

**Virginia Commission on Immigration
MEETING MINUTES**

September 25, 2007

Senate Room A
General Assembly Building
900 East Broad Street, Richmond, Virginia

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- CALL TO ORDER:** The first meeting of the Virginia Immigration Commission was called to order at 9:06 a.m.
- PRESIDING:** Delegate Marshall (acting chair)
- MEMBERS PRESENT:** Dr. Rajul Malik, Ms. Wanda Hamilton, Mr. George Foresman, Reverend Gerry Creedon, Ms. Carmen Alicia Bernal, Delegate Jackson H. Miller, Delegate Roslyn C. Tyler, Delegate C. Todd Gilbert, Delegate Dwight C. Jones, Delegate Robert G. Marshall, Senator John C. Watkins, Senator Richard L. Saslaw, Mr. Satya Akula, Dr. Venita Newby-Owens, Mr. Eliot Norman, Dr. Esam S. Omeish, Captain Eddie Reyes, Mr. Charles T. Griffith, Mayor Pranas A. Rimekis, Senator Jay O'Brien (arrived at 11:13)
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Secretary Marilyn Tavenner, Secretary of Health & Human Resources
Matt Gross, Policy Analyst at the Virginia Department of Social Services
Anne Andrews, Special Assistant to the Secretary of Health & Human Resources
- SWEARING IN:** Secretary Hanley swore in Mr. Griffith. The rest of the members were sworn in by Secretary Hanley before the meeting.
- INTRODUCTIONS:** Delegate Marshall asked all of the members to introduce themselves to the group.
- CHAIR ELECTION:** *These meeting minutes reflect a summary of dialogue.* (Marshall)
Makes a motion to pass by the elections until the end of the meeting so Senator O'Brien can be present. (Foresman) Other members made it a point to arrive by 9:00, proceed with the election. (Foresman)
Nominates Senator Watkins. (Delegate Gilbert) Nominates Delegate Marshall. [Temporary/Acting Chairmanship given to Secretary Tavenner during voting.] (Tavenner) Calls vote: 15 votes for Senator Watkins, 3 voted for Delegate Marshall, 1 abstention, 1 not present. Senator Watkins is chair. (Jones) Delegate Marshall nominated as vice chair. (Marshall) Withdraws name and nominates Delegate Miller as vice chair. (Watkins) Announces Delegate Miller as the vice chair after motion, seconded, and approved by Commission.

PRESENTATIONS:

Presenter #1: Hal Greer, Ph.D., JLARC

Immigration Policy and Virginia's Foreign-Born Population”

Please review presentation handout for presentation details.

Presentation Discussion:

(Marshall) You indicated a growth on people who jump the borders, how did you compile this data? (Greer) It is based on census data.

(Marshall) Does the census ask are you here illegally, or is it assumed?

(Greer) I can not answer, I will get back to you. (Marshall) The jail

board started identifying illegal aliens in 2004, but it was supposed to begin so in 1950. (Greer) I cannot answer that question. (Jones) Is

there another source other than the census to get updated information?

(Greer) I'm not sure, but I'll yield to other experts. (Foresman) To

Delegate Jones question, it may be worthwhile to see how they did it at the federal level. Foreign population in localities, is it just census, or

does it include student data? (Greer) Census data, I can get you more

information. (Miller) How did you get the 2002 education data?

(Greer) Not a part of the study, I will need to check and get back with

you. (Miller) If it is through the state, maybe we can get more updated

information. (Creedon) For law enforcement, state and local, is that

included under incentives or disincentives? (Greer) There are some

incentives, but no more details. (Gilbert) On page 3 of the

presentation, “Legal Permanent Residents” and “Undocumented” -

does undocumented mean illegal? (Greer) For our purposes it does.

(Gilbert) Could JLARC estimate the tax dollars going to services?

(Greer) There was an effort to make a concert overall cost, but with data limitations, it was impossible to even give an estimate.

(Marshall) Can the chair request the full report? (Greer) We should

have a number of copies. (Saslaw) Can you check with taxation for

money that is left unclaimed for bad SSN's? I believe it was \$17

billion 4 or 5 years ago on Federal level, and the State estimated \$4-\$5

million. Can we get updated information? (Greer) We can check.

(Akula) On page 14 of the presentation, are the translation services

related to only healthcare? (Greer) It is not just health, it is across State

government. (Watkins) Could the staff look at the short and long form

for the 2000 Census to see how they determined legal status based on

the questions. Also, find out how they will decipher this information

for status in 2010 census for next meeting.”

Presenter #2: Bill Benos, Williams-Mullin

“Federal Immigration Law”

Please review presentation handout for presentation details

Presentation Discussion:

(Marshall) I believe the federal code allows 480,000 family sponsored individuals to obtain green cards, but there were an additional 140,000

family sponsored in 2006; however, 1.2 million came in 2006 with

resident Green cards, how is this possible? (Benos) A visa is for the

primary beneficiary, there rest are there families. (Marshall) How many prosecutions across the US and VA with respect to immigration violations? (Benos) I do not have that information. I would cross reference with the crime commission task force. (Marshall) I have a question relating to the authority for state, and local officials to enforce laws. How do police officers discover if an individual on the street is an illegal alien? (Benos) For a traffic violations, you stop for probable cause (i.e. speeding). One the person is stopped, the officer may find out through questioning. It's not clear when and where the questioning is appropriate. Reference a presentation from Crime Commission. They focused on 287g. (Foresman) 287g states when entering in the MOU, local officers go through training for determining probable cause for determining legal status, ICE then gives access to their database. The problem is that most policemen do not have the tools to access the database. (Marshall) If someone is not hit on the database, how do you know they are not illegal? (Benos) I believe the database will show if you are here illegally, not legally. (Foresman) The Commission should reach out to ICE to do a presentation on how this does and does not work. (Miller) The federal government will not allow 287g program to be based on traffic stops, only serious crimes. (Marshall) For reckless driving, do they not allow that because it has jail time? (Foresman) Usually felonies for crimes against persons, misdemeanors are excluded. (Creedon) Does criminal enforcement under Federal Law, determine between civil violations and a violation of the code? (Benos) That was not intended. (Malik) Who decides the priority order for people trying to get under the 140,000 yearly cap. (Benos) It is based on the priority of when a person starts the immigration process. It's like a deli, you take a number, and it's first come first serve, it can go back several years. (Akula) How many states have the Federal MOU in place? (Benos) I do not have that data, but Mecklenburg County was one of the first. ICE may have that database.

Presentation #3: Patrick Finnerty, DMAS

“Coverage of Non-Citizens in the Virginia Medicaid Program”

Please review presentation handout for presentation details.

Presentation Discussion:

(Marshall) Could you say with some certainty, that the 9,000 people who got this (slide 12), are clearly illegal? (Finnerty) Yes. Most of these are retrospectively approved to emergency care. DSS provides documentation to DMAS who approves the coverage. (Marshall) Taking this category, what is the percent of Virginian's who would qualify for this service, not just illegal? (Finnerty) Are you asking for the number of qualified verse unqualified? (Marshall) Yes. (Finnerty) I am not sure, but we can get this for you. (Foresman) How does VA rank in terms of other states for spending under this category for this service? (Finnerty) I will have to research this for you. (Hamilton)

Many of our immigrant children are born in the US and are citizens. Do they qualify? (Finnerty) Yes, but we need to have two forms of documentation. (Newby-Owens) Many of the qualified aliens do not apply for these services because they do not know about them, so the number may be underrepresented for the number of individuals that need these services. (Finnerty) I agree, especially for non-qualified aliens. There are probably more people who can use these services than currently utilize them. (Marshall) I assume this includes immunization. How many school children who get compensation for immunizations have a foreign language background? (Finnerty) I am not sure, we can do some digging but we do not have that data. (Marshall) That would be helpful because the issue of epidemics from countries other than the US has been an issue. (Finnerty) We track that carefully. (Griffith) What documents are people asked to present? (Finnerty) DSS and DMAS have a list of most to least acceptable forms of identification because they get audited. (Griffith) What is used to determine the validity of these documents? (Finnerty) For a birth certificate, we check with health departments. (Cindy Olsen, DMAS) When someone comes to the country, they must have and verify through SAVE how and when a person was admitted to the country. (Griffith) For employers, they must look valid. What are the obligations for employers if the employees do not have documentation? (Olsen) If it is not provided, or there is not match, there is no federal requirement that these individual be reported. (Marshall) How many students present birth certificates and how many present affidavits? (Finnerty) An affidavit is for identity and a birth certificate is for citizenship. (Marshall) What happens if a person who should be in school and does not have a birth certificate, but has an affidavit? (Finnerty) An affidavit will not cut it for Medicaid. (Marshall) How many individuals use birth certificates vs affidavit? (Finnerty) They are two different things. (Watkins) Ask Department of Education to present on this topic at the next meeting.

INTRODUCTION: Senator O'Brien

NEXT MEETINGS: (Watkins) This is an advisory commission to the executive branch, not a policy or legislative commission. The way I see things, we have a two questions to address. First, the size of problem and what it is costing state and local government. Second, how we can address this concern, especially in light of the constraints of the federal laws. We should break down the issues in terms of topics; private healthcare, care of elderly, a presentation from the State Superintendent of Education in terms of how admission is provided, and law enforcement. We need to coordinate with the crime commission; we do not want conflicting approaches to the law enforcement/public safety side of things. (Marshall) If this commission did nothing other than document the failure and ineptitude of the federal government, this will be worth it. What should the federal government be doing?

What can the states do that they currently aren't doing? Other categories of discussion include what are the concerns of local governments, and business practices. Contractors are being undercut by people who aren't just trying to get legal aliens. (Watkins) We should involve the Chamber of Commerce and local governments who do contracting. Can I hear suggestions from the members of the commission? (Omeish) From an overall picture, see what immigration has done for the growth of the state as well? We need to look at benefits immigrants bring in addition to costs. The Housing Commission is working on these topics. I'd like to see what they are working on. (Watkins) I'm working on a study group looking at zoning ordinances for the number of people living in a place. (Akula) We need to tackle illegal immigration, but still be friendly with the legal immigrant populations. It's a big and growing aspect of local employment and economy. (Creedon) We use language like "problem," "burden," and "challenge" but look at the financial and cultural gifts from immigrants. We need to look at costs and benefits on a financial and human level. (O'Brien) I heard we accept 2 million immigrants, which is more than all industrialized nations combined. (Tyler) We also need to examine the rural aspect of how immigration is affecting the state. (Hamilton) It would be good to have the Department of Education describe education issues, federal law, state law, local law, and school board policies. One big problem has become guardianship issues. (Marshall) Devote one meeting each to education, DMV, local concerns, federal concerns, and private concerns. (Watkins) We will have one entire meeting on local governments. We will have the AG's office speak to the jurisdiction requirements Education is using, and where can help be applied. Additionally, we will request a presentation on the ESL curriculum and how universal it is? Also, what kind of utilization is taking place there? We'll get the Employment commission involved in that meeting as well. Finally, we'll have one entire meeting for DMV, State and Local Police. (Marshall) What about employment, schools, and AG? I move for all three. (Newby-Owens) We need more discussion on health issues. Local health departments are paying the bills for uninsured. We need to consider that the health of immigrants affects the health of all of us. We need to look at overall health programs. (Watkins) I suggest we need to get further in health, DSS can probably provide additional assistance there. So we'll put that on the agenda. I hope that local governments will deal with local health systems in their reports. (Marshall) So, we'll have education, employment commission, and DSS? (Watkins) Is that alright with everyone else? I'm going to suggest the 13th of November for the next meeting. That is the Tuesday after the elections. Is starting at 9:00 ok for the Northern Virginia folks? (no objections)

ADJOURN:

11:57 AM