



LEGISLATIVE TRACKING LIST:

CURRENT LEGISLATION IN MICHIGAN RELATED TO IMMIGRATION, CITIZENSHIP STATUS, AND MIGRANT FARM WORKERS

STATE BILLS – 2015-2016 LEGISLATIVE SESSION

Final version as of the end of the session in December 2016

To view the entire content of these bills:

- (1) Go to www.legislature.mi.gov, and then type the bill number (without the “HB” or “SB”) in the appropriate space under “Legislative Bill Search”, OR
- (2) For resolutions, select the appropriate category on the left-hand menu of the above webpage, and then follow the same procedure above.

State bill summaries are grouped into the following categories, with enacted bills listed first in each section with their Public Act numbers:

Driver’s Licenses and State ID Cards

Benefits and Refugees

Immigration and Citizenship

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Driver's Licenses and State ID Cards

SB 501 (Public Act 138 of 2016) – ***Foreign Driver's Licenses***

Primary Sponsor: Jim Stamas (R)

Other Sponsors: Horn, Schmidt, Hansen

Bill Status:

- 9/17/2015: Introduced and Referred to Senate Committee on Transportation
- 2/2/2016: Committee reported version S-3 to full Senate by vote of 5-0
- 2/4/2016: Senate passed version S-3 by vote of 37-0
- 2/9/2016: House referred to Committee on Transportation and Infrastructure
- 3/22/2016: Committee reported version H-1 by vote of 12-2
- 5/12/2016: House passed version H-2 by vote of 90-18
- 5/17/2016: Senate passed version H-2 by vote of 37-0
- **5/25/2016: Approved by Governor**

Background:

Michigan is bound by two international treaties signed by the United States that permit drivers from other countries to operate motor vehicles in the state. According to the treaties, a person who has a license issued in one signatory country may use that license to drive in the other signatory countries. As a result, citizens of certain countries can drive legally in Michigan (or any other U.S. state) if they possess their license that was issued in their home country. The Michigan Secretary of State issues a list of these signatory countries and the document can be found at <http://www.farmworkerlaw.org/reciprocity>

In addition, Michigan law currently permits the Secretary of State to extend reciprocal driving privileges to the citizens of other countries if the Secretary determines that the country's standards for licensing drivers correspond substantially to Michigan's standards, and if the other country extends those privileges to Michigan drivers. The document linked above indicates that Germany and the Republic of Korea are the only two countries that currently enjoy reciprocal status.

SB 501, as enacted into law, will permit all drivers with licenses from their home country to drive legally in Michigan – even if their home country is not a treaty signatory. Drivers from non-signatory countries may be required to present proof of legal presence. Drivers from treaty and non-treaty countries would need to carry an international driving permit or an English translation with a photo.

SB 501 will be effective in late March (90 days after the end of the 2016 legislative session).

HB 5940 – ***Expand Driver's License Eligibility***

Primary Sponsor: Stephanie Chang (D)

Other Sponsors (16):

Santana (D), Pagel (R), Guerra (D), Geiss (D), Hoadley (D), LaGrand (D), Moss (D), Wittenberg (D), Yanez (D), Robinson (D), Greig (D), Pagan (D), Love (D), Irwin (D), Hovey-Wright (D), Gay-Dagnogo (D)

Bill Status:

- 9/22/2016: Introduced and Referred to Committee on Transportation and Infrastructure

HB 5941 – ***Expand State ID Card Eligibility***

Primary Sponsor: Harvey Santana (D)

Other Sponsors (16):

Chang (D), Pagel (R), Guerra (D), Geiss (D), Hoadley (D), LaGrand (D), Moss (D), Wittenberg (D), Yanez (D), Robinson (D), Greig (D), Pagan (D), Love (D), Irwin (D), Hovey-Wright (D), Gay-Dagnogo (D)

Bill Status:

- 9/22/2016: Introduced and Referred to Committee on Transportation and Infrastructure

HB 5940 and 5941 Summaries:

The bills would make specially-designated non-commercial Michigan driver's licenses and state identification cards available to applicants who do not have proof of U.S. citizenship or immigration status. The bills eliminate the "legal presence" requirement for proving Michigan residency and they would specify types of documentation allowable for proving Michigan residency and identity for the new category of documents. HB 5940 would modify the section of the Michigan Vehicle Code relating to driver's licenses and HB 5941 would modify the section relating to state identification cards. The bills would forbid discrimination against - and heightened police scrutiny of - individuals holding licenses issued under the new section of the law.

MIRC Analysis of HB 5940 and 5941:

Since 2008, Michigan has required applicants for driver's licenses and state identification cards to provide proof of U.S. citizenship or immigration status. This

change has had significant consequences for all who use the roads.

Michigan law does not currently provide driver's licenses or state ID cards to individuals who do not have legal immigration status, and many people who are U.S. citizens or in lawful immigration status have struggled to prove it or obtain verification. Significant delay may occur while the Secretary of State verifies certain categories of immigration documents with United States Citizenship and Immigration Services through their Systematic Alien Verification for Entitlements (SAVE) program, and noncitizens who hold those statuses are often unable to obtain driver's licenses during verification or reverification periods.

Twelve states and the District of Columbia have laws which allow some form of legal driving without proof of immigration status. Approximately 37% of undocumented immigrants in the United States live in a jurisdiction that allows them to obtain a driver's license. No bill to restore licenses to immigrant drivers who lost them in 2008 has ever been introduced in the Michigan Legislature prior to these bills.

These bills do not relate to voting or voter registration. Only U.S. citizens may vote. Many noncitizens already hold driver's licenses and state identification cards. No identification is absolutely required to register to vote or vote in Michigan. So, expanding access to identification does not create any new opportunities for unlawful activity relating to voting.

The bills would:

- Allow citizens and currently eligible immigrants who lack the documentation required by the Secretary of State to get licenses and state ID cards.
- Widen the insurance pool and lower costs for all Michigan residents due to unlicensed and uninsured drivers submitting fewer claims.

- Promote public safety by ensuring that drivers are trained, screened and tested; law enforcement will be able to more efficiently and effectively identify individuals they stop.
- Increase workforce and economic participation by making it easier for individuals to travel to work, go to the grocery store or doctor, rent an apartment, access health care, purchase insurance, etc.
- Increase state revenue through vehicle registration and taxes on insurance premiums and car purchases.

MIRC was pleased to have assisted with the drafting of the bills together with Primary Sponsors Representatives Santana and Chang, with support from the National Immigration Law Center. It was our pleasure to appear at a press conference on September 20 at the Capitol, which featured speakers including the legislators, Roberto Torres of the Hispanic Center of Western Michigan, Tom Hickson of the Michigan Catholic Conference, and Hispanic American Council of Kalamazoo community member Edith Martinez and her daughter Yareli. Ms. Martinez shared the story of her struggle to travel between Kalamazoo and Ann Arbor during Yareli's many years of long hospitalizations following a heart transplant and lymphoma treatment. Although Ms. Martinez is now legally present in the U.S., she still has been unable to access a license due to her lack of access to the specific documentation required by the Secretary of State to prove her status. Representative Pagel spoke with feeling about his family's history as apple growers and his support for Michigan's farmworkers and their families. The introduction of the bills was timed to coincide with [National Welcoming Week](#).

Benefits and Refugees

[HB 5970](#) - *Trafficking Victim and Refugee Eligibility for Public Benefits*

Primary Sponsor: Robert Kosowski (D- District 16)

Bill Status:

- 10/19/2016: Introduced and referred to the Committee on Criminal Justice.

Bill Summary:

Under this bill, victims of human trafficking would be considered eligible for benefits under the Social Welfare Act, if otherwise eligible. A victim of human

trafficking could be defined under either state or federal law.

In addition, a refugee who presents an original certification or original eligibility letter from the office of refugee resettlement within the United States Department of Health and Human Services would not be required to provide any other immigration documents to confirm eligibility.

The original content if this bill is the same as [Senate Bill 1116](#).

HB 5528 - *Impact Study on Refugee Resettlement Program*

Primary Sponsor: Jim Runestad (Republican – District 44)

Other Sponsors (10- all Republican):

Kelly (District 94), Cole (105), Hooker (77), Callton (87), Glenn (98), Chatfield (107), Graves (51), Lucido (36), Kesto (39), Webber (45)

Bill Status:

- 3/24/2016: Introduced in Michigan House and referred to Committee on Oversight and Ethics

HB 5529 – *Disclosure Requirements for Refugee Service Agencies*

Primary Sponsor: Jim Runestad (Republican - District 44)

Other Sponsors (15- All Republicans):

Kelly (District 94), Hooker (77), Graves (51), Potvin (102), Muxlow (83), Chatfield (107), Tedder (43), Theis (42), Somerville (23), Lucido (36), Glenn (98), Cole (105), Callton (87), Kesto (39), Webber (45)

Bill Status:

- 3/24/2016: Introduced in Michigan House and referred to Committee on Oversight and Ethics

MIRC Summary of HB 5528 and 5529:

H.B. 5528 and 5529 largely require compliance and reporting already required by federal law, regulation and contracts with local nonprofit organizations. The bills focus on refugee resettlement agencies reporting to the Michigan Department of Health and Human Services (DHHS) and state Office of Refugee Services (ORS) regarding the services they are providing, where refugees and unaccompanied minors are being resettled, and money received from federal and state contracts. DHHS and ORS in turn would be required to provide annual reports to the legislature. The bills also require refugee resettlement agencies to report incidents of human trafficking or national security threats to DHHS/ORS and the state departments to report such information to the state police.

Finally, the bills require DHHS and the Michigan Department of Technology, Management and Budget (DTMB) to analyze costs and determine the state's total "absorption capacity" as well as accept statements from local governments regarding their "absorption capacity." The term "absorption capacity" is used to reference existing federal obligations under 8 U.S. Code § 1522(a)(2)(C) and (D) which requires the federal Office of Refugee Resettlement to develop policies and strategies, in consultation with state and local governments, that ensure refugees are "not initially placed

or resettled in an area highly impacted" and takes into account considerations including the "proportion of refugees... in the area,... employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees."

MIRC Analysis of HB 5528 and 5529:

The text of H.B. 5528 and 5529 is primarily concerned with the state costs associated with refugee resettlement, state and local government involvement in refugee placement decisions, and ongoing state monitoring of refugees after arrival. The provisions are largely redundant, calling for existing federal obligations and current practices. Others are vague, impracticable, or potentially encourage unlawful discrimination.

Representative Runestad and other bill sponsors have indicated that they believe the bills are needed to address risks or threats posed by refugees. Rep. Runestad has stated, "[t]here is currently no system involving state and local governments for oversight of refugees entering the state" and that "[a]s a parent, I have a duty to protect my children, and as a state lawmaker, I have a duty to protect the rights of our local governments and our rights under the U.S. Constitution and federal law." Rep. Runestad also indicated that the federal government "won't tell [state officials] how refugees in our state are vetted." This is a surprising claim, since Governor Snyder has been engaged since November 2015 in an active and well-publicized engagement with the federal government regarding his questions about the process. H.B. 5528 and 5529 do not contain provisions that Rep. Runestad described in a November 2015 press release that would have sought to stop resettlement from certain countries.

These bills should not be confused with H.R. 4731, currently pending in the U.S. Congress, which seeks to reduce refugee resettlement and exclude refugees on the basis of certain religious beliefs. Many faith groups and other advocates at the local and national level are actively opposing that bill.

The current refugee resettlement process is already safe and transparent. Many of the provisions in H.B. 5528 and 5529 require compliance with existing federal laws or processes that are already in place. So, the legislation's goal appears to primarily be to suggest that the current resettlement process lacks necessary security and drains local resources. Refugee resettlement agencies already regularly meet with community stakeholders including local government leaders to gauge local capacity and resources, in consultation with the State Refugee Coordinator. General information about the numbers, ages, genders, and countries of origin of refugees coming to Michigan is already made available as frequently as monthly. Sharing private individualized information about refugees with lawmakers and law enforcement is

unnecessarily intrusive when refugees have already undergone a rigorous, 12-step security screening process both before departing for the U.S. and after arrival. The bills' sponsors have indicated that they lack information about the security screening process, but detailed information is widely available from government and secondary sources. Officials from the U.S. State Department and the Director of the U.S. Department of Health and Human Services Office of Refugee Resettlement visited Michigan as recently as October 2015 (prior to the spike in anti-refugee activity following the Paris attacks) to make an in-person presentation to state officials and advocates and answer questions.

The bills fail to address human trafficking concerns. Bill sponsors have claimed that the bills will address concerns about human trafficking of unaccompanied minors by requiring refugee resettlement agencies to report issues related to trafficking to DHHS/ORS and requiring DHHS/ORS in turn to report such information to the state police. However, child welfare and human trafficking experts agree that the most significant way to protect unaccompanied minors released to sponsors would be to provide comprehensive post-release services. Case management, medical and mental health care, and legal representation would do much to support families and ensure children are not being victimized or trafficked by sponsors. This bill does not provide for any expansion of post-release services. Extensive screening protocols are already in place and we have seen no pattern of underreporting by resettlement agencies of known issues relating to human trafficking.

Requiring the state to analyze costs and define its own "capacity" to resettle refugees may controvert federal law. While the state, local governments and refugee resettlement agencies are all consulted throughout the placement process, it is ultimately under the purview of the federal Office of Refugee Resettlement to make initial placement decisions. The bill's "absorption capacity" provision is vague, giving the state agencies broad authority to develop regulations to implement this process, apparently without regard to the process already established by federal law. The negative overtones about cost analysis in the bill sponsors' statements are the cause for concern, not the facts about the actual economic impact of refugee resettlement.

Restrictions on access to public education may encourage or require unlawful discrimination. The bills allow DHHS to require resettlement agencies to provide information about how many refugees are accessing public education services and the cost of those services to the state. It may be highly costly to provide such information, and potentially impossible to do so accurately. Furthermore, in *Plyler v. Doe*, 457 U.S. 202 (1983) the U.S. Supreme Court made clear that all children living in the U.S., including refugees, have the right to access K-12 public education regardless of citizenship, national origin, or immigration status. Any

attempt to restrict access to public education would potentially subject the state to liability for discrimination.

Refugees contribute positively to our state and local economies. Refugee resettlement is beneficial to local communities and economies. The federal government provides around \$20 million to the state and state-based organizations each year through grants to support refugee resettlement. (See e.g. FY 2013-14 State of Michigan ORR Funded Programs, showing over \$22 million in grants). The majority of refugees quickly become self-sufficient – one study found refugees were at least, if not more likely to work than U.S.-born individuals. (Randy Capps, et al., *The Integration Outcomes of U.S. Refugees: Successes and Challenges* (Migration Policy Institute, 2015)).

Many refugees do rely initially on limited public assistance, but the U.S. has the only system in the world designed to require refugees to earn income through private employment immediately following resettlement. The public benefits refugees receive are funded largely by federal grants that create jobs and job training opportunities, and generate taxes and economic activity. (See, e.g., Chumra Economics & Analytics, *Economic Impact of Refugees in the Cleveland Area*).

Specialized and federally funded refugee job seeking and training programs do exist and since 2012, Michigan Works! has provided most of those services statewide with additional support from some resettlement agencies. So, the bill's requirement that resettlement agencies consult Michigan Works! "to provide possibilities for employment" again seems less like a problem this legislation is solving and more like an impression it is trying to create. Refugees also help to create jobs and tax revenues by increasing the demand for housing, goods and services, and through employment and entrepreneurship. (Id.) Our colleagues at Welcoming America, Welcoming Michigan, and Global Detroit have extensively documented the unique potential that immigrants and refugees have to drive shared economic prosperity, in addition to contributing socially and culturally.

House Resolution 0198 - Declaration of Opposition to Refugee Resettlement

Primary Sponsor: Lee Chatfield (Republican – 7th District)

Other Sponsors (3 – all Republicans):
Glenn (98), Miller (59), Heise (20)

Bill Status:

- 1/13/2016: Introduced in Michigan House and referred to Committee on Government Operations.

Resolution Summary:

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This resolution would declare that the House is concerned about the U.S. Refugee Resettlement Program and the cost expenditures by the state. It also declares opposition to the relocation to Michigan of refugees from Syria and “failed states.” The resolution also would urge the Governor to refrain from authorizing the resettlement of refugees from Syria and “failed states” until receiving evidence from state agencies about the adverse impact on the state and until the U.S. Department of Homeland Security certifies to the Michigan State Police that each refugee entering Michigan has been subject to a “thorough background check” and “that none of the refugees pose any national security threat.”

Senate Concurrent Resolution 0022 – *Opposition to Syrian Refugee Resettlement*

Primary Sponsor: Patrick Colbeck (R-7th District)

Other Sponsors (8, all Republicans):
Shirkey (16th District), Knollenberg (13th), Robertson (14th), Jones (24th), Pavlov (25th), Green (31st), Zorn (17th) and Booher (35th)

Resolution Status:
- 12/15/2015: Introduced and referred to the Committee on Government Operations.

Resolution Summary:

The resolution urges that Governor Snyder maintain his position on the relocation of Syrian refugees into the state of Michigan until the Legislature affirms by resolution their resettlement, to prioritize the wellbeing of Michiganders, and to continue to pursue policies that ensure the security of the state even if it results in the forfeiture of federal funding for public services and to continue to pursue policies that protect this state from “visa holders and illegal immigrants who wish us harm”.

House Resolution 0009 – *Declaration of Support for Additional Refugee Visas for Displaced Iraqis*

Primary Sponsor: Klint Kesto (R-District 39)

Other Sponsors: Kurt Heise (R-District 20), Martin Howrylak (R-District 41)

Resolution Status:
- 1/28/2015: Introduced and Referred to Committee on Families, Children, and Seniors
- 4/29/2015: Committee reported resolution to the full House
- 5/14/2015: **House adopted the resolution**

Resolution Summary:

A resolution to urge the President of the United States to allow an additional 25,000 refugee visas for displaced Iraqis, with preference for placement in Michigan.

Immigration and Citizenship

HB 4243 – *Designate English as Official State Language*

Primary Sponsor: Peter Pettalia (R- District 106)

Other Sponsors (7, all Republicans):
Kelly (R- District 94), Franz (101), Graves (51), McBroom (108), Johnson (97), Hooker (77), Rendon (103)

Bill Status:
- 2/25/2015: Introduced and referred to the Committee on Government Operations.

Bill Summary:

The bill would designate English as the official language of the state. English would be the language used for public records, public meetings, and official acts of the state. In addition to printing official documents and forms in English, a state agency or a local unit of government may use or print official documents and forms in languages other than English.

This requirement would not apply if there is a conflict with federal law or if the public safety, health, or justice requires the use of non-English languages. The requirement would also not apply to the instruction of a foreign language, instruction designed to assist limited-English proficient students, or to the promotion of international commerce, tourism, sporting events, or cultural events.

SB 0445 – *Prohibition of Sanctuary City Policies*

Primary Sponsor: Mike Kowall (R- District 15)

Other Sponsors (6 – all Republicans):
Pavlov (District 25), Robertson (14), Colbeck (7), Green (31), Jones (24), Brandenburg (8)

Bill Status:
- 9/09/2015: Introduced and referred to the Judiciary Committee

Bill Summary:

The bill would prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits or prohibits a peace officer or local official, officer, or employee from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals.

The governmental unit would be required to provide written notice to each peace officer, official, officer, and employee within the governmental unit of his or her duty to cooperate with appropriate federal and state officials concerning the enforcement of federal and state immigration laws.

The bill states that a peace officer who has probable cause to believe that an individual under arrest is not legally present in the U.S. shall report that individual to the United States Immigration and Customs Enforcement.

If a local unit of government fails to comply with one or more sections of this act, the state treasurer shall accordingly withhold the total annual payment amount that the governmental unit receives under the state revenue act.

HB 4891 – *Equal Language Access to State Services*

Primary Sponsor: Stephanie Chang (Democrat – 6th District)

Other Sponsors (15, all Democrats): Santana, Pagan, Robinson, Love, Roberts, Greig, Yanez, irwin, Guerra, Durhal III, Plawecki, Zemke, Hoadley, Geiss, Singh

Bill Status:
- 9/22/2015: Introduced and Referred to Committee on Government Operations

Bill Summary:

This bill would facilitate equal access to state departmental and agency services by individuals with limited English proficiency (LEP). It would include providing sufficient in-person and other oral interpretation, and the translation of vital documents in areas where LEP populations exceed 3% of the total population or 1,000 or more people are served by a particular office. It would additionally require state departments and agencies to develop and submit a language access report every two years to the Michigan Department of Civil Rights.

MIRC Analysis:

This bill, modeled after various other state language access laws and tracking federal language access requirements and guidelines, would help to ensure that equal language access is provided by all state entities

providing direct services to the public. It would supplement and complement without replacing or superseding federal language access laws.

The Michigan Immigrant Rights Center was pleased to have provided technical assistance in the development of HB 4891.

HB 4926 – *Employer Sanctions: Add E-Verify Requirement for Public Employers*

Primary Sponsor: Jim Runestad (R- District 106)

Other Sponsors (12-all Republicans): Kelly (District 94), Tedder (43), Hooker (77), Chatfield (107), Lucido (36), Miller (59), Lauwers (81), Leutheuser (58), Vaupel (47), Johnson (97), Barrett (71), Somerville (23)

Bill Status:
- 9/30/2015: Introduced and referred to the Committee on Trade and Commerce.

Bill Summary:

This bill would be known as the “Public Contract and Employment Eligibility Verification Act.” The bill would require a public employer (i.e., all departments, agencies, or political subdivisions of the state of Michigan) to register with and participate in the federal E-verify program to verify the work authorization of each new employee.

The bill would prohibit a public employer from entering into a contract for services within Michigan unless the contractor registers with and participates in the E-Verify program to verify the work authorization status of all of the contractor’s new employees.

The bill would prohibit a contractor or subcontractor from entering into a contract or subcontract with a public employer concerning services unless the contractor or subcontractor registers with and participates in the E-Verify program to verify the work authorization status of all new employees.

An employer or an agency or political subdivision of the state would be required to verify the lawful presence of an individual in the U.S. as required above by obtaining an affidavit that the individual executed under penalty of perjury and states one of the following: (1) he or she is a U.S. citizen, or (2) he or she is a “qualified alien” under federal immigration law and is “lawfully present” in the U.S. The employer or agency or political subdivision would further verify the status of an individual who has executed the affidavit through the E-Verify system. Until the further eligibility verification is made, the affidavit is presumed to be proof of lawful presence for the purposes of this section. An individual

who knowingly and willfully makes a false statement in an affidavit is guilty of perjury.

The bill's sponsor, Jim Runestad, previously served on the Oakland County Commission for five years, and implemented a county-wide 'E-Verify' program. Runestad has been an advocate for the E-Verify program since at least [2008](#).

HB 5602 – *Increased Penalties for Driving Without a License*

Primary Sponsor: Peter Lucido (Republican – District 36)

Bill Status:

- 4/26/2016: Introduced and Referred to Committee on Criminal Justice
- 9/13/2016: A revised version of the bill was passed by the committee by vote of 5-3

MIRC Analysis:

HB 5602 as originally introduced would dramatically increase the penalties for driving without a license to permit sentences of up to one year (an increase from 93 days) and would require police officers to impound

unlicensed drivers' vehicles and confiscate the vehicles license plates and destroy them.

This bill does not expressly mention noncitizens, but many noncitizens who live, work, and care for their families in Michigan are categorically excluded from eligibility for driver's licenses and lack access to other transportation. This bill would take discretion away from officers and make those members of our communities much more vulnerable to arrest, detention, removal, imprisonment, and high costs related to the impounding of their vehicles.

A substitute version of the bill passed the Committee on Criminal Justice by a vote of 5-3 on September 13, 2016. The new version of the bill would still require confiscation of license plates and cancellation of registrations in some circumstances. However, the substitute version no longer contains the possibility of one year sentences and mandatory impound requirements that were part of the original bill. The new version is linked here. The next step will be for the bill to move to the floor of the Michigan House of Representatives for a vote. The new version is found at <http://michiganimmigrant.org/sites/default/files/HB5602sub.pdf>.