Immigration

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SB 13-251 *(Enacted)* Driver's License & Identification Documentation	**SJM 13-003** *(Adopted)* Comprehensive Immigration Reform

In 2013, the General Assembly considered seven measures concerning issues related to immigration.

Education

Prior to the passage of **Senate Bill 13-033**, state law did not allow state public institutions of higher education to offer in-state tuition to students who did not have a legal presence in the United States. Senate Bill 13-033 provides in-state, resident tuition rates at public institutions of higher education to students who meet the following criteria:

- attended high school in Colorado for at least three years immediately preceding graduation or attaining a general equivalency diploma (GED); and
- are admitted to a Colorado institution of higher education within one academic year following graduation, or the attainment of a GED.

A student who is lacking lawful immigration status, but who meets the criteria above may be classified as an in-state student for tuition purposes. Such a student must submit an affidavit to the admitting institution stating that he or she has applied for lawful presence, or will apply as soon as he or she is eligible to do so. A high school graduate who has not been admitted to college within one year following graduation, but who otherwise satisfies the requirements in the bill, may be classified as an in-state student for tuition purposes so long as the student has been physically present in Colorado for at least 18 months prior to enrolling. Once classified as an in-state student for tuition purposes, each student is also eligible for College Opportunity Fund stipends.

Elections

House Bill 13-1050, which was postponed indefinitely, would have required the Secretary of State to coordinate the computerized statewide voter registration list, known as SCORE, with citizenship records maintained by state and federal agencies. Upon learning that a particular person registered to vote is not a United States citizen, the bill directed the Secretary of State to electronically cancel that person's voter registration record after conducting an administrative hearing.

Employment

Under current law, employers in Colorado are required to examine the legal work status of newly hired employees within 20 days after hiring using paper-based forms of identification. **House Bill 13-1098**, which was postponed indefinitely, would have repealed these documentation requirements and instead would have required employers to participate in the federal electronic employment verification program, or E-Verify, beginning with employees hired on or after January 1, 2014. E-Verify is a program that allows employers to compare the information of prospective employees with federal records to determine the work eligibility of such prospective employees based on citizenship or immigration status. Employers would have been required to retain a written or electronic copy of the employment eligibility information received through the E-Verify program regarding each newly hired employee, and the director of the Division of Labor within the Colorado Department of Labor and Employment could review employers' documentation and conduct random audits of employers to ensure compliance. The bill would have added failure to participate in the E-Verify program to existing reporting penalties, which subject employers to fines and other penalties. The bill included provisions protecting employers from these penalties if they complied in good faith with the act, but unintentionally employed an unauthorized alien or wrongfully terminated an employee after receiving a final notice of nonconfirmation of work eligibility through the E-Verify program. HB 13-1098 would have also required the Department of Labor and Employment to notify employers of the requirements of the bill and to include a link to its web site detailing the requirements of the bill and instructions for enrolling in the E-Verify program.

Law Enforcement

The General Assembly created the crime of human trafficking in 2006, which is defined as selling, exchanging, bartering, or leasing an adult for compensation, or receiving an adult in a transaction. **House Bill 13-1195** directs the Colorado Commission on Criminal and Juvenile Justice to report to the General Assembly's judiciary committees by January 1, 2014, on the results of human trafficking laws since their inception. At a minimum, the report must include:

- the number of cases prosecuted and the number of resulting convictions for human trafficking;
- the number of cases prosecuted and the number of resulting convictions for attempts, solicitations, and conspiracies of human trafficking;
- the circumstances involved in each of the cases identified;
- the sentences imposed for convictions; and
- any other information deemed relevant in assisting the General Assembly.

The General Assembly also passed legislation in 2006 (Senate Bill 06-090) that prohibits local governments from enacting an ordinance or policy that limits a peace officer, local official, or local government employee from communicating or cooperating with federal immigration officers with regard to the immigration status of any person (i.e. "sanctuary" policy). In addition, under this law a law enforcement officer who has probable cause to believe that an arrested person is not in the country legally is required to report the person to the U.S. Immigration and Customs Enforcement Office. Senate Bill 06-090 required local governments to notify peace officers of the duty to cooperate with state and federal officials in enforcing immigration laws. **House Bill 13-1258** repeals these provisions, stating in a legislative declaration that doing so will promote public safety, community policing, and civil liberties, allowing local resources to be focused on public safety issues instead of on immigration issues that are the responsibility of the federal government.

Miscellaneous

Senate Bill 13-251 allows the state to issue a driver's license, minor's driver's license, instruction permit, or state-issued identification card to a noncitizen resident of Colorado who cannot provide proof of lawful presence in the United States. In order to be eligible for a state-issued document, an applicant must present proof of Colorado residency, Colorado income tax returns, a federal individual taxpayer identification number (ITIN), and proof of identity issued by the applicant's country of origin. The applicant must also sign affidavits attesting that the applicant has resided in Colorado for 24 months and has applied to be lawfully present in the United States, or will apply to be lawfully present as soon as he or she is eligible. The state-issued document will have the words "Not Valid For Federal Identification, Voting, or Public Benefit Purposes" printed on the face.

The bill allows the Department of Revenue to share the applicant's ITIN in cases concerning state child support enforcement, the courts, and within the department. A peace officer is not authorized to arrest an individual merely for possessing these documents. The bill prohibits the presentation of these documents for the use of public services. Noncitizen residents are not eligible to obtain a commercial driver's license under the bill.

Senate Joint Memorial 13-003 urges the 113th Congress to enact comprehensive immigration reform at the federal level that "addresses legalization with a reasonable and equitable roadmap to citizenship for persons currently not in lawful status." The memorial discusses the potential benefits of comprehensive immigration reform and describes some desired features of reform.