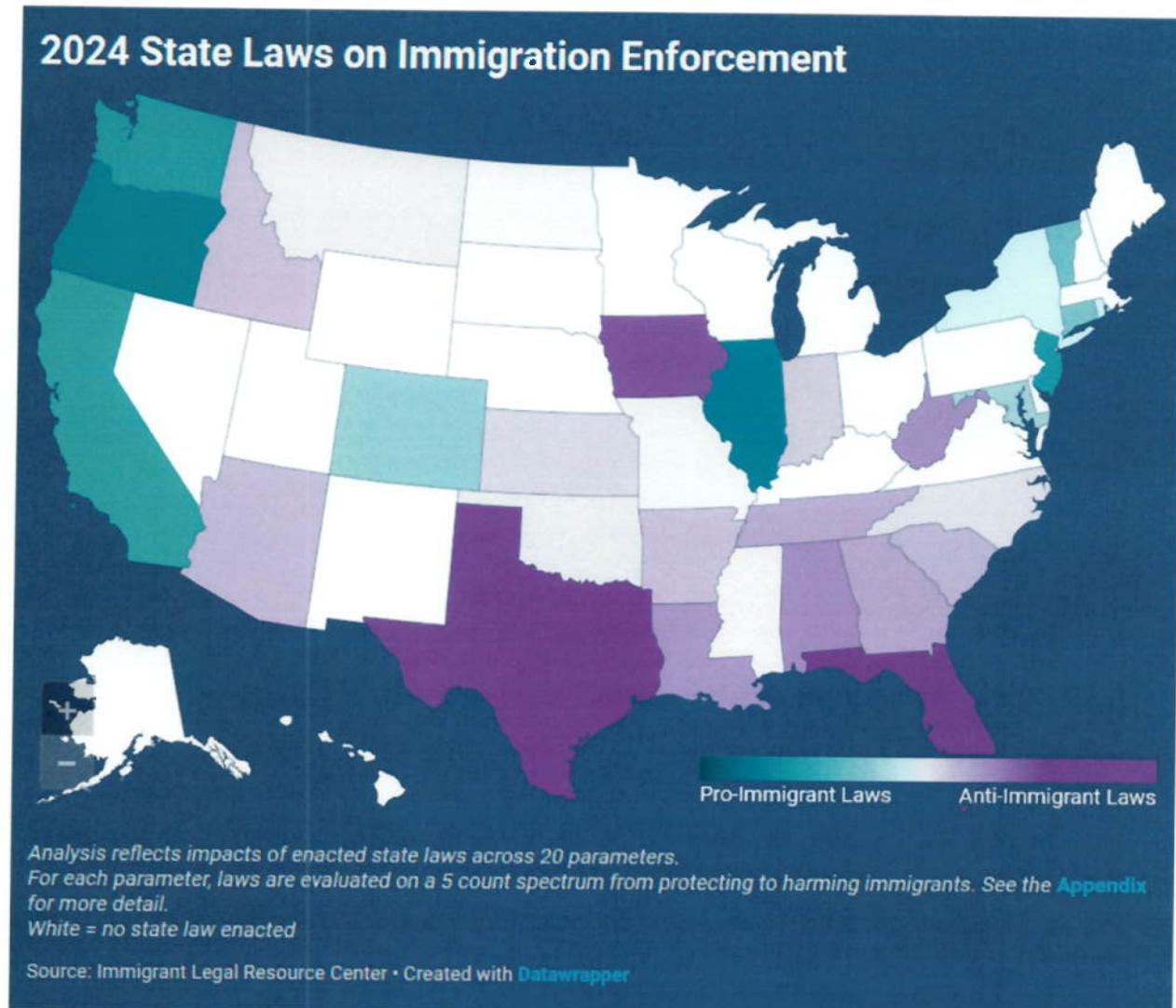


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# Overview of State Measures



The above is a map created by the ILRC showing which states have laws in place which prevent or restrict the machination of the state's law enforcement entities to support federal immigration enforcement efforts, and which states have passed laws which effectively weaponize the state's law enforcement agencies against immigrants.

## State Summaries

### California

In support of its more than 10.6 million immigrants, who are crucial to supporting California's massive food production industry, California enacted two significant laws aimed at protecting immigrant rights, particularly in the workplace and in relation to immigration enforcement. The *Immigrant Worker Protection Act* (AB 450), effective January 2018, restricts employer cooperation with federal immigration

authorities, including prohibiting workplace immigration raids without a judicial warrant, barring employers from granting access to employee records without a subpoena, and requiring notification of immigration audits to workers. Penalties for violations range from \$2,000 to \$10,000 per incident. The *Sanctuary Bill* (SB 54), also effective January 2018, limits cooperation between California law enforcement and federal immigration authorities, prohibiting state and local agencies from using resources for immigration enforcement unless specific exceptions apply, such as when an individual has been convicted of certain crimes. These laws have faced legal challenges, with the U.S. government arguing that they conflict with federal authority. In *United States v. California* (2018), the district court upheld most of these provisions, affirming California's right to regulate local enforcement and protect immigrant workers, but only the provision in AB 450 requiring employers to disclose I-9 audit notices survived the legal challenge. The Ninth Circuit Court of Appeals further affirmed these decisions, rejecting claims that the laws violated federal supremacy or preemption doctrines. These rulings have been seen as a significant victory for California in asserting its sovereignty over immigration-related matters within the state.

### **Oregon**

The state's immigrant population (1.1+ million in 2018) makes up 10% of its total population, with undocumented immigrants comprising 2.9% of the population and 4.4% of the labor force, with the majority of workers taking roles in agriculture, construction, and manufacturing. Oregon has enacted several laws aimed at protecting immigrant communities and limiting local law enforcement's involvement in federal immigration enforcement. Key legislation includes *ORS 181.820* (1987), which prohibits local law enforcement from enforcing federal immigration laws based on race or ethnicity unless criminal activity is suspected, and *HB 3265* (2021), known as the *Sanctuary Promise Act*. This law strengthens protections for noncitizens by prohibiting local law enforcement from participating in immigration enforcement without a judicial warrant, requiring documentation of immigration enforcement activities, and banning the collection or sharing of immigration status information without a subpoena. It also ensures that individuals in custody are informed of their rights and allows civil suits for violations of the law. While no legal challenges have been brought against these laws, Republican lawmakers have expressed intentions to introduce a bill in 2025 to scale back or eliminate the *Sanctuary Promise Act*, reflecting ongoing political contention over immigration policies in the state.

### **Washington State**

The state's immigrant population, comprising 15.3% of residents, plays a crucial role in sectors like agriculture, information technology, and manufacturing, with undocumented immigrants making up 3% of the total state population and 21.6% of the immigrant population. Washington has enacted key legislation aimed at limiting local law enforcement's involvement in federal immigration enforcement and ensuring protections for immigrant communities. The *Keep Washington Working Act* (SB 5689), enacted in 2019, restricts local law enforcement's participation in federal immigration enforcement by prohibiting the use of state resources for immigration-related purposes unless required by law or court order. It mandates that state agencies limit the collection of personal data that could be shared with federal immigration authorities and ensures services are provided regardless of immigration status. The law also bars law enforcement from detaining or arresting individuals solely to determine their immigration status or based on administrative immigration warrants. Additionally, it requires state-operated schools, health facilities, and courthouses to implement policies that protect access to services

for individuals regardless of immigration status. Despite the broad scope of the law, it has not faced any legal challenges.

## **Illinois**

Illinois is home to a significant immigrant population, comprising 15% of the state's total population, with 1.88 million immigrants, including 425,000 undocumented individuals. Immigrants make up 18% of the state's labor force, contributing to key sectors such as manufacturing, healthcare, construction, hospitality, and food services. A substantial portion of the undocumented population is employed, particularly in manufacturing and construction. Illinois has implemented several legislative measures to protect immigrant workers and limit state and local involvement in federal immigration enforcement. Notably, the *Illinois Migrant Labor Camp Law* (210 ILCS 110), enacted in 1967 and amended in 2014, regulates migrant labor camps, requiring approval from the Illinois Department of Public Health for their operation. The *Illinois TRUST Act* (5 ILCS 805), passed in 2017, prohibits state and local law enforcement from enforcing federal immigration laws or cooperating with immigration authorities, restricting the use of civil immigration warrants and detainers. It also mandates that law enforcement report any requests from federal immigration agencies. The *Whistleblower Act* (HB 5561), enacted in 2024, protects immigrant workers from employer retaliation, including threats of contacting immigration authorities. The *Illinois TRUST Act* was challenged in *Prim v. Raoul* (2021), when sheriffs sued the Illinois Attorney General, arguing that the law was preempted by the Supremacy Clause. The court dismissed the case, holding that the sheriffs lacked standing and that the Act did not violate federal law or the Tenth Amendment's anti-commandeering principle, reaffirming the state's right to limit cooperation with federal immigration enforcement.

## **New Jersey**

New Jersey immigrants comprise 23.4% of the state's residents, or 2.17 million people, with 77% of them being of working age. Immigrants make up nearly 29% of the state's labor force and contribute heavily to industries such as healthcare, STEM, and entrepreneurship, with 34.5% of all entrepreneurs and 41.4% of STEM workers in New Jersey being immigrants. The state is also home to 458,800 undocumented immigrants, who make up 21% of the immigrant population and 4.9% of the total state population. New Jersey has implemented several legislative measures to protect immigrant communities and limit cooperation with federal immigration enforcement. *P.L. 2021, c.199* (passed in August 2021) prohibits the detention of individuals for immigration purposes in state-run detention centers and correctional facilities and prevents local governments from entering into immigration detention agreements with the federal government. Additionally, the *Immigrant Trust Directive* (Attorney General Directive No. 2018-6), issued in 2018 and revised in 2019, directs local law enforcement agencies to refrain from enforcing federal immigration laws unless required by a judicial warrant or federal law. The directive also limits local law enforcement's cooperation with federal immigration authorities, including prohibiting them from sharing personal information or detaining individuals based solely on civil immigration detainers. The directive was challenged by the U.S. Department of Justice in *United States v. New Jersey* (2021), with the federal government arguing that the directive violated the Supremacy Clause. However, the court dismissed the case, ruling that federal law does not mandate state and local cooperation in immigration enforcement, citing the voluntary nature of such compliance under 8 U.S.C. § 1357(g)(10) and affirming the presumption of state police power in regulating local cooperation with immigration authorities.

## **Connecticut**

Connecticut is home to approximately 591,000 immigrants, representing 15.7% of the state's population. Immigrants play a significant role in the state's economy, with 47,440 immigrant business owners accounting for 24% of all self-employed residents. Of the 120,000 undocumented immigrants in Connecticut, 23% are part of the immigrant population, and 4% of the state's total population, with 11,800 of them serving as entrepreneurs. Immigrants make up 19.5% of the workforce, with a notable presence in sectors such as construction, maintenance, management, and manufacturing. In terms of legislation, Connecticut has enacted *Conn. Gen. Stat. § 54-192h*, which restricts state and local law enforcement agencies (LEAs) from assisting with federal immigration enforcement. The law prohibits LEAs from arresting or detaining individuals based on civil immigration detainers or administrative warrants unless accompanied by a judicial warrant, or unless the individual has been convicted of specific offenses. The law also prevents LEAs from sharing information about noncitizens' custody status or granting Immigration and Customs Enforcement (ICE) access to detainees, except in limited circumstances, such as if the individual has been convicted of certain crimes or is a potential match in the Terrorist Screening database. LEAs are also required to forward requests from federal immigration authorities to their head for review. To date, there have been no legal challenges to this legislation.

## **Vermont**

Vermont has enacted several legal protections for immigrants, including *Vermont Bill S.79* (2017), which requires governor approval for the state to engage in certain civil immigration actions. The law also prevents the collection of immigration status information for federal registries, though it allows LEAs to engage with federal authorities in emergency situations. While there is scant legislative action to protect immigrant workers and the immigrant population, litigation by nonprofits like Migrant Justice of Vermont have succeeded in acquiring state guarantees against unnecessary information sharing with ICE. For example, the settlement agreement in *Migrant Justice v. DMV* led to tighter restrictions on the DMV's sharing of personal information with ICE and stronger privacy protections for driver's privilege card applicants. In *Migrant Justice v. Nielsen*, the state secured a settlement that prevented ICE from deporting immigrant activists and required ICE to cease targeting individuals for exercising their First Amendment rights, along with a \$100,000 damages payment. Despite these successes, there are few immigrant protections codified in statute, and in fact, *Vermont Bill S.79* actually grants law enforcement agencies relatively broad latitude to enter into agreements with the federal government under 8 U.S.C. § 1357(g) and 19 U.S.C. § 1401(i) "when necessary to address threats to the public safety or welfare of Vermont residents." Therefore, the state explicitly grants its law enforcement agencies the ability to cooperate and contract with federal immigration authorities in their immigration enforcement activities.

## **Colorado**

Colorado is home to approximately 563,000 immigrants, making up 9.6% of the state's population, with nearly 156,000 being undocumented. Immigrants in Colorado play a key role in the workforce, particularly in sectors such as education, health services, support services, and construction. In recent years, the state has implemented several progressive laws aimed at protecting immigrants and limiting cooperation with federal immigration authorities. Notably, HB 19-1124 (2019) prohibits state and local officials from enforcing federal immigration programs, ensures that law enforcement cannot detain individuals based solely on civil immigration detainers, and requires individuals to be informed of their rights before being interviewed by federal immigration authorities. SB 20-083 (2020) prevents civil

arrests of immigrants at courthouses, while SB 21-131 (2021) restricts the sharing of personal identifying information for federal immigration enforcement, and limits state agencies from inquiring about immigration status unless specifically required. Other laws, such as HB 21-1057 (2021), criminalize the act of threatening to report someone's immigration status to law enforcement to obtain something illegal or coerce someone against their will to engage in/refrain from performing an otherwise legal act, and HB 23-1100 (2023) prohibits the establishment of immigration detention facilities in the state, asserting that such facilities are an improper exercise of state police powers. Despite these protections, Colorado's immigration policies are facing legal challenges, including the *Douglas County v. State of Colorado* case, which argues that laws like HB 19-1124 and HB 23-1100 violate federal regulations by limiting cooperation with federal immigration authorities and shielding undocumented individuals from detection. These legal challenges could have significant implications for the state's approach to immigration enforcement and the balance of power between state and federal authorities.

# Specifics of State Legislation and Legal Challenges

## California:

Information about the state:

- 10.6+ million total immigrants in California, 23% of the total immigrant population in the United States
  - 6.1+ million are in the workforce, comprising 32% of California's labor force and 38.6% of entrepreneurs
  - 1 in 3 employed workers were immigrants
- 1.8 million undocumented immigrants
- Fifth largest supplier of food globally

## Legislation

- **AB 450 – “Immigrant Worker Protection Act**
  - Effective January 2018
  - Adds sections 7284 *et seq* to the California Government Code, and Sections 90.2 and 1019.2 to the Labor Code
  - Sections 7284 *et seq* focuses on protecting immigrant workers from immigration raids in the workplace without a judicial warrant.
    1. Prohibits employers from granting immigration officers access to the workplace/worksites without first obtaining and providing a judicial warrant.
    2. Prohibits employers from granting immigration officers access to employee records without a subpoena
  - Sections 90.2 and 1019.2:
    1. Require employers to notify employees before an immigration audit of employee records takes place

- Also requires employers to share results of such audits with employees
    - 2. Prohibits employers from re-verifying information on employment verification forms unless specifically compelled to by federal law.
  - Penalties for violations:
    1. 1<sup>st</sup> instance: \$2,000-\$5,000
    2. Further Instances: \$5,000-\$10,000 each occurrence
- SB 54 – “Sanctuary Bill” or “California Values Act”
    - Effective January 2018
    - Adds Sections 7284 *et seq.* to the California Government Code, designed to place limitations on state and local law enforcement’s ability to cooperate with federal immigration authorities, including prohibiting CA law enforcement agencies from:
      1. Using agency/department money/personnel to investigate, interrogate, detain, detect, or arrest anyone for immigration enforcement purposes, meaning agencies are prohibited from:
        - Inquiring about immigration status
        - Detaining someone on the basis of a hold request
        - Providing information about a person’s release date (unless already public information)
        - Providing personal information about someone (such as address, place of work, phone number, etc) unless already public information
        - Participating in civil immigration arrests, or
        - Performing the functions of an immigration officer
      2. Placing peace officers under the supervision of federal agencies, or employing peace officers deputized as special federal officers/deputies for purposes of immigration enforcement
      3. Using immigration authorities as interpreters for law enforcement matters relating to individuals in custody
      4. Transferring custody of individuals to immigration authorities, *unless* authorized by judicial warrant or a judicial probable cause determination, *or* in accordance with Section 7282.5 (granting LE discretion to cooperate if a person has been convicted of a specifically enumerated crime)
      5. Providing office space exclusively dedicated for immigration authority use within a city/county LE facility
      6. Contracting with the federal government for use of CA law enforcement agency facilities to house individuals as federal detainees.
    - Still allows CA LE to cooperate with immigration enforcement when the individual in question has been convicted:
      1. Of a “serious or violent felony,”
      2. Of a “felony punishable by imprisonment in the state prison,”
      3. Within the past 5 years of a misdemeanor for a crime “punishable as either a misdemeanor or a felony,” or



4. Within the last 15 years of a felony for “gang-related offenses,” “vandalism with prior offenses,” “use of threats,” “felony possession of a controlled substance,” “an offense committed while on bail,” etc.
  - [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=7282.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=7282.5).
- Federal immigration authorities may still conduct enforcement activities on its own in CA, but it may not compel local law enforcement agencies to participate unless the specifically-enumerated exceptions outlined above apply

## Legal Challenges

### ○ United States v. California

- *District Court, 2018 - United States v. California, 2018 U.S. Dist. LEXIS 113759 (E.D.C.A. 2018)*:
  1. AB 103 (conducting review of non citizen detention facilities) did not violate the Supremacy Clause, no “indication . . . that Congress intended for States to have no oversight over detention facilities operating within their borders.”
  2. AB 450 (protecting immigrant workers from ICE raids at the workplace by prohibiting employers from granting access to non-public areas of a workplace, and prohibiting employers from reverifying employment eligibility of current employees): denied California’s motion to dismiss this claim, upheld preliminary injunction.
    - Provision requiring employers to provide notice of I-9 inspections: does not violate the intergovernmental immunity doctrine, and therefore survives Supremacy Clause scrutiny.
  3. SB 54 (protecting personal information about detained individuals from disclosure for immigration enforcement purposes, and restricting custody transfer of noncitizens to immigration authorities) did not violate the Supremacy Clause.
  4. **“This new decision makes it resoundingly clear that the Trump administration cannot force local governments to do the dirty work of separating families.”**  
<https://caimmigrant.org/major-victory-for-ca-as-judge-throws-out-trump-admins-suit-against-sb-54-sanctuary-law-ab-103-and-one-section-of-ab-450/>
- *Ninth Circuit Court of Appeals - United States v. California, 921 F.3d 865 (9th Cir. 2019)*:
  5. AB 103:
    - The provisions which duplicate inspection requirements otherwise mandated under California law are permissible
    - The subsection requiring “examination of the circumstances surrounding the apprehension and transfer of immigration detainees [] discriminates against and impermissibly burdens the federal government” and “is unlawful under the doctrine of intergovernmental immunity.”
      - “Any economic burden that is discriminatorily imposed on the federal government is unlawful.”

6. SB 54: Affirmed denial of a preliminary injunction, rejected U.S.'s argument "that the provisions violate the doctrine of obstacle preemption and the doctrine of intergovernmental immunity, concluding that the district court did not abuse its discretion when it concluded that any obstruction caused by SB 54 is consistent with California's prerogatives under the Tenth Amendment and the anticommandeering rule."
  - Also rejected U.S.'s argument that the information-sharing restrictions in SB 54 violated 8 U.S.C. § 1373, saying that § 1373 clearly only applies to citizenship or immigration status, but not personal information like a person's address, place of work, or other sensitive information. "[T]he language of section 1373 is naturally understood as a reference to a person's *legal classification* under federal law." (emphasis added)
7. AB 450 and SB 54: the Court "concluded that the United States is unlikely to succeed on the merits of its challenges to AB 450 and SB 54".

## Oregon

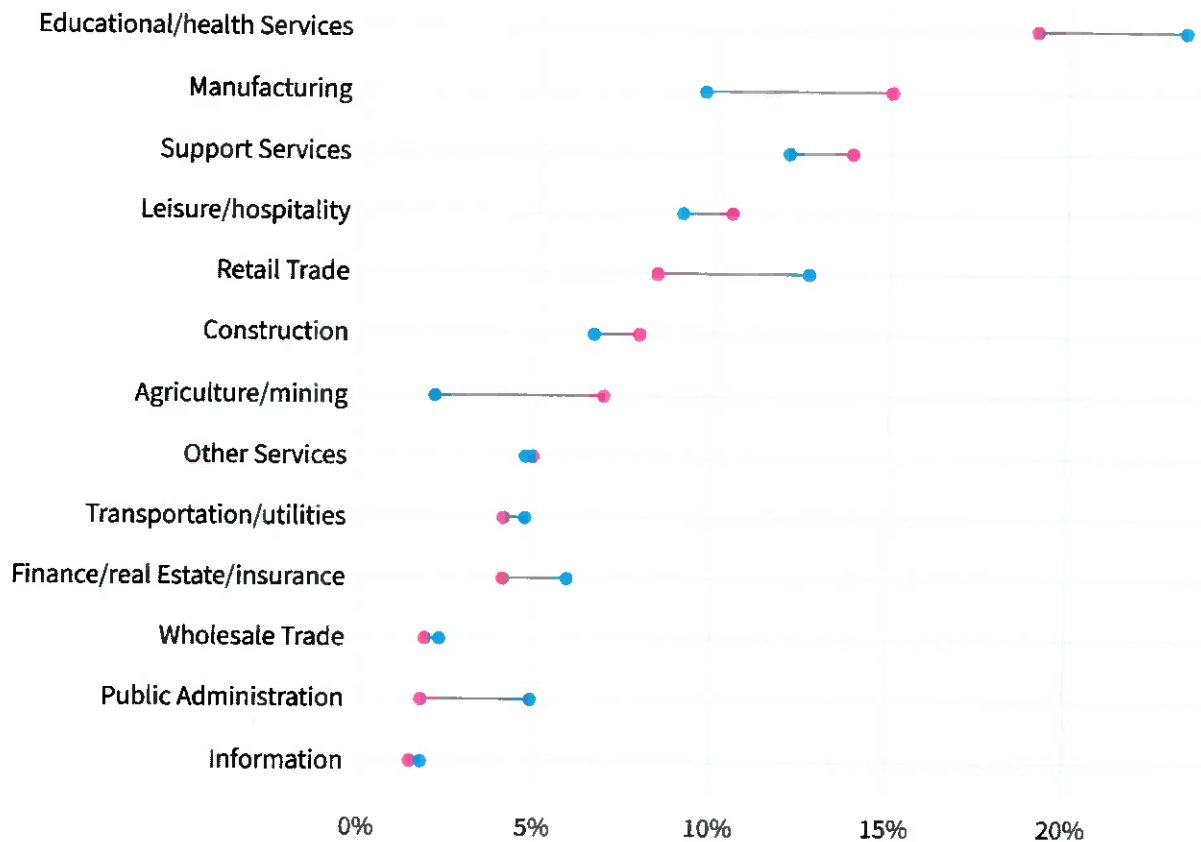
### Demographic Information:

- Immigrants make up 13% of the working-age (16-64) population in Oregon, and 10% of the overall population
- Undocumented immigrants make up 2.9% of the state's population (~120,000 undocumented immigrants total), ~90,000 of which are in the workforce (4.4% of the labor market).  
<https://www.oregonlive.com/politics/2024/11/what-could-a-trump-administration-mean-for-oregon-and-its-undocumented-immigrant-population.html>
  - One fourth of undocumented workers work in the agriculture or construction industries
    1. Sales from Oregon agriculture were \$6.7 billion in 2022, the 28<sup>th</sup> largest ag GDP in the nation
- Most (19.1%) of employed immigrants are in the educational/health services industries.
- More immigrants (15%) are employed in manufacturing than U.S. citizens (9.7%)
- More immigrants (6.9%) are employed in agriculture/mining than U.S. citizens (2.1%)

# Percentage of employed population in Oregon, by sector of employment (2022)



● Foreign Born ● Native Born



## Legislation

- **ORS 181.820**

- Enacted in 1987
- Prohibits local law enforcement from enforcing federal immigration laws that target people based on their race or ethnic origin when those individuals are not suspected of criminal activities

- **HB 3265 – “Sanctuary Promise Act”**

- <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3265/Enrolled>
- Enacted in 2021

- Increased protective measures and safety of immigrant communities, including by increasing transparency in dealings with federal immigration authorities
- Banned local law enforcement from participating in immigration enforcement unless a judicial warrant is obtained before proceeding
- Forces state and federal law enforcement agencies to document immigration law enforcement
- Protects noncitizens from civil arrest without a judicial warrant when that person is in a court facility, or that person or a family member is a party or potential witness in a court proceeding, including ingress and egress to the court proceeding.
- Prevents a law enforcement agency from:
  1. Denying an individual the rights, benefits, services, privileges, or opportunities accorded to them by law on the basis of (known or suspected) immigration status, including individuals in custody, on parole, probation, or other post-prison supervision.
  2. Collecting/Asking individuals for their immigration/citizenship status
  3. Providing information about an individual in custody to a federal immigration authority for immigration purposes, unless a judicial subpoena is issued and provided
    - Explicitly excludes from the definition of “judicial subpoena” any administrative subpoenas created and signed by federal immigration authorities.
- Ensures that all law enforcement agencies/departments and their officers explain all the rights the noncitizen detainee possesses in writing and with appropriate language interpretation
- Allows a noncitizen to bring civil suit against a law enforcement agency/department who violates the statute to enjoin the violation.
- Prohibits the use of public and nonpublic facilities for immigration enforcement purposes, including for the purposes of investigating, detecting, apprehending, arresting, detaining, or holding individuals for immigration enforcement.
- Prohibits the use of public moneys or personnel in assisting or supporting a federal agency in immigration enforcement, including investigating/interrogating individuals for immigration enforcement, providing information about an individual beyond their immigration/citizenship status, and establishing traffic perimeters to support/facilitate immigration enforcement.
- <https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/>

## Litigation and Attacks on the Laws

- None has ever challenged the laws
- Republican lawmakers in the state have announced their intention to introduce a bill that would scale back or eliminate the 2021 Sanctuary Promise Act in 2025.
  - <https://www.opb.org/article/2024/06/07/gop-lawmakers-target-oregon-sanctuary-laws/>

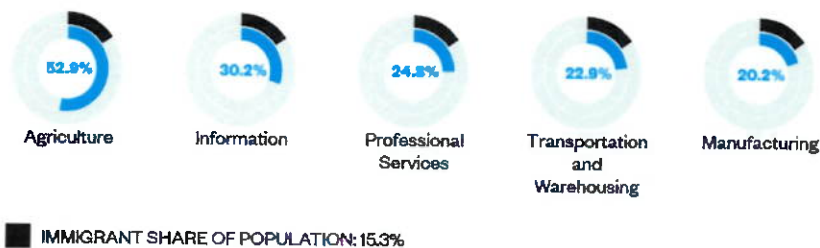
# Washington State

## Demographics:

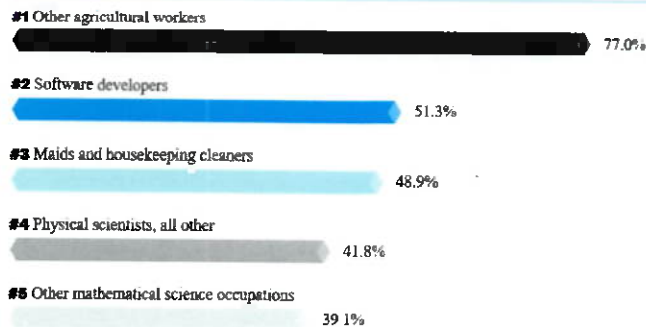
<https://map.americanimmigrationcouncil.org/locations/washington/>

- 1 in seven residents is an immigrant, comprising 1.1+ million immigrants in 2018 (15.3% of the population). 81% of all immigrants in Washington are working age (16-64)
- 240,000 undocumented immigrants in the state, comprise 23% of the immigrant population, 3% of the total state population in 2016
- 254,500 undocumented immigrants, 21,600 of which are entrepreneurs; comprise 21.6% of the immigrant population, 4.5% of the total workforce, and 3.3% of the total population.
- 793,300 immigrant workers, 19% of the labor force in 2022, the majority of which worked in the agriculture, information technology, professional services, manufacturing industries:

### TOP INDUSTRIES WITH HIGHEST SHARE OF IMMIGRANT WORKERS



### TOP OCCUPATIONS WITH HIGHEST SHARE OF IMMIGRANT WORKERS



## Legislation

- SB 5689 - “Keep Washington Working Act” (KWW)
  - <https://app.leg.wa.gov/RCW/default.aspx?cite=10.93.160>
  - <https://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Bills/5689.pdf#page=1>
  - Enacted in 2019
  - Restricts the extent to which local law enforcement agencies may participate in federal immigration enforcement, determining that it is not the state or local law enforcement’s primary purpose to enforce civil federal immigration law.
  - Required state agencies to review their policies to ensure they collect minimal personal data from people in Washington *and* that the information is not shared with federal immigration agencies unless required by law
  - Required that services be provided regardless of immigration status
  - Repealed requirement that local law enforcement operating country jails to ask every person about their nationality and notify federal immigration authorities in certain circumstances
  - Prohibits law enforcement agencies from:
    1. Using “agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration or surveillance programs” or any other policies/rules targeting state residents on the basis of immigration or citizenship status.
    2. Providing “nonpublicly available personal information” about anyone to federal immigration authorities for noncriminal matters, including immigration, *unless* provided with a court order or if otherwise required by state/federal law.
    3. Providing federal immigration authorities with information about a person’s release date
    4. Collecting or asking for information about a person’s immigration/citizenship status, or place of birth *unless* requested for a legitimate criminal investigation purpose.
    5. Detaining or arresting someone solely to determine immigration status or based solely on an administrative immigration warrant. Must have a judge-signed warrant or probable cause finding to arrest or detain someone.
    6. Denying someone services, benefits, privileges or opportunities due to the presence of an ICE detainer, notification request, or immigration warrant
    7. Entering into agreements with immigration agencies to perform immigration enforcement duties (eg. 287(g) agreements).
    8. Entering into contracts with immigration agencies to detain immigrants for ICE/CBP (eg. Intergovernmental Service Agreements (IGSAs) to rent jail bed space).
    9. Granting access to interview an individual in custody about a noncriminal matter (like immigration) *unless* required by state/federal law or by court order.
      - However, may grant access if person in custody consents in writing prior to being interviewed

- Does not require law enforcement officers to comply or assist with federal immigration enforcement, including by honoring administrative warrants provided by ICE
- Directs the state attorney general to “publish model policies for limiting immigration enforcement to the fullest possible extent . . . at public schools, health facilities operated by the state . . . courthouses, and shelters, to ensure they remain safe and accessible to all . . . regardless of immigration or citizenship status.”
- Directs all state-operated schools, health facilities, and courthouses to either implement the AG’s model policy or an equivalent policy.
  1. All other organizations providing physical, mental health, education, or access to justice services are encouraged but not required to adopt the model policy
- Directs state agencies to review confidentiality policies to ensure they limit information collection

## Litigation

- None – was not challenged

## Illinois

### Demographics

- 1 in 7 residents and 1 in 6 workers are immigrants
- 1.88 million immigrants in Illinois, comprising 15% of the total population; of these, 1.2 million immigrants comprised 18% of the total Illinois labor force
  - Top industries of employment are manufacturing, health care & social assistance, hospitality and food services, retail, and construction.

Industry	Number of Immigrant Workers
Manufacturing	218,530
Health Care and Social Assistance	158,663
Accommodation and Food Services	125,897
Retail Trade	112,570
Construction	96,137

Source: Analysis of the U.S. Census Bureau's 2018 American Community Survey 1-year PUMS data by the American Immigration Council.

- 2019 Information: ~425,000 undocumented immigrants in Illinois, 408,000 are working age, and of the working age population, 68% (278,000) are actively employed.
  - Top industries of employment are manufacturing, hospitality and food services, and construction (see below for better descriptors):

Top Industries of Employment		
Civilian employed population ages 16 and older	278,000	100
Manufacturing	53,000	19
Accommodation and food services, arts, entertainment, and recreation	52,000	19
Professional, scientific, management, administrative, and waste management services	40,000	14
Construction	33,000	12
Retail trade	23,000	8

- 145,000 (34%) own their homes

## Legislation

- **210 ILCS 110 – “Illinois Migrant Labor Camp Law”**
  - <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1240&ChapterID=21>
  - Enacted 1967, amended in 2014
  - Prohibits operating Migrant Labor Camps in Illinois unless approved by the Illinois Department of Public Health, which requires an application, a \$100 fee, and an inspection by the Department of the campsite and facilities to ensure that they are in compliance with the requirements in the statute
- **HB 5561/740 ILCS 174/5 – “Whistleblower Act”**
  - <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0867>
  - Enacted 8/9/2024
  - Protects immigrant workers from retaliatory action by their employer, including contacting or threatening to contact immigration authorities.
- **5 ILCS 805 – “Illinois TRUST Act”**
  - <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3818&ChapterID=2>
  - Enacted 2017
  - Prohibits Illinois state and local law enforcement agencies from enforcing or participating in the enforcement of federal immigration law, or collaborating with federal immigration authorities
  - Requires judicial (not civil/administrative) warrants in order to detain any individual, and prohibits LE from detaining, stopping, arresting, or searching any individual on the basis of a civil immigration warrant or for the purpose of ascertaining the individual’s citizenship/immigration status.
  - Prevents LEAs from entering into any contract or agreement with federal immigration authorities agreeing, for immigration enforcement purposes, to: house or detain anyone; grant ICE access to an immigrant in custody nor transfer that individual into ICE custody; grant ICE access to LEA equipment, facilities, or databases; provide information to ICE about an individual in the LEA’s custody; or provide ICE with information about an individual’s release from custody.



- Requires LEAs to report any requests from federal immigration agencies requesting LEA assistance, support, or participation in immigration enforcement operations, and to provide documentation about the LEA's response to the request.
  1. Must also report all immigration detainers or immigration warrants received by the LEA

## Legal Challenges

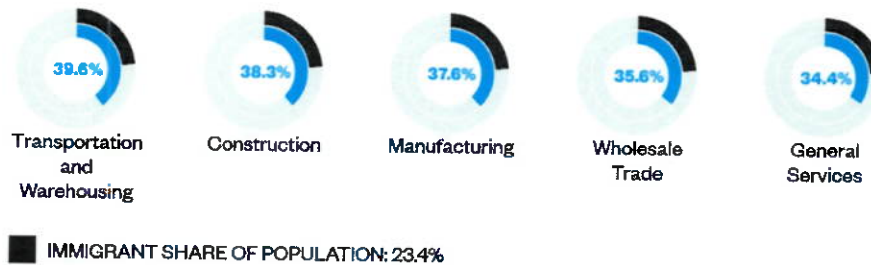
- *Prim v. Raoul*, Case No. 3:20-cv-50094, 2021 WL 214641 (N.D. Ill. Jan. 21, 2021)
  - Sheriffs sued the Illinois Attorney General over the Illinois TRUST Act, asserting that the law is preempted by the Supremacy Clause.
  - The district court held that the plaintiffs did not have standing to sue, and granted the AG's motion to dismiss.
    1. Found that there is no constitutional interest presented to the sheriffs by choosing either to abide by the state law and, in their view, violate the constitution, or subject themselves to litigation by complying with the ICE detainers and holding immigrants pending ICE investigation.
      - The detainer is not compulsory, and to find that they were compulsory would be to violate the anticommandeering requirement of the Tenth Amendment.
  - Held that sheriffs did not violate federal law by complying with the TRUST Act, and even if abiding by the Act violated their oath to uphold the Constitution, the argument would still fail because compliance did not violate their oath.

## New Jersey

### Demographics

- 23.4% of NJ residents are foreign-born, amounting to 2,165,700 immigrant residents in 2022. 77% of all immigrants in NJ are working age.
- 29% of NJ labor force are immigrants, accounting for 34.5% of entrepreneurs, 41.4% of STEM workers, and 33.3% of nurses in the state.
  - Top industries:

## TOP INDUSTRIES WITH HIGHEST SHARE OF IMMIGRANT WORKERS



- 458,800 undocumented immigrants in NJ, 88.1% of which are working age, and 33,100 of which are entrepreneurs. 21% of the total immigration population in NJ are undocumented, or 4.9% of the total NJ population.
  - <https://map.americanimmigrationcouncil.org/locations/new-jersey/>

## Legislation

- P.L. 2021, c.199
  - <https://legiscan.com/NJ/text/A5207/id/2434104>
  - Passed Aug. 2021
  - Prohibits the detention of individual for immigration purposes in detention centers and correctional facilities
  - Prevents the state and other local government agencies from entering into, renewing, or extending any immigration detention agreement with the federal government to detain noncitizens
- Attorney General Law Enforcement Directive No. 2018-6 v2.0 (AKA “Immigrant Trust Directive”)
  - Issued Nov 29, 2018, revised Sept. 27, 2019.
  - [https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6\\_v2.pdf](https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6_v2.pdf)
  - Limits cooperation with federal immigration enforcement
  - To promote greater trust between the immigrant community and local law enforcement, AG directs LEAs to leave enforcement of immigration laws to federal immigration agents, but to comply with federal immigration authorities when they have a judicial warrant or if mandated by federal law.
    1. Distinguishes between an administrative warrant/immigration detainer and a judicial warrant, instructs that local LEAs are not required to enforce any warrant/detainer not issued by a federal or state judge.
  - Prohibits LE officers from stopping, arresting, detaining, or questioning anyone to ascertain their immigration/citizenship status, or on suspicion of a violation of federal immigration law.

- Limits LE officers' ability to assist federal immigration authorities in enforcing immigration law, including a prohibition on participating in immigration enforcement activities, disclosing non-public PII, granting ICE/federal immigration authorities access to state/local/county-owned LE equipment, office space, databases, or other property for the purposes of immigration enforcement, granting ICE access to a detainee for an interview unless the detainee consents in writing, providing notice of the detainee's release from custody, or detaining an individual based solely on a civil immigration detainer request.

## Legal Challenges

- *United States v. New Jersey*, Civil Action No. 20-1364 (FLW) (TJB) (D.N.J. Jan. 26, 2021)
  - <https://casetext.com/case/united-states-v-new-jersey-3>
  - U.S. DOJ sought declaration that provisions of the Immigrant Trust Directive violated the Supremacy Clause. The Court granted defendant's motion to dismiss on the basis
    1. Relied upon the language in 8 U.S.C. § 1357(g)(10) which explicitly provides that compliance with federal immigration authorities is *voluntary* and is *not required*. There is nothing in the federal statute which compels states to participate in and assist with federal immigration enforcement operations.
    2. There is a presumption of state police power *unless* expressly/clearly superseded by federal statute. Cites to *City of El Cenizo v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018) as persuasive authority for the assertion that "federal law does not suggest the intent—let alone a 'clear and manifest' one—to prevent states from regulating whether their localities cooperate in immigration enforcement." (omitting internal quotations and alterations).
  - The mere fact of inconveniencing federal immigration enforcement efforts "does not render it preempted"

## Connecticut

### Demographics

- Most recent data:
  - ~591,000 immigrants total, comprising 15.7% of the population
  - 47,440 immigrant business owners comprised 24% of all self-employed Connecticut residents
  - 120,000 undocumented immigrants, comprising 23% of the immigrant population and 4% of the total state population, 11,800 of which are entrepreneurs
  - 19.5% of jobs are held by immigrants. Most immigrants employed in the following sectors:
    1. Building and grounds cleaning/maintenance
    2. Management
    3. Sales

- 4. Production/manufacturing
- 5. Construction

Occupation Category	Number of Immigrant Workers
Building and Grounds Cleaning & Maintenance	40,924
Management	38,456
Sales and Related	30,259
Production	27,212
Construction and Extraction	26,320

Source: Analysis of the U.S. Census Bureau's 2018 American Community Survey 1-year PUMS data by the American Immigration Council.

○

## Legislation

- **Conn. Gen. Stat. § 54-192h**
  - <https://casetext.com/statute/general-statutes-of-connecticut/title-54-criminal-procedure/chapter-965-detainers/section-54-192h-civil-immigration-detainers>
  - Limits the extent to which state and local LEAs may assist or participate in federal immigration enforcement
  - Prohibits LEAs and LEOs from:
    1. Arresting/detaining anyone pursuant to an administrative warrant/civil immigration detainer unless accompanied by a judicial warrant or the individual has been convicted of specific offenses
    2. Using LEA time, resources, facilities, or personnel to communicate w/ federal immigration authorities about the custody status/release of a noncitizen targeted by an immigration detainer
    3. Grant ICE access to noncitizens in the LEA's custody unless convicted of specific offenses or is a potential match in the Terrorist Screening database.
    4. Performing any function of a federal immigration authority
  - Requires LEAs to forward any requests from federal immigration authorities to the head of the LEA for review

## Legal Challenges

- None

# Vermont

## Demographics

- 29,000 foreign-born residents of Vermont, or 4.5% of the total Vermont population, holding 4.8% of the jobs in Vermont
- Immigrants work primarily in the following industries: healthcare, social assistance, retail, education services, manufacturing, and professional/scientific/technical services.
- There are fewer than 5,000 undocumented immigrants in Vermont, comprising just 4% of the total immigrant population in 2016.

## Legislation and Legal Protections

- **Vermont Bill S.79**
  - Enacted in 2017
  - <https://legislature.vermont.gov/Documents/2018/Docs/ACTS/ACT005/ACT005%20As%20Enacted.pdf>
  - Limits local and state LEAs from some participation in federal immigration enforcement efforts
  - Require LEAs to get governor approval before engaging in certain civil immigration enforcement efforts
  - Proactively prevents information collection on a protected ground (including immigration status) to be used for a federal registry.
  - However, allows LEAs to enter into agreements under 8 U.S.C. § 1357(g) and 19 U.S.C. § 1401(i) with the federal government “when necessary to address threats to the public safety or welfare of Vermont residents arising out of a declaration of a state or national emergency.”
- **Migrant Justice v. DMV**
  - Migrant Justice and the ACLU sued the Vermont DMV for its information-sharing policies with ICE, in which it consistently shared the immigration status of “driver’s privilege card” (an alternative to driver’s licenses available regardless of immigration status) applicants with ICE.
  - Settlement Terms:
    1. Vermont adopted provisions protecting drivers’ personal information from unlawful disclosure
    2. Limits what information the DMV may collect and delineates narrow circumstances for sharing that information with the federal government
    3. Prohibits the DMV from retaining copies of birth certificates, passports, and other sensitive information
    4. Institute a monitoring and auditing process to ensure DMV’s compliance

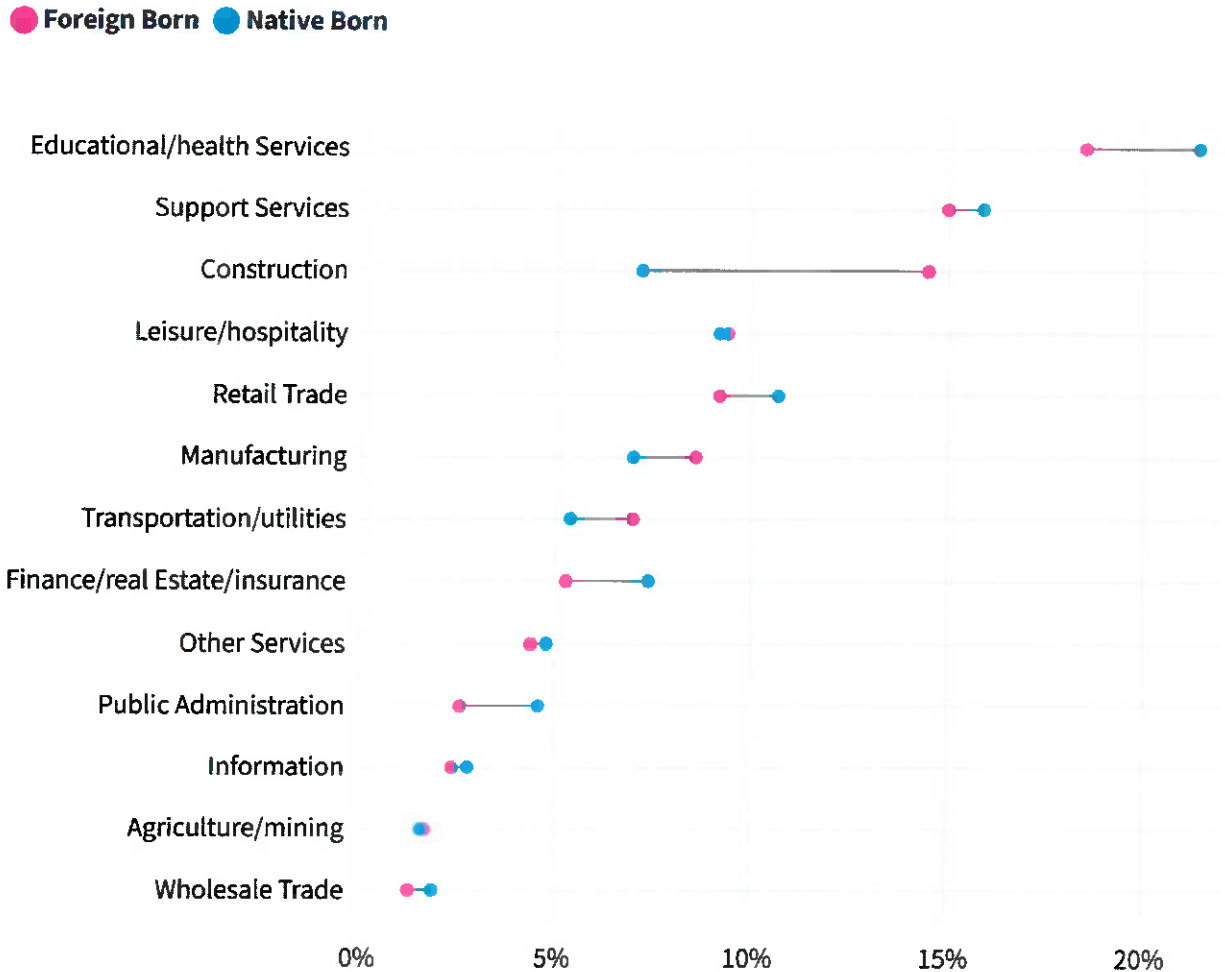
- Migrant Justice v. Nielson, et al.
  - Migrant Justice sued ICE and DHS for its multi-year operation surveilling, harassing, arresting, and detaining Migrant Justice members and leaders in alleged retaliation for their First Amendment rights of free speech and assembly.
  - Settlement Terms:
    1. Government agreed not to deport immigrant activists who sued the agency
    2. Instructed officers not to target people for exercising their First Amendment rights
    3. ICE paid damages of \$100,000

## Colorado

### Demographics

- ~563,000 immigrants in Colorado, comprising 9.6% of the population or roughly 1 in 10 residents. They comprise 11.5% of the Colorado workforce, and primarily work with the education, health services, support services, and construction sectors, among others.

## Percentage of employed population in Colorado, by sector of employment (2022)



- ~156,000 undocumented immigrants live in Colorado

### Legislation

- **HB 19-1124**
  - Enacted in 2019
  - [https://leg.colorado.gov/sites/default/files/2019a\\_1124\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2019a_1124_signed.pdf)
  - Put forth a resolution that the federal government may not command a state or local officials to enforce or administer federal immigration programs, since doing so would violate the Tenth Amendment
  - Prohibited the continued detention of a noncitizen at the request of federal immigration authorities if they do not possess a judicial warrant, resolving that to do otherwise would be to violate the Constitution's provision against warrantless arrests

- Prohibited law enforcement officers from arresting, detaining, or otherwise holding a noncitizen on the basis of a civil immigration detainer or administrative warrant without a judicial warrant.
  - Prohibits probation officers/departments from providing personal information about an individual to federal immigration authorities.
  - May only grant federal immigration authorities access to interview individuals in detention if the individual was informed of his rights in writing, which comprise (but are not limited to) the right to decline the interview, to remain silent, to speak to an attorney before agreeing to the interview, and an acknowledgment that anything said may be used against him in federal immigration proceedings. The agreement must be in the individual's own language of choice and in writing.
- **SB 20-083**
    - Enacted in 2020
    - [https://leg.colorado.gov/sites/default/files/2020a\\_083\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_083_signed.pdf)
    - Protects immigrants against the risk of civil arrest at a courthouse or while coming/going to the courthouse
    - Provides that an individual who violates this statute is liable for damages in civil actions for false imprisonment
- **SB 21-131**
    - Enacted in 2021
    - <https://leg.colorado.gov/bills/sb21-131>
    - Limits disclosure of personal identifying information for the purposes of investigating, participating in, or cooperating/assisting in federal immigration enforcement unless required by federal/state law or by a court-issued subpoena, warrant, or order
    - Prohibits sharing vehicle registration records with law enforcement if the reason for the request is to investigate or assist in federal immigration enforcement.
    - Forbids state agency employees from making inquiries or requesting documents as to a person's immigration status to determine if the person complies with federal immigration laws unless specific exceptions apply (e.g., to verify eligibility for a government funded program).
    - No state agency may collect data regarding a person's place of birth, immigration/citizenship status, or information from passports, green cards, EADs, or alien registration cards.
- **HB 21-1057**
    - Enacted in 2021
    - [https://leg.colorado.gov/sites/default/files/summary\\_of\\_immigration\\_legislation.pdf](https://leg.colorado.gov/sites/default/files/summary_of_immigration_legislation.pdf)
    - Criminalizes the act of threatening to report someone's immigration status to law enforcement in order to obtain something legal, or to coerce another person against their will to engage in or refrain from performing an otherwise legal act.



- SB 21-087
  - Enacted in 2021
  - Protects agricultural workers from employer retaliation
- HB 23-1100
  - Enacted in 2023
  - [https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a\\_1100\\_01.pdf](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_1100_01.pdf)
  - Prohibits a state or local entity from entering into a contract, receiving payment for, or paying an entity for an immigration detention facility within Colorado
  - Asserts that “it is an inappropriate exercise of a state’s police powers to detain individuals for federal immigration purposes given its implication on foreign relations.”
  - Prohibits the sale of a government-owned property or buildings for the purpose of establishing an immigration detention facility to be owned, managed, or operated by a private entity in whole or in part

## Legal Challenges

- Douglas County, Co. v. State of Colorado
  - Initiated April 2024
  - No conclusion yet
  - Asserts that the state law HB 19-1124 and HB 23-1100 violate federal prohibitions on “shielding illegal aliens from detection” and that HB 19-1124 is “a scheme to withhold information from federal immigration officials, concealing, harboring, and shielding from detection illegal aliens in state and local government custody.”
  - Unable to pull docket, was only able to find the complaint: <https://www.courthousenews.com/wp-content/uploads/2024/04/douglas-county-v-state-of-colorado-complaint-district-court-denver.pdf>

## Other Legal Protections

Federal court precedent that Congress did not give DOJ the power to withhold grant funding in order to force states to cooperate and share information with federal immigration authorities for immigration enforcement purposes:

- Colorado, 2020: <https://www.denverpost.com/2020/04/23/judge-denver-funding-doj-law-enforcement-immigration-ice/>
- California, 2018: <https://www.courthousenews.com/judge-sessions-cant-tie-grant-money-to-immigration/>
- Illinois, 2017: [https://www.washingtonpost.com/world/national-security/judge-rules-justice-dept-cant-keep-grant-money-from-uncooperative-sanctuary-cities/2017/09/15/40f0ec66-9a52-11e7-82e4-f1076f6d6152\\_story.html](https://www.washingtonpost.com/world/national-security/judge-rules-justice-dept-cant-keep-grant-money-from-uncooperative-sanctuary-cities/2017/09/15/40f0ec66-9a52-11e7-82e4-f1076f6d6152_story.html)