

Moses, you will recall, was a Hebrew born illegally in Egypt, whose mother floated him down a river because she feared for his life. But Pharaoh's daughter raised him as her own, hiding his undocumented identity, until he could hide no longer and he stood up for the fair treatment of his people.

After fleeing Egypt, the Hebrew people were exiles who wandered in the wilderness until they immigrated into The land of Promise, seeking economic security and freedom from oppression. And one of the the divinely inspired laws they wrote reads as follows....

"When a foreigner resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt. I am the LORD your God."  
Lev. 19:34

My lord and savior Jesus of Nazareth was born to an immigrant mother traveling to Bethlehem where he was born in a stable. He and his family then fled to Egypt, as refugees, fleeing persecution from the government.

Love your neighbor as yourself, Jesus commands. And when a man needed clarification about that he asked, "who is my neighbor?" prompting Jesus to tell perhaps his most famous parable.

He tells the story of a man beaten and injured while traveling on the road to Jericho. A good Samaritan helps and heals that man, and Jesus asks... Who was a neighbor to the man?

Much of the immigration legislation under consideration by this house is in direct opposition to the command of Jesus and the teaching of the bible. Immigrants are quite literally our neighbors living among us.<sup>1</sup>

Yet I have even heard of proposed legislation which would make it a crime for a person to act as a Good Samaritan to an undocumented person in this state. .

Today I call for immigration reform, not from a so-called liberal perspective, but from a Biblical perspective, and from a Christian perspective.

We need a clear system of work permits for immigrant workers.

We need to stop separating children from their families, creating orphans, single parent households, and children of criminals through deportation.

We must not hold undocumented people indefinitely and without legal representation when their only crime is doing work which needs doing. And by the way, immigrants should pay taxes like the rest of us instead of being forced by our laws to work under the table.

Immigrants deserve the protection of the laws of this great nation, equal protection in employment law and family law.

Why?

Because immigrants to this great nation are human beings just like you and me.

Because Immigrants provide many goods and services which America needs.

And because Immigrants are a gift to our great country, in this generation just as they were when my forbears immigrated here from Europe...

America is made great by our diversity, we are a beacon of freedom and democracy and fairness for the world. We must not act like the Babylonians or Pharaohs and Kings who persecuted, harassed and exiled people.

Thank you.

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<sup>1</sup> Ben Daniel, Neighbor : Christian encounters with "Illegal" Immigration, Westminster 2010 wrestles with immigration from a Christian perspective.

#4



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Good afternoon, my name is Héctor Vaca and I am an American, born in New York and raised in South Carolina. I am here representing Action NC and We Are NC, to talk to you today not as the son of immigrants; but as a citizen and a voter.

It concerns me very much that this body made up elected officials whose duty is to represent the interests of the electorate has chosen to drag North Carolina into the immigration debate, a debate better left to Washington. It concerns me more that many Americans are out of work and this committee and the elected body it represents has seen fit to dedicate more time and resources to policies that hurt North Carolinians rather than help us.

Legislation like the E-verify bill passed last year hurts North Carolina workers. According to the National Immigration Law Center, because of clerical errors, over 70% of those affected negatively by e-verify are American citizen workers and documented immigrant workers. In many cases, employers use this program to keep wages down or coerce employees into not speaking up when they are treated badly.

The opposition claims that immigrants take jobs and that this is why many Americans are out of work. This is a fallacy. What we need is for American corporations to stop keeping wages down and shipping jobs overseas. A more productive use of your time is passing legislation that will help North Carolinians get back to work.

The opposition claims that immigrants do not contribute to North Carolina's economy. This is also false. Through an Individual Tax Identification Number given to immigrants by the Internal Revenue Service, immigrants pay taxes. According to the Celig Center for Economic Growth, "*Latino and Asian entrepreneurs and consumers add tens of billions of dollars and tens of thousands of jobs to North Carolina's economy. The 2010 purchasing power of North Carolina's Latinos totaled \$14.2 billion. Asian buying power totaled \$6.9 billion.*"

According to the U.S. Census Bureau's Survey of Business Owners. North Carolina's 20,157 Asian-owned businesses had sales and receipts of \$5.9 billion and employed 44,288 people in 2007. The state's 21,301 Latino-owned businesses had sales and receipts of \$4.2 billion and employed 18,997 people in 2007.

*Immigrants are essential to North Carolina's economy as workers and consumers.*

- According to the U.S. Census Bureau, immigrants comprised **9.9% of the state's workforce** in 2010 (or 478,301 workers)
- Unauthorized immigrants comprised **5.4% of the state's workforce** in 2010 (or 250,000 workers)
- If all unauthorized immigrants were removed from North Carolina, **the state would lose \$14.5 billion in economic activity, \$6.4 billion in gross state product, and approximately 101,414 jobs**, even accounting for adequate market adjustment time, according to a report by the Perryman Group.

Rather than spending time on passing legislation that will in the end hurt North Carolina's economy, I urge you to please work to get North Carolinians back to work. Your time is better spent going after the real bandits –the corporations that keep wages down and ship our jobs overseas.

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*Esse quam videri (To be, rather than to seem)*

We are North Carolina. And our state motto says it all. We are a state that seeks to actually be, and not just seem—in this case, we are here to tell you that we ~~want~~ are North Carolina and we want our state to **actually be** inclusive, honorable and just...not just to **seem** as such. With this so-called Special Committee, we **seem** a lot more exclusive, dishonorable, and unjust.

While many of us work tirelessly to create a state that is welcoming and inclusive of all, we wish that you would have been a little **less** inviting to the likes of Tom Tancredo and Kris Kobach—your bedfellows and backers on this committee—who bring into our state and **into this room** the decidedly UNAMERICAN values of racism, bigotry, exclusion, and hate. We've seen what they're doing in their own and other states. We are North Carolina, and that's not welcome here.

We are North Carolina and agriculture is the leading industry in this state. Here in North Carolina, and throughout the country, we are celebrating National Farmworker Awareness Week.

Farmworkers are already excluded from many of the labor laws in NC, and additional anti-immigrant legislation would further isolate and discriminate against them.

Every year, in North Carolina, no less than 150,000 farmworkers labor to support an industry—one that farmers themselves recognize could not exist without the labor of farmworkers. Those same workers face exclusion from labor laws; substandard housing; grinding poverty; food scarcity; child labor; and hazardous work.

85% of the produce that we all eat every day is grown and harvested **by hand** by farmworkers. Farmworkers are mothers and fathers. Sons and daughters. Grandmothers and grandsons. Farmworkers too are North Carolina.

To reject, to discriminate against, to dehumanize, and treat as disposable and dispensable an entire class of people: that is not who we are in North Carolina.

We are North Carolina. We have a history of struggle and a history of blazing trails, and today we want to blaze a trail of inclusion. We want to break ranks with other states—including some Southern States—by refusing to entrench exclusion and hate into our state's policies.

As concerned North Carolinians, we ask Members of the House Select Committee on the State's Role in Immigration Policy, and all Members of the North Carolina General Assembly, to heed the call of reason and fairness. Stop the dehumanization of immigrants in our community. Enough is enough. Immigrants want the same things as the rest of the people in NC: a roof over their heads, an education for their children, a steady job, and to live free of harassment and discrimination. Legislators should stop dividing our communities and instead, work for policies that unite us and make us stronger.

*Patricia Adams, Student Action with Farmworkers*

\* Mr. Chairman, Committee members

#7

\* My name is John Cardillo and my grandparents were legal immigrants from Mexico. I am an example of what can be accomplished if immigrants come into this country legally. When my grandparents came ~~into this country~~ they did not expect special privileges or rights. They were poor, but they firmly believed that if they worked hard, followed society's rules and became legal citizens ~~that~~ they and their future descendants could live the American Dream. Thanks to the sacrifices of my grandparents and tremendous rights granted to legal citizens of this country under our Constitution I was able to prosper ~~and become successful~~.

\* "As you know, our Constitution begins: "We the People of the United States." It is clearly referring to legal citizens of the United States and it grants no privileges or rights to those <sup>WHO COME INTO THIS</sup> ~~that come from~~ ~~in~~ ~~the~~ country

\* Illegally. When illegals understand this, they will understand the anger and <sup>OUTRAGE</sup> ~~resentment~~ we feel about their MASS ILLEGAL INVASION! We resent them breaking into our country, plundering our pockets and demanding special privileges such as reduced rates in our

\* Plus their behavior diminished millions of others efforts to do things the right way \*

institutions of higher education. Further, illegals take much more than they give. It is well documented that N.C. pays billions of dollars a year to fund educational, medical and social services for illegals.

\* At our last meeting, this committee was disrupted by 3 illegals who still have not gotten the message. I think this committee now recognizes the ~~disregard~~ disregard illegals have for our governmental laws and procedures.

\* I speak today in hopes that this committee will do 2 things to deal with illegal immigration in N.C. #1, mandate that 287(g) ~~be~~ be implemented in all 100 Counties in N.C. This will give law enforcement the tools to enforce federal immigration laws. ~~the other~~ #2, the other suggestion is that Voter I.D. with photo be required for voting in the 2012 elections. As this committee now realizes illegals use multiple identities to secure a variety of services. In working the 2008, elections I became acutely aware how easy it is for illegals using multiple identities to go to different locations within a county and

(3)

vote multiple times. We do not want the 2012 election stolen by those not eligible to vote. FREE voter I.D. [with a photo] would actually help marginalized people participate in normal daily functions such as getting work, opening a bank account, cashing checks, and so on. It would also provide the public with confidence ~~that~~ in the fairness of our current election process. ~~That~~, legal citizens have nothing to hide when voting.

\* Much is said about illegals living in the shadows, which they do because they know they are violating our municipal and moral laws. When illegals understand we are a nation of laws and that they too must follow the rule of law, then and only then will they receive our full respect and acceptance.

THANK YOU.

RESPECT  
LYING &  
STEALING

I am René Van Rompay, #2

● Immigrant from Belgium

I believe that all ~~immigrants~~ <sup>the economy</sup> of North Carolina, the whole state of NC benefits from the work of all

all immigrants <sup>have been</sup> contributing a lot to the economy of the state of North Carolina.

Speaker Tom Tillis admitted this at the Townhall mtg in Lewisville NC on March 7.

● He also admitted that a number of surrounding states made mistakes in

approving laws which hurt their economies.

~~I believe~~ ~~to a matter of fact that~~ ~~NC can~~ ~~that certainly~~ ~~obviously~~  
I believe that the agricultural culture of Georgia, South Carolina, Alabama and Arizona - to name a few - ~~lost~~ a lot of state revenue. By not committing their mistakes NC can benefit.

I am asking this select committee to focus <sup>its</sup> ~~their~~ attention on how to advance the state

De acuerdo con el francés Húgo Tagorie, se enteró en Internet de la caminata, y decidió participar.

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Ladies and gentlemen, we are ALL immigrants here!

A hundred years ago, my grandparents came to this country with no more than the clothes they stood up in, fleeing famine and the dislocations of the Industrial Revolution.

Like all new immigrants, they came in for their share of abuse, being called "blockheaded Swedes," and reviled for "taking jobs from REAL Americans!"

They did not, however, have to face the roadblocks currently suffered by the Undocumented Immigrants of our own day.

They did not face arrest and deportation, were not denied green cards, were not forced to pay higher tuition, were not denied a path to citizenship.

My grandparents worked hard, prospered, educated their children, and made a genuine contribution to this country, just as these young people would do, given half a chance.

I SPEAK TODAY ON BEHALF FAIRNESS FOR THE STUDENTS OF EL CAMBIO!

I WOULD BE ASHAMED TO STAND IN THEIR WAY!

Sinna Gressel

# 16

My name is Cathy Chandler. I'm a North Carolina native, an NC State graduate, a Durham resident, and a self-employed licensed landscape contractor since 1975. In thirty five years, the best person I ever worked with was an undocumented immigrant. After eleven years together, he returned to Mexico, leaving his wife, daughter, and two sons. The frustrations and growing fears of daily criminalization made him take this drastic step. He and each member of his family have worked hard, gone to school, paid state and federal taxes, and made contributions to our community. His daughter is a college senior in North Carolina.

Recently on NPR, a discussion on global entrepreneurship revealed that China and India now supply 60% of all new entrepreneurial start-up companies. The United States has fallen to 20%. Our immigrant population has supplied 90% of that 20%. The speaker strongly advised that immigrants graduating from college be immediately given a green card to promote their innovative spirit. Also, any immigrant who starts a business that hires one person, other than a family member, should get a visa.

To criminalize people by denying them drivers' licenses and educational opportunities in our public schools, community colleges, and universities, jeopardizes the possible achievements of students, workers, and professionals who could otherwise make measurable contributions to our communities. We are all losing from this injustice.

North Carolina needs the energy, creativity, and productivity from this segment of our population. Let's step out in front of the punitive laws that have criminalized and dehumanized undocumented immigrants in Alabama, Arizona, Georgia, and South Carolina. We have everything to gain by embracing, educating, and supporting these people in our communities.

Thank you.

*Cathy Chandler*

Thank you House Select Committee on the State's Role in Immigration Policy for allowing this space for us to share our concerns with you.

*a sister of a US Army veteran.*

My name is Irene Godínez, I'm the legislative director for the Latin American Coalition, a native North Carolinian and a child of immigrants. I write to you today and stand with people from all walks of life, who have all chosen to make North Carolina home because it has been a welcoming place to live. We study, work, worship and play in North Carolina, and we are part of what makes this state a great place to live.

When this committee started its work, co-chairman Iler promised a "dispassionate" look at the issue of immigration in North Carolina. But news reports of private meetings, and the experience of trying to get information in a timely way about the committee's actions has us concerned that this committee is anything but dispassionate. We remind the 12 members of this committee of what they have heard up to this point. They have heard that undocumented immigrants do not qualify for almost any public benefits, that they cannot get driver licenses. We have heard of the costly legal battles being fought in Arizona, Alabama, Georgia and elsewhere. We have heard from the business community asking the state to leave well enough alone and to let the federal government deal with the federal issue of immigration law.

I am also a part of the We Are NC, an alliance of organizations and individuals working to shift the debate on immigration in our state. We come with more than 300 signatories to a petition asking the state to focus on things that improve our state instead of spending time making life difficult for immigrants. We also come with about 200 comments to be submitted to the committee; more than 50 of them from clergy around the state.

We know that our state has a history of taking risks that have given great results--we were first in flight, first to grant access to public higher education, and the first to stage sit-ins when parts of our communities were denied basic human rights. We call on all North Carolinians to continue to live up to our legacy of doing what is right in times of great challenges. Legislators have a higher charge of creating good laws, when bad ones threaten communities--particularly those most vulnerable. Immigration laws can only be created at the federal level and we must continue to pressure our Congressional representatives to work on passing sensible and humane immigration reform. We call on this House Select Committee on Immigration to cease any plans that you may have of pushing through legislation that would further divide North Carolinians and do nothing but create a state of chaos as has happened in Alabama and

Arizona.

North Carolina can't afford anti-immigrant legislation!

*look at how the room is divided already. NC's past vs. NC's future*

*• Since when do we strive to be like South Carolina?  
• Submit docs for official minutes*

#23

Good morning, I am John Faison, a husband, father, community leader, Christian, and a voter. I am grateful for this opportunity to speak out about the North Carolina's role on immigration. I have listen at each of the sub committee's hearings as government, business and private citizens expressed their views on the impact of immigration in our state and lives. We heard about its economic and social impact on our state. Opponent and proponents have presented data to support their positions, but what is missing from this debate is what does God think? I know that some may scoff and say this perspective does not belong in the public sphere, but a majority of North Carolinians report that religion plays a "very important" role in their lives.[i] Our state constitution recognizes "Almighty God, the Sovereign Ruler." [ii]

Beyond the many characters in the narrative of the Bible who were themselves immigrants, God also repeatedly commands His people to love and seek justice for immigrants. Beyond its direct commands, the Bible teaches us that each of us was made in the image of God[iii]. As we consider how we as a state should respond to immigrants it is incumbent upon us recognize that as image bearers immigrants have certain dignity and rights in spite of their national origin race or legal status. Secondly, from the very foundation of creation, the Bible teaches that the family is the basic social unit of society. I'm convinced that how we respond to immigrants is an issue of Christian discipline, and we need our leaders to recognize our own government's complicity in creating a morally hazardous, dysfunctional system and seek to implement laws that recognize the basic dignity of each person as an image bearer, and elevate the family above utilitarian, societal concerns.

It is clear that the immigration process is in dire need of reform. It is the role of the federal government to regulate migration and to defend its borders and laws; We need comprehensive reform on the federal level; we need to demand that our representatives in Washington DC address this issue since the States do not have this authority to do so. A patchwork of laws within our state that lack the proper authority cannot adequately and morally address this federal issue. Just as individual citizens must submit to the authority of the State in certain areas of life, the States must submit to the Federal government in regards to immigration.

I believe that we in North Carolina must not follow the path of several other states that have enacted immoral unjust laws that lack the proper legal authority. As a State we want our response to immigration to be one that is rooted in the

proper authority, is just, and not in a knee jerk reaction that demonstrates attitudes that resembles racist overtones of our not too distant past. We in North Carolina want to move ahead together under the primary authority that our constitution defines as “Almighty God the Sovereign Ruler,” and be submissive to the proper authority in the area of immigration which is the Federal Government. We want the governance of our people to recognize the rights that each of us has an image bearer of God, who also commands us to “welcome the foreigner.”[iv]

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[i] Robert D. Putnam and David E Campbell, *American Grace: How Religion Divides and Unites Us* (2010) ch 1 at note 5

[ii] [wikipedia.org/wiki/North\\_Carolina\\_Constitution](http://wikipedia.org/wiki/North_Carolina_Constitution)

[iii] Genesis 1:27

[iv] Matthew 25:35

# 24

Isaac S. Villegas  
March 28, 2012

I don't have any illusions that the United States of America is a Christian nation. It isn't. And that's fine with me. I don't have any illusions that North Carolina is a Christian state. It isn't. And that's fine with me.

I don't have any of these illusions because if the story of the Bible was important to us, to you, we wouldn't be so worried about foreigners, we wouldn't be so afraid of immigrants. Because the story of the Christian gospel centers on a man named Jesus, who was born on the migrant trail, moving from place to place, born to parents who did everything they could to protect him from Herod and his government, parents who even defied the will of Herod and snuck away, under the cover of darkness, crossing into Egypt without proper documentation — sin papeles, as some would put it today — parents who did all of this for the sake of their child, for the sake of Jesus.

As a Christian, I am sure glad Mary and Joseph, those faithful parents, kept Jesus safe from the government's hands, as they crossed borders, and as they relied on hospitality of strangers, in Egypt and in Bethlehem.<sup>1</sup>

Like I said, I have no illusions that this story, this story that lies at the heart of the Christian faith — I have no illusions that this faith is important for how we run our country, or how we run our state. But those of us who are Christians, and who call North Carolina our home, we can't help but see the world through the eyes of the Bible; we can't help but see our state, our representatives, our communities through the story of Jesus.

<sup>1</sup> Matthew 2:13-18.

And when we look at the laws you pass, we will be wondering where you fit in the story, in the story of the Bible, in the story of Jesus. Should we count you among the people who welcomed Jesus and his parents, who received them with open arms? Or should we count you among Herod's people?

As Christians in our state continue to read the story of Jesus, and as we watch what you do as our representatives, we will be wondering what side to put you on.

The North Carolina Council of Churches has a statement on immigration. In closing, I would like to read a few lines from it:

"As people of faith... our calling is to welcome the stranger and offer hospitality... to the migrant and refugee, regardless of legal status. We remember the words of Leviticus 19:33-34, when God tells the Israelites,

'Do not mistreat foreigners living in your land, but treat them just as you treat your own citizens. Love foreigners as you love yourselves, because you were foreigners one time in Egypt.'<sup>2</sup>

Isaac S. Villegas, Rev.  
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Member of the NCCC Governing Board  
North Carolina Council of Churches  
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Raleigh, NC 27607  
(phone: 919-828-6501)

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<sup>2</sup> <http://www.nccouncilofchurches.org/2006/12/support-for-comprehensive-immigration-reform/>

15

Chellie Mason, League of Women Voters of the Piedmont Triad.

*I am a Greensboro*

~~This is a local~~ member of the League of Women Voters of the United States, a respected non-partisan organization founded 92 years ago to promote civic education, advocacy and involvement. We thank the House Select Committee on the States Role in Immigration Policy for the public comment opportunity today.

The League of Women Voters of the United States Public Policy position states:

**“The League supports a system for unauthorized immigrants already in the country to earn legal status.....The League does not support deporting unauthorized immigrants who**

**have no history of criminal activity. ....The League supports due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and right to humane treatment.”**

Based upon these sound public policy positions, we urge North Carolina not to adopt anti-immigrant laws similar to those in Alabama and Georgia. No one would argue that dangerous criminals be tolerated. But the anti-immigrant laws now being considered blatantly disregard America's fundamental values of fairness and equality. Moreover, the backlash against the Alabama and Georgia laws provides a reality check: crops are not being harvested because immigrant workers ~~are~~ <sup>are</sup> staying away; some children stay away from school, all in fear; and citizens and

non-citizens are being wrongfully arrested. Because of the backlash, Alabama's lawmakers are now trying to persuade foreign executives and their companies that they are still welcome in the state.

Let's have the wisdom to learn from others' mistakes and to recognize the growing support, as evidenced here, today, for undocumented people in North Carolina.

Rather than dividing us and dehumanizing people of color, let's recognize the social, cultural and economic contribution of immigrants and work together for a reasonable, fair and just State Role in Immigration Policy.

Thank you.

# CATHOLIC VOICE NC

*The nonpartisan voice of North Carolina's Bishops*

## Statement of the North Carolina Catholic Bishops on Immigration

Good afternoon. I am Monsignor Brockman, Vicar General of the Catholic Diocese of Raleigh. I come before the Committee today on behalf of Bishop Michael Burbidge, Bishop of Raleigh, and Bishop Peter Jugis, Bishop of Charlotte, who shepherd approximately one-million Catholics throughout the State of North Carolina. I extend my gratitude to the Committee for the opportunity to address this important issue of human dignity that has generated such considerable debate throughout our country, including here in the State of North Carolina.

While others may address the economic impact of immigration in our state, I wish to present our Catholic social teaching on the formation of a just immigration policy. This teaching is twofold: first, we support the role of the federal government to regulate migration and to defend its borders and laws; and secondly, as Catholics, we advocate for the recognition that immigrants, as members of God's human family, are deserving of and must be granted the appropriate dignity as our brothers and sisters in the Lord.

The Catholic Church recognizes and upholds this great dignity, not only in each human person, but also of the entire human family as the basic social unit of society from the very foundation of creation. The Bible clearly demonstrates that this God given dignity is given to refugees, migrants, and to all those who are immigrants. Jesus himself was a refugee as a Child and an itinerant during His public ministry. He taught us to welcome the stranger (Matthew 25:35) and to realize that in welcoming the stranger, we are welcoming Christ Himself.

It is clear that the immigration process is in dire need of reform. Without the needed comprehensive reform on the federal level, states throughout our great nation have attempted to address the issue legislatively on a local basis. In 2007, the Catholic Bishops of the United States proposed five principles to be considered in drafting any immigration legislation that is just, respectful of human dignity and that of the human family. Should the General Assembly choose to introduce legislation with regard to immigration policy, we believe that the guidelines, proposed by the Catholic Bishops of our county, provide the necessary foundation to formulate sound and just legislation.

In addition to this written text of my remarks, I respectfully submit to the Committee, these five principles in greater detail, which I will now briefly summarize.

## **United States Catholic Bishops: Five Principles to Guide Immigration Legislation**

In 2007, the Bishops of the United States deliberated and proposed guidelines, specifically five principles to be considered in drafting just immigration laws which respect and affirm the dignity of the immigrant and keep families together.

The **First Principle**: People have a human right to work and support their families in the dignity and safety in their homeland. Work that provides a just, living wage is a basic human need.

This fundamental human right leads to the **Second Principle**. Sadly, people are unable to find work and support themselves and their families in their homeland. Global poverty and political unrest force peoples to leave their homeland out of necessity. The Catholic Church believes people in these situations have a right to migrate to other countries to work and support their families since they are unable to do so in their homeland. The history of the United States is filled with example after example of immigrants coming to American shores for these reasons.

The **Third Principle** is perhaps the most challenging in our present situation. This principle has two parts. First, we believe that a nation has the right to protect and control its borders. To this end, any immigration reform cannot condone unlawful entry or circumvent our immigration laws. This third principle *also* states that nations, especially economically powerful nations like the United States, have a *higher* obligation to provide legal avenues for people to enter our nation legally in a safe, orderly and dignified manner to obtain jobs and keep their families together. It is this higher obligation that some Americans will find challenging. Yet, we believe we will be held to a higher obligation before the throne of God regarding how we have shared our abundance with those less fortunate than ourselves.

We are aware of people who have fled their homelands for fear of death or harm. Frequently, these people come from countries where religious persecution or political unrest makes it imperative that they leave their homeland. We believe our present laws must be reformed to make it less burdensome for such individuals to come to the land of the free so they can live without fear of being killed, imprisoned or persecuted. This is our **Fourth Principle**.

Finally, the Catholic Bishops of the United States, in their **Fifth Principle**, believe that all people, including undocumented migrants, have a right to basic human dignity and should not be treated in an inhumane way by anyone, be it by an employer, law enforcement officials, border control personnel, or citizens in general.

The first principle, people have a human right to work and to support their family in dignity and safety of their homeland. Second, when work in their homeland is not possible due to economic hardships, people have a right to migrate to other countries to work and support their family. The third principle, countries have a right to protect their borders and also have the higher obligation to provide legal avenues for people to enter their country legally. Fourth, refuge must be provided to those who are fleeing their homeland due to political oppression. And the fifth principle, all persons, including undocumented workers, have a right to basic human dignity and should not be treated in an inhumane way by anyone.

As Catholics, we believe that these five principles, based in the biblical tradition, are reasonable and we respectfully propose them to the Committee as a guide should the General Assembly consider new immigration legislation for our State.

In a statement to Catholics in the Diocese of Raleigh, Bishop Burbidge wrote, "We must find the moral way to create policy and laws so we can both respond to the labor needs of the market as well as to support the right of people to immigrate, and to always safeguard the human dignity of every person. We also need to do this in a way that does not condone unlawful entry or circumvent our laws."

Both Bishop Burbidge and Bishop Jugis acknowledge that there are many emotions which are often ignited by the immigration debate, but together, they call on "all people of goodwill to continue to debate in the spirit of mutual respect, ever mindful that together we must work for peace and protect the dignity of each and every person."

Once again, on behalf of Bishop Burbidge and Bishop Jugis and the one million Catholics in our State, I express my gratitude to the Committee for this opportunity to present our Catholic teaching regarding this important moral issue of immigration. As members of the human family, we are each deserving, and must be granted, the dignity that not only supports and fosters the common good of our society, but reflects the reality that we are all fundamentally brothers and sisters in the Lord. Thank you.

(END)

Rev. Msgr. David D. Brockman  
Vicar General  
Catholic Diocese of Raleigh  
March 28, 2012

#34



**NC LISTEN**

*An immigration reform organization*

Revised during the hearing

**I am Ron Woodard, a citizen and Director of NC LISTEN**

**(Since some earlier speakers made reference to Biblical scripture) I am a Christian and have read the Bible from front to back and note that there are scholarly disagreements over the definition of "stranger and alien", than have been discussed by other speakers. Also I believe it is inappropriate to cherry-pick verses in the Bible in an attempt to justify people breaking the law. I do not recall any scripture suggesting (behavior of illegals) it is OK to jump in the front of the line of others waiting their turn, to steal someone's identity, take services that don't belong to you, or take a job that doesn't belong to you and hurt the livelihood of someone else. The Bible, a series of books and letters, is certainly a great guide for us.**

**There is no injustice (in our immigration system) as we allow one million legal immigrants each year to come to the USA, more than any other nation on Earth allows. Hispanics and Asians are treated the most generously with legal immigration to America. Mexico is allowed to send twice as many legal immigrants to the USA each year than any other sending country.**

**This committee knows the difference between immigrants and illegal aliens, despite some of the earlier (speaker) comments. The other side uses highly charged words in an attempt to pretend immigrants and illegal immigrants are one and the same and should be treated as if the same.**

**The other side is really saying the rule of law does not apply to them.**

**If illegal immigration is such a money-maker, why is California up to its eyeballs in debt.**

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Suite 108 – 1251 NW Maynard Road – Cary, NC 27513 [www.nclisten.com](http://www.nclisten.com)

In North Carolina, illegal immigration has a major **negative** impact on the unemployment rate, our education system, health care, and government budgets to include crime and drug trafficking. It is evident to most citizens, as confirmed by statewide NC Civitas polls, that the North Carolina General Assembly has a mandate to take further action.

*How fair is it to allow illegals to remain in our State and compete against poor Americans for jobs and drive down their wages?*

Our state unemployment rate hovers around 10% with the Bureau of Labor Statistics U-6 number approaching 15%, while at the same time we have over 250,000 illegal immigrants working in North Carolina (only 14% of illegal immigrants are doing agricultural work).. At the first opportunity we need to further tighten H.36, the E-Verify law passed in 2011.

Senate bill 205 made crossover and now should be passed in the NC House. We should deny government benefits to illegals as much as federal law will allow. Our state budget shortfall in Medicaid alone is \$150 million. Each dollar going to illegal immigrants and their dependents is one less dollar going to our own poor citizens and elderly poor.

State legislation should be passed to deny illegals access to our State Community Colleges and UNC University system. Because college is a selection process, every illegal allowed to attend a UNC campus will (one for one) disenfranchise an American student. After all as an adult, an illegal can return to their native country to attend college and work there legally.

House bill 33 made crossover and now should be passed in the NC Senate. We should not allow the Matrícula Consular or similar cards to be acceptable forms of residency or ID in North Carolina. These consular cards are not legitimate ID documents, and are used **within** the U.S. to only help illegals.

These recommendations will benefit taxpayers by lowering the cost of government services, protect the competitiveness of companies who **only** hire

legal residents, give poor citizens a chance at making their life better, and in effect, taking action on illegal immigration will be a “jobs program” for citizens.

WE thank you for holding these hearings and for the legislation that has moved forward. But you need to take further action in the upcoming short session, **because the job is not yet done.**

# HOUSE SELECT COMMITTEE ON STATE'S ROLE IN IMMIGRATION

## SIGN-UP SHEET FOR PUBLIC HEARING

1:00 PM, THURSDAY, MARCH 28, 2012

PLEASE WRITE LEGIBLY

Number	Name	Organization
1.	Randy Dye	N.C. Freedom
2. +	<del>XXXXXXXXXX</del>	<del>NC FIRE</del>
3.	James Johnson	NC FIRE
4. v	Cindy Carrida	Teaparty
5. v	Chellie Mason	League of Women Voters
6.	Paul Mitchell	Immig. Action Working Group, Greensboro
7.	Selwyn Ray vonn Jones	
8. v	Ken Woodard	NC LISTEN
9.	BEVERLY LUNG	CITIZEN-TAXPAYER.
10.	Stephanie Emery	NC FIRE
11.	RON COX	Jesus Ministry
12. v	Nancy Mayer	Attorney
13. v	Mrs David Brockman	Diocese of Raleigh
14.	E.A. TIMM	TEA PARTY
15. v	Ramona Timm	Stokes Co. Tea Party Patriot Club

# HOUSE SELECT COMMITTEE ON STATE'S ROLE IN IMMIGRATION

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1:00 PM, THURSDAY, MARCH 28, 2012

PLEASE WRITE LEGIBLY

Number	Name	Organization
16.	Bert Lemkes	Van Wingerden Intl Inc
17.	<sup>FRANK</sup> Frank <sup>HURLEY</sup> Hurley	(SELF/NONE)
18.	<sup>24</sup> I. Villegas	North Carolina Council of Churches
19.	John Herrera	C.C. Self-Help.
20.	<sup>1</sup> Irene Godínez	Latin American Coalition
21.	<sup>1</sup> Juan Ramos	Latin American Coalition
22.	<sup>24</sup> Guillermo Mendoza	Latin American Coalition
23.	<sup>23</sup> John J Faison	CIR
24.	Mauricio Castro	NC Latino Council
25.	<sup>24</sup> Héctor Vaca	Action NC
26.	<sup>24</sup> Patricia Adams	We Are NC.
27.	<sup>24</sup> Ralf Waiters	NC Citizen
28.	Richard Limville	Self
29.	<sup>24</sup> Roxana Bendeze	self.
30.	Lori Fernald Khamala	American Friends Service Committee

# HOUSE SELECT COMMITTEE ON STATE'S ROLE IN IMMIGRATION

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1:00 PM, THURSDAY, MARCH 28, 2012

PLEASE WRITE LEGIBLY

Number	Name	Organization
31.	Melinda Lawrence	NC Justice Center
32. <del>32</del>	Dani Moore	NC Justice Center
33.	Bob Obensham	NC LISTEN
34. 3 ✓	Steven Wiles	Winston Salem Forsyth County Tea Party
35.	Jimmie Boyd	Winston Salem Forsyth County Tea Party
36. 12 ✓	Ron King	NC Listen, ALIPAC
37. 16	Catherine Chandler	<del>Business</del> Business Owner
38. 7 ✓	John Candillo	W-Salem, N.C 27103
39. 12 ✓	William Green	ALIPAC
40. 10 ✓	SONYA GRESSEL	CITIZEN!
41. 14 ✓	Brana Miller	Citizen!
42. 19	Giovanna Hurtado	El Cambio (undocumented!)
43. 20	Juan Ortega	El Cambio un
44.	Betty Elkerbee	League of Women Voters NC
45.	Judy Page	Retired NC teacher

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN IMMIGRATION**

**SIGN-UP SHEET FOR PUBLIC HEARING**

**1:00 PM, THURSDAY, MARCH 28, 2012**

**PLEASE WRITE LEGIBLY**

Number	Name	Organization
46. <input checked="" type="checkbox"/>	Susan Taylor	North Carolina Coalition Against Domestic Violence
47.	John Shank	NCFIRE
48.	Aima Alberto	El Cambio
49. <input checked="" type="checkbox"/>	Mary Dickinson	Hispanic Amer. Democrats Winston Salem
50.	Luis McAniff	Private Citizen
51. <input checked="" type="checkbox"/>	RENE VANROMPAY	Hispanic Amer. Dem. W.S. NC
52. <input checked="" type="checkbox"/>	Kerry Alzuer	private citizen.
53.	Richard Davis	NC citizen
54.	Fernando Mendes	Jesus Ministries
55. <input checked="" type="checkbox"/>	Joana Perez	Jesus Ministry
56. <input checked="" type="checkbox"/>	REV. CARLOS CORTEZ	JESUS MINISTRY
57. <input checked="" type="checkbox"/>	PASTOR ANGEL AYALA	JESUS MINISTRY
58. <input checked="" type="checkbox"/>	PASTOR SANDRO PEREIRA	JESUS MINISTRY
59. <input checked="" type="checkbox"/>	Joan Walsh	Durham Bill of Rights Def. Comm.
60. <input checked="" type="checkbox"/>	Bishop Michael Curry	EPISCOPAL DIOCESE GNC

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN IMMIGRATION**

**SIGN-UP SHEET FOR PUBLIC HEARING**

**1:00 PM, THURSDAY, MARCH 28, 2012**

**PLEASE WRITE LEGIBLY**

Number	Name	Organization
61. 1.)	✓ THE REV. CANON MICHAEL HUNN	EPISCOPAL DIOCESE OF NORTH CAROLINA
62.	CANDIDATE FOR CONGRESS ILARIO PANTANO	PANTANO FOR CONGRESS.COM
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75.		

## VISITOR REGISTRATION SHEET

House Sel. Comm. on the State's Role in Immigration

3/28/2012

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

James Johnson	NC FIRE
Maurice A. Wilson	Cape Fear FIRE
BEVERLY LUNG	TAXPAYER : CITIZEN OF NC
PJ LOFLAND	FORSYTH COUNTY REPUBLICAN PARTY
Ron King	American + NC citizen
Ralf Walters	N.C. citizen
Randy Dye	Chatham Co, NC
PHILIP BIENVENUE	CHATHAM CO, NC
Cindy Carvion	NC Fire
Stephanie Emery	NC Fire
STEVE STORAS	NC LISTEN

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NAME

FIRM OR AGENCY AND ADDRESS

William Green	ALIPA
FRED BRONSON	420 HANES ST DURHAM, NC 27703
Don Pagani Don Pagani	1796 MASSEMYLL Pond Rd. Angier, NC 27501
Walter Emery	NC Fire clemmons NC
Steven Norris	Warren Wilson College Asheville
Rebecca Smith	Warren Wilson college Asheville
Madeleine Fischer	Warren Wilson College Asheville
Richard Davis	1105 Park Glen Place Durham, NC 27713
Belvira Apardo	
Sara Grace Allen	Warren Wilson College Asheville, NC
Ryka Young	Warren Wilson college

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House Sel. Comm. on the State's Role in Immigration      3/28/2012  
 Name of Committee      Date

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NAME	FIRM OR AGENCY AND ADDRESS
Angela Arnold	1036 Pinelawn Dr Raleigh, NC 27604
Samuel Farthorpe	766 Fairburn ave. Jenison, MI 49428
Jonah Simmons	701 Warren Wilson Rd. <del>Swannanoa</del> Swannanoa, NC
Patricia Galt	Raleigh
Dorothy "Dora" Pearce	309 Berwick Ct. Wake Forest NC
Christine Donovan	Raleigh
Daniel Mesina	336 Six Forks Rd., Raleigh
Thomas/Mary Kotte	<sup>69</sup> Kernersville, NC 27284
Margaret Smetana	2 Squires Lane, Pinckney, NC 28374
Bobbe Hildebrand	7 Chafford Place, Pinckney, 28370
Carol Wheelon	50 Lake Forest Dr SW, Pinckney 28374

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NAME	FIRM OR AGENCY AND ADDRESS
Jo Mordini	35 Forest Lane Pinehurst, N.C 28374
Kerry Alzner	1523 Torchwood Rd, Canton NC. 28327
Leona: d Newbauer	500 Durwin Tree Road, Pinehurst N.C. 28374
Lois McAuliffe	13 Shenrossett Ln. Pinehurst NC 28374
Ramona Timm	PO Box 573 Walnut Cove NC 27052
Jason Britt	Pantano for Congress.com
ILARIO PANTANO	PANTANO FOR CONGRESS.COM
John Shank	NCFIRE
Laura Carr	236 Oak wood Ct, Winston-Salem, NC 27103
Mary Ellen Cardillo	W-S Tea Party Patriots
John C. Cardillo	1224 Bolton St. W-Salem, N.C.

27103

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3/28/2012

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Luis Jimenez	JESUS MINISTRY
GLORIA ALVARADO	JESUS MINISTRY
JUANITA PEREZ	JESUS MINISTRY
LORAINA SANCHEZ	JESUS MINISTRY
JOSE MEXIA SANCHEZ	JESUS MINISTRY
ROSA LERAY	JESUS MINISTRY
JOSE B. VALDEZ	JESUS MINISTRY
BRAULIO CASTILLO	JESUS MINISTRY
MIRIAM CASTILLO	JESUS MINISTRY
MARtha BROWN	
MARIA DEL CARMEN	JESUS MINISTRY

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Gynthia Pimentel	3540-106 Hattland Dr. Iglesia Adulam - Raleigh, NC 27610
Elsa Armijas	Stanly County Schools      Albemarle, NC
Walter Gomez	LA CONEXION NEWSPAPER
Jose Cusicanqui	Que Pasa Media      Raleigh, NC
Rigoberto Trejo	Jesus Ministry
David Lopez Torres	Centro para Familias Hispanas
David Anderson	Pullen Memorial Baptist Church
Rev. CARLOS N. ARCE	Roman Catholic Diocese of Raleigh
Joan F. WALSH	Durham Bill of Rights Defense Committee
Dani Moore	North Carolina Justice Center
Melinda Lawrence	North Carolina Justice Center

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NAME	FIRM OR AGENCY AND ADDRESS
Giovanna Hurtado	EL CAMBIO
Juan Ortega	El Cambio.
Silvia Rodriguez	El Cambio
Lazaro Sanchez	El Cambio
Aima Alberto	El Cambio
Uziel Alberto	El Cambio
Samuel Toledo	El Cambio
René VanRampay	Forsyth County Hispanic American Dem. Grants
Marco Proche	Wasson Salem
Athleen Milby	EL CAMBIO
Paulo Palomo	EL CAMBIO

## VISITOR REGISTRATION SHEET

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NAME

FIRM OR AGENCY AND ADDRESS

Pat Poret	Chatham Co, Chapel in the Pines Presbyt. Church
Mindy Douglas Adams	Pastor, " "
Aura Terado	Catholic Charities Centro para Familias Hispanas
Roxana Banderu	self
Zulayka Santiago	Independent, Raleigh, NC
Mauricio Castro	NC LATINO COALITION
Leonor Clavip	NC Hispanic Chamber
Lori Khamale	American Friends Service Committee
Marisol Jimenez McGee	Open Source Leadership Strategies
Domenic Powell	Center for New Community

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NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Jose Landaverry	CIR volunteer
Elois Garcia	Agencia of Aereo. Ministerio Int.
Gilberto Rodriguez	Ministerio Int. Agencia of Aereo
Nereida Rodriguez	Ministerio Int. Agencia of Aereo
Trevor Thompson	Catholic Community of St. Francis of Assisi
Rogelio Valencia	NC DSS
Matty Lazo-Cluderton	Consulate General of Mexico
John J Faison	CIR
Olivia Cots	CIR
Isabel Arguija	El Pueblo
Nayely Pérez-Huet	El Pueblo, Inc.

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FIRM OR AGENCY AND ADDRESS

Patricia Adams	Student Action w/ Farmworkers - Durham, NC -
Charlotte, NC	LATIN AMERICAN COALITION
Jessi Hayes	NC HBA
Lisa Martin	
PJP	NC FB
Bert Lemkes	Van Wingerden Intl. Inc Henderson county
CARLOS CORTEZ	JESUS MINISTRY
FERNANDO MENDES	Jesus Ministry
Henry Jones	Attorney - Raleigh
EDDIE CALDWELL	NC Sheriffs' Assn.
Andrew Cagle	NC Sheriffs' Assn.



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NAME	FIRM OR AGENCY AND ADDRESS
Rev. Msgr. David D. Brackeman	ON BEHALF OF THE ROMAN CATHOLIC DIOCESE OF RALEIGH AND THE ROMAN CATHOLIC DIOCESE OF CHARLOTTE
Joe Burton	Highland United Methodist Church 633 S. Lakeside Drive, Raleigh, NC
Paul Mitchell	Immigration Working Group, Greensboro
Chellie Mason	League of Women Voters
Loa Duradnik	First Friends Mtg. - Greensboro
Brenda Miller	Immigration Working Group, Greensboro
Isaac Villegas	Pastor, Chapel Hill Mennonite Fellowship Governing Board, NC Council of Churches
Victor Lopez	Guilford College - American Friends Service Committee Lopez ve @Guilford.edu
Mary Dickinson	Forsyth County Hispanic American Democrats - Winston-Salem, NC
Nancy Mayer	Attorney, Durham, NC
Ron Cox	Jesus Ministry

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NAME	FIRM OR AGENCY AND ADDRESS
Tracy Carter	Lee County
Brindell B. Wilkins Jr	Granville County
Stephen J. Fowler	Stokes Co.
Mike Marshall	Stokes Co.
BLAKE WILKINS	Durham Co.
Kevin Rogers	Action NC
Clermont Fraser	NCJC Raleigh, NC
Carol Brooke	NCJC Raleigh, NC
LINDA BURTON	CSJ RALEIGH
Bishop Michael Curry	EPISCOPAL DIOCESE OF NORTH CAROLINA RALEIGH, NC
CANON MICHAEL HUNN	EPISCOPAL DIOCESE OF NORTH CAROLINA, RALEIGH
Lathy Chandler	Durham, N.C.

## VISITOR REGISTRATION SHEET

House Sel. Comm. on the State's Role in Immigration      3/28/2012

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Sand Sams

un

Stephen Kouba

Compassone

John Cooper

Compass NC

Clyde B. Alford

Alamance County Attorney

Rick O'Brien

Yadkin

Graham Atkinson

Surry County Sheriff

Ray S. Payne

Rockingham Co. Sheriff's Office, NC.

Ray S. Johnson

Alamance Co. Sheriff

Monte B. Hill

ALAMANCE CO. SHERIFF'S OFFICE (MAJOR)

Michael L. Welch

Caswell Co. Sheriff's Office (Sheriff)

Andy Stokes

Sheriff - Davie County

Nancy Blood

Durham, NC

## VISITOR REGISTRATION SHEET

House Sel. Comm. on the State's Role in Immigration      3/28/2012

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NAME

FIRM OR AGENCY AND ADDRESS

Patricia G. Horner	Stanly Community College 141 College Dr, Albemarle, NC 28001
Ana Flores	Jesus Ministry 1024 EASTWAY LN CONOVER NC 28613
Frank Lesko	St Francis of Assi Jesus Ministry Raleigh, NC 27613
John Pazr	St. Francis of Assisi Catholic Church Raleigh, NC 27612 Jesus Ministry
Joe Molina	Jesus Ministry 2901 London Bell Dr. Raleigh NC 27614
Rev. Luis Rivas	JESUS MINISTRY 2901 London Bell Dr Raleigh, NC 27614
Raquel Alvarado	JESUS MINISTRY 603 12 St SW Hickory NC 28602
Nicolasa Librado	Jesus Ministry #4 Indigo Lane Cullowhee NC 28723
Yovana M. Esquivel	Jesus Ministry
Illexy Gonzalez	Jesus Ministry
Jose D Perez	Jesus Ministry

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NAME

FIRM OR AGENCY AND ADDRESS

Héctor Vaca	Action NC
William R Kirkman	N.C. Fire
Joann Kirkman	" "
Jackie Bonk	Catholic Diocese of Raleigh
FRANK MOROCK	Catholic Diocese of Raleigh
Lacey Williams	Latin American Coalition
Megan Walsh	Latin American Coalition
Juan Ramos	Latin American Coalition
Guillermo Mendoza	Latin American Coalition
Irene Godínez	" " "
Megan Nerz	NC Council of Churches

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NAME	FIRM OR AGENCY AND ADDRESS
E. A. Timm	PO Box 573, Walnut Cove, NC 27052
SONYA GRESSER	PO BOX 183 STOKESDALE, NC 27357
Susan Taylor	North Carolina Coalition Against Domestic Violence - 123 W. Main St, Suite 700, Durham, NC 27701
Alex Miller	KLG
FRANK HURLET	RETIRED 103 CHARLES VERRY LANE CHAPEL HILL NC 27517
DAVID S	NC FIRE
Jane Souma	Durham, NC
TON WOODARD	Cary, NC
Bub Obenshan	2211 Mecklenburg Dr Apt 101 27102 US, NC
Richard Linville	Self - 420 Savannah Ln 27102 NC
Jimmy Zapp	4720 Merrimack Rd W-S NC-27107

## VISITOR REGISTRATION SHEET

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NAME	FIRM OR AGENCY AND ADDRESS
Viridiana Martinez	North Carolina Dream Team
Judy Page	4309 Old Colony, Raleigh <sup>retired</sup> Teacher
ROBERT PAGE	4309 Old Colony; Raleigh, NC <sup>retired college registrar</sup>
Raymonde Koonce	126 Hampton Pines Dr. Morrisville, NC <sup>Retired ESL TEACHER</sup>
PASTOR SANDRO PEREIRA	JESUS MINISTRY
JUVENAL VITALINO	JESUS MINISTRY
Juliana Cabrera	Raleigh, NC
Beth Ellerbe	League of Women Voters of NC
Rosalina Aldana	CASA EL SALVADOR, RALEIGH NC
Nancy Castillo	Jesus Ministry
Angelita M. Carrasco	Jesus Ministry Inc.

## VISITOR REGISTRATION SHEET

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3/28/2012

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
Marta Navarro	Jesus ministry
Flor Velazquez	Jesus Ministry
Ana Rojas	Jesus Ministry
Ikarina Vazquez	Jesus Ministry
Jesús Gallardo	Jesus Ministry
Josmi Gallardo	Jesús Ministry
Ana Maria Bonell	FOX 50
Cynthia Martinez	NC Dream Team
Stephanie Villeda	NC Dream Team
Bery Gutierrez	Winston Salem Journal
Alexis Padilla	WTIK-1310 AM "La mega" Durham, NC.







**MINUTES**  
**House Select Committee on the State's Role in Immigration Policy**

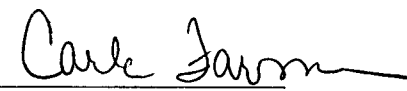
Thursday, December 6, 2011  
1:00 PM  
Room 643, Legislative Office Building

The House Select Committee on the State's Role in Immigration Policy met on Thursday, December 6, 2012 at 1:00 p.m. in room 643 of the Legislative Office Building. Co-chairs Iler and Warren, and Representatives Brission, Cleveland, Faircloth, Folwell, Jones, Pierce, Stevens, Starnes and Wray attended.

Representative Iler presided and welcomed the committee members, staff and visitors. The visitor's log is attached to these minutes as Attachment #1. A motion to approve the minutes from March 28<sup>th</sup> was made by Representative Cleveland and seconded by Representative Starnes. The motion carried.

The staff presented the final report. Representative Cleveland made a motion to approve the report and Representative Brission seconded the motion. The motion carried and the meeting adjourned at 1:15 pm.

  
\_\_\_\_\_  
Representative Frank Iler  
Chairman

  
\_\_\_\_\_  
Carla Farmer  
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
2011-2012 SESSION**

You are hereby notified that the Committee on **House Select Committee on the State's Role in Immigration Policy** will meet as follows:

**DAY & DATE:** Thursday, December 6, 2012

**TIME:** 1:00

**LOCATION:** 643 LOB

**COMMENTS:**

Respectfully,  
Representative Iler, Chair  
Representative H. Warren, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **November 13, 2012**.

- Principal Clerk  
 Reading Clerk – House Chamber

**Carla Farmer** (Committee Assistant)

**HOUSE SELECT COMMITTEE ON STATE'S ROLE IN  
IMMIGRATION POLICY**

**AGENDA**

**December 6, 2012**

**1:00 P.M., ROOM 643 Legislative Office Building**

Representative Iler, presiding

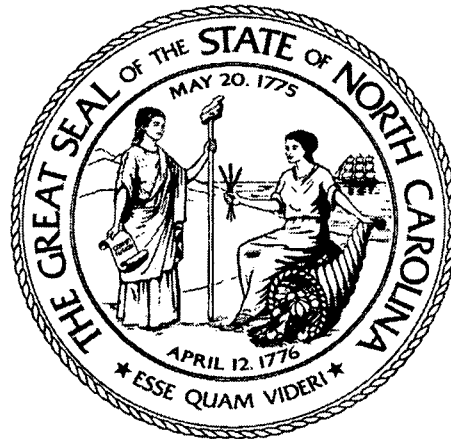
**Welcome and Introductions –**

**Adoption of Minutes**

**Adoption of Final Report**

**Adjournment**

**NORTH CAROLINA GENERAL ASSEMBLY**



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**HOUSE SELECT COMMITTEE ON THE  
STATE'S ROLE IN IMMIGRATION POLICY**

---

**REPORT TO THE  
HOUSE OF REPRESENTATIVES  
of the  
2013 SESSION  
of the  
GENERAL ASSEMBLY  
OF NORTH CAROLINA**

**DECEMBER 6, 2012**

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RALEIGH, NORTH CAROLINA 27603-5925  
TELEPHONE: (919) 733-9390

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## TRANSMITTAL LETTER

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December 6, 2012

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES

The House Select Committee on the State's Role in Immigration Policy respectfully submits the following report to the House of Representatives of the 2013 Session of the General Assembly of North Carolina.

---

Rep. Frank Iler (Co-Chair)

---

Rep. Harry Warren (Co-Chair)

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## COMMITTEE PROCEEDINGS

---

The House Select Committee on the State's Role in Immigration Policy met five times after the 2011 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

### December 7, 2011

Drupti Chauhan, Committee Staff, reviewed the Committee charge, major North Carolina legislation enacted between 2006 and 2011, and pending and introduced bills from the 2011 legislative session.

Sheriff Terry Johnson, Alamance County, provided an overview of the 287(g) Program and its implementation in North Carolina. Currently, there are six counties (Wake, Cabarrus, Buncombe, Mecklenburg, Henderson, and Alamance) participating in the 287(g) Program. According to Sheriff Johnson, this program, instituted in 1996 due to the lack of manpower for immigration enforcement, helps reveal the true identity of the individuals being held in jails. Sheriff Johnson said that approximately 80% of the people who are arrested and are here illegally give a false name upon arrest. Once in the system and fingerprinted, the 287(g) Program allows law enforcement to identify and investigate how many encounters the arrestee has had with customs and law enforcement.

Sheriff Sam Page, Rockingham County, spoke next about the Secure Communities Program and its implementation in North Carolina. In 2009, the North Carolina Sheriff's Association became involved with the immigration project and four counties were included in the Secure Communities Program. Later, Rockingham County was added and by March 2011, all the counties in North Carolina were participating. This Program is a partnership with Immigration to better identify individuals who are arrested and brought into the jails, and when they are determined to be illegal, that data is given to Immigration.

### January 25, 2012

Alan Woodard, Director of Examinations, North Carolina Department of Revenue, spoke about the areas of noncompliance that have been encountered by the Department of Revenue as well as the initiatives that have been implemented to address the problems. Mr. Woodard stated that the Individual Taxpayer Identification Number (ITIN) is issued to any individual who is not eligible to obtain a Social Security Number (SSN). Many times an employee will fill out paperwork that includes a false SSN and this information is then used by the employer when issuing the W-2 form. The employee will use the ITIN when filing taxes and that does not match the SSN reported to the IRS.

Michelle Mobley, Immigration Verification Supervisor, Driver Services Section of the North Carolina Department of Motor Vehicles, spoke to the Committee about identification requirements and verification of lawful status in the Division of Motor Vehicles. She talked about: 1) the documents that are required as proof of identification to receive a driver license/identification card, 2) providing proof of social security number and verification of lawful status when making application for a driver license/identification card, and 3) acceptable documents for providing proof of North Carolina residence when applying for an original driver license/identification card.

The next six presenters spoke to the Committee about the eligibility of aliens to receive benefits administered by the Department of Health and Human Services.

Dean Simpson, Chief, North Carolina Division of Social Services, Economic and Family Services, talked about the different programs that are administered or overseen by the Division of Social Services that undocumented immigrants are eligible for and under what circumstances they are eligible. Ms. Simpson spoke about services offered (Food and Nutrient Services, Work First, and Energy Assistance), the number served through these programs, and the cost for service.

Kevin Kelly, Section Chief, Child Welfare Services, Division of Social Services, spoke next about the primary services offered under child welfare services. Child Welfare Services fall within the scope of the US DHHS Administration for Children and Families. The provision of these services is spelled out in the Social Act as well as the Child Abuse Prevention and Treatment Act. The Personal Responsibility and Work Opportunities Act provide an exception to the ineligibility provisions.

Dennis Streets, Director, North Carolina Division of Aging and Adult Services, discussed programs and services that undocumented immigrants are and are not eligible for under the Division of Aging and Adult Services. Undocumented immigrants are not eligible for the Special Assistance Program, the Key Program, and the Senior Community Service Employment. Undocumented immigrants are eligible, but in a limited manner, for the Adult Protective Services and Guardianship. Undocumented immigrants are eligible for Home and Community Services under the Older Americans Act, Operation Fan Heat Relief, and Emergency Shelter/Solutions Grant.

Ms. McClanahan was introduced next to speak on behalf of Sheila Platts, Assistant Director for Recipient and Provider Services, NC Division of Medical Assistance, who was unable to attend. Ms. McClanahan talked about the definition and the federal regulations of Medicaid. Next, she spoke about the eligibility requirements of Medicaid in North Carolina. To be eligible for full Medicaid or Health Choice, you must be a US citizen or admitted under a specific immigration status and must meet the categorical and financial eligibility requirements. Undocumented aliens are eligible for emergency medical services only and must meet categorical and financial eligibility requirements for the program/category.

Deb Cassidy, Director, Division of Child Development Early Education, spoke next about the citizenship requirements and verification for the Child Care Subsidy Program. She also provided some information regarding the NC Pre-K Program eligibility as it relates to citizenship status.

Kevin Ryan, Section Chief, Women's and Children's Health, Division of Public Health, discussed the eligibility of aliens to receive services in public health programs. Nonqualified aliens are ineligible to receive federal public benefits. This term is defined by federal law to include some health benefits; however, federal law specifically exempts some health benefits from the definition. Dr. Ryan stated that nonqualified aliens receive services when allowed by law when circumstances require testing or care for communicable diseases as the appropriate public health response to prevent the spread of the disease. Prenatal care, maternal and child health care services, and immunization services are provided when allowed by law. Dr. Ryan mentioned several other services that are provided regardless of immigration status.

Kara McCraw, Committee Staff, gave an overview of the omnibus immigration bills enacted in other states in 2011 and of the status of legal challenges against them. According to the National Council of State Legislatures, in 2011 there were approximately 1600 bills and resolutions relating to immigration introduced in the 50 states. As of December, almost 200 new laws had been enacted. Ms. McCraw provided information that focused on six states. Five of those states (Alabama, Georgia, Indiana, South Carolina, and Utah) enacted omnibus legislation that addressed immigration in various numbers of ways. The sixth state, Arizona, was included because the litigation from their 2010 legislation has proceeded the furthest of any state that is facing challenges with omnibus legislation. All of the six states have had lawsuits brought by private plaintiffs challenging all or part of the omnibus act. Four of the six states (Arizona, Alabama, South Carolina, and Utah) have also had challenges to part of the law filed by the federal government.

### **February 29, 2012**

The following four presenters from the business community spoke to the Committee about their recommendations relating to the State's role in immigration policy:

Lisa Martin, Director of Government Affairs, North Carolina Home Builders Association, spoke about the important role the immigrant community has played in the construction industry. While there has been a significant presence of immigrants in the home building industry, the influx of illegal immigrants in the United States is a concern for all business owners. She stated that the NC Home Builders Association does not support illegal immigration. She expressed concerns regarding the E-Verify System. She also stated that the Association declines to take a position on any measure other than the support and willing compliance with the requirements in House Bill 36.

Claudia Dodgen, Vice-President, Employee Services, Crowder Construction Company, and Member, Human Resource Committee, began her presentation by applauding the legislature for enacting House Bill 36. For years the construction company has struggled with the challenges of complying with the Immigration Reform and Control Act, which requires hiring managers to be document experts at the point of hire. With E-Verify, the guesswork on whether someone is legally eligible to work is removed and hiring managers can focus on filling positions with the most qualified candidates. Ms. Dodgen shared 3 requests of the legislature on behalf of the construction industry: 1) help with education on House Bill 36, 2) minimize or avoid any legislation that continues a federal trend of increasing the administrative burden on the construction industry, and 3) help think through and close the gap on the increased technology needs for smaller contractors.

Lee Wicker, Deputy Director, North Carolina Growers Association, stated that agribusiness is the number one industry in North Carolina, generating over 70 billion dollars in annual revenues and employing over 20 percent of the workforce in NC. The North Carolina Growers Association is the largest user of the federal H-2A program in the nation and will likely employ over 7,000 legal foreign workers in NC this year. H-2A is a temporary non-immigrant agriculture guest worker program administered at the federal level by the US Departments of Labor and Homeland Security and at the State level by the Departments of Labor and Commerce. Mr. Wicker stated that it is clear there is bipartisan political agreement that the current program is broken and in need of reform and he feels that a resolution by the North Carolina General Assembly encouraging Congress to reform the H-2A program would show strong support for the NC farmers who are going to great expense to insure they have a legal workforce. Mr. Wicker also recommended that the North Carolina General Assembly follow Georgia's lead in appropriating funds to the Department of Agriculture to hire an employee whose exclusive role is to develop easy to understand educational materials for farmers to facilitate compliance with respect to labor, employment, worker protection, and immigration laws.

Tamar Jacoby, President, ImmigrationWorks USA, provided some perspective on how other states are handling immigration and what the consequences have been for businesses in those states. Ms. Jacoby said the problem for most businesses that hire immigrant workers is that there aren't enough legal foreign workers available to fill jobs for which employers are unable to recruit US workers. She stated that with Congress being deadlocked and unable to act on immigration, state lawmakers across the country are taking matters into their own hands. She mentioned several states that have used "attrition through enforcement" practices and now their economies are reeling as a result. As far as North Carolina is concerned, Ms. Jacoby believes that House Bill 36, mandating E-Verify for employers and local government, is a good balance and considers E-Verify the best tool for North Carolina in monitoring immigration compliance. She suggests that North Carolina stay the course with House Bill 36 because it is a balanced, careful, pragmatic approach that combines immigration enforcement with a realistic concern for the health of the North Carolina economy.

**March 28, 2012**

Maudia Melendez, Executive Director, Jesus Ministries, spoke to the Committee about her life as an immigrant and her work in the immigrant community since moving to America 39 years ago. She has been in North Carolina for 25 years and has heard many negative comments about immigrants. She wanted to share with the Committee that immigrants are people of faith and they contribute to the economy.

James Johnson, President, North Carolinians For Immigration Reform and Enforcement (NC FIRE), addressed the Committee about illegal immigration in North Carolina. He said that last year, 32 states passed strong immigration enforcement laws to protect their citizens from the undue burdens associated with illegal aliens. Some of these states, such as Virginia, West Virginia, Tennessee, South Carolina, Georgia, and Alabama, passed up to 15 different laws regarding illegal immigration. He said that with the two laws passed last year, North Carolina has little more than nothing to deter illegal aliens from coming to this State. With the influx and the associated cost of illegal aliens that are currently self-deporting from these other states, Mr. Johnson is asking the Committee to relieve North Carolina of these undue burdens by writing or recommending strong immigration enforcement legislation.

Next, a public hearing was held and approximately 35 individuals spoke. Those comments are reflected in the minutes.

**December 6, 2012**

The Committee adopted the final report.

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## FINDINGS AND RECOMMENDATIONS

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The House Select Committee on the State's Role in Immigration Policy held five meetings from December 2011 to December 2012. Numerous stakeholders were invited to speak, including members of the public, business and industry groups, and a wide array of advocacy organizations. The Committee engaged with stakeholders in meaningful dialogue on a variety of different issues related to immigration and recommends continuation of that dialogue during the 2013 Session of the General Assembly.

Although there is some indication of renewed interest at the federal level for immigration reform, federal inaction on this topic has placed undue burdens on the states to manage both legal and illegal immigration. Many states, including North Carolina, have been compelled to pass state laws to implement immigration reform measures that address economic, health, and safety issues that affect their residents because the federal government has refused to take measures to reform federal immigration laws or to enforce existing immigration laws. The United States Supreme Court has validated some of these state laws in recent Court opinions.

The Committee also finds that North Carolina has derived strength and prosperity from legal immigration and that legal immigrants continue to make vital contributions to the State. Therefore, the Committee further finds that there is strong need for State-level legislation that acknowledges the impact of immigration upon the agriculture, construction, hospitality, information technology, and science-based industries in North Carolina, each of which relies on an economical and dependable labor force with varying skill sets. Any such legislation must be able to be administered effectively, have reasonable financial costs, be enforceable, and be tailored specifically to meet the State's economic and employment needs. Because of the complexity of the relationship between these goals, the Committee finds that it will be necessary to include the input of all stakeholders as the 2013 General Assembly moves deliberately towards crafting State-level legislation in this area.

The Committee recommends that the 2013 General Assembly continue to review and revise previously introduced, but not enacted, immigration legislation and solicit input from a wide array of interested stakeholders.

The Committee further recommends that the 2013 General Assembly pass resolutions immediately upon convening that provide for the following: (i) encouraging the North Carolina Congressional delegation to take leadership roles in introducing legislation to revise federal immigration laws; (ii) urging the federal government to enforce security along all of the borders of the United States; (iii) advocating for wider authority to be delegated to the states so that the states may work more closely with the federal government in the enforcement of federal immigration laws; and (iv) advocating for

wider authority to be delegated to the states to better serve the employment and labor needs of the individual states.

The Committee further recommends increased discussion among entities with economic interest in the issues, such as leaders in the fields of agriculture and agribusiness, construction, hospitality, information technology, and science. Finally, the Committee recommends a renewed focus on economic development potential and opportunities to increase North Carolina's regional competitiveness through pragmatic approaches to immigration in this State.

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## COMMITTEE MEMBERSHIP

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2011-2012

**Speaker of the House of Representatives Appointments:**

Rep. Frank Iler (Co-Chair)  
Rep. Harry Warren (Co-Chair)

Rep. William D. Brisson  
Rep. George G. Cleveland  
Rep. John Faircloth  
Rep. Dale R. Folwell  
Rep. Bert Jones  
Rep. Garland E. Pierce  
Rep. Susi Hamilton  
Rep. Edgar V. Starnes  
Rep. Sarah Stevens  
Rep. Michael H. Wray

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## COMMITTEE CHARGE/STATUTORY AUTHORITY

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Office of Speaker Thom Tillis  
North Carolina House of Representatives  
Raleigh, North Carolina 27601-1096

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### HOUSE SELECT COMMITTEE ON THE STATE'S ROLE IN IMMIGRATION POLICY.

\*Revised December 2, 2011

TO THE HONORABLE MEMBERS OF THE  
NORTH CAROLINA HOUSE OF REPRESENTATIVES

**Section 1.** The House Select Committee on the State's Role in Immigration Policy (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26 of the Rules of the House of Representatives of the 2011 General Assembly.

**Section 2.** The Committee consists of the 9 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Rep. Frank Iler, Chair
Rep. Harry Warren, Chair
Rep. Dale Folwell
Rep. John Faircloth
Rep. Sarah Stevens
Rep. Edgar Starnes
Rep. William Brisson
Rep. Michael Wray
Rep. Garland Pierce
Rep. George Cleveland
Rep. Bert Jones
Rep. Ray Rapp

**Section 3.** The Committee may examine the State's role in immigration policy, including the effectiveness of laws already in effect pertaining to immigration as well as best practices in other states.

HOUSE SELECT COMMITTEE ON THE STATE'S ROLE IN IMMIGRATION POLICY

**Section 4.** The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

**Section 5.** The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

**Section 6.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 7.** The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

**Section 8.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

**Section 9.** The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2012, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2013 General Assembly by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library on or before December 31, 2012. The Committee terminates upon the filing of its final report.

Effective this the 23rd day of September, 2011.



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Thom Tillis  
Speaker

\*Revised on December 2, 2011 to add Representative Cleveland, Representative Jones and Representative Rapp.

## VISITOR REGISTRATION SHEET

House Immigration  
Name of Committee

12-6-2012  
Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
Justin Gross	UNC-CH
Johanna Field	NASW-NC
Laura Absher	NASW-NC
John Landillo	W.S.F.C. Tea Party Patriots
BOB KENT	" " " " "
Walt Emery	" " " " "
Stephanie Emery	" " " " "
Robert Whitham	" " " " "
Pamela Long	NC FIRE'S WSFC T.A.P.
KAN WOODARD	NC LISTEN

## VISITOR REGISTRATION SHEET

House Immigration  
Name of Committee

12-6-2012  
Date

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NAME	FIRM OR AGENCY AND ADDRESS
E. A. TIMM	Stoke Tea Party PO Box 573 Walnut Cove
TOM JONES	WS/FC Tea Party Patriots P.O. Box 742 Clemmons, NC 27013
Rebecca KALE	
Shila Beaman	
Norman Mishoe	Wilson Tea Party 4516 Strickland Rd Bailey, NC 27807
Don Pagnani	NC Listen + NC Fire + Tea Party 512 Glenolden Ct - Cary, NC
Raul Jimenez	Farm Labor Organizing Committee. P.O. Box 560, Dudley, NC 28333
ANGELITA MORRIS	410 Village Rd Leland NC 28451 DUDLEY, NC 28333
Sergio Sanchez	4370 US Hwy 117 S. Alt.
Thomas/Mary Kottke	NC Listen, Cary, NC
Pam Gallo	NC Listen Raleigh

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NAME

FIRM OR AGENCY AND ADDRESS

John Herrera	CCSH
Mauricio Castro	NCLC
Moises Soriano	El Cambio
Rebecca Fontaine	SCSS
Roxana Bendezu	—
Kimber Heinz	SONG-NC
Holly Hardin	SONG-NC
Vudy Page	retired teacher Raleigh

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NAME	FIRM OR AGENCY AND ADDRESS
Lisa Song <sup>LISA</sup> <del>for</del>	Indy Week
Lacey Williams	Latin American Coalition
Jessica Beck	NC Justice Center
Helena O'Connor	Interested Citizens
Kristin Economo	Adeante coalition
Sarah Preston	ACLU-NC
Chris Liu-Beas	NC Council of Churches
Kate Woomer-Deters	NC Justice Center
Dani Moore	NC Justice Center
Emily Zucchini	witness for Peace
Kristen Wassil	Witness for Peace
Laura Eshelman	Witness for Peace

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NAME	FIRM OR AGENCY AND ADDRESS
Matt Small	NCSBA
Alex Miller	KLG
Lisa Martin	NC Home Builders
Laura DeV-	WCSR
DOD	ncrb
Peter Daniel	NC FARM Bureau
JAKE PARKER	NC Farm Bureau
Stephen Korba	Compass NC
Tommy Stevens	NC Blackberry Council
Rogelio Valencia	NC DSS
Raul Mitchell	Imm. Rights Working Group, Greensboro

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NAME

FIRM OR AGENCY AND ADDRESS

Kevin Rogers	Action NC
Rev. Johnny Lopez	Jesus Ministries
Rev Ruby Lopez	JESUS MINISTRIES.
Rev. Daniel Busquets	Jesus Ministries
Maudia Melendez	Jesus Ministry
Ron Cox	Jesus ministry
Martina Salas	Jesus Ministry
Juan Angeles	Jesus ministry
Angelica M. Gonzalez	Jesus ministry
Porfirio Diaz	Jesus Ministry
Rigoberto Trejo	Jesús Ministry

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NAME	FIRM OR AGENCY AND ADDRESS
Fernando Mendes	Jesus Ministries
Maria Zepeda Deon	- Durham, NC
Emmanuel Cruz	Jesus Ministries
Javier Cruz	Jesus Ministries
Isabel Arenas	Jesus Ministry
Javier Alencaster	Jesus Ministry
Victorino Giraldo	Jesus Ministry
Carlos Vidales	Jesus Ministry
Carlos Vidales	RNHA
Carol Vidales	RNHA
John Velazquez	PR NC

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Name of Committee

12-6-2012  
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NAME	FIRM OR AGENCY AND ADDRESS
Robbie Akhere	Action NC 5500 Executive Center Dr. Charlotte NC 28212
Lucely Gamboa	Action NC 5500 Executive Center Dr. 28212
Miguel Figueras	EL Pueblo, Inc. 700 Blue Ridge Rd 27606
Lori Khamala	American Friends Service Cmtr, Greensboro NC
Florencia Gimán	El Pueblo, Inc. PO Box 33672 Raleigh, NC 27606
Tania Durán	El Pueblo, Inc. //
Angeline Echeverría	El Pueblo, Inc. Raleigh NC
Shirley Ruff	OFSA Pittsboro NC
Paul Suhr	1110 Navaho Dr Raleigh Law offices of SUHR, PLLC Raleigh, NC
Seth Farber	Asheville, NC
Julie Morgan	Action NC 5500 Executive Center Dr. 28212



