



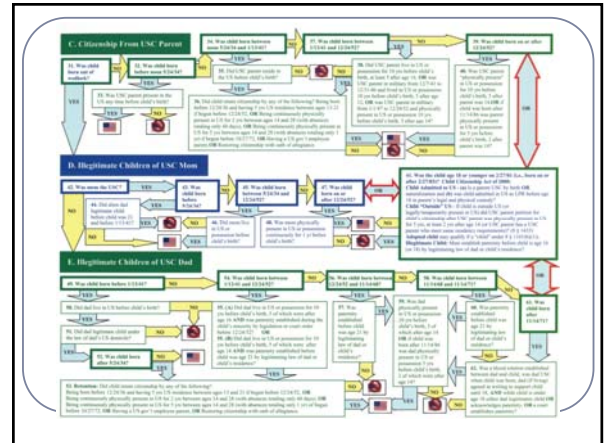
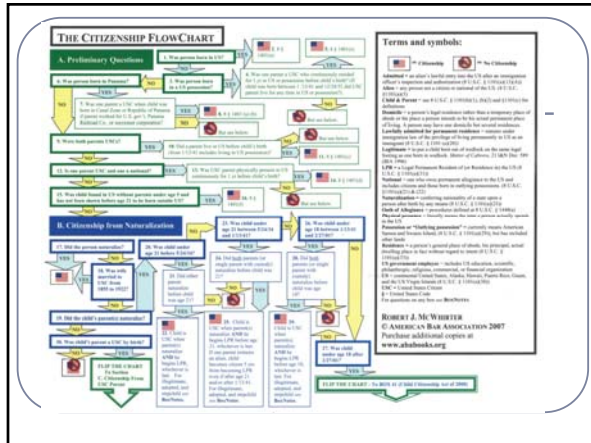
Immigration Law

House Bill No. 1549

Which one is the illegal alien?



The Attorney General wants to know.



Effective Dates

- August 28, 2008
- January 1, 2009
- August 28, 2009

January 1, 2009

- Sanctuary
- Employment
- Contract with City
- E-Verify Participation

August 28, 2009

- Public Works OSHA Requirements
- Verification of status by local law enforcement
- Holding prisoners for ICE

Concerns of Municipalities and Political Subdivisions

- Employment
- Law Enforcement
- Public Benefits
- Business
 - By Municipality
 - With Municipality
- Sanctuary (??)

Employment of Unauthorized Alien

No business entity or employer shall:

- Knowingly employ or hire for employment
- Continue to employ unauthorized alien
- Allow alien to perform work

Safe Haven

- Sign Up for E-Verify
- Audit I-9 reporting system
- Audit incorrect entries and “no match”
- Train officers and staff who will implement
- Provide Support for new system

E-Verify

- Federal Program
- Compares I-9 information against Homeland Security and SSI files
- Expires November 2008
- Does not prevent identity theft or SSI fraud

Image Program by ICE

- U.S. Immigration and Customs Enforcement (ICE)
- IMAGE implemented by ICE in 2007
- Provides training on hiring, E-Verify, and fraudulent document detection.

Image Program by ICE

Employers must do the following for IMAGE:

- Self-assessment questionnaire
- Enroll in E-Verify
- Enroll in Social Security Number Verification Service
- Adhere to IMAGE employment practices
- Undergo 1-9 Audit
- Sign IMAGE agreement with ICE

Legal Standard

- Person aware:
 - Nature of conduct
 - Circumstances
 - Cause result



Definitions of Employment or Work

- Employment: meaning employed, engaged, or hired to perform work or service of any kind or character
- Work: as any job, task, employment, labor, personal services, or any other activity which compensation is provided.



Continue to Employ

“You’re fired!”



Unauthorized Alien

- Legal right
- Authorization
- Work
- Federal Law
- State Law



Misclassification

- Employee vs. Independent Contractor
- Employer performing public works
- Five or more Employees
- Knowingly
 - 285.525 RSMo

Penalty Box: Employer

- Misclassification of Workers
- Fined:
 - \$50/day/worker
 - \$50,000 max
- Any employer who intentionally (on 5 or more occasions) fails to submit federal 1099's to the DOR will be fined \$200

Penalty Box: Employer

- Suspension
 - Licenses
 - Permits
 - Exemptions
- First—fourteen days
- Second—One Year
- Third—FOREVER

Penalty Box: Employer Receiving State Funds

- First Violation
 - Breach of contract
 - May terminate
 - 25% withholding
 - Debar THREE YEARS
- Second Violation
 - Same as above, but Debar Permanently

Law Enforcement Agencies

- Collect
- Share
- Identity
- Automated Integrated Fingerprint Identification System



Law Enforcement Concerns

- Notification to federal agencies
- Bail
- Identity determination
- Holding Capacity



Duties of Law Enforcement Agency

- Arresting agency
- Verify
- Immigration status
- 48 hours
- Law Enforcement Support Center.



Notification to Officers

- Issued to each officer
- By governing body or chief of police
- Duty to cooperate with State and Federal officials
- Pertaining to immigration laws

Local Law Enforcement

- Chief of police
- Written notice
- Duty to cooperate
- Immigration laws



Public Benefits

- No unlawful alien shall receive any.
- From State or local government



Public Benefit Defined

- Any grant, contract or loan
- Any retirement, welfare, health, postsecondary education, state grants and scholarships, disability, housing, or food assistance which provides:
 - Payments
 - Assistance
 - Credits
 - Reduced rates or fees
- Exceptions:
 - Unemployment benefits under Chapter 288 (self-test)

Public Benefits

- No unlawful alien may receive:
 - Retirement
 - Welfare
 - Health
 - Postsecondary education
 - State grants and scholarships
 - Disability
 - Housing
 - Food assistance
 - Worker's Compensation

Public Benefits

- Does not apply to:
 - 8 USC 1621 (b) (federal)
 - Emergency medical care
 - Prenatal services
 - Alternatives to abortion
 - Emergency assistance
 - Legal assistance
 - Nonprofits

Public Benefits

- Applicants 18 years or older
 - Proof
 - Affidavit
 - a US citizen or
 - Permanent Resident or
 - Lawfully present in the US

Public Benefits

- Employee processing application for public benefit shall not:
 - inquire status of parent or guardian of dependent child who is citizen or permanent resident

Applicant Requirement

- Eligibility for benefit
- Affirmative proof of
 - Citizenship or
 - Permanent resident status, or
 - Lawful presence

Money Laundering of Public Fund

- Community Funding
- Non-profits
- Example: Meals on Wheels



Public Employers

- Enroll
- Actively
- Participate
- Federal Work Authorization Program
- E-Verify Program is example of Federal Work Authorization Program

Public Works Contracts

- Beginning August 28, 2009 all public contracts must contain a provision requiring ten hour OSHA safety construction program for all on-site employees within 60 days of beginning work on construction project.

292.675 RSMo

Public Works Documentation

- Ordinance or Resolution
- Call for Bids
- Contract
- Penalty

Public Works Contract Defined

- All fixed works constructed for public use or benefit or paid for wholly or in part out of public funds.
- Penalty: \$2500 per contract plus \$100/day/employee who does not have training

Exemptions

- Public Utilities under PSC 292.675(8)
- Rail grade crossing improvements 292.675(9)

Denial of State Funds or Grants

- Will not go to:
 - Government entity
 - Agency
 - Political subdivision
- Who:
 - Prohibits or restricts
 - Immigration status
 - Information



Department of Revenue

- Shall not issue driver's license to illegal alien.
- Honor out-of-state license issued to illegal alien.



State of Missouri Shall Not

- Grant driver's licenses to illegal aliens
- Repugnant to public policy



Commercial Driver's License Tests

- English
- No translators



Transport, Move, or Attempt to Transport

- Knowingly
- Transport
- Illegal alien
- Work
- Felony



Sanctuary Policy Prohibited

- No municipality shall enact or adopt any sanctuary policy
- Any municipality that does will be ineligible for any state agency grant money



Sanctuary Defined

- Limit or prohibit communicating or cooperating with federal government to verify or report an alien or grant right to presence in violation of federal law.

67.307 RSMo

Sanctuary Presumed

- If City fails to suspend permit, license or exemption as directed by the attorney general within 15 days the City shall **“be deemed to have adopted a sanctuary policy”**. RSMo 285.550

Attorney General's Responsibilities

- Verification of Identity
- Suspension
- Civil Action
- Opinions
 - Sanctuary
 - Contravention

Enforcement Action

- **Who enforces:** Attorney General
- **Who initiates:**
 - state official
 - business entity
 - state resident
- **How initiated:** a written, signed complaint under penalty of perjury

Yellow Flag

- **Complaint alleged:**
 - Solely or primarily on the basis of national origin, ethnicity, or race
 - Complaint will be deemed invalid or shall not be enforced



Penalty Box: Complainant

- Frivolous Complaint
- Liable for:
 - Actual Damages
 - Compensatory Damages
 - Punitive Damages

Tell the World

- If complaint is frivolous, AG will issue public report
- The complaint will be a public record



Quick Contacts

- **Missouri Attorney General's Office:**
 - Phone: 573-751-3321
 - Email: aq@ago.mo.gov
- **U.S. Immigration and Customs Enforcement Office:**
 - Headquarters Phone: 202-305-2734
 - Email: image@dhs.gov

Missouri Attorney General

- Missouri Attorney General's Office
- Supreme Court Building
- 207 W. High Street
- P.O. Box 899
- Jefferson City, MO 65102

ICE

- U.S. Immigration and Customs Enforcement
- Department of Homeland Security
- 12th C Street SW
- Washington, DC 20084

ICE -- IMAGE

- Information Packets on IMAGE Program can be obtained from ICE contact:
 - U.S. Department of Homeland Security
 - Washington D.C. 20528
 - U.S. Citizenship and Immigration Services
 - National Customer Service
 - Center: 1-800-375-5283

ACLU -- East

- ACLU of Eastern Missouri
- Executive Director: Brenda Jones
- 454 Whittier Avenue
- St. Louis, MO 63108
- Phone: 314-652-3111

ACLU -- West

- ACLU of Kansas and Western Missouri
- Interim Executive Director: Dan Winter
- 3601 Main Street
- Kansas City, MO 64111
- Email: staff@aclukswmo.org