

Inclusive Policies Advance Dramatically in the States

Immigrants' Access to Driver's Licenses, Higher Education, Workers' Rights, and Community Policing

UPDATED OCTOBER 2023



Immigrant-inclusive State and Local Policies Move Ahead in 2014-15

NATIONAL IMMIGRATION LAW CENTER
December 2015

States Reject Immigration Enforcement Measures and Advance Inclusive Policies in 2016

NATIONAL IMMIGRATION LAW CENTER
October 2016

IMMIGRANTS' RIGHTS GAIN GROUND IN THE STATES

2018-2019



State and Local Immigrants' Rights Developments,
December 2019–August 2020
Investing in Collective Health and Well-Being



Photo Credit: Make the Road New York

State Immigrant Rights Highlights 2021: Advancing Community Health and Well-Being

ACKNOWLEDGMENTS

The principal authors of this report were Tanya Broder, Isobel Mohyeddin, and Sarah Kim Pak, with contributions from Shiu-Ming Cheer, Joan Friedland, Jessie Hahn, Gabrielle Lessard, Matthew Lopas, Ignacia Rodriguez, Jackie Vimo, and Juan Castellum. We would like to express our sincere admiration and gratitude for the powerful state and local immigrant rights groups and allies whose advocacy is reflected in this report – including our partners in NILC's Winning in the States Initiative, with special appreciation for the advocates from the Colorado Immigrant Rights Coalition, the New Jersey Alliance for Immigrant Justice, and Somos Un Pueblo Unido, whose campaigns are featured.

A DECADE OF STATE IMMIGRANT RIGHTS VICTORIES:

Moving Toward Health Care and Economic Justice for All

DEC
2022



Photo Credit: Getty Images

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The principal authors of this report were Tanya Broder and Isobel Mohyeddin, with review and contributions from Matthew Lopas, Jackie Vimo, Laura Lynch, Gabrielle Lessard, Jess Hanson, Jessie Hahn, Nicholas Espíritu, Emily Morris, Juan Gastelum, and Madison Allman. We would like to express our sincere admiration and gratitude for the powerful state and local immigrant rights groups and allies whose advocacy is reflected in this report, with special appreciation for the advocates from Aliento, California Immigrant Policy Center, Healthy Illinois, Impact Charitable, the Colorado Fiscal Institute, and the Tennessee Immigrant & Refugee Rights Coalition, whose campaigns are featured.

In the decade following the 2012 elections, and culminating in 2022, immigrants and allies have won significant victories in states across the country.¹ These inclusive state policies are a result of years of organizing and a growing advocacy infrastructure that tackles issues affecting low-income communities of color. State and local officials increasingly recognize that the health and well-being of their residents are interconnected and have taken steps to address longstanding disparities in access to health care and economic support.

¹ See, e.g., [Inclusive Policies Advance Dramatically in the States](#) (NILC, Oct. 2013); [Immigrant-inclusive State and Local Policies Move Ahead in 2014–15](#) (NILC, Dec. 2015); [States Reject Immigration Enforcement Measures and Advance Inclusive Policies in 2016](#) (NILC, Oct. 2016); [Immigrants' Rights Gain Ground in the States: 2018-2019](#) (NILC, Dec. 2019); [State and Local Immigrants' Rights Developments, December 2019–August 2020](#) (NILC, Sept. 2020); and [State Immigrant Rights Highlights 2021: Advancing Community Health and Well-Being](#) (NILC, Jan. 2022).

In 2022, states made remarkable progress toward the goal of providing health care for all by extending coverage to seniors, children, pregnant people, and other residents regardless of their immigration status. In response to effective organizing, states also improved access to higher education and professional licenses, expanded access to driver's licenses, protected workers' rights, strengthened consumer privacy, and invested in access to counsel for immigrants. States extended tax credits to residents who use Individual Taxpayer Identification Numbers (ITINs) and offered cash assistance to workers who were excluded from federal pandemic relief and unemployment insurance. Colorado became the first state to enact an ongoing alternative to unemployment insurance for excluded workers. Finally, Arizona voters repealed restrictions on immigrants' access to higher education imposed by a 2006 initiative and approved in-state tuition rates for students who attend high school in the state, regardless of their immigration status.

This report highlights some of the immigrant rights victories achieved in 2022 and provides an overview of current state policies on access to health care, economic support, and other opportunities for students and workers who are immigrants.

States Across the Political Spectrum Have Adopted Inclusive Policies

An examination of state policies reveals broad support for immigrant access to critical services such as health care, education, and driver's licenses:

- ▶ **Health care:** [40 states](#) have elected federal options to cover lawfully residing children or pregnant people, or to provide prenatal care regardless of immigration status - or use state funds to cover certain immigrants.
- ▶ **Education:** At least [23 states](#), representing **82%** of the country's foreign-born residents, offer in-state tuition rates to students who meet certain criteria, regardless of their immigration status. At least [17](#) provide state or institutional financial aid or scholarships to eligible undocumented students, a marked increase from the [3-4 states](#) that offered financial aid to these students a decade ago.
- ▶ **Driver's licenses:** [18 states](#), representing **58%** of the country's foreign-born residents, issue or will soon issue driver's licenses to undocumented residents. This number has grown substantially since 2012, when only [3 states](#) issued driver's licenses to eligible individuals, regardless of their immigration status.
- ▶ **Tax credits:** [8 states](#), representing **35%** of the country's foreign-born residents, extend the state Earned Income Tax Credit (EITC) to persons who use an Individual Taxpayer Identification Number (ITIN). Just [two years ago](#), Colorado and California were the first to provide state EITC's to ITIN filers.

While **California, Colorado, Illinois, Oregon, and Washington** enacted several inclusive measures, immigrant rights policies garnered bipartisan support across the country. State legislatures in **Arizona, Connecticut, Delaware, Hawaii, Kentucky, Maryland, Massachusetts, New Jersey, New Mexico, New York, Rhode Island, Tennessee, Utah, Vermont, Virginia, and the District of Columbia** adopted pro-immigrant laws or policies in 2022. This progress was accompanied by a few setbacks: Kansas' governor signed an anti-sanctuary [law](#), which includes a prohibition on state recognition of municipal ID cards; and Florida [fortified](#) its anti-sanctuary law by requiring law enforcement agencies operating detention facilities to enter into immigration enforcement agreements, and by prohibiting government agencies from doing business with companies that transport undocumented immigrants to the state. Restrictive measures otherwise failed to gain ground, as advocates defeated, legislatures rejected, or governors vetoed virtually every other immigration enforcement proposal in the states this year.



Photo Credit: California Immigrant Policy Center

Health Care and Economic Justice Campaigns Advanced Significantly in 2022

Health Care for All

As the pandemic underscores, a community's health depends on ensuring access to care for all residents. Recent state policy debates have focused less on whether immigrants should be offered access to care, but rather on how to fund or make this coverage available. The progress in this area has been substantial: 73% of foreign-born residents live in a state that offers or plans to offer health coverage to some residents (children, pregnant people, older adults, or a broader group) regardless of their immigration status.

73% of foreign-born residents live in a state that offers or plans to offer health coverage to some residents (children, pregnant people, older adults, or a broader group) regardless of their immigration status.

After decades of advocacy by immigrant rights and health care groups, **California** announced that it will be the first state to offer comprehensive public health coverage to low-income residents, regardless of their immigration status or age. California's [law](#) will close a gap by covering undocumented adults 26 to 49

years old by January 1, 2024. The state already covered undocumented children and youth under age 26, and since May 2022, undocumented adults 50 years or older. California also allowed youth who have been receiving Medi-Cal during the public health emergency to retain this coverage after their 26th birthday.

Colorado continued its movement toward affordable coverage for all. A [law](#) passed in 2020 provides state subsidies to residents who are eligible for federal marketplace coverage. In 2023, residents earning up to 300% of the federal poverty level (FPL), regardless of their immigration status, will be eligible for state-based assistance in purchasing similar coverage. Federal agencies [approved](#) an innovative [waiver](#) that will allow Colorado to use certain “pass-through” savings from its health care exchange as a funding source for these [state-based subsidies](#).

Washington’s budget included system upgrades and expressed an *intent* to provide Medicaid-like coverage to adults earning up to 138% FPL regardless of their immigration status, beginning in 2024. The state also submitted a waiver application to federal agencies, which among other things would allow undocumented residents to purchase coverage on Washington’s Healthplanfinder health care exchange. On December 9, 2022, the U.S. Departments of Health and Human Services and Treasury approved the state’s first-of-its kind request, which will “help Washington work towards its goals of improving health equity and reducing racial disparities by expanding access to coverage for the uninsured population through the state health care exchange, all the while not increasing costs for those currently enrolled” (see [WA 1332 Waiver Fact Sheet](#)). Residents earning up to 250% FPL who are ineligible for federal subsidies may be able to obtain state assistance under [Cascade Care Savings](#). The state’s waiver approval will be effective from January 1, 2024, through December 31, 2028.

Oregon’s \$100 million investment in “[Cover All People](#)” was implemented this year with an expansion to youth and older adults (now called “[Healthier Oregon](#)”). In 2022, Oregon voters also [approved](#) an initiative enshrining the [right to health care](#) in the state’s constitution, to “ensure that every resident of Oregon has access to cost-effective, clinically appropriate and affordable health care as a fundamental right,” subject to funding constraints and priorities.

STATE SPOTLIGHT

California’s Historic Health For All Campaign

California’s Health for All Campaign was born in the wake of the Affordable Care Act (ACA) nearly a decade ago. The ACA’s Medicaid expansions and marketplace coverage, while very helpful, left behind an already vulnerable population: undocumented individuals. In California, two advocacy powerhouses – the California Immigrant Policy Center (CIPC) and Health Access California – recognized this gap, and joined forces to create the Health4All Campaign, along with over 100 immigrant justice, grassroots, progressive, and health care groups.

The campaign focuses on closing eligibility gaps in California’s state Medicaid program (Medi-Cal) and the state marketplace (Covered California). “We saw in California our insured rate drop drastically, but

Continued...

STATE SPOTLIGHT (CONTINUED)

California's Historic Health For All Campaign

glaringly, those remaining uninsured were by and large undocumented individuals, who the ACA did not benefit at all," shared Sarah Dar, Director of Health & Public Benefits Policy at CIPC. The coalition pushed for a change to the state's eligibility rules to remove immigration status as a barrier to state-funded coverage, extending coverage to all Californians who meet other requirements regardless of immigration status. This campaign progressed over the course of nearly a decade, with the coalition having to make strategic – and difficult – decisions to adopt an incremental approach to Health for All along the way. Beginning with kids under the age of 18, advocates subsequently were able to expand coverage to individuals aged 25 and below. The ultimate goal, however, was to cover all low-income residents. "We had to accept the simple fact that this would be a long-term campaign. We needed to have the optimism and the conviction that we could get there, and that we would," Sarah continued. "Even if it took some time, those of us that were involved with this campaign believed that this was something that could be done and was worth fighting for every legislative session."

"We needed to have the optimism and the conviction that we could get there, and that we would."

After years of hard-fought wins, tough losses, and strategic advocacy, California's Medi-Cal program was expanded to include all low-income Californians, regardless of age or immigration status. While celebrating the historic win, Sarah remarked that the work is far from over. "There is still so much reform that is needed in so many ways in our healthcare system. These exclusions to coverage based on status are our sort of piece that we can chip away at to try and make a difference."

Sarah shared some of the many lessons learned as well as some guidance from the time she spent working on the campaign:

- ▶ **Have accurate, independent data available.** "The legislature has their own internal experts who are coming up with their own estimates and figures. Having our own independent entity (the UC Berkeley Labor Center) to work with was absolutely instrumental, and we sometimes had the administration or legislature adjust their own figures and numbers based on our own presentation. Think through who you might work with and consult with to pull the information and data that you might need."
- ▶ **Messaging and narrative change are at the heart of the campaign.** "None of our lobbying or advocacy or communications with decision makers would have been as successful if we didn't have impacted individuals share what it has been like to live through these issues. We saw support for providing health care to undocumented Californians in the polls jump from less to a majority, to above 60% over the course of this campaign. That's a huge shift, especially with the backdrop of intense anti-immigrant rhetoric."

Continued...

STATE SPOTLIGHT (CONTINUED)

California's Historic Health For All Campaign

- ▶ **There is no single roadmap for striking gold.** “There isn’t a clear recipe for success, so it is critical to take into account the political and other circumstances that are different here than they may be in another state. We have had a Democratic supermajority in our state legislature for quite some time. Not that that automatically equates to support for healthcare for undocumented immigrants (we’ve certainly had democrats who have been a challenge), but it certainly helps.”

California is the first state that will offer comprehensive public health coverage to all low-income residents, regardless of their immigration status

To implement a [law](#) enacted in 2021, **New Mexico** agencies and officials developed a program to extend coverage to uninsured residents who are excluded from Medicaid or health care marketplace coverage. The program would provide a health care exchange-like plan with low or no costs for low- and moderate-income immigrants who are locked out of federal programs. The legislature would need to fund the program in the 2023 budget bill. And **Vermont’s** [HB 287](#) improves access to hospital financial assistance and offers some protection from medical debt for state residents, regardless of their immigration status.

Older Adults

The coronavirus’ effect on seniors and older adults prompted states to expand access to care for this population. This year, **Illinois** [opened](#) its Medicaid look-alike program to persons 42 to 54 years old, regardless of their immigration status, expanding its policy that covered adults 55 years or older. As of [October 2022](#), Illinois had an active caseload of [12,454](#) undocumented seniors 65 years and older, [8,354](#) adults between 55 and 64, and [10,274](#) adults between 42 and 54 years old. **California**

implemented its coverage of residents aged

50 or older in May 2022. By October, at least [286,000 adults](#) had received coverage under this expansion. As noted above, **Oregon** extended coverage to adults 55 or older, as well as youth under age 26 this year. While advocates in **New York** [urged](#) the governor to cover all residents, the final [budget](#) will cover seniors 65 and older in January 2023 and will provide 12 months of post-partum care regardless of immigration status in March 2023.



Photo Credit: Paul Goyette

STATE SPOTLIGHT

Expanding Health Coverage to Older Adults in Illinois

Low-income immigrants, especially undocumented seniors and older adults, face severe barriers to care, including limited options for affordable coverage and the lingering fear and confusion surrounding how using these benefits might draw attention from immigration enforcement. In Illinois, advocates and organizers have been working strategically in the state legislature for years to ensure that everyone has access to coverage regardless of status, beginning with seniors and expanding to include all people in the state. The Healthy Illinois Coalition, directed by Tovia Siegel, has led this effort.

Since its launch in 2014, Healthy Illinois has grown into a state-wide coalition of grassroots community-based organizations, health care providers, and legal and policy organizations focused on creating a pathway to affordable, comprehensive health coverage for low-income, undocumented adults. From the start, all coalition education, outreach, and community-building activities have been driven by directly impacted undocumented immigrants and members of mixed status families who are committed to creating health coverage options for themselves and their communities.

This year's historic victory is the latest in a series of expansions in Illinois that began two years ago, with a first-of-its-kind law providing state-funded Medicaid-like coverage to low-income seniors aged 65 and older, regardless of immigration status. Since its passage, the "Health Benefits for Immigrant Seniors Program," (HBIS) has expanded to include adults aged 55-64 years old in 2021, and again this year to cover adults 42 and older. "By increasing older Illinoisans' access to comprehensive health coverage, this program will decrease their risk of developing severe COVID-19 and address other underlying health issues", Tovia explained.

Tovia shared some reflections and advice from her years leading the coalition:

- ▶ **Build a diverse coalition of stakeholders, led and informed by directly-impacted community members.** "One of the campaign's key strategies has been to build and leverage a diverse coalition of stakeholders--of grassroots organizations, legal, policy, and advocacy organizations, and healthcare providers--with a singular demand of healthcare coverage for all, regardless of immigration status."
- ▶ **Implementation is just as important as the policy change.** "Advocate input in the rule-making and implementation stages is essential to ensure that programs are not compromised after being passed."
- ▶ **Leverage a friendly political climate.** "Each year for the past few years, Healthy Illinois has worked with allied legislators to file a bill for Healthcare Coverage for All in the Illinois General Assembly. While the bills themselves have not moved forward to a final vote, the campaign has used the demonstrated support for the bills as leverage to work with legislators to ensure that some part of the bill's language is included in a must-pass budget appropriations bill at the end of the legislative session."

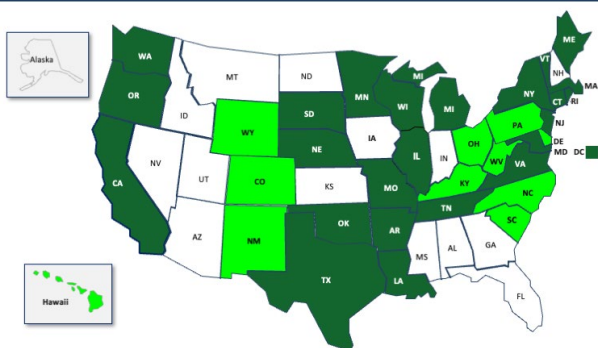


Photo Credit: NILC

Children and Pregnant People

Several states took what may be their first step in a “Health for All” campaign, by passing laws covering undocumented children and/or pregnant people. **Vermont** and **Maine** implemented coverage for children and pregnant people regardless of their immigration status this year. **Rhode Island**, which had covered undocumented children from 1996 to 2006, restored coverage to [children](#) under 19. The state will also soon provide 12 months of post-partum care, regardless of immigration status. **Maryland** now covers [pregnant persons](#) regardless of immigration status, including 12 months of post-partum care. **New Jersey’s** [budget](#) provides funding to cover children regardless of immigration status beginning in January 2023. **Connecticut** will provide health care to [children 12 and under](#), regardless of immigration status in 2023, and if they remain eligible, the coverage will continue until age 19. In addition to the subsidized private coverage described above, **Colorado** will extend publicly funded health coverage to [children under 19, prenatal and 12 months of post-partum care](#), regardless of immigration status, beginning in 2025. And **Kentucky** adopted the federal option to cover [lawfully residing pregnant people](#), regardless of their date of entry into the country.

Health Coverage for Pregnant People | July 2022

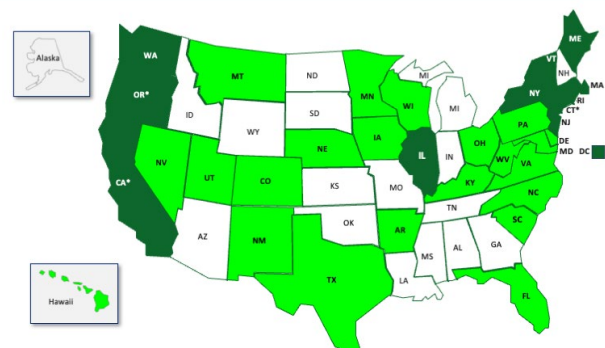


KEY

- Medicaid for lawfully residing pregnant people, regardless of date of entry
- CHIP or state-funded prenatal care, regardless of the pregnant person's immigration status



Health Coverage for Immigrant Children | January 2023



KEY

- Medicaid/CHIP for lawfully residing children, regardless of date of entry
- Medical coverage for children, regardless of immigration status.
- *California and Oregon cover youth up to age 26, regardless of immigration status.
- *Connecticut covers children up to age 12, regardless of status, and if they remain eligible, coverage continues to age 19





Photo Credit: Make the Road New York

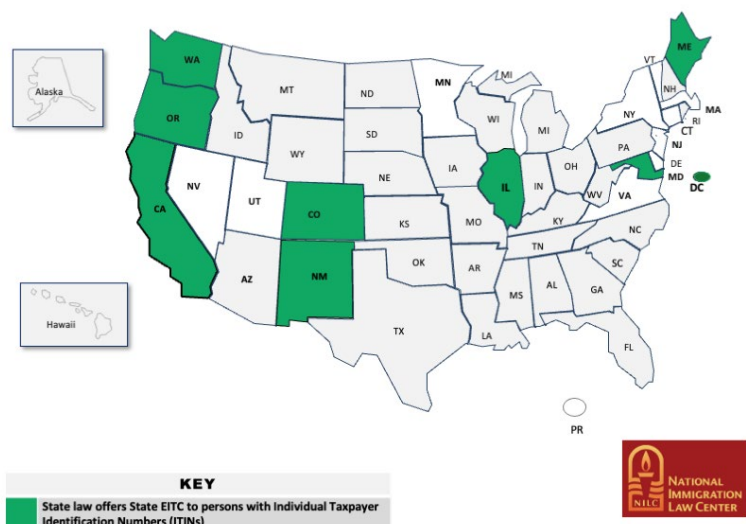
Economic Support for Excluded Workers

Since the beginning of the pandemic, immigrants and allies have urged states to support workers who were excluded from federal relief and unemployment insurance benefits. In response to impressive [organizing](#) and advocacy, states, cities, and counties across the country offered short-term cash, rent, mortgage, or utility assistance, using some combination of federal, state, local and private funds. A [growing number](#) expanded access to the state earned income tax credit (EITC) to persons who use individual taxpayer identification numbers (ITINs). And at least [100 localities](#) have piloted or plan to adopt a guaranteed income program. States also launched campaigns to expand access to nutrition assistance for undocumented residents.

State Earned Income Tax Credits

In April 2022, Illinois became the [eighth state](#) to extend its [Earned Income Tax Credit](#) to ITIN filers, effective for the 2023 tax year. The **District of Columbia** similarly adopted a [measure](#) allowing otherwise eligible immigrants to qualify for the local earned income tax credit, effective after December 31, 2022. The expansion follows [recommendations](#) by the D.C. Council's Special Committee on COVID-19 Pandemic Recovery, which "encouraged maximization of the local EITC as an anti-poverty tool for communities disproportionately affected by the pandemic."

States that Offer State Earned Income Tax Credits (EITC) to ITIN filers | September 2022



Alternatives to Unemployment Insurance

Colorado became the first state to adopt an ongoing alternative to unemployment insurance for excluded workers. The 2022 [law](#) establishes a “recovery fund” that will provide up to 13 weeks of support for workers who are ineligible for the state’s wage replacement program for reasons related to their authorization to work. Colorado’s victory builds on the work of advocates in other states, including **New York**, which implemented its \$2.1 billion one-time [Excluded Workers Fund](#) in 2022. Both houses of California’s legislature passed AB 2847, which would establish an Excluded Workers Pilot Program, but the governor vetoed it. California advocates pledged to continue the robust “[SafetyNet4All](#)” campaign next year. Similar campaigns are underway in New Jersey, New Mexico, New York, Oregon, Washington, and other states.

Pandemic-related Cash Assistance

In addition to **New York**’s fund, **Washington** dedicated [\\$340 million](#) of its American Rescue Plan Act grant to the state’s immigrant relief fund, a disaster assistance program for adults who are ineligible for federal pandemic or unemployment insurance benefits due to their immigration status. Oregon’s legislature [allocated](#) \$65 million to the Oregon Worker Relief Fund, as well as [funding](#) for outreach on EITC and other tax credits for eligible individuals. **New Jersey**’s governor [pledged](#) \$53 million in federal funds for excluded workers who are ineligible for pandemic assistance. And **New Mexico** [provided](#) \$10 million for direct cash relief, as well as [tax rebates](#) of \$250 or \$500 for filers earning less than \$75,000 per year. A [guaranteed basic income pilot](#) launched in New Mexico will offer payments to undocumented and mixed status households that were excluded from federal pandemic relief. Under the privately funded program, 300 families from rural and urban areas will receive \$6,000 over a 12-month period.

For a more complete list of states that offered assistance to excluded workers, and tips for advocates exploring alternatives to unemployment insurance, see “[Providing Unemployment Insurance to Immigrants and Other Excluded Workers: A State Roadmap for Inclusive Benefits](#)” (Immigration Research Initiative and The Century Foundation, Sept. 2022). See also [State Immigrant Rights Highlights 2021: Advancing Community Health and Well-Being](#) (NILC, Jan. 2022).

STATE SPOTLIGHT

Colorado’s “Recovery Fund” for Excluded Workers

The COVID-19 pandemic exposed the many holes and faults in our safety net systems, including unemployment assistance programs. Just one week into the pandemic, businesses like hotels and restaurants began to close their doors, disproportionately harming essential workers - many of whom are undocumented — especially within the hospitality workforce.

Continued...

STATE SPOTLIGHT (CONTINUED)

Colorado's "Recovery Fund" for Excluded Workers

In early March 2020, Mark Newhouse, Ed Briscoe and Katrina Van Gasse of Impact Charitable recognized a need to establish an alternative to unemployment insurance to ensure that the most vulnerable workers receive support during an unprecedented global health crisis. Drawing upon their strengths in the philanthropic space, they decided to provide direct cash payments as a form of unemployment insurance. "We started in 2020 with three clear objectives," Mark explained. "1) to help people in their time of need, 2) increase government accountability for supporting undocumented individuals, and 3) address inequity for undocumented workers whose employers pay into unemployment insurance on their behalf, but receive no benefits."

After a successful pilot program in April 2020, Impact Charitable connected with the Colorado Fiscal Institute and immigrant rights organizations. Together, they kicked off a campaign to increase the fund and earn the support of state and local governments, starting with the Denver City Council. "The City Council was certainly predisposed to helping people who were left behind, but what was important to our advocacy was that this fund remained focused on workers without documentation because of their uniquely difficult position," Mark explained. Through strategic advocacy with local elected officials, Mark and the team secured public contributions to support unemployed workers lacking documentation.

The statewide campaign continued throughout 2020 and into 2021. The team, led by Kathy White of the Colorado Fiscal Institute and their legislative champion, state Senator Chris Hansen, leveraged the moment, and in 2022 passed "a clever piece of legislation", according to Mark. "In Colorado, there was a need to use federal dollars to basically replenish the unemployment insurance trust fund. That legislation was already written, and the progressive side wanted to include in that legislation some other language to reform unemployment insurance." The bill was popular on both sides of the aisle and passed with significant bipartisan support, creating the Benefit Recovery Fund. The fund provides up to 13 weeks of unemployment insurance for recently unemployed undocumented workers, who are paid with a paystub.

Through their work on building out and operating Colorado's fund, Mark and his team developed an operating platform known as AidKit, which will administer Colorado's Benefit Recovery Fund. "We created a technology platform to operate direct cash or financial assistance programs. The platform has delivered over \$100 million of direct financial assistance across the country."

Based on his unique perspective in the philanthropic field and as one of the creators of the fund, Mark shared some thoughts:

- ▶ **Be strategic in your asks.** "It is important to think about what is the most achievable goal. I believe in a cascading process to achieving social and legal change. You seek to normalize through legislation, and start with the next step that is achievable."
- ▶ **Make sure the coalition is aligned.** "This is a complicated issue, frankly. You have to spend enough time on education, including from advocacy groups, to make sure that everybody is really clear about what we are asking for, and so that we are speaking with one voice."
- ▶ **Implementation is as important as passing legislation.** "The challenge that comes after winning is setting up a program that works. We're very focused on setting up a program that is secure, while also meeting the needs of the community."

Nutrition Assistance and Other Programs for Immigrants

States committed to provide other forms of support to immigrant residents. **California** allocated [\\$40 million](#) to expand access to nutrition assistance for individuals aged [55 and older](#), regardless of their immigration status. Advocates in California will continue to pursue a “[Food4All](#)” campaign, with similar efforts moving in [Oregon](#) and other states. This year, **Washington** [extended access](#) to its assistance program for seniors and persons with disabilities, along with its housing essential needs and pregnant persons assistance programs, for immigrant survivors of trafficking, serious crimes, and persons fleeing persecution who have filed or are preparing to file for T or U status, certification by the Office of Refugee Resettlement, or asylum.



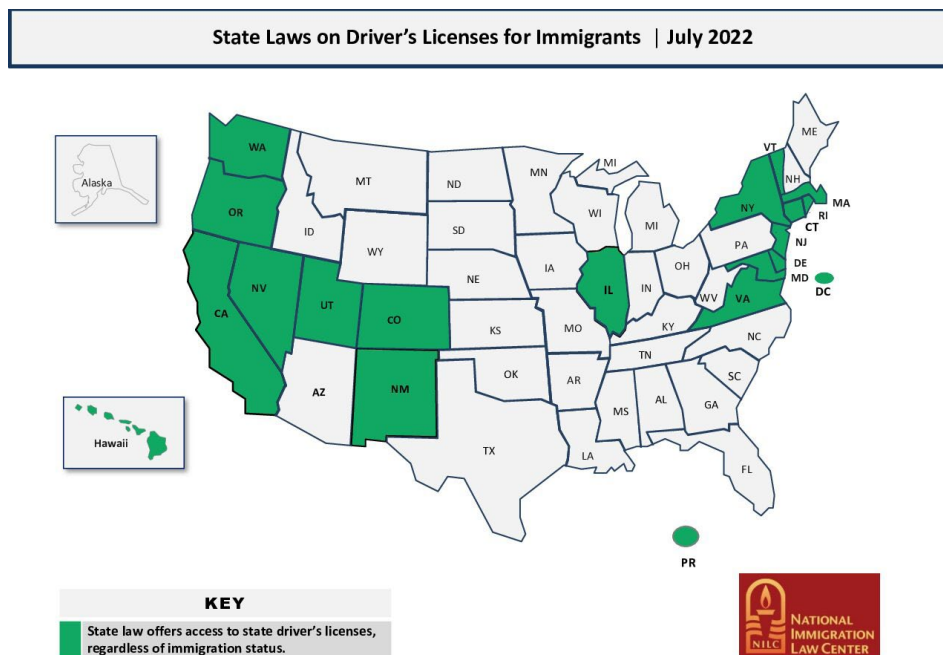
Photo Credit: NILC

Improving Access to Driver's Licenses and Identification Cards

Culminating over a decade of advocacy, the **Massachusetts** legislature passed and [overrode the governor's veto](#) of a bill expanding access to driver's licenses for eligible residents, regardless of their immigration status. Local [law enforcement](#) agencies were among the groups expressing support for the measure. As the president of the Massachusetts Major City Chiefs of Police explained, “[t]his law has to do with improving road safety for everyone by allowing immigrants without status to follow our state motor vehicle laws, just like they do in Connecticut, New York, Vermont and 13 other states.” Opponents attempted to repeal the law through a [referendum](#) on the November 2022 ballot, but Massachusetts voters [approved](#) the new driver's license law by a [54% to 46%](#) margin. The law will take effect on July 1, 2023. **Rhode Island** enacted a similar [driver's license law](#) this year, which will take effect on the same date.

Sixteen states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Jersey, New Mexico, Nevada, New York, Oregon, Utah, Vermont, Virginia, and Washington), as well as Puerto Rico and the District of Columbia, already issue driver's licenses to eligible residents, regardless of

their immigration status. *The laws enacted in Massachusetts and Rhode Island this year bring the total to [18 states](#), representing 58% of the country's foreign-born residents.* Driver's license campaigns are expected to continue in Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Maine, Michigan, Minnesota, New Hampshire, Oklahoma, Pennsylvania, Texas, Wisconsin, and other states.



[Hawaii](#) and [California](#) enacted laws expanding access to state identification cards for undocumented residents this year. Hawaii's law became effective in July. California's identification cards will become available by July 2027. The new California law also strengthens privacy for drivers and identification card holders by prohibiting government agencies and departments, law enforcement agencies, commercial entities, and other persons from obtaining, accessing, using, or otherwise disclosing noncriminal history information maintained by the department of motor vehicles, for purposes of immigration enforcement.

For resources on state policies, including research documenting the benefits of expanding access to driver's licenses, and strategies for protecting driver privacy, see [Driver's Licenses - National Immigration Law Center](#).

Protecting Consumer Privacy

A few states strengthened consumer privacy more broadly this year. [Colorado's SB 22-113](#) limits the use or proposed use of facial recognition technology, and among other things, prohibits law enforcement agencies from applying a facial recognition service based on a person's actual or perceived immigration status.

[Connecticut's SB 6](#) and [Utah's SB 227](#) protect consumers' personal data, including immigration status among the protected sensitive information. And [Virginia's SB 534](#) authorizes the state attorney general to enforce the state's Consumer Data Protection Act, which similarly includes immigration status among the protected sensitive data.



Photo Credit: Diego Lozano - Aliento

States Improved Access to Higher Education, Professional Licenses and Opportunities

States continued to expand access to in-state tuition rates, scholarships, and financial aid for immigrant students, reflecting bipartisan support for assisting youth in reaching their full potential. States and higher education institutions launched innovative strategies to help students gain professional experience through community service or entrepreneurship. A growing number also opened access to professional or occupational licenses for immigrants.

Tuition Equity, Scholarships, Loans, and Financial Aid

A multi-year strategy in **Arizona** yielded impressive results. In 2021, the Arizona legislature adopted a [resolution](#) calling for voters to decide whether to repeal [restrictions](#) on immigrants' access to in-state tuition rates and financial aid, and to adopt a tuition equity law. In November 2022, the voters [approved Proposition 308](#), allowing students who attended two years of high school in Arizona and graduated or obtained a high school equivalency diploma in the state to pay in-state tuition rates at public colleges and universities, regardless of their immigration status. Arizona's tuition equity policy marks an [evolution](#) from the first decade of the 2000s, when the legislature and voters passed a series of anti-immigrant bills and initiatives. The hostile measures harmed not only community members but businesses and local economies, generating a [backlash](#) that eventually blocked that agenda and opened space for the growing pro-immigrant movement in the state. Alliances among immigrant youth, educational institutions, businesses, faith-based and grassroots groups helped to shift Arizona's politics and to secure this momentous victory.

STATE SPOTLIGHT

Arizona's Proposition 308: In-State Tuition for Non-Citizen Residents

The campaign to pass Proposition 308, providing in-state tuition for students regardless of immigration status, is a story of perseverance and persistence. Reyna Montoya, the founder and CEO of [Aliento](#), shared the journey from the beginning of the campaign in 2010 all the way to the recent 2022 midterm elections – a journey marked by intensive community organizing and engagement, navigating strategic partnerships in Arizona's legislature, and centering the experiences of those most harmed: the students themselves. After seeing year after year of high school students experience the same closed doors that she and her teammate, José Patiño, encountered over a decade ago upon their own high school graduations, Reyna decided that it was up to the students themselves to get things done. “For the first time, impacted people said ‘no more.’”

Through years of training hundreds of students to be their own best advocates, building trust within communities around the state, cultivating strategic partnerships with faith and business leaders, surveying the federal landscape, earning bipartisan support in the state legislature, and ultimately humanizing what it means to be an undocumented student, Reyna, Aliento, and the other groups that advocated for tuition equity were able to win this historic Proposition.

Marked by a history of anti-immigrant rhetoric and policies – including SB 1070, the infamous “show me your papers” law – Arizona provided one of the most notorious roadmaps for the anti-immigrant movement. As Reyna put it, “things that happen here spread like wildfire.” On top of this difficult environment, Aliento and their partners faced another unique challenge. Unlike states like California or Nebraska, that were able to pass similar tuition equity measures through their legislatures, Arizona's path to victory was not as straight-forward. Prop 308 repeals elements of a previously-approved measure (Prop 300) that explicitly barred undocumented students from receiving in-state tuition. In Arizona, previously-approved ballot measures cannot be repealed without voter approval, meaning Aliento and its partners needed to win the hearts and minds of Arizona voters – along with those in the State Capitol. Despite these challenges, the goal of the Prop 308 Coalition was clear from the start: “instead of being the center of fear, we wanted to show that Arizona can be the center of hope”.

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For organizers and advocates who are hoping to follow in Arizona's footsteps, Reyna shared some thoughts and lessons learned from her years working on the issue:

Continued...

STATE SPOTLIGHT (CONTINUED)

Arizona's Proposition 308: In-State Tuition for Non-Citizen Residents

- ▶ **Impacted individuals are the best messengers.** “Impacted people have to be the ones to learn and get this done. The students’ voices and their strategies were centered in the campaign, and that is what got this done.”
- ▶ **Be clear and intentional with setting your goals.** “You really have to be grounded in your “why” to have clarity on your goal – and how you can get to your goal. Establish your theory of change, and work backwards. There are objectives that go beyond the individual policy, and we wanted to show that undocumented people are human.”
- ▶ **Focus on the issue and its impact.** “We are here for the issue, not the politics. The beauty of community organizing is to be reminded that yes there are so many political considerations, but at the end of the day, we were able to center the impacted people. We depoliticized the issue, and we got the point across that policy is supposed to improve the lives of our communities. We were changing hearts and minds, it didn’t matter if you’re a Republican or Democrat. We weren’t there to shame, we were there to work.”

Arizona's Proposition 308 passed with 51.2% of the vote, providing non-citizen students access to in-state tuition at Arizona's public colleges and universities.

States with tuition equity policies continued to improve access to in-state tuition rates and financial assistance this year. **Colorado's** new [law](#) allows students who attend one year of high school in the state to qualify for in-state rates (revising the previous three-year requirement). **California's** [law](#) will allow students to count up to three years in community college toward the state's tuition equity requirements. The legislature also [strengthened](#) the California DREAM loan program, by requiring that borrowers receive financial education, creating loan forgiveness and discharge provisions that mirror federal loan programs, and increasing the amount students can borrow for graduate programs. **New Mexico** passed the [Opportunity Scholarship Act](#), which will allow up to [35,000 students](#), regardless of immigration status, to attend public colleges and universities tuition-free.

Humanitarian Immigrants and Survivors of Crime

Several states improved access to higher education for newly arriving humanitarian immigrants or for survivors of trafficking and serious crimes this year.

Oregon will [offer](#) in-state tuition and financial aid to newly arriving students granted humanitarian parole, asylum, conditional permanent residency or Temporary Protected Status (TPS). **Vermont's** [law](#) extends in-state tuition and state incentive grants to newly arriving refugees, students granted parole, or Special

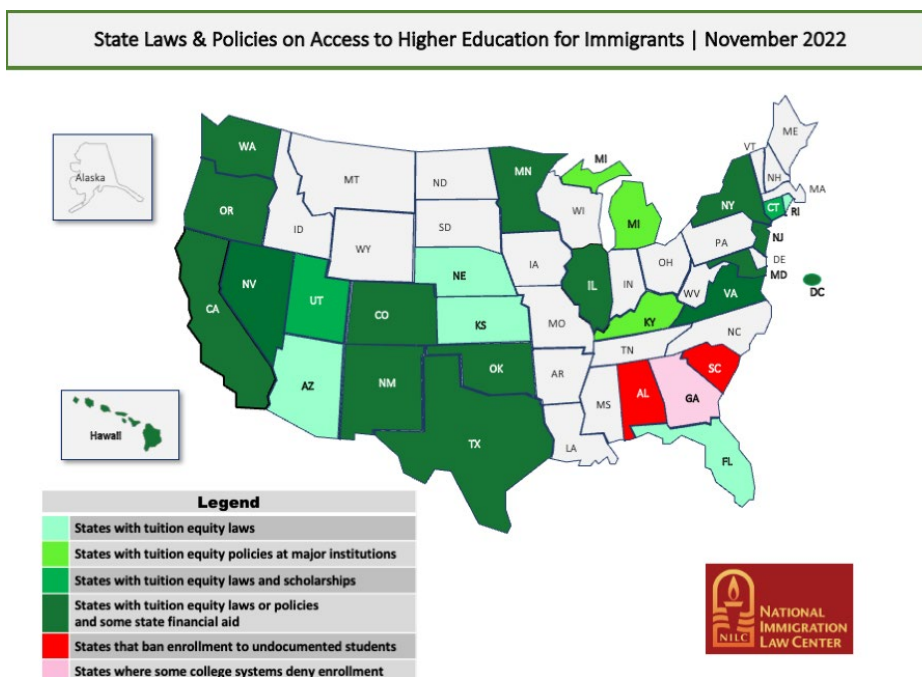
Immigrant Visa (SIV) status. **Kentucky** allocated \$10 [million](#) toward a [scholarship pilot program](#) for displaced students. The [scholarships](#) will be available to asylum applicants, asylees, refugees, students with TPS, parole, or SIV. And **California** will [provide](#) in-state tuition rates to recent immigrants, refugees and asylees taking English as a Second Language classes at community colleges.

New Jersey will [offer](#) in-state tuition, financial aid, grants, scholarships to survivors of trafficking and serious crimes who meet the state's tuition equity criteria and will allow children of temporary workers with "O" visas to pay in-state tuition rates. **Virginia** [expanded](#) its tuition equity policy to include trafficking survivors.

Current State Policies

Tuition equity policies operate in states and higher education institutions across the country:

- ▶ **At least 23 states offer or will soon offer in-state tuition rates** to students who meet certain criteria, regardless of immigration status: Arizona, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Maryland, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, Washington, and the District of Columbia. Some higher education institutions in Michigan adopted a similar policy. **Over 80% of foreign-born residents live in one of these states.**
- ▶ **At least 17 states offer state or institutional financial aid or scholarships** to these students: California, Colorado, Hawaii, Illinois, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Texas, Virginia, Washington, and the District of Columbia offer financial aid to students who meet the tuition equity criteria. California, Connecticut, Minnesota, Utah, and the District of Columbia allow public universities to offer private institutional aid or scholarships to students regardless of their immigration status.



Challenge to Tuition Policy at the University of North Texas

A lawsuit challenging the tuition policy at the University of North Texas (UNT) could have broader implications for higher education institutions in Texas and potentially other states. A federal district court judge in Texas [found](#) that the state's longstanding tuition equity law is preempted by federal immigration law – contrasting it with California's law, which was upheld by a unanimous state Supreme Court. The Texas judge blocked UNT officials from charging higher (out-of-state) tuition rates to non-resident citizens. University officials appealed the decision, which is currently pending before the 5th Circuit Court of Appeals. *The district court's order does not alter tuition rates for immigrant students. Texas' tuition equity law remains in effect.* Texas was the first state, in 2001, to offer in-state rates and financial aid to students who meet certain criteria regardless of their immigration status. [Educators, businesses](#), students, fiscal groups, and local governments have expressed strong support for the policy, highlighting the [benefits of investing in education](#) for students who grew up in Texas. As a result, repeated attempts by legislators to repeal it have been unsuccessful.

For more information on access to higher education for immigrant students, see National Immigration Law Center's [resources](#), and the Presidents' Alliance on Higher Education [Higher Ed Immigration Portal](#).

Community Service and Entrepreneurial Opportunities – California's Innovative Programs

As over [six hundred thousand](#) young adults face the potential termination of the Deferred Action for Childhood Arrivals (DACA) program, and its accompanying work permits, immigrants and allies are urging Congress to act. Many more students have been unable to apply for DACA due to a court order or may not qualify for immigration relief, making it more difficult for them to remain in school or to obtain professional experience. As a result, states and educational institutions are exploring strategies for immigrants who lack work authorization to complete their education, gain experience, and potentially launch their own businesses.

California established the [Dream Act Service Incentive Grant Program](#), which encourages students to perform community or volunteer service by awarding up to \$4,500 per academic year to eligible students who are receiving other state grants. The state also launched the [California College Corps](#), in partnership with California colleges and universities. [College Corps Fellows](#) will perform services in areas such as climate action, K-12 education, and COVID-19 recovery. Students who complete a year of service will receive \$10,000 while gaining experience serving in their communities. California also funds the [Social Entrepreneurs for Economic Development](#) (SEED) initiative, which offers entrepreneurial training and microgrants to help residents launch or maintain small businesses, targeting persons with limited English proficiency and persons who are not citizens or lawful permanent residents.

In October 2022, student organizers at the University of California Los Angeles (UCLA), the UCLA Center for Immigration Law and Policy (CILP), and the UCLA Labor Center [launched](#) the "Opportunity for All" campaign, aimed at removing barriers to educational opportunities for undocumented UC students. The advocacy is based on CILP's analysis, endorsed by [prominent legal scholars](#), that the Immigration Reform and Control Act of 1986's prohibition on hiring undocumented workers does not apply to state entities like the University of California.

For resources on entrepreneurial opportunities and other income earning strategies for immigrant youth, see the [Immigrants Rising](#) webpage.

Professional and Occupational Licenses

Eligibility rules for non-U.S. citizens seeking professional and occupational licenses vary by state, and even within a state by agencies or professions. California was the first state, in [2014](#), to extend professional licenses to otherwise eligible applicants who present either a Social Security Number (SSN) or an ITIN. At least **seven states** – California, Colorado, Illinois, Nevada, New Jersey, New Mexico, and Oregon – now allow eligible individuals to obtain most professional or occupational licenses regardless of their immigration status. 36% of foreign-born individuals live in one of these states. At least **nine states**, including Alabama, Arkansas, Idaho, Indiana, Nebraska, New York, Tennessee, Utah, and Virginia, make professional licenses available to work authorized or “lawfully present” individuals. In other states, DACA recipients or work authorized individuals may be able to receive one or more types of licenses, such as law licenses in Connecticut, Florida, Pennsylvania, and Texas, or teaching certificates in West Virginia.

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This year, advocates in **Tennessee** persuaded the legislature to enact a [law](#) making professional licenses available to individuals who have federal work authorization. The new law opens access to previously ineligible immigrants such as DACA recipients, TPS holders, and asylum applicants. As Judith Clerjeune from the Tennessee Immigrant & Refugee Rights Coalition explained, “This is a win for everyone, our economy, small businesses in Tennessee, and immigrant workers who wanted to further their careers.” **Illinois** also [removed a barrier](#) for health care workers, allowing otherwise eligible individuals with either an SSN or an ITIN to obtain the necessary credentials.



Photo Credit: TIRRC



Photo Credit: NILC

States and Localities Invest in Access to Counsel for Immigrants

States and localities have recognized the critical need for legal representation in immigration proceedings. Moved by findings such as the Vera Institute of Justice's [Evaluation of the New York Immigrant Family Unity Project](#), which estimated that having an attorney can increase the chances of a positive outcome from 4 to 48% and complementing a [national campaign](#) for universal representation, states continued to invest in access to counsel.

California allocated approximately \$75 million in legal services for immigrants, and a [new law](#) extends access to counsel in civil matters such as housing, guardianships, domestic violence, harassment, and conservatorships for residents with low incomes, regardless of immigration status. Other states also made substantial investments: **New Jersey** ([\\$8.2 million](#) for immigrant representation, and \$4.5 million for the representation of unaccompanied immigrant children); **Oregon** ([\\$15 million](#) for its Equity Corps of Oregon Pilot Project); **New York** (approximately [\\$10 million](#) for legal and other services for immigrants regardless of status); **Washington** ([\\$2.2 million](#) for immigration legal services to persons paroled temporarily into the U.S.); **Colorado** ([\\$348,653](#) for its Immigrant Legal Defense Fund); **Hawaii** (\$250,000 for nonprofits providing legal services to indigent immigrants); and **New Mexico** ([\\$100,000](#) for civil legal services to immigrant families).

Illinois' [Right to Counsel in Immigration Proceedings Act](#) established a task force to investigate the implementation of universal representation for persons in removal proceedings. The task force will submit a report of its findings and recommendations by July 1, 2023. And **Vermont** [enacted reforms](#) to aid youth in obtaining Special Immigrant Juvenile Status.

For resources on improving access to counsel for immigrants, see [Advancing Universal Representation: A Toolkit for Advocates, Organizers, Legal Service Providers and Policymakers](#) (Vera Institute of Justice, Center for Popular Democracy, and the National Immigration Law Center).



Photo Credit: California Immigrant Policy Center

Strengthening Workers' Rights

States continued to strengthen the rights of workers with low-paying jobs in fields where immigrants are highly represented. In response to persistent advocacy, **California** enacted several laws: [SB 972](#), which reduces barriers for street vendors to obtain permits; [AB 257](#), which [strengthens the rights of fast food workers](#), by establishing a government appointed council to make rules on wages, conditions, safety standards and other issues at the state's fast-food restaurants; and [AB 2183](#), which facilitates the process for farmworkers to vote in union elections. **Delaware's** [SS2](#) creates a statewide Family and Medical Leave program which, among other things, prohibits retaliation against workers based on their immigration status. Delaware also enacted [HB 354](#), which prohibits employers from reporting or threatening to report the citizenship or immigration status of a worker or a worker's family member to a federal, state, or local agency in response to the worker's engagement in a protected activity under the state's Whistleblower Act. **Oregon's** [HB 4002](#) establishes maximum hour and overtime compensation requirements for agricultural employers. And for the first time in the nation, **Illinois** voters approved the [Workers' Rights Amendment](#), which enshrines the right to collective bargaining in the state constitution.

States and Localities Welcome and Support New Arrivals

In anticipation of the refugees who planned to settle in their communities, many states dedicated resources to facilitate their integration. This funding also helped cities respond when the governors of Texas, Florida and Arizona [sent migrants on buses](#) and flights to the District of Columbia, New York City, Chicago, Philadelphia and Martha's Vineyard, without prior notice, as part of a political stunt at the expense of migrants and asylum seekers (See, e.g., [Martha's Vineyard welcomes immigrants sent by Florida Gov. Ron DeSantis](#); [Chicago welcomes immigrants bused out of Texas with open arms](#); [Asylum-seekers bused from Texas arrive in Philadelphia to warm welcome](#)).

In coordination with advocates, many state and local officials have welcomed newcomers. While some cities had set aside funds to meet unforeseen needs, others dedicated resources specifically for these new arrivals. **California's** [budget](#) had included \$175 million in one-time funding for rapid response efforts to provide additional support for migrants arriving at the Southern California border and funding for other emergent issues. To help meet the needs of migrants who were bused to the **District of Columbia**, the city established an [Office of Migrant Services](#), allocating \$10 million to provide temporary support to the migrants being bused to D.C. The District of Columbia Council's [B24-990](#) and [B24-991](#) offer temporary assistance to these migrants, but [over the objections of advocates](#), exclude them and certain other immigrants from ongoing services. **Hawaii** [allocated](#) \$1 million to immigrant resource centers in 2022. **Illinois** had allocated \$38 million for immigrant services, some of which helped the state serve migrants bused to Chicago. **Massachusetts** [appropriated](#) at least \$10 million for refugee resettlement. **Vermont** [dedicated](#) \$644,826 to the resettlement of Ukrainian refugees. **Virginia's** [budget](#) includes \$2 million for resettlement agencies. And **Washington's** [budget](#) includes \$8.4 million for FY 2022, and \$19.9 million for FY 2023 for nonprofits assisting refugees and other humanitarian immigrants arriving on or after July 1, 2021. Eligible individuals may receive emergency, temporary, and long-term housing and assistance with food, transportation, childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

Conclusion: Building More Inclusive Communities

The November 2022 election outcomes pave the way for pro-immigrant policies to be enacted in several states. With new Democratic trifectas in Maryland, Massachusetts, Michigan, Minnesota, and a supermajority in Vermont, efforts to improve access to health care and economic support, driver's licenses, educational and professional opportunities, and access to counsel could advance in these and other states. As illustrated in this report, legislatures and voters across the political spectrum have embraced immigrant inclusive policies.

In recent years, most – but not all – state efforts to impose restrictions on immigrant residents have been defeated. Although the anti-immigrant narrative [failed to produce political gains](#) in most races this year, it continues to pose a challenge in some regions. Advocates will need to monitor these threats closely, and to emphasize the significant social and economic contributions of immigrants living, studying, and working in the U.S.

As the federal pandemic funding tapers off, and revenues decline in some states, advocates will need to continue to demonstrate that the benefits of establishing ongoing programs outweigh any costs. Many states have invested in their residents, recognizing the need to ensure that everyone in the community has access to health care, safe working conditions, and economic support. The conversation about health and economic justice for all advanced significantly this year. Several states committed to offering health coverage to all residents, while some have begun to cover immigrant seniors, older adults, children, youth, or pregnant people regardless of their immigration status. In addition to short-term disaster assistance, campaigns to

offer alternatives to unemployment benefits for excluded workers gained ground, marking the first victory this year. States continued to expand access to driver's licenses, higher education, professional licenses, legal counsel, and other measures that, within the constraints of federal law, allow immigrants to participate as fully as possible in economic, civic, and social life. Immigrants and allies have organized to support excluded workers, remove barriers to care, and promote other inclusive policies. Over time, the infrastructure developed in state and local campaigns not only can help improve daily lives but inspire national policies that enable all of us to thrive.



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