



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 29: Verification of Immigration Status - SAVE.

2021-2022 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 12, 2021
Introduced by:	Reps. Cleveland, Warren, Yarborough, Clampitt	Prepared by:	Bill Patterson Committee Co-Counsel
Analysis of:	PCS to First Edition H29-CSTG-5		

OVERVIEW: *The Proposed Committee Substitute for House Bill 29 would require State agencies, State agency licensing boards, and occupational licensing boards to verify the immigration status of applicants for public benefits and would prohibit them from providing any public benefit to an alien who is ineligible to receive any State or local public benefits under federal immigration law.*

CURRENT LAW: Federal immigration law specifies certain categories of aliens who are eligible for State or local public benefits.¹ For this purpose, "public benefit" includes:

- Any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government.²
- Any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit provided by an agency of State or local government.³

Except for certain emergency health care benefits and short-term, non-cash emergency disaster relief, persons not lawfully present in the United States cannot receive any of these benefits or licenses from a state or local government,⁴ unless the state has enacted a law after August 22, 1996 affirmatively making them eligible for such benefits.⁵

Federal law permits states to require applicants for public benefits to provide proof of eligibility, but does not require states to do so. The Systematic Alien Verification for Entitlements System is an electronic, fee-based system operated by the U.S. Department of Homeland Security Customs and Immigration Service, and is available for use by state and local governments to verify that a person has the immigration status his or her documents indicate or that the immigration information he or she has provided is accurate for purposes of receiving public benefits.

BILL ANALYSIS: The PCS for House Bill 29 would prohibit State agencies, State agency licensing boards, and occupational licensing boards from providing public benefits to a person not eligible to receive

¹ 8 U.S.C. § 1621(a). Eligibility is limited to: 1) qualified aliens as defined in 8 U.S.C § 1641, 2) nonimmigrants under the Immigration and Nationality Act, and 3) aliens who are paroled into the United States under section 212(d)(5) of such Act for less than one year,

² 8 U.S.C. § 1621(c)(1)(A).

³ 8 U.S.C. § 1621(c)(1)(B).

⁴ 8 U.S.C. § 1621(b).

⁵ 8 U.S.C. § 1621(d).

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them under federal law, and would require the agencies and boards to use the Systematic Alien Verification for Entitlements System to verify the immigration status of applicants for public benefits.

The PCS would also permit any resident of the State who believes that a State agency, State licensing board, or occupational licensing board is not in compliance with these requirements to seek declaratory and injunctive relief in an action brought in the superior court of any county in which the defendant agency or board is located or has jurisdiction. The prevailing party in the action would be entitled to an award of reasonable attorneys' fees and court costs as authorized by law. An agency or board failing to comply with a court order issued in the action would be subject to a civil penalty not to exceed \$10,000.

Each State agency, State agency licensing board, and occupational licensing board would be required to report annually to the Joint Legislative Oversight Committee on General Government on its implementation of these requirements, with the first report due no later than December 1, 2021.

EFFECTIVE DATE: This act is effective when it becomes law.