

Department of Legislative Services  
2010 Session

FISCAL AND POLICY NOTE

House Bill 343  
Appropriations

(Delegate O'Donnell)

**Public Benefits - Requirement of Proof of Lawful Presence**

This bill prohibits State agencies and local governments from providing undocumented immigrants with specified public benefits unless the benefits are required under federal law. Each State unit or political subdivision must verify the lawful presence status of an adult before providing most public benefits. The bill makes it a misdemeanor to provide a false, fictitious, or fraudulent statement or affidavit.

**Fiscal Summary**

**State Effect:** State expenditures increase by approximately \$437,000 in FY 2011 to verify the lawful presence status of applicants for public benefits or services; while State expenditures for certain public benefits and services decrease. State revenues may decrease due to losses in various application or licensing fees at several State agencies.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
GF Revenue	-	-	-	-	-
SF Revenue	-	-	-	-	\$0
GF Expenditure	\$435,000	\$400,800	\$420,200	\$440,700	\$462,300
SF Expenditure	\$1,900	\$2,500	\$2,600	\$2,600	\$2,600
Net Effect	(\$436,900)	(\$403,300)	(\$422,800)	(\$443,300)	(\$464,900)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local government expenditures in certain jurisdictions increase by a significant amount to handle the additional documentation required under the bill, most notably in Montgomery and Prince George's counties. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

## Analysis

**Bill Summary:** Any State unit or political subdivision is prohibited from providing federal, State, or local public benefits to an adult who is not lawfully present in the United States. Thus, each State unit and political subdivision must verify the lawful presence status of an adult who applies for these public benefits.

“State or local public benefits” is a term defined by federal law to include:

- any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and
- any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

Certain public benefits are exempted by the bill from this verification process, including: (1) emergency health care services not related to organ transplantation; (2) prenatal care; (3) short-term, noncash, in-kind disaster relief; (4) immunizations and treatment of communicable disease symptoms; and (5) assistance necessary for the protection of life or safety delivered through in-kind services at the community level regardless of wealth or income.

Proof of lawful presence must be in the form of (1) a valid Maryland driver’s license or identification card; (2) a U.S. military card; (3) a U.S. merchant marine card; or (4) a Native American tribal document. State units and political subdivisions must verify lawful presence through the Statewide Use of the Systematic Alien Verification for Entitlements (SAVE) Program or any successor program designated by the U.S. Department of Homeland Security. State units are authorized to require additional documentation; while State units and political subdivisions are authorized to develop a waiver process through the promulgation of regulations, and may adopt a modification to the verification process if necessary to reduce delays or improve efficiency as long as the modification is no less stringent than the process established in the bill. Individual adjudication of lawful presence is also authorized to avoid undue hardship on a legal resident of the State.

In addition to the documentation requirement, the applicant must also execute an affidavit stating that the person is a U.S. citizen, legal permanent resident, or is otherwise lawfully

present pursuant to federal law. The affidavit is presumed proof of lawful presence pending completion of a verification check.

Anyone who knowingly makes a false, fictitious, or fraudulent statement or affidavit is guilty of a misdemeanor and is subject to imprisonment of up to one year, and/or a fine of up to \$1,000.

Each State unit that provides public benefits must report to the Governor and General Assembly annually on compliance with the bill's requirements, and to the U.S. Department of Homeland Security as to any errors or significant delays caused by the SAVE Program.

**Current Law:** While the U.S. Constitution does not explicitly grant the federal government the authority to regulate immigration matters, the federal government has retained broad and exclusive power to regulate immigration laws and foreign nationals residing in the United States. The Supremacy Clause of the U.S. Constitution provides that federal law is the supreme law of the land and thus invalidates any state or local law that either interferes or is contrary to federal law. This invalidation is termed federal preemption. Courts have consistently noted that immigration constitutes a federal concern, not a state or local matter, and that the U.S. Congress had made clear its intent that federal law preempt state law in the area of immigration.

Undocumented immigrants have limited equal access rights to government services and programs. The passage of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) severely reduced undocumented immigrant access to federal and state programs. For the most part, undocumented immigrants are not entitled to government benefits. However, certain fundamental services, most notably emergency medical services and public elementary and secondary education, are available to undocumented immigrants. Although undocumented immigrants in Maryland do not qualify for State and federal health care programs with the exception of emergency Medicaid services, children of undocumented immigrants who are born in the United States may qualify for Medicaid or the Maryland Children's Health Program based on household income. Qualified children of undocumented immigrants can enroll in these programs if the children's citizenship can be documented.

In 1986, the U.S. Congress passed the Emergency Medical Treatment and Labor Act (EMTALA) to ensure public access to emergency services regardless of ability to pay. Section 1867 of the Social Security Act imposes specific obligations on Medicare-participating hospitals that offer emergency services to provide a medical screening examination when a request is made for examination or treatment for an emergency medical condition, including active labor, regardless of an individual's ability to pay. Hospitals are then required to provide stabilizing treatment for patients with

emergency medical conditions. Thus, EMTALA requires Maryland hospitals to provide treatment to individuals who are present in an emergency room regardless of their citizenship or insurance status. According to the Maryland Hospital Association, hospitals do not collect data on citizenship status upon admission.

**Background:** Maryland continues to be a major destination for immigrants, with over 20,000 legal immigrants coming to the State each year. International immigration added 129,730 people to the State's population between 2000 and 2006, the fifteenth largest gain from immigration among all states during that period (**Appendix 1**). Immigration to Maryland is concentrated in the suburban Washington region, which includes Frederick, Montgomery, and Prince George's counties. Approximately 72.5% of immigrants arriving in Maryland since 2000 located in these counties. Montgomery and Prince George's counties gained more than twice as many people through international immigration than the rest of the State combined.

A significant portion of Maryland's immigrants are undocumented, according to estimates made by private research organizations. The Pew Hispanic Center, which does not take positions on policy issues, estimated that there were between 225,000 and 275,000 undocumented immigrants in Maryland in 2005. Maryland had the eleventh highest number of undocumented immigrants among the states that year, according to the center. The Center for Immigration Studies, which advocates reducing immigration, estimated that there were 268,000 undocumented immigrants in Maryland in 2007. This estimate was based on an analysis of data from the U.S. Census Bureau's *2007 Current Population Survey*.

### **Impact on State and Local Spending**

Considerable research has been conducted over the past two decades relating to the fiscal impact that immigration has on various units of government. In December 2007, the Congressional Budget Office (CBO) released a report titled *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*. In its review, CBO concludes that, in aggregate and over the long term, immigrants (both legal and undocumented) pay more in taxes (federal, state, and local) than they use in government services. However, the impact of undocumented immigrants on the federal government differs from the effect on state and local governments.

While most undocumented immigrants are ineligible for many federal programs (*i.e.*, Social Security, food stamps, Medicaid (other than emergency services), and Temporary Assistance for Needy Families), state and local governments are limited in their ability to deny services to immigrants, including those who are undocumented. State and local governments must provide certain services (*i.e.*, public education, health care, and law enforcement) to individuals regardless of their immigration status.

Consequently, while the federal government receives a net benefit from undocumented immigrants, state and local governments realize a net loss with undocumented immigrants paying less in state and local taxes than the cost to provide services to that population. This is due partly to the fact that undocumented immigrants typically earn less than native born residents and thus pay a smaller portion of their income in taxes. **Exhibit 1** lists the major findings from the CBO report.

The costs associated with providing services to undocumented immigrants ranged from a few million dollars in states with small undocumented populations to tens of billions of dollars in California, which has the largest population of undocumented immigrants. Costs were concentrated in three areas – education, health care, and law enforcement. In most states, spending on undocumented immigrants accounted for less than 5% of total state and local spending for those services. Spending for undocumented immigrants in certain jurisdictions in California was higher but still represented less than 10% of total spending for those services. Several factors affect the cost to provide government services to undocumented immigrants: (1) undocumented immigrants are less likely to have health insurance; (2) children from immigrant families may require additional educational services due to their lack of English proficiency; and (3) undocumented immigrants convicted of crimes are not deported immediately by the federal government. **Appendix 2** indicates whether undocumented immigrants are eligible for certain public services.

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### **Exhibit 1**

#### **Summary of Findings in CBO Report on Undocumented Immigrants**

- State and local governments incur costs for providing services to undocumented immigrants and have limited options for avoiding or minimizing those costs.
- The amount that state and local governments spend on services for undocumented immigrants represents a small percentage of the total amount spent by those governments to provide such services to residents in their jurisdictions.
- The tax revenues that undocumented immigrants generate for state and local governments do not offset the total cost of services provided to those immigrants.
- Federal aid programs offer resources to state and local governments that provide services to undocumented immigrants, but those funds do not fully cover the costs incurred by those governments.

Source: Congressional Budget Office

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## **Health and Social Service Benefits**

According to the Congressional Research Service, undocumented immigrants are not eligible for most federal benefits. Following the passage of PRWORA, benefits were widely denied to undocumented immigrants including retirement, welfare, health, disability, housing, food stamps, unemployment, and postsecondary education. In addition, undocumented immigrants are not eligible for the Earned Income Tax Credit, Social Services Block Grants, federal grants, contracts, loans, licenses, and services through migrant health centers. PRWORA does include certain exemptions from these exclusions as shown in **Exhibit 2**.

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### **Exhibit 2 Federal Programs Available to Undocumented Immigrants**

- Medicaid-funded emergency medical care (does not include organ transplants).
  - Short-term, in-kind emergency disaster relief.
  - Immunizations and testing for and treatment of communicable diseases.
  - Services or assistance (including food delivery, crisis counseling and intervention, and short-term shelters) designated by the Attorney General as delivering in-kind services at the community level, providing assistance without individual determinations of each recipient's needs, and being necessary for the protection of life and safety.
  - To the extent that an alien was receiving assistance on the date of enactment, programs administered by the Secretary of Housing and Urban Development, programs under Title V of the Housing Act of 1949, and assistance under Section 306C of the Consolidated Farm and Rural Development Act.
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PRWORA also provides that undocumented immigrants eligible for free public education benefits under state and local law would remain eligible to receive school lunch and school breakfast services. PRWORA does not prohibit or require a state to provide undocumented immigrants with other benefits under the National School Lunch Act, the Child Nutrition Act, the Emergency Food Assistance Act, Section 4 of the Agriculture and Consumer Protection Act, or the Food Distribution Program on Indian Reservations under the Food Stamp Act.

PRWORA expressly bars undocumented immigrants from most state and locally funded benefits. Undocumented immigrants are generally barred from state and local government contracts, licenses, grants, loans, and assistance. Exceptions to this general rule mirror the federal exceptions listed in Exhibit 2. The law explicitly states that it does not address eligibility for basic public education. The law allows states, through enactment of new state laws, to provide undocumented immigrants with state and local funded benefits that are otherwise restricted.

In addition, the federal Deficit Reduction Act of 2006 required all U.S. citizens covered by or applying for Medicaid to prove their citizenship by submitting a birth certificate or passport (or a limited set of other documents) as a condition of coverage. This mandate, effective July 1, 2006, affects most new applicants and current recipients, although individuals who receive SSI or Medicare, refugees, asylees, and other qualified immigrants are exempt.

### **Higher Education Benefits**

In Maryland, students who are undocumented are not currently eligible to receive in-state tuition and must pay nonresident tuition and fees. In addition, State institutions of higher education follow federal guidelines prohibiting undocumented immigrants from obtaining financial aid.

Since 2001, laws that allow undocumented immigrants to pay in-state tuition rates at public institutions of higher education have been enacted in at least 10 states (California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington).

Under *Plyler v. Doe*, a 1982 Supreme Court decision, public elementary and secondary schools are required to accept undocumented immigrants. In its decision, the court contended that denying an education to the children of undocumented immigrants would “foreclose any realistic possibility that they will contribute ... to the progress of our Nation.” However, since 1996, federal immigration law has prohibited undocumented immigrants from obtaining a postsecondary education benefit that U.S. citizens cannot obtain. To get around the federal law, states that have passed in-state tuition benefits for undocumented immigrants have crafted legislation that bases eligibility on where a student went to high school, not immigration status. Although federal legislation that would clarify immigration laws and allow states to offer resident tuition rates to undocumented immigrants has been introduced, the measure has continually stalled in Congress.

## **Employment Related Benefits**

While federal law clearly outlaws the employment of an undocumented individual, it does not provide clear guidance on whether those individuals who work anyway are entitled to labor benefits or protections. Maryland law expressly disallows unemployment benefits for workers who cannot provide proof of legal residence. In addition, to be eligible for Unemployment Insurance (UI), a claimant must prove he or she is available for work, which would not apply to an undocumented worker. Employers who hire undocumented workers either pay cash “under the table” to the worker to avoid the payment of UI taxes or they comply and pay UI taxes on that worker’s earnings. As the undocumented employee cannot file a claim if terminated or laid off, no benefits are charged to the employer’s account; therefore, the employer’s tax rate does not increase unless the employer terminates authorized workers.

Traditionally, undocumented workers in Maryland who are injured on the job have been eligible for medical payments and lost income, though the State statute is silent on the subject. Now, they are specifically allowed those benefits following a court ruling. In 2005, the Court of Appeals ruled that a worker does not have to be legally employed to be eligible for workers’ compensation if the injury otherwise meets the test for compensation. The courts agreed with WCC that State law broadly defines a covered employee to include undocumented residents. The appeals decision (*Design Kitchen & Baths v. Lagos*) prompted legislation that would have either barred benefits for undocumented workers (HB 37 of 2006) or restricted eligibility for vocational rehabilitation benefits (SB 712 of 2007). Neither bill passed.

## **Summary of State Studies on Fiscal Impact of Immigrants**

Several states and organizations have conducted studies on the fiscal and economic impact of immigrants. Some of the studies address all foreign-born individuals, while others address only undocumented immigrants. The National Conference of State Legislatures released a report in March 2009 that summarizes the fiscal impact of these studies. The following are highlights from the report.

*Arizona:* A study conducted in 2007 estimated that immigrant workers generated \$2.4 billion in total state revenues, with \$1.5 billion coming from undocumented workers. The fiscal cost of education, health care, and law enforcement for these individuals was estimated at \$1.4 billion. The study concluded that the fiscal impact of immigrants was a net \$940 million benefit to the state.

*Arkansas:* A study conducted in 2007 estimated that immigrants paid \$257 million in taxes and received \$237 million in government services (*i.e.*, education, health care, and corrections).

*Colorado:* A study conducted in 2007 estimated that undocumented immigrants paid between \$159 million to \$194 million in state and local taxes, which covered 70% to 86% of federally mandated services. These services (*i.e.*, education, health care, and corrections) cost the state and local governments \$225 million in 2005.

*Iowa:* A study conducted in 2007 determined that tax payments made by undocumented immigrants are 80% of the taxes paid by legally documented families with similar incomes. However, undocumented immigrants do not qualify for as many services.

*Texas:* A study conducted in 2006 estimated that undocumented immigrants generated \$1.6 billion in revenues and received \$1.2 billion in government services (*i.e.*, education, health care, and corrections). However, local governments incurred \$1.4 billion in expenses for health care and law enforcement that were not reimbursed by the state.

*Virginia:* A study conducted in 2008 concluded that undocumented immigrants paid between \$145 million and \$174 million in state income, excise, and property taxes annually. The study did not address the societal costs of undocumented immigrants. The study estimated that 250,000 to 300,000 undocumented immigrants resided in the state.

**State Fiscal Effect:** Information regarding the fiscal impact of this proposed legislation is provided for State agencies. There are three categories of fiscal impact as shown in **Exhibit 3:** minimal or no fiscal impact; indeterminate fiscal impact; or significant fiscal impact.

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**Exhibit 3**  
**Potential Fiscal Impact on State Agencies**

<u>State Agency</u>	<u>Impact</u>	<u>Comments</u>
Business and Economic Development (DBED)	None	No operational impact
Disabilities (DOD)	Minimal	Services governed by federal law
Health and Mental Hygiene (DHMH)	Minimal	Services governed by federal law/New verification requirements
Higher Education Commission (MHEC)	None	Legislation reflects current practices
Housing and Community Development (DHCD)	None	Services governed by federal law
Human Resources (DHR)	Significant	Services governed by federal law/New verification requirements
Labor, Licensing, and Regulation (DLLR)	Significant	Must develop verification system for licensing
Morgan State University (MSU)	None	Legislation reflects current practices
Motor Vehicle Administration (MVA)	Minimal	Must develop verification system
Natural Resources (DNR)	Minimal	Must develop verification system

<u>State Agency</u>	<u>Impact</u>	<u>Comments</u>
Public Defender	None	No operational impact
State Retirement Agency (MSRA)	Indeterminate	Must develop verification system
University of Maryland System (UMS)	Minimal	Legislation reflects current practices

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### **Minimal or No Fiscal Impact**

Most of the State agencies responding to an information request for this bill or for a prior introduction of this legislation indicated that the bill will have minimal or no impact on their operations. These agencies include DHCD, DBED, DNR, DOD, MEA, the Office of the Attorney General, MSDE, and MVA.

Most DHMH agencies indicate either that the bill would have no operational impact or that agency services are governed by federal law. For example, the Medical Assistance program complies with federal rules and guidelines regarding the provision of health benefits to individuals in the State. The Developmental Disabilities Administration advises that it will require an additional staff person to make sure the verification required by this bill is properly done. Accordingly, general fund expenditures increase by \$54,000 in fiscal 2011 and by at least \$68,000 annually.

MVA advises that Transportation Trust Fund expenditures may increase by \$2,500 annually due to the cost of producing affidavits for the approximately 10,000 business or occupational licenses it issues each year. Legislative Services advises that other affected agencies may also incur the costs of producing affidavits, as MVA has estimated.

MVA advises that it may be necessary to produce a statewide public awareness campaign to educate the public on the documentation requirements imposed by this bill. This could include the cost of printing brochures or producing advertisements through various media. MVA assumes that since the requirements of the bill impact many State agencies, it will not be responsible for any costs associated with this campaign. However, general fund expenditures may be necessary for this campaign. Revenues may decrease slightly due to a reduction in license fees from undocumented immigrants no longer able to obtain licensure.

Although the bill creates an additional misdemeanor with a penalty of potential incarceration and/or a fine, the Judiciary, the Office of the Public Defender, the State's Attorneys' Association, or the Department of Public Safety and Correctional Services are not expected to be materially affected.

## **Institutions of Higher Education**

MHEC, Morgan State University, and Baltimore City Community College all indicate there will be no fiscal impact as a result of the bill.

The Board of Regents for the University System of Maryland sets tuition policies for USM institutions, including the determination of which students are eligible for resident tuition. USM policies require individuals to have the legal ability under federal and Maryland law to live permanently in Maryland in order to qualify for in-state tuition rates. In general, these individuals qualify for in-state tuition when they can document that they have lived continuously in Maryland for at least 12 consecutive months.

The Board of Regents of Morgan State University and the Board of Trustees of St. Mary's College of Maryland set tuition policies for the institutions. The policies for the institutions are very similar to the USM policy. Both institutions require one year of residency in Maryland to qualify for in-state tuition rates.

Tuition policies at community colleges are set by State regulations and the boards of trustees for the colleges. There are three levels of tuition at community colleges: in-county, out-of-county, and out-of-state. In general, there is a three-month residency requirement for community colleges. Community college students who are considered Maryland residents for tuition purposes are included in the enrollment counts used to determine State aid to the colleges.

### **Indeterminate Fiscal Impact**

Although the State Retirement Agency did not provide a response to this legislation, it had previously issued a statement regarding the fiscal impact of requiring lawful status verification. It indicated that it does not have the resources to independently obtain the documents necessary to verify the lawful presence status of its members. Consequently, the agency will incur additional costs to administer a verification system.

### **Significant Fiscal Impact**

DHR and DLLR indicate that the legislation would have a significant fiscal impact on their operations.

DHR indicates that although the agency does not currently provide any welfare or disability benefit programs specifically to undocumented immigrants the department does provide emergency medical assistance and other services in accordance with federal law. DHR staff in local departments of social services already require documentation of identity, but because the bill imposes new documentation requirements there will be a

resulting administrative burden. Specifically, transaction processing time will increase by over 3,000 person-hours, thereby requiring DHR to hire and equip the equivalent of two and one-half full-time employees at a cost of approximately \$100,000 on an annualized basis.

DLLR did not indicate any impact to the Division of Unemployment Insurance. However, DLLR had previously provided information regarding the fiscal impact for the Division of Occupational and Professional Licensing for a prior introduction of this bill. DLLR advised that it handles an estimated 95,000 renewal transactions and approximately 20,000 new license transactions annually and approximately 87% of renewal transactions are processed electronically. Therefore, approximately 82,650 transactions that would otherwise be completed electronically will need to be processed manually under this bill's provisions. For each of the estimated 20,000 new licensing transactions, DLLR will be required to implement new document review procedures to verify lawful presence status. Accordingly, general fund expenditures increase by \$275,000 in fiscal 2011 due to the need for hiring and equipping four office services clerks to handle document review, as well as the cost of computer reprogramming. General fund expenditures increase by at least \$200,000 annually beginning in fiscal 2012. Revenues decrease substantially due to a reduction in licensing fees from undocumented immigrants who are no longer able to obtain licensure.

### **Statewide Use of the Systematic Alien Verification for Entitlements System**

A substantial majority of the fiscal and operational impact of this bill is due to the need to verify the lawful presence status of applicants for public benefits and services. As noted previously, several agencies reported that the bill will have a fiscal impact due to verification requirements.

Statewide use of the federal SAVE system is one possible means of verifying lawful presence status of applicants for public benefits or services. The federal REAL ID Act already envisions that the SAVE system would be utilized by all states to administer some of the Act's verification requirements. There are three fees charged by the U.S. Citizenship and Immigration Services for using the SAVE system. The first is a minimum monthly service fee of \$25. Additionally, there is a charge for an initial electronic verification request and a separate charge for additional verification requests. These verification request charges vary depending on the manner in which they are processed. Assuming the SAVE system is accessed through the use of commercial software and standard Internet access, the initial verification charge is \$0.50 and the additional verification charge is \$0.50.

**Local Fiscal Effect:** Of the local governments providing information regarding the fiscal impact of this legislation there were two categories of fiscal impact: minimal or no fiscal

impact; or significant fiscal impact. The city of Rockville and Washington and Kent counties advised that there will be no fiscal impact. The Town of Bladensburg indicated a minimal impact upon operations to verify applicants for a community grant program. Baltimore City indicated that the bill's verification requirements can be handled with existing resources.

Although Prince George's County was not contacted for a response to this bill, it had previously reported for a prior introduction of this bill that it would need 12 additional full-time staff employees to handle the bill's requirements. In order to comply with the Code of Maryland Regulations the county is required to process certain transactions within a 10-day time period. In order to fulfill that requirement, while handling the bill's additional verification requirements, additional resources would be necessary.

Montgomery County had also previously reported for a prior introduction of this bill that it would incur additional expenses to implement the bill's requirements, as the bill will affect the operations of various county agencies, including the Departments of Health and Human Services and Housing and Community Affairs. Implementing these procedures will also require additional staff and widespread and continuing staff training. Montgomery County, which has the largest immigrant population in the State, provides extensive services to both documented and undocumented immigrants. For example, the county's Care for Kids Program provides primary health care for children based on income and county residency only and is therefore available to children regardless of citizenship status. A public-private partnership with safety net providers delivers primary care, prescriptions, and some diagnostic, laboratory, and specialty services to low-income uninsured adults. Data on the immigration or citizenship status of individuals served by these programs are not collected.

The Maryland National Capital Park and Planning Commission indicated there would be no fiscal impact.

**Additional Comments:** Legislative Services prepared a report in January 2008 titled *International Immigration: The Impact on Maryland Communities* that provides an overview of the legal and fiscal issues surrounding immigration and the effects it has on State and local communities. Topics discussed in the report include demographic trends, labor markets and wage effects, labor and employment law, state and local spending, and legislative actions. The report does not attempt to quantify the actual cost relating to undocumented immigration. Instead the report provides an overview of the types of government services available to immigrants and the legal basis for providing such services. When possible, the fiscal effects on State and local governments are provided. An important finding from this study is that state and local governments are limited in their ability to deny services to immigrants, including those who are undocumented. State and local governments must provide certain services (*i.e.*, public K-12 education,

emergency related health care, and law enforcement) to individuals regardless of their immigration status.

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### **Additional Information**

**Prior Introductions:** HB 1234 of 2009 and HB 604 of 2008 received an unfavorable report from the House Appropriations Committee.

**Cross File:** None.

**Information Source(s):** Kent, Montgomery, Prince George's, and Washington counties; Baltimore City; Town of Bladensburg; City of Rockville; Office of the Attorney General; Baltimore City Community College; Department of Human Resources; Maryland State Department of Education; Department of Housing and Community Development; Maryland Higher Education Commission; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Maryland Energy Administration; Morgan State University; Maryland Department of Transportation; University System of Maryland; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2010  
mpc/hlb

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**Appendix 1**  
**International Immigration for Maryland Jurisdictions**  
**April 1, 2000 to July 1, 2006**

County	Number of Individuals				Ranking by Number of Individuals		Ranking by Percent of State Total	
	7/1/2000- 7/1/2001	7/1/2004- 7/1/2005	7/1/2005- 7/1/2006	4/1/2000- 7/1/2006	County	2000-2006	County	2000-2006
Allegany	26	21	22	137	1. Montgomery	62,627	1. Montgomery	48.3%
Anne Arundel	644	508	992	2,644	2. Prince George's	29,602	2. Prince George's	22.8%
Baltimore City	1,429	1,195	1,212	7,943	3. Baltimore	12,782	3. Baltimore	9.9%
Baltimore	2,287	1,921	1,949	12,782	4. Baltimore City	7,943	4. Baltimore City	6.1%
Calvert	52	42	65	243	5. Howard	6,892	5. Howard	5.3%
Caroline	65	49	50	343	6. Anne Arundel	2,644	6. Anne Arundel	2.0%
Carroll	88	73	78	474	7. Frederick	1,832	7. Frederick	1.4%
Cecil	60	50	53	328	8. Wicomico	983	8. Wicomico	0.8%
Charles	68	50	136	200	9. Harford	876	9. Harford	0.7%
Dorchester	13	8	9	60	10. Washington	487	10. Washington	0.4%
Frederick	343	285	327	1,832	11. Carroll	474	11. Carroll	0.4%
Garrett	6	4	4	29	12. Worcester	370	12. Worcester	0.3%
Harford	181	148	218	876	13. Caroline	343	13. Caroline	0.3%
Howard	1,250	1,048	1,091	6,892	14. Cecil	328	14. Cecil	0.3%
Kent	31	29	29	180	15. Queen Anne's	280	15. Queen Anne's	0.2%
Montgomery	11,202	9,428	9,566	62,627	16. Calvert	243	16. Calvert	0.2%
Prince George's	5,373	4,507	4,791	29,602	17. Somerset	222	17. Somerset	0.2%
Queen Anne's	49	45	47	280	18. Talbot	204	18. Talbot	0.2%
St. Mary's	39	25	135	-8	19. Charles	200	19. Charles	0.2%
Somerset	40	33	34	222	20. Kent	180	20. Kent	0.1%
Talbot	39	30	30	204	21. Allegany	137	21. Allegany	0.1%
Washington	93	74	81	487	22. Dorchester	60	22. Dorchester	0.0%
Wicomico	175	152	157	983	23. Garrett	29	23. Garrett	0.0%
Worcester	65	58	59	370	24. St. Mary's	-8	24. St. Mary's	0.0%
<b>Maryland</b>	<b>23,618</b>	<b>19,783</b>	<b>21,135</b>	<b>129,730</b>				

Source: Maryland Department of Planning; U.S. Census Bureau

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**Appendix 2**  
**Undocumented Immigrants Are Not Eligible for Many Programs in Maryland**

<u>Program/Service</u>	<u>Eligibility Status</u>	<u>Comments</u>
Unemployment Insurance	No	State law requires proof of legal residence.
Workers' Compensation	Yes	State court ruling indicates that State law broadly defines a covered employee to include undocumented workers.
Social Security	No	
Food Stamps	No	Federal law requires that immigration status be verified for noncitizen applications.
Medical Assistance	No	Undocumented immigrants can receive Medicaid-funded emergency medical care. Also, U.S. born children of undocumented immigrants are eligible for Medical Assistance and other public assistance programs.
Temporary Cash Assistance	No	Federal law requires that immigration status be verified for noncitizen applications.
Energy Assistance	No	Federal law requires that immigration status be verified for noncitizen applications.
Public Schools	Yes	U.S. Supreme Court ruling guarantees access to free public and primary secondary education to undocumented children.
School Breakfast/Lunch Programs	Yes	
Higher Education – In-state Tuition	No	Undocumented students must pay out-of-state tuition.
Language Assistance Programs	Yes	

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