



Immigration: Legal and Illegal

Local Perspective – Charlotte, North Carolina

Executive Summary

Presented by the Mayor's Immigration Study Commission

January 2007



CHARLOTTE.

The background of the page is a faded, light-colored image of the United States flag, showing the stars and stripes. The text is overlaid on this background.

The Mayor's Immigration Study Commission

The Study Commission was created by Charlotte, NC Mayor Patrick McCrory based upon a visit to San Diego, CA as a member of the Homeland Security Advisory Council. During that visit, seeing firsthand the immigration and Homeland Security border protection issues, he found a community that was struggling with the charged and complex issue of immigration. The Mayor understood it would not be long before Charlotte would be confronted with the impact of the changing immigration landscape. The impacts of legal and illegal immigration are clearly at Charlotte's doorstep. While immigration issues are not easily addressed by local government, the need to work from facts and data, rather than emotions, will help governments at all levels to better address immigration policy. Recognizing that informal policies are being implemented, Mayor McCrory has chosen to openly discuss, through the Study Commission, the many facets of immigration (legal and illegal) believing that formal action is needed by elected officials at all levels.

The 28-member Mayor's Immigration Study Commission was charged:

To analyze the impact of immigration on Charlotte's (and region) quality of life, public safety, and economic opportunities.

This executive summary highlights the findings of the full Commission report with a concentrated look at not only the impact of illegal immigration, but the recommendations that facilitate the implementation of public policy by local, state, and federal elected officials.

Executive Summary

The United States has an estimated 11 million illegal immigrants in the country. In 2004, 202,842 were deported and one million left voluntarily. In 2005, 1.1 million people became legal permanent residents or green card holders; 16,715 were issued to people in North Carolina. Charlotte, North Carolina is the first known City in the nation to take an in-depth study of the impacts of legal and illegal immigration in the four areas of public safety, economic development/workforce, education, and healthcare.

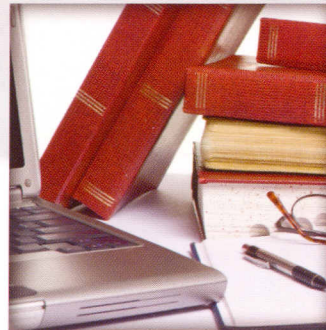
Immigration was once thought of as just a border state issue, but North Carolina has the ninth most illegal immigrants in the United States with 350,000. Mecklenburg County (Charlotte) is estimated to have 58,000 illegal immigrants, the largest population in North Carolina.



Public Safety



**Economic Development/
Workforce**



Education



Healthcare

Highlights of the report's findings and data gathered include:

Public Safety

- Immigration enforcement is a federal responsibility, yet a 1996 amendment to the Immigration and Naturalization Act, known as 287 (g), allows state and local law enforcement to train with Immigration and Customs Enforcement (ICE) and subsequently be authorized to identify, process, and detain immigration offenders during regular, daily law enforcement activity.
- The Mecklenburg County, NC Sheriff's Office is one of the first Sheriff Department's to participate in the 287 (g) program and is the only Sheriff's Office in the nation to check the immigration status of every arrestee brought to the jail. During the first seven months (May 2006 – November 2006) of immigration enforcement, the Mecklenburg County Sheriff has processed 1,986 arrestees not born in the United States, began deportation (removal) proceedings for 935; 68 of which had previously been deported and returned unlawfully, while 55 had outstanding warrants for failing to leave the country after being ordered to do so by the federal Immigration Court. All deportation policies and processes are dictated by federal law and coordinated by ICE.
- Charlotte is home to 1,800 known gang members. Five of the City's more than 100 known gangs specifically recruit foreign nationals or illegal immigrants of Latino heritage. These gangs recruit people from the countries of El Salvador, Guatemala and Honduras, and one gang consists of Mexican nationals exclusively. The Charlotte-Mecklenburg Police Department works with federal agencies and participates in GangNET to track gang members through a searchable database. Since 2003, GangNET and cooperation with regional and federal law enforcement has led to the deportation of more than 150 gang members from Charlotte.

Economic Development/Workforce

- Charlotte's population has grown by 20% during the past 10 years and has added more than 155,000 new jobs. In November 2006, the city's unemployment rate was 4.1% spurring a demand for workers in all job sectors.
- In 2005 the U.S. provided work visas and temporary visa status (known as non-immigrant visas, including tourist travelers) to 4.6 million temporary visitors for business, 883,000 temporary workers/trainees and families, and 455,350 intracompany transferees and families. North Carolina had the 20th highest number of non-immigrant admissions in 2005.
- In Fiscal Year 2006, ICE arrested 718 individuals on criminal charges in worksite investigations and apprehended another 3,667 illegal workers on immigration violations, more than a three-fold increase over 2005.
- In 2006, ICE announced the Mutual Agreement between Government and Employers (IMAGE) program to assist employers in targeted sectors to develop a more secure and stable workforce and to enhance fraudulent document awareness through education and training.
- The Kenan Study at UNC-Chapel Hill highlighted that Hispanics annually contribute about \$756 million in taxes (direct and indirect) while costing the state of North Carolina about \$817 million annually for K-12 education (\$467 million), health care (\$299 million), and corrections (\$51 million) for a net cost to the state of about \$61 million.
- The U.S. Chamber of Commerce has identified Immigration legislation as a priority in the 2006 -07 congress focusing on (1) border security and visa policies and procedures are reasonable and carried out efficiently, (2) comprehensive immigration reform takes into account the current and future need for essential workers, and (3) the United States continues to attract the best and the brightest from around the world.



Education

- The current policy of not determining citizenship status of students in Charlotte-Mecklenburg Schools, and all school districts across the country, stems from the 1982 Supreme Court ruling in the case Plyler v. Doe.
- Every year across the United States, roughly 65,000 illegal immigrant students under the age of 21, who have lived in this country for at least five years or longer, will graduate from high school. Of the 65,000, only 5 to 10 percent will go onto college, compared with 75% of their legal classmates.
- Nine states allow illegal immigrant students to obtain in-state tuition.
- During the 2005 – 06 Academic Year, 564,766 foreign students studied in the United States, comprising 3.9% of total enrollment in U.S. colleges and universities. The State of North Carolina ranked 18th with 9,507 foreign students in 05 – 06.
- Charlotte Mecklenburg Schools consists of students from 130 countries, speaking 94 native languages. In 2006, CMS enrolled 13,307 in the Limited English Proficiency program (9,000 are Spanish speaking), addressing those who have limited to no English speaking skills. The school system has identified that 19,307 students are from families where English is not the native language. CMS estimates that the cost per pupil to educate a student in CMS is \$8,198.

Healthcare

- The Federal Emergency Medical Treatment and Active Labor Act of 1986 mandates that hospitals must treat and stabilize anyone who seeks emergency care, regardless of income, insurance, or immigration status. In 1993, the utilization rate of hospitals and clinics by illegal immigrants (29%) was more than twice the rate of the overall US population (11%).
- 41 million Americans lack basic health insurance. One out of every four uninsured people in the U.S, approximately 10 million, are legal immigrants. North Carolina has 1.3 million residents with no health insurance.
- In 2001, public funds covered 85% of the \$34 - \$38 billion shortfall in unreimbursed expenses incurred by the uninsured. In 2005, the cost for the uninsured in North Carolina was \$1.4 billion.
- In 2005, the State's Medicaid Manager reported that North Carolina illegal immigrants cost the state \$52.8 million in Medicaid payments, up from \$25.8 million in 2000.
- In 2004, it is estimated that 300,000 babies of illegal immigrants were born in the United States.
- NC state law requires that each child present adequate immunization records by the 30th day of attendance or the student will be excluded from school.
- Carolinas Healthcare System has determined that it takes 17.6% longer to care for a Spanish speaking patient than it does to care for an English speaking patient.

Recommendations

The Study Commission worked by consensus to identify 26 recommendations for elected officials to enact. Consensus was not reached on four of the recommendations and the alternative opinions are noted in the full report. The four recommendations without consensus are noted with an asterisk (*).

Public Safety

Housing – Develop and clarify fire and safety codes of the local governments regarding the number of people allowed to reside in one dwelling, to address personal and fire safety concerns within the community.

- * **Crime Suspects Status Policy** – 1) Develop a policy that local law enforcement will determine the immigration status of all arrestees, with help from an ICE pilot program that shares their immigration fingerprint database with state and local agencies. 2) Support a dedicated state funding stream, and additional federal and local funding, for local law enforcement to participate in the 287 (g) program with ICE. Consensus was not reached by the Commission for this recommendation.

Immigration Court – Support the request for an Immigration Court in Charlotte presently being considered by the U.S. Department of Justice.

Increase Jail Space – 1) Increase jail space and immigration detention space in Mecklenburg County. 2) Provide additional transportation resources associated with the detention process for illegal immigrant prosecution and deportations.

Prosecution – Support the full prosecution of Illegal Immigrants who commit local and state crimes, without the possibility of deportation, so the criminals will serve time for their crime prior to any removal (deportation) proceedings.

- * **Driving While Intoxicated** – Support federal legislation proposal to make first-time Driving While Intoxicated (DWI) offense a deportable offense for illegal immigrants. Consensus was not reached by the Commission for this recommendation.

Recommendations

Public Safety (continued)

Gang Tracking – Require police departments to track gang members, particularly those who are foreign born, and the number of members who are deported for criminal activity. Support federal legislation to make gang membership a deportable offense.

Police Training on Immigration Issues – 1) Implement programs for Police Departments to train all police officers on the facets of immigration policies and enforcement, including working with DHS – ICE (Immigration and Customs Enforcement) to understand the deportation process and which crimes are deportable. 2) Incorporate a training and community awareness DVD on the Federal 287 (g) program to outline how immigration status can be determined for illegal immigrants who are arrested. 3) Utilize Training Academy/programs to ensure department personnel understand department policies related to immigration-issues.

Language Pay Incentive for Emergency Responders – Fund pay incentives for law enforcement, other emergency responders, and Department of Social Services Social Workers who are bilingual or complete classes in a pertinent foreign language.

Recommendations

Economic Development/Workforce

Secure Borders and Secure Labor Force – Revise current immigration laws and policies to address the country's need for secure borders and a secure labor force to continue economic growth. Adopt comprehensive legislation that 1) addresses and improves border security, 2) increases the number of professional temporary and permanent employment-based visas to assure that this country remains on the forefront of global competitiveness.

- A. *Increase funding for DHS Agencies and identify and implement new technologies to assure proper identification of individuals entering the US at the Port of Entry.* Through the use of biometrics, individuals who arrive in the U.S. are now being processed through US – Visit. This technology must be implemented at all air, sea and land ports of entry.
- B. *Increase the annual number of Legal (permanent and temporary) visas authorized and issued to better serve the needs of the changing American workforce and economy.* All temporary and permanent work-related visa caps, including H1B (temporary professional workers), H2A (temporary seasonal workers for Agriculture), H2B (temporary non-agricultural workers), and permanent employment-based immigrant visas be increased.
- C. *Hire more retired DHS (formerly INS) employees temporarily to help process the paperwork for the current backlog.* This will help expedite the approval or denial of visa requests and will eliminate the potential risk of many immigrants to become illegal.
- * D. *Create a program to enable immigrant workers who have contributed to the American economy through employment to earn a pathway to lawful status; Create a new Guest Worker Temporary Visa program.* America's demographics and the retirement of the baby boom predict job shortages in many workforce classifications. The current unemployment rate is around 4.2 percent and the Agriculture and Health-Care professions are already seeing labor shortages. Consensus was not reached by the Commission for this recommendation.

Employee Verification – Support development of an accurate employment eligibility verification program that encourages businesses to participate.

Language – Recognize that English is the primary language of business and the workplace and promote the need for workplace safety manuals to be available in multiple languages.

Recommendations

Education

H-1 Visa Category Quota – Increase the quota or allocation for H-1 (professional workers) categories.

Employment of Spouses of Visa Holders – Allow the spouses of H1 visa holders (known as H-4s) to work in the United States to meet the shortages in the workforce. This work visa should expire along with the spouse's H1 visa.

- * **In-State College Tuition** – Illegal immigrant children enrolled in North Carolina public schools, prior to age 16 and who qualify academically, should be allowed to establish residency in the state (through visa status or other) for tuition purposes. Consensus was not reached by the Commission for this recommendation.

Healthcare

Bilingual Professionals – Promote the importance of, and accept, diversity in order to attract bilingual professionals who can add to the workforce, particularly in healthcare.

Health Education and Disease Prevention – Strengthen the primary care initiatives of the local healthcare community, especially the Mecklenburg County Health Department, for both legal and illegal immigrants by adding more human resources and services.

Uninsured – Address, in a substantive manner, the issues of the lack of health insurance and lack of government support for the uninsured working poor, of which the immigrant population is a significant part.

Communicable Diseases – All immigration actions or policies should include provisions to guard against communicable diseases and provide access to preventive care services for the immigrant population.

Recommendations

General

Communication – Increase communication between local levels of government and federal representatives to highlight needs at the local level related to immigration policy changes. Encourage public at-large to communicate with their elected officials, particularly at the federal level, regarding immigration issues and concerns.

Public Contracts – Ensure all contracts and projects of the City, County and State that utilize taxpayer funds do not support the employment of illegal immigrants. All contracts and construction projects should include a provision that employers will take specific steps to ensure the legal status of the workforce. Such projects could include, but not be limited to, County contracted landscaping work, the City's NASCAR Hall of Fame, and the State's efforts to build new prisons. Through this effort, local governments should also encourage local businesses to require verification of legal status in contracts.

Department of Motor Vehicles Voter Registration – Study the impact of "Motor Voter" registration to determine if illegal immigrants are registering to vote, which is a violation of U.S. immigration law.

The Mayor's Immigration Study Commission

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- Carlos E. Sanchez, AT&T North Carolina and Charlotte Chamber of Commerce
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