



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Board of Supervisors
Department No.: 011
For Agenda Of: April 16, 2013
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Board Member(s) Supervisor Carbajal and Supervisor Adam
Contact Info: Jeremy Tittle, First District, 568-2188
Bob Nelson, Fourth District, 737-7700

SUBJECT: Federal Immigration Reform Policy Framework

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors affirm the policy framework outlined in the National Association of Counties (NACo) Policy Brief and 2013 Resolution on Comprehensive Immigration Reform and communicate the County's position on the issue to federal decision makers.

Summary Text:

At the March 2013 NACo Legislative Conference, the NACo Board of Directors voted to adopt the attached policy resolution that stated that Congressional action is needed to fix our broken immigration system and urged the President and Congress to enact Comprehensive Immigration Reform that addresses the following criteria:

- Secures our borders;
- Includes a national strategy for coordination among federal, state, local and tribal authorities;
- Establishes a sensible and orderly guest worker program;
- Imposes no unfunded mandates on state and local governments;
- Includes no mandates on counties to enforce immigration laws;
- Preserves the eligibility of legal non-citizens for federal-funded health benefits and provides a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federal-funded health benefits.

- Establishes an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, paying back taxes and fees that may be required;
- Improves and simplifies the current legal immigration system; and
- Provides green cards for science, technology, engineering and mathematics students who have received a graduate degree from American universities.

We are requesting that Santa Barbara County adopt a similar resolution stating the need for Comprehensive Immigration Reform and to also express these principles be communicated to our federal legislative delegation, Congressional leadership and the President as guiding framework as they consider immigration reform legislation.

Background: Dealing with the challenges associated with our nation's broken immigration system has been an ongoing issue that has impacted all levels of our government, multiple sectors of our economy, wage-earners, taxpayers and families across our country. In many communities across our nation, including Santa Barbara County, we have seen the impacts of our broken immigration system on our local community, especially in the agriculture industry that makes up a major portion of our local economy. Various proposals for immigration reform have been discussed in recent years, but have not resulted in legislation being successfully adopted. However there appears to be growing consensus that bi-partisan comprehensive immigration reform legislation will be a significant topic of discussion in the coming months and possible legislative action will be taken during this session of Congress. As such, it is imperative that Santa Barbara County be on record advocating for immigration reform using our stated guiding framework.

Special Instructions:

Send letters to our local Congressional delegation, Congressional leadership and the President to communicate the County's adopted position on this issue.

Attachments:

NACo Comprehensive Immigration Reform Policy Brief
NACo 2013 Comprehensive Immigration Reform Resolution

Authored by:

Jeremy Tittle
Bob Nelson

POLICY BRIEF

2013

SUPPORT COMPREHENSIVE IMMIGRATION REFORM

ACTION NEEDED: Contact your Members of Congress, particularly those who serve on the House and Senate Judiciary Committees, and urge them to enact comprehensive immigration reform this year.

BACKGROUND: There is bipartisan agreement that immigration reform must occur this year. The Obama Administration and bipartisan groups in the U. S. Senate and U. S. House of Representatives have been working on legislation that may be considered soon. Leadership on both sides of the aisle have said that they would like to have a bill ready for the president's signature by the August recess.

President Obama and the bi-partisan Senate group have released principles for comprehensive reform. They address border enforcement, employment verification, reforming the legal immigration system and a path to citizenship for unauthorized individuals.

The president's proposal establishes a provisional status for undocumented individuals. It requires individuals with provisional status to wait until the legal immigration backlog is cleared until they can attain permanent legal residency. They must come forward, register, pass background checks, pay back taxes, learn English and civics, and pay any fines imposed in the law prior to receiving legal residency. Two groups would have an accelerated path to citizenship: individuals who came into the country as children and go to college or serve in the military (DREAM Act), and agricultural workers. Current restrictions against receiving means-tested programs such as Medicaid (except emergency services) would continue for individuals in the provisional status. Undocumented individuals who receive the provisional status would be prohibited from receiving subsidies or tax credits under the Affordable Care Act. The current five-year waiting period for means-tested benefits for most newly arrived legal immigrants would remain in place. The proposal would eliminate the backlogs in the family-sponsored immigration system by temporarily increasing annual numbers and recapturing unused visas.

The Senate bipartisan framework has the same provisions and requirements as the president's proposal, but individuals with provisional status would not be able to adjust to permanent legal resident status until the enhanced enforcement measures are in place. DREAM Act youth and agricultural workers would also have an accelerated path to citizenship. The framework would also retain the current restrictions for access to benefits, but it is silent on whether this particular group of individuals with provisional status will be able to participate in the Affordable Care Act exchanges and receive subsidies. The framework would also eliminate the backlogs and it would establish a new program for hiring temporary low-skilled workers. The temporary worker program would allow more workers when the economy is creating jobs and fewer when it isn't.

A bipartisan group of House members has been meeting for several years to explore all aspects of immigration. They are currently negotiating a comprehensive reform bill. They have not unveiled an official set of principles yet, but there could be an announcement soon.

While immigration is a federal responsibility, counties are directly affected by immigration. Counties provide health, education and public safety to all residents regardless of immigration status.

Immigrants and their families, regardless of whether they are authorized or unauthorized to be in this country, contribute to the local economy. As employers, county hospitals use the employer visas to hire health care professionals and are affected by the employer visa backlogs.

A path to citizenship will create greater demand for adult education, English as a Second Language classes and civics instruction. Title II of the Workforce Investment Act (WIA), which was funded at \$595 million in FY2012, is the main source of federal funds for adult education and English literacy. Funds are distributed to states based on the number of individuals over the age of 16 who are not enrolled in school and have not graduated from high school. Over 4,000 providers, including local educational agencies, community colleges, correctional institutions and community-based organizations use Title II funds. In 2009, 44 percent of the individuals served were enrolled in English literacy programs.

Legal immigrants, refugees, undocumented individuals and others enter and remain in this country as a result of federal action or inaction. Our current immigration system is confusing and complicated. There are multiple categories of visas with different requirements for each. There are significant backlogs for visas and individuals often have to wait years to enter the U.S. as permanent residents. There are 4.5 million pending applications for family visas and 4.6 million for employer visas. There are 226,000 family visas allowed per year, and there is a seven percent (15,820) limit per country. Mexico and the Philippines top the list for the most pending applications. Within the family visa category, 2.5 million of the pending visas are for adult siblings.

KEY ISSUES:

- Counties are required by law to provide emergency health, free elementary and secondary education, and public safety to everyone regardless of immigration status.
- As employers, county hospitals use employer visas to hire health care professionals and are affected by the employer visa backlogs.
- Immigration reform should recognize the inherent federal responsibility to enforce civil immigration law and have no new mandates for state and counties.
- NACo supports comprehensive immigration reform that includes a modernized legal immigration system, establishes a temporary worker program, provides an earned path to citizenship and enhances border security.
- NACo supports a national strategy for consultation and coordination on immigration among federal, state, local and tribal authorities.
- NACo supports a sustainable funding stream to cover the costs of immigrant health care, criminal justice and education, including adult English as a second language and citizenship classes.

- An earned path to citizenship should include requirements to register, learn English and civics, pay back taxes and any fines required by the law, pass criminal and security background checks, and pass English and civics tests.

COMMITTEES OF JURISDICTION:

House Committee on the Judiciary		U.S. Senate Judiciary Committee
Majority: Robert W. Goodlatte (R-VA), Chairman Trent Franks (R-AZ) Howard Coble (R-NC) Jim Sensenbrenner (R-WI) Trey Gowdy (R-SC) Spencer Bachus (R-AL) Lamar Smith (R-TX) Steve Chabot (R-OH) Darrell Issa (R-CA) J. Randy Forbes (R-VA) Steve King (R-IA) Louie Gohmert (R-TX)		Majority: Patrick J. Leahy (D-VT), Chairman Dianne Feinstein (D-CA) Charles E. Schumer (D-NY) Richard J. Durbin (D-IL) Sheldon Whitehouse (D-RI) Amy Klobuchar (D-MN) Al Franken (D-MN) Chris Coons (D-DE) Richard Blumenthal (D-CT) Mazie Hirono (D-HI)
Minority: John Conyers Jr. (D-MI), Ranking Member Jerrold Nadler (D-NY) Robert C. Scott (D-VA) Melvin Watt (D-NC) Zoe Lofgren (D-CA) Sheila Jackson Lee (D-TX) Steve Cohen (D-TN) Hank Johnson (D-GA) Pedro R. Pierluisi (D-PR)		Minority: Charles E. Grassley (R-IA), Ranking Member Orrin G. Hatch (R-UT) Jeff Sessions (R-AK) Lindsey Graham (R-SC) John Cornyn (R-TX) Mike Lee (R-UT) Ted Cruz (R-TX) Jeff Flake (R-AZ)

For further information, contact: Marilina Sanz at 202.942.4260 or msanz@naco.org

COMPARISON OF IMMIGRATION REFORM PROPOSALS

Issue	President's Proposal	Senate Bipartisan Framework	NACo Policy & Concerns	Other Bills
Enforcement of Border and Ports of Entry	<p>Improve infrastructure at ports of entry</p> <p>Technology to control land and maritime borders</p> <p>Additional funds for tribal governments along the border</p>	<p>Improve Border Patrol technology and increase personnel</p> <p>Increase number of unmanned aerial vehicles, surveillance equipment & improve radio interoperability</p> <p>Entry-exit tracking system to determine whether persons entering on temporary visas have left the country as required</p>	<p>NACo supports enhanced border security</p> <p>NACo supports full funding for the State Criminal Alien Assistance Program, which is not mentioned in either proposal</p> <p>NACo opposes unfunded mandates such as requiring that counties enforce civil immigration laws. Neither proposal includes unfunded mandates</p>	
Enforcement of Community Liaisons	<p>The U.S. Department of Homeland Security will establish community liaisons along the Northern and Southern borders</p>	<p>Establish a Southwest Border Commission of governors, attorneys general and community leaders</p>	<p>County elected officials should be included in the commission</p>	
Enforcement of Workplace	<p>Mandatory, electronic verification system phased in over five years</p> <p>Increased penalties for hiring unauthorized workers</p> <p>New requirements for tamper proof identification documents</p>	<p>Mandatory, electronic verification system, but silent on phase-in</p> <p>Increased penalties for hiring unauthorized workers</p> <p>New requirements for tamper proof identification documents</p>	<p>Most counties have already implemented E-verify for new hires</p> <p>NACo is concerned about the costs of implementing E-verify for current workers, especially if the public sector is required to implement the program sooner than the private sector</p>	<p>S. 202 Sen. Chuck Grassley (R-IA) (10 cosponsors) would permanently authorize E-verify. Mandates retroactive verification of existing employees within three years, but does not differentiate between public and private employers</p> <p>H.R 478 Rep. Phil Gingrey (R-GA) Permanently authorizes E-verify but doesn't have mandatory retroactive verification</p>
Pathway to Citizenship for Unauthorized Individuals	<p>Creates a provisional legal status that would include a work permit that will lead to permanent legal residency and ultimately citizenship</p>	<p>Creates a provisional legal status that would include a work permit that will lead to permanent legal residency and ultimately citizenship</p>	<p>Surveys of NACo's Board of Directors and other county officials identified a path to citizenship among the top issues in immigration reform</p>	
Provisional status requirements	<p>Must come forward, register, pass a background check and pays fees and penalties</p> <p>Must wait until the legal immigration backlogs are cleared before applying for permanent legal residency</p>	<p>Must come forward, register, pass a background check and pays back taxes, fees and penalties</p> <p>Must wait until the legal immigration backlogs are cleared before applying for permanent legal residency</p> <p>Individuals with serious criminal backgrounds or who pose a threat to national security would not be eligible and be subject to deportation</p>	<p>NACo supports requirements similar to those included in the proposals for an earned path to citizenship</p>	

Issue	President's Proposal	Senate Bipartisan Framework	NACo Policy & Concerns	Other Bills
Legal Permanent Residency Requirements	Pass additional background and national security check, pay back taxes, additional fines, learn English and U.S. civics and register for the draft if applicable	Pass additional background check, learn English and civics, demonstrate a history of work in the United States and current employment, among other requirements	NACo realizes that a path to citizenship will create greater demand for English as a Second Language and Civics classes NACo supports a program that would provide grants to states and counties for health and education, paid out of the fees established in the bill and is working with members of Congress to include such a provision	
Eligibility for Citizenship	As under current law, would be eligible after five years of obtaining permanent residency	Silent on whether there would be any changes to current law		
Expedited Path	Individuals who were brought into the country as children would have an expedited path to permanent residency and citizenship Silent on agricultural workers	Individuals who were brought into the country illegally as children and those who have been working in the agricultural industry without authorization would have an expedited path to permanent residency and citizenship	NACo policy supports these provisions	
Link to Enforcement	Does not link permanent residency to enforcement	States that individuals with provisional status may only apply for permanent residency after the enforcement measures and in place		
Eligibility for Federal Benefits	Current restrictions against receiving means-tested programs such as Medicaid (except emergency services) would continue Would be prohibited from receiving subsidies or tax credits under the Affordable Care Act No change to five year waiting period for means-tested programs once permanent residency is obtained	Current restrictions against receiving means-tested programs such as Medicaid (except emergency services) would continue Silent on Affordable Care Act subsidies or tax credits No change to five year waiting period for means-tested programs once permanent residency is obtained	Hospitals are mandated to provide emergency medical assistance to anyone who needs it regardless of status or ability to pay NACo supports a program that would provide grants to states and counties for health and education, paid out of the fees established in the bill and is working with members of Congress to include such a provision NACo has long-standing policy supporting eliminating the five year waiting period for legal immigrants who need means-tested services	
Reforming Legal Immigration – Family Visas	Temporarily increases annual visa numbers and recaptures unused visas to eliminate the backlog Same sex partners added to family visa categories	Reduces backlogs but doesn't give as much detail as the President's proposal Silent on same sex partners	NACo doesn't have specific policy on family visa backlogs at this time	

Issue	President's Proposal	Senate Bipartisan Framework	NACo Policy & Concerns	Other Bills
Reforming Legal Immigration – Employment Based Visas	Eliminates annual country caps and adds visas	Reduces backlogs but doesn't give as much detail as the President's proposal	NACo doesn't have policy on ways to reduce the employment visa backlog at this time County hospitals use employer visas	S. 169 Sen. Orrin Hatch (R-UT) (16 cosponsors) Increases numbers for H1B (high skilled worker visas including doctors) H.R. 633 Rep. Jason Chaffetz (R-UT) (2 cosponsors) eliminates country caps for H1B visas. Sen. Mike Lee (R-Utah) has companion bill (not yet numbered) Sen. Lee amends H12A visas so that cattle, sheep and goat industry can hire workers year round instead of seasonally
Science, Technology, Engineering and Mathematics (STEM) Visas	Individuals who earn a master's or other postgraduate degree in STEM field from an American university could apply for permanent residency and eventual citizenship Employers who hire STEM graduates would have to pay a fee to support education and training of American workers in the STEM field	Individuals who earn a master's or other postgraduate degree in STEM field from an American university could apply for permanent residency and eventual citizenship Silent on education and training fee	NACo doesn't have specific policy on the proposals for STEM visas at this time	H.R. 459 Rep. Darrell Issa (R-CA) Establishes STEM program and eliminates diversity visas S. 169 also Includes STEM program in larger bill
Reforming Legal Immigration – New Visas	New visa category for highly skilled specialized immigrants New start-up investor visa category and incentives for those who invest in rural and economically depressed areas	Establishes a workable program to meet the needs of the agricultural industry Establishes a program that allows more low-skilled immigrants when the economy is creating jobs and fewer when the economy isn't	NACo supports an orderly temporary worker visa program	

Footnote: The bipartisan House group proposal will be added to the chart when it is available.

2013 NACo Resolution
Legislative Conference, March 12, 2013

Comprehensive Immigration Reform

Issue: Congressional action needed to fix our broken immigration system

Policy: NACo urges Congress and the President to enact comprehensive immigration reform this year that:

- Secures our borders;
- Includes a national strategy for coordination among federal, state, local and tribal authorities;
- Establishes a sensible and orderly guest worker program;
- Imposes no unfunded mandates on state and local governments;
- Includes no mandates on counties to enforce immigration laws;
- Preserves the eligibility of legal non-citizens for federal-funded health benefits and provides a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federal-funded health benefits.
- Establishes an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, paying back taxes and fees that may be required;
- Improves and simplifies the current legal immigration system; and
- Provides green cards for science, technology, engineering and mathematics students who have received a graduate degree from American universities.