

LR 362

**Judiciary Committee
Interim Study Report on
Immigration**

December 11, 2008

**By Senator Brad Ashford,
Judiciary Committee Chairman**

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**Interim Study Report on Immigration
Legislative Resolution 362
Judiciary Committee
Senator Brad Ashford, Chairman
December 2008**

Introduction:

The goal of this report is to circumvent the acrimony and emotional rhetoric that surrounds the issue of immigration and attempt to develop rational and responsible policy options that are consistent with the values of our state and federal law.

In 2008, two bills and one resolution related to immigration were introduced and heard before the Judiciary Committee.¹ At the well-attended hearings, testimony reflected little consensus and was characterized by descriptive rather than factual content. The Committee voted to indefinitely postpone all three proposals. Senator Ashford introduced Legislative Resolution 362 authorizing an interim study to be conducted by the Judiciary Committee.² The resolution was an effort to balance the public desire for legislative action, as expressed at the 2008 hearing, and the need to gather more information on the complex legal issues surrounding immigration policy. Legislative Resolution 362 calls for the Judiciary Committee to conduct a comprehensive interim study of immigration at the federal, state and local level. The resolution directs the Committee to investigate the growing immigrant population in Nebraska and how communities are dealing with the impact of increased diversity and increased population. The resolution also calls for a study of other state action in this area and the impact of recently enacted immigration policies across the country.

To comply with the directives in LR 362, the Committee researched federal, state and local laws; researched proposed legislation and case law; tracked news articles about immigration issues; gathered studies conducted by national immigration organizations and government agencies in other states; and conducted a series of facilitated discussions on immigration with community leaders across the state. This report, including a series of policy options, is the product of the Committee's research. The Committee is grateful to the following: Senators Aguilar, Hansen, Harms, Langemeier, and Wightman for hosting and participating in the discussion portion of the study; to Senator Dubas and 86 community leaders across Nebraska for being informative and sincere participants in the discussions; to the mediators from the Office of Dispute Resolution Mediation Centers who facilitated the discussions, including: Suzanne Carney, Carol Dart, Lynne Favinger, Paty Reyes, and Heidi Schuetze from Central Mediation Center, Jane Martin-Hoffman and Catherine Saeger from Nebraska Justice Center, and Rae Ann Schmitz and Susan Martinez from the Center for Conflict Resolution; and finally to Senator Schimek for her

¹ See Appendix A. LB 963 was introduced by Senator Friend to require verification of lawful presence in the United States to receive public benefits; LB 1170 was introduced by Senator White to create a cause of action against employers of illegal immigrants; LR 224 was introduced by Senator Fulton to encourage law enforcement agencies in Nebraska to enter into a Memoranda of Agreement with the Secretary of Homeland Security to perform immigration law enforcement functions.

² See Appendix B.

contributions to the study and her dedication to immigration issues. Special thanks to Stacey Trout Legal Counsel to the Judiciary Committee for her tireless efforts in completing this report.

Research:

The Committee's initial research on immigration was synthesized in a brief entitled Review of State and Local Approaches to Immigration Policy in preparation for meetings with community leaders across the state.³ The brief is an overview of current immigration policy and a starting point for discussion purposes. The brief contains discussion of federal statutes and case law to frame U.S. immigration policy as it relates to the recent increase in state and local government action in this area. The brief provides an analysis of the doctrine of federal preemption specific to immigration in six areas of the law including: employment, education, public benefits, law enforcement, human trafficking, and licensure. The brief also lists the laws and ordinances that have been enacted across the country and provides some discussion of the impact of enacted policy as available. Finally, the brief identifies the significant limitations on state and local governments in creating immigration policy: federal law preempts most action in this area.

Additional research and policy analyses by various groups on the subject of immigration in Nebraska have been published recently and are pertinent to LR 362. The following publications have contributed to the Committee's understanding of immigration and have thus been appended to this report:

- The University of Nebraska-Lincoln College of Journalism and Mass Communications published the Strategic Discussions for Nebraska magazine, "Immigration in Nebraska" by Mary Garbacz in July 2008.⁴ This qualitative study is part of a grant-funded research project on topics of national interest and how they affect Nebraska. The study includes essays on the history of immigration in Nebraska; the role of the media in Nebraska's increasingly diverse communities; the distinction between immigrants and refugees and misperceptions about both; and the concerns of a Nebraska employer on the effects of an enforcement only immigration policy. The study also includes profiles of four cities including Scottsbluff, South Sioux City, Crete and Omaha where researchers hosted conversations, and conducted interviews to determine the impact of immigration on the communities.
- The Office of Latino/Latin American Studies (OLLAS) at the University of Omaha sponsored a study and report entitled "Nebraska's Immigrant Population: Economic and Fiscal Impacts" written by Christopher Decker and published in October 2008.⁵ This quantitative study assessed the impact of immigrants on the Nebraska economy. Using data from 2006, the report finds the following: immigrants added \$1.6 billion in spending to the state's economy and created about 12,000 jobs statewide; immigrants paid nearly \$154 million in Nebraska

³ See Appendix C.

⁴ See Appendix D.

⁵ See Appendix E.

- property, income, sales and gasoline taxes; immigrants cost the state nearly \$145 million for food stamps, public assistance, healthcare and educational expenditures; immigrants account for 5.6 percent of the state's population, an increase of 33 percent since 2000; immigrants account for only 2.28 percent of the public costs to the state; and the loss of the foreign-born work force could cost the state \$13.5 billion and thousands of jobs.
- To accompany the economic impact report, OLLAS published a policy brief entitled “In the Balance: Immigrant Economic Contributions and the Advancement of Human Rights in Nebraska” written by Jonathan Benjamin-Alvarado and Lourdes Gouveia.⁶ The authors used the findings of the report to develop the following policy recommendations: coalitions should be formed to demand the federal government enact immigration reform including a path to citizenship; the impact of immigration and changing demographics should be tracked and documented in order to support and measure the effectiveness of integration efforts; programs in workforce development and English-language learning for low-income workers should be developed and supported; access to health insurance for low-income workers and small businesses should be increased; chambers of commerce and local officials should develop programs to support immigrant owners of small businesses; programs should be designed to increase the vocational skills and access to college for second generation immigrant children; and efforts should be made to integrate all Nebraskans into our democratic society.
 - The “[Fremont] Mayor’s Task Force on Immigration: Final Recommendations” informational packet was distributed in November 2008.⁷ Fremont Mayor Skip Edwards formed the group following the failure of an initiative to mandate the use of E-verify by all employers in Fremont and prohibit property owners from renting to undocumented immigrants. The informational packet contains several educational articles produced by the members of the task force, many of which were published in the Fremont Tribune. The Task Force’s recommendations are aimed at addressing the immigration challenges specific to Fremont, but have broader application to the challenges facing the entire State of Nebraska. They include: educating employers for immigration law compliance including pre-hire considerations, proper completion of Form I-9 (supporting reference materials from U.S. Citizenship and Immigration services are included in the informational packet), and procedure when the employer has actual or constructive knowledge of a person’s undocumented status; mandate the use of E-Verify by all employers; provide training on ID checking; implement fines and/or loss of business license for knowingly hiring undocumented workers; adopt a policy statement that encourages and supports legal immigration; put pressure on Governor and Attorney General to co-sponsor a state wide summit in Fremont to improve communication between ICE and local law enforcement; provide literature about social services and educational opportunities available to citizens and documented residents; encourage schools to educate students about cultural awareness and

⁶ See Appendix F.

⁷ See Appendix G.

immigration issues; and put pressure on state and federal officials to improve enforcement of current immigration law.

Tour:

To determine the impact of immigration on communities around the state, the Committee traveled around Nebraska to meet with community leaders in Grand Island on September 26, 2008, Lexington on September 26, 2008, Scottsbluff on October 8, 2008, and North Platte on October 9, 2008 and Schuyler on October 15, 2008. The district senators in each city assisted the Committee in scheduling the meetings and inviting the participants. The Committee asked the host senator in each city to identify leaders from a variety of business interests, educational institutions, law enforcement agencies, organized labor and faith-based/non-profit social service organizations. The community leaders were invited to participate in facilitated discussions. The facilitators were all affiliated with one of the six Office of Dispute Resolution approved mediation centers across the state and they were all trained to do large group facilitations. The committee compiled a list of thirteen questions to be addressed during the two-hour sessions.⁸ The questions, given to the facilitators in advance and presented to the participants at the sessions were designed to promote spontaneous responses and exchanges about the perceived impact of immigration on communities around the state.

The use of the facilitated discussion format, a departure from the traditional hearing format, was unprecedented as a legislative information gathering technique in Nebraska. The format is more conducive than the traditional hearing format to bringing people from all sides of an issue together to have an open discussion, to break down stereotypes and avoid positional thinking. The intent of the meetings was to determine what people across the state are thinking about immigration, and also to identify themes and ideas to take back to the Legislature. The format also was intended to help identify, not just the answers to the questions posed, but equally importantly, the underlying attitudes, beliefs and values that inform those answers. The Committee wanted to hear from community leaders who deal with immigration issues on a daily basis how Nebraska communities are coping with immigration.

The meetings were recorded in order to preserve the information for accurate analysis and representation to the members of the Legislature and the public in this report. In order to use and represent the information in a meaningful way, the discussion transcripts have been broken down into categories including: Framing the Immigration Debate, Demographics, Federal Preemption, Education Impact, Health and Social Services Impact, Law Enforcement Impact, Employment Impact, and Integration. The information gathered was analyzed for themes and quotes from community leaders are reproduced in the findings section of the report. Transcripts of the meetings are available upon request.

⁸ See Appendix H.

Findings:

The following findings are based on research conducted by the Judiciary Committee and information acquired during the Committee's discussions with community leaders across the state. The findings are divided up into the following categories: Framing the Immigration Debate, Demographics, Federal Preemption, Education Impact, Healthcare and Social Services Impact, Law Enforcement Impact, Employment Impact, and Integration.

Framing the Immigration Debate

- The Judiciary Committee has heard from all perspectives on this issue and is aware of a wide range of differing views on how to approach immigration policy.
- The federal government has failed to enforce immigration laws and Congress has failed to recognize the impact of undocumented immigrants on states like Nebraska with a relatively high number of immigrants.
- States and local governments are under pressure to address the issue of undocumented immigration.
- States and local governments have responded by proposing and enacting laws and ordinances to address a variety of issues.⁹
- The National Conference of State Legislatures recently reported that 1,267 immigration-related bills have been introduced so far this year.¹⁰
- In Fremont, Nebraska a proposal to ban harboring and renting to undocumented immigrants caused great controversy and divided the community during the summer of 2008.
- Fremont Mayor Skip Edwards broke the 4-4 vote by the Fremont City Council and killed the proposed ordinance.
- The Immigration Task Force was established August 7th, 2008 by Mayor Edwards and Co-Chair Bill Ekeler to follow-up on the on the proposed ordinance and to explore Fremont's immigration issues by gathering and presenting factual information
- **“I really think the biggest issue surrounding immigration has a lot less to do with the facts that a lot of us know, and more the mis-information and misunderstanding that a lot of people have. They think that every immigrant family, documented or undocumented, is costing us big dollars, and they don't have a lot of the facts.” (Lexington transcript p.23)**
- **“There is a perception that every Spanish-speaking person is illegal. There is a perception that every Spanish-speaking person that is illegal is also responsible for all the crime, drunk driving, increased taxes, for every single social woe that might be going on is a result of these illegal immigrants.” (Grand Island transcript p.9)**

⁹ Hegen, Dirk. “State Laws Related to Immigrants and Immigration, Jan. 1-June 30, 2008.” *NCSL Immigrant Policy Project*, July 24, 2008.

¹⁰ Hegen, Dirk. “State Laws Related to Immigrants and Immigration, Jan. 1-June 30, 2008.” *NCSL Immigrant Policy Project*, July 24, 2008.

- **“But the perception, as they walk through the door and speak that other language, is in a lot of people’s mind it immediately clicks—illegal.” (Lexington transcript p.3)**

Demographics

- The biggest challenge in developing immigration policy is the lack of useful data distinguishing between documented and undocumented immigrants.
- According to 2000 U.S. Census Bureau data, there were approximately 74,683 immigrants living in Nebraska.
- The immigrant population in Nebraska increased by 33.3 percent to 99,500 in 2006.
- In 2005, there were an estimated 35,000-55,000 undocumented immigrants living in Nebraska.¹¹
- Many came to Nebraska in the past twenty-two years after President Reagan supported and signed the Immigration Reform and Control Act (IRCA) of 1986 that provided amnesty to undocumented immigrants who entered the United States prior to January 1, 1982 and resided here continuously.
- They represent an underclass that has developed in this state: workers and their families have entered the country without documentation or have overstayed their visas to fill jobs without the possibility of advancement or benefits.
- At the same time, the growth of the immigrant population as a whole has resulted in an increase in economic activity in many Nebraska cities. There have been many studies on all sides of the economic benefit issue. Without better data on undocumented immigrants, it is difficult, if not impossible, to determine the costs or benefits associated with this population within Nebraska.

Federal Preemption

- Federal immigration law preempts most state and local action in this area.¹²
- The doctrine of federal preemption is based on the principle that the U.S. Constitution and U.S. laws are the “supreme law of the land,” pursuant to the Supremacy Clause, Art. VI, cl. 2 of the U. S. Constitution.
- The United States Constitution specifically vests with Congress the power to regulate matters relating to immigration under U.S. Const. art. 1, § 9, cl. 1.
- Several state and local enactments have been challenged in court based on the doctrine of federal preemption.¹³
- When considering proposed legislation related to immigration, it is critical for state and local lawmakers to understand the preemption framework and realize that most action in this area will be vulnerable to a challenge on preemption grounds.¹⁴

¹¹ "Estimates of the Unauthorized Migrant Population for States based on the March 2005 CPS", Pew Hispanic Center, April 26, 2006.

¹² See Appendix C p. 1.

¹³ See Appendix C p. 1.

¹⁴ See Appendix C p. 21.

- Alabama, Idaho and Utah have passed resolutions recognizing that immigration is a federal issue and urging the President and Congress to act to resolve the immigration crisis.¹⁵

Education Impact

- The U.S. Supreme Court has ruled that public schools must provide education to all children from K-12 regardless of their immigration status.¹⁶
- Education is the single largest expenditure in state budgets and state and local governments bear the primary fiscal and administrative responsibility of providing K-12 education.¹⁷
- The growing immigrant population in Nebraska has put a strain on school districts' budgets for maintaining and building facilities.
 - **“Trying to deal with 250 new students every year of which this group [non-English speaking students] is a part which in our case equates to a new elementary building every year.” (Grand Island transcript p.3)**
 - **“We don’t have enough room for the kids.” (Lexington transcript p.1)**
 - Between 2000 and 2008, Grand Island Public Schools absorbed 1600 new students (Grand Island transcript p.2)
- Substantial immigrant student populations.
 - In Schuyler, the kindergarten class includes 157 Hispanic students and 44 Caucasian students¹⁸, with approximately 500 ELL students among the total district population of 1700. (Schuyler transcript p.1)
 - Lexington school system is 70% Hispanic and 8% Somalian students (Lexington transcript p.4)
 - **“About 76% of my [elementary school] building is Hispanic.” (Scottsbluff transcript p.2)**
- Language Barriers
 - **“Because of the language barriers, that puts a lot of stress on the admin, the teachers, etc...” (Lexington transcript p.1)**
 - **“[We] have more kids to deal with and more need special language educational support...We have had to increase our staffing to support classroom work with ELA” (Grand Island transcript p.2)**
 - **“[We] see definite shortage of counseling services in various languages, just with poverty, health, attendance, mental illness, parenting classes, real direct affects of how these issues affect students and their learning day to day” (Grand Island transcript p.2)**
 - **“Just this past year or two is that we’re in need of, for children that we’re registering, we’re seeing more parents that are in need of language services to be able to communicate within our school system.” (Scottsbluff transcript p.2)**

¹⁵ Hegen, Dirk. “State Laws Related to Immigrants and Immigration, Jan. 1-June 30, 2008.” *NCSL Immigrant Policy Project*, July 24, 2008.

¹⁶ *Plyler v. Doe*, 475 U.S. 202 (1982).

¹⁷ Merrell, Melissa. “The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments.” Congressional Budget Office, December 2007.

¹⁸ Based on information obtained directly from the Schuyler Superintendent.

- English Language Learning
 - The growing immigrant population in Nebraska has put a strain on school districts' budgets for providing adequate English Language Learning (ELL) services.
 - In Schuyler, the non-English speaking grade school student population grew from 15 to 60 in less than a year in 1996 with total enrollment increasing by 400 in the past nine years. (Schuyler transcript p.1)
 - **“Just finding those ESL certified teachers is difficult.” (Grand Island transcript p.3)**
 - Some Nebraska school districts are resorting to recruiting teachers from foreign countries.
 - **“[We are] trying to get partnerships right now with the countries of Columbia and Mexico; that’s very difficult to do because of visas and work permits and things like that.” (Grand Island transcript p.3)**
 - The Legislature has shifted state aid to these districts and the current formula will continue to do so to offset the cost of ELL services.
- Post-Secondary Education
 - After 12th grade, options are limited for undocumented students.
 - In 2006, the Nebraska Legislature passed a version of the federal DREAM Act making students eligible for in-state tuition rates if: they resided with their parents while attending a Nebraska high school; graduated from a Nebraska high school; lived in Nebraska for three years prior to high school graduation; registered at a state postsecondary institution no earlier than the 2006 fall semester; and signed an affidavit stating the student would file an application to become a permanent resident as soon as he or she was eligible.
 - State DREAM acts similar to the one enacted in Nebraska have been challenged in court on federal preemption grounds, but none has been struck down.¹⁹
 - Though the Nebraska DREAM Act provides resident tuition for the university system for undocumented students under certain conditions, it is largely symbolic.
 - To date, only 32 students have applied for the benefit and financial obstacles exist for families without the opportunity to access scholarships and grants.²⁰
 - **“The problem still lies in the in-state tuition. Even for a regular student trying to go to school, they still need financial aid.” (Scottsbluff transcript p.2)**
 - Further, there is no change in federal law that would allow students to apply for citizenship. Accordingly, students will be limited in finding employment upon graduation.

¹⁹ See Appendix C p. 10.

²⁰ Gonzalez, Cindy “In-state tuition for illegal immigrants still hot-button topic,” Omaha World Herald (June 8, 2008).

- The Nebraska DREAM Act was passed at a time when there was a reasonable expectation that federal law would change allowing a pathway to citizenship for students.
 - **“We all thought that was going to happen several times and it just didn’t.” (Lexington transcript p.30)**
- Many community leaders advocate maintaining the DREAM Act though they acknowledge that it has limited impact.
 - **“The need of professionals in healthcare and legal care, and everywhere else we need professionals that are educated. These are our students. We’ve already educated them to a certain level. Let’s allow them to [become] that professional that all of us need.” (Lexington transcript p.30)**
- Young Hispanics feel the discrimination and opportunities for meaningful jobs are limited.
 - **“I think we have many students who constantly live in fear of what’s going to happen to my parents, to me, what is my future.” (Lexington transcript p.1)**
 - **“To me, Nebraska is limiting the people they have here by not investing in those kids that obviously to me aren’t going to go anywhere.” (Scottsbluff transcript p.2)**
- There is much frustration in the communities we visited that young Hispanics are leaving Nebraska, whether documented or undocumented.
 - **“One of [girls going to college because of Nebraska’s in-state tuition law] wanted to be a school teacher, did her student teaching in Texas, they wanted to hire her before she came back, and she can’t work. She came back here, had many job offers and can’t work.” (Lexington transcript p.30)**
 - **“They’re just staying in school now, keeping on studying hoping something changes for them.” (Lexington transcript p.31)**

Healthcare and Social Services

- Financial strain caused by undocumented immigrant patients and recipients
 - There is a high prevalence of uncompensated care given to undocumented immigrants in light of federal law that requires emergency care be provided to all regardless of immigration status.
 - **“It’s a federal regulation in section 10-11 that the hospital can get reimbursed for illegals, but [the government] has constructed a form that’s unusable because it essentially is wanting the patient to admit that they’re illegal, which they’re very reluctant to do, or a couple other obscure qualifications, so we’ve never been able to find that reimbursement.” (Lexington transcript p.6)**
 - **“Close to \$1.5 million of uncompensated care provided to people we know are undocumented” (Grand Island transcript p.1)**
- Interpreters and bilingual professionals

- Healthcare providers struggle to meet demand for more and increasingly diverse interpreters and bilingual professionals.
- “[We] can’t charge for translation services realistically, but we need to provide that to the population, so there’s a cost. It’s a quality of care issue as well.” (Grand Island transcript p.4)
- “Without appropriate translation, bad things can happen.” (Grand Island transcript p.4)
- “[We] need to have employees whether professionals or interpreters who can both in terms of language and culture serve growing population of immigrants.” (Grand Island transcript p.1)
- “And just because you’re bilingual doesn’t mean you can interpret in a medical field or a legal field...There’s no certification for medical interpretation, so that’s a huge barrier.” (Scottsbluff transcript p.10)
- “We recognize we have a real need to demonstrate cultural competence within the department and our staff.” (Grand Island transcript p.3)
- “A lot of people we’ve hired tend to go back and forth between native country and Nebraska, difficult to keep staff employed more than a year or so.” (Grand Island transcript p.1)
- Providers are reluctant to use children of patients for translation because they lack the maturity and knowledge to interpret adequately in medical settings.
 - “We make a good faith effort to do the best we can, and if our best effort is to use the six-year-old, then that’s what we do.” (Lexington transcript p.6);
 - “I really feel we need to address in our state the use of children for interpreting in medical and legal settings. I think that’s a tremendous abuse of that child to put them in that setting...they’re embarrassed to say the things they are being asked to say, so they make something up. They just say something else. The emotional trauma of putting a child in that place is just too much.” (Lexington transcript p.6)
- Available benefits
 - The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 restricts the access of undocumented immigrants and immigrants that have been in the U.S. for less than five years, to federal public benefits such as Medicaid, Supplemental Security Income (SSI), Social Security, Medicare, Food Stamps and Temporary Assistance for Needy Families (TANF).
 - The Systematic Alien Verification for Entitlements Program (SAVE) is a database maintained by the U.S. Citizenship and Immigration Services (USCIS) and used by government agencies to determine a person’s eligibility to receive state or federal benefits.
 - It is not bad policy in and of itself for agencies to verify an applicants’ eligibility for a benefits. However, we found little

evidence of people applying for benefits for which they are ineligible.

- Apparently, undocumented immigrants and documented immigrants who have been in the U.S. for less than five years are entitled to the benefits they seek or they are getting assistance from non-governmental sources.
- Some federal and state benefits are exempt from the federal eligibility restrictions including emergency medical benefits, short-term non-cash emergency disaster relief, public health assistance for prevention and treatment of communicable diseases and in-kind assistance, such as soup kitchens and short-term shelter provided by public and private entities and necessary for the protection of life or safety.
- **“In order to apply for benefits through HHS, you’d have to be able to prove documentation and legal status. We are very very careful, have very strict guidelines we have to follow as far as determining eligibility for people to make application.” (Grand Island transcript p.23)**
- **“So if our hands get tied [by federal restriction] and we can’t help at the entry level, then we end up with a much larger problem [when they need emergency care and we are able to help them]. So we much prefer to be able to help out early. (North Platte p.18)**
- Identification
 - **“Some of our Hispanic patients think that they [can] trade or use the same social security number and pretty soon we have three or four different names, all in the same file, and mixed up with three or four different people, so that creates a quality care issue.” (Lexington transcript p.24)**
 - **“There’s no way for a provider to have consistent care with that patient when they’re three different people, and to follow those records and those providers, it’s just non-existent. Not to mention the billing issues and the fraudulent claims of insurance, Medicaid, very concerning.” (Schuyler transcript p.22)**

Law Enforcement Impact

- Duty to Protect and Serve Community
 - Building and preserving a positive relationship with the immigrant population in their communities is important to law enforcement officers.
 - Law enforcement officers are reluctant, when asked by ICE to participate in raids, to be seen as enforcers of federal immigration law because they do not want to damage the relationship with the immigrant community that allows for a flow of information from victims and witnesses of criminal activity.
 - Officials are very protective of this cooperative relationship.
 - Hispanic citizens complained that racial profiling exists and continues to have negative and long lasting impact on the immigrant community.

- Non-English speaking victims of crimes, especially female victims of domestic violence, are vulnerable when they cannot report in their native language.
 - **“The commonest thing we respond to is domestic violence. We’re learning more and more that families who don’t speak English that have been here for many years are realizing that the services out there available to them, and are starting to report more activity like that, which in a sense is a concerning figure because these families have been living with that kind of lifestyle for far too many years, and now they’re coming forward. And we’ve seen that not only in domestic violence, but in other crimes where they become the victims.” (Scottsbluff transcript p.5)**
 - **“[Her] husband abused her and because she didn’t speak the language, she wasn’t able to tell the police officer what happened, so it ended up, the husband could say whatever he wanted to say, and she ended up in jail. So now, her preliminary hearing was, it didn’t happen on time because they didn’t have an interpreter.” (Scottsbluff transcript p.10)**
- Federal Enforcement
 - The U.S. Immigration and Customs Enforcement (ICE) 287(g) Program allows state and local law enforcement entities to enter a Memorandum of Agreement (MOA) with ICE to get trained and delegated with authority to enforce federal immigration law.
 - Across the country approximately 67 states and cities have executed MOAs with ICE and over 950 officers have been trained and certified.²¹ No city in Nebraska has done so.
 - Generally, law enforcement officials on the tour did not support this approach.
 - They expressed concerns that the policy would further undermine relations with immigrant groups and Hispanics generally making it more difficult to enforce the law and protect the safety of their communities.
 - The cost of training with ICE is viewed as a strain on already scarce resources.
 - Despite the increase in immigrant population in many communities, there has not been an increase in officers nor does the federal government provide additional resources for the training.
 - ICE raids are clearly very disruptive in the communities where they have occurred.
 - **“After the ICE raid I went out to the contractor and asked how many didn’t show up for work the next day because as the educators can relate to, there were people even documented who went underground for days afterwards with fear they**

²¹ U.S. Immigration and Customs Enforcement Fact Sheet, “The ICE 287(g) Program: A Law Enforcement Partnership, November 19, 2008.

might get caught up in the general sweeping of the community.” (Grand Island transcript p. 8)

- Enforcement by federal officials is inconsistent.
 - **“We do report when we come in contact with an illegal alien to federal government, the INS...I have been in law enforcement over 30 years; I don’t even want to count. It depends on where the fed government is at whether they are going to deport them or put a hold on them. Its like a porpoise, it goes up and down.” (North Platte transcript p.3)**

Employment Impact

- Federal law
 - Current federal law prohibits an employer from knowingly hiring, recruiting, or referring undocumented immigrants for work in the United States, whether the individual is in the country illegally or because their immigration and residency status does not allow employment under the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a(a).
 - Employers that violate IRCA are subject to civil fines and criminal prosecution.
 - The presence of an estimated 12 million undocumented immigrants living in the U.S. indicates that a substantial number of employers are in violation of IRCA.
- Getting Documented
 - Some wonder why the 12 million undocumented immigrants will not apply for citizenship or obtain work visas.
 - **“If you’re illegal, I wouldn’t care if you’ve been here 2 days or 20 years, you’re illegal. You should go and start the process like the legal ones have done.” (Grand Island transcript p.23)**
 - Under current law, there is essentially no way for unskilled workers without family ties to the U.S. to apply for legal status.
 - For example, an unskilled worker from Mexico with no family ties to the U.S. could apply for an H2B visa for temporary unskilled laborers, but they are almost impossible to get because a business must sponsor each applicant and large corporations often account for all of them on the first day of the year.
 - Undocumented workers that are already here in the U.S must return to their country of origin to apply for legal status.
 - Even with family ties and skills, it can take between 6 and 28 years to immigrate and become a U.S. citizen.
 - Federal law limits the number of immigrant visas that are available every year.
- Broken Immigration System
 - Thousands of undocumented workers are employed in our state.

- Undocumented immigrants are not eligible for employment in the state without a change in federal law and many think they should be forced to leave the country.
- The proliferation of undocumented workers negatively impacts documented immigrant workers and foreign-born citizens who are victims of the discrimination that follows from the perception that they are undocumented workers.
 - **"The immigration growth has depressed the wages Americans receive for their work." (Grand Island transcript p.10)**
- However, undocumented workers provide benefits to their employers and to the state's economy.²²
- If all undocumented workers across the country are deported or leave the U.S. due to strict employer enforcement policies, it is estimated that agriculture would lose nearly a quarter of its workers, building maintenance would lose 17 percent and the construction industry would lose almost 15 percent²³
- **"[States enacting laws to get undocumented workers to leave] would have a significant business impact if that happens because they may drive employers out of the state." (Lexington transcript p.15)**
- E-Verify
 - Major employers in Nebraska use a system known as E-Verify and other techniques to insure that the people they hire are eligible for employment.
 - Tyson in Lexington, JBS Swift & Company in Grand Island and Cargill in Schuyler employ unskilled immigrant workers and use E-Verify.
 - **"[We] don't look at the e-verify and that's our only savior, we are also well-trained to recognize the documents in addition to connecting the dots to make sure that these folks are who they say they are." (Lexington transcript p.16)**
 - E-Verify is an Internet-based system used by employers to electronically verify the employment eligibility of new hires.
 - It is a free and voluntary service operated by Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA).
 - Under current law, all that is required is for the employer and the employee to fill out an I-9 form and keep it on file.
 - E-Verify is utilized after an individual accepts an offer of employment and after the employee and employer complete the I-9 form.
 - The information supplied by the new hire on the I-9 form, including the name, Social Security Number, date of birth, citizenship status, and any other non-citizen information available is then entered into the system by

²² See Appendix F.

²³ An Essential Resource: An Analysis of the Economic Impact of undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry, The Perryman Group (April 2008) (Analysis is based on statistics from the Pew Hispanic Center and the U.S. Census).

the employer and compared against 444 million records in the SSA database and 60 million records in the DHS immigration databases.

- This must occur no later than three business days after the employee's start date. Results are returned within seconds and can include a confirmation of work eligibility, an information mismatch indication or a tentative non-confirmation.
 - In the case of an information mismatch, the employer must give the employee eight work days to contest and correct the mismatch.
 - In the case of a tentative non-confirmation, the employee may visit an SSA field office to update their record or if the employee is a naturalized citizen, the employee may call USCIS directly to resolve the issue.
 - There are legitimate concerns about the accuracy and the effectiveness of the E-Verify system.²⁴
 - Eleven states have passed laws mandating the use of the E-Verify system, including: Arizona, Colorado, Georgia, Minnesota, Mississippi, Missouri, Oklahoma, North Carolina, Rhode Island (Governor's Executive Order), South Carolina, and Utah.
 - The Fremont Mayor's Task Force on Immigration has proposed policies that require the use of E-Verify.
 - If the Legislature adopted a mandated E-Verify system there would likely be a dislocation of workers out of the state.
 - **“More of my concern is that when you target illegal immigration, you're also targeting legal immigration and whether you want to admit it or not, legal people may leave because they're tired of always being targeted.” (Lexington transcript p.16)**
 - This would result in a decrease in population and probably have a negative economic impact on communities across the state.
 - Though there is a significant difference of opinion on the utility of E-Verify, it is generally admitted that it is at the point of employment where the state has the greatest interest in and effect on the enforcement of federal immigration law.
 - **“I don't think it's unreasonable to require that an employer check documentation status if there's an accurate good way to do it.” (North Platte transcript p.24)**
- Status Quo
 - The alternative is the status quo which maintains the discrimination existing in our communities and condones the existence of an underclass of workers who have no chance to advance economically in our society.
 - **“We had an ethical concern about the exploitation of the workers who were undocumented. We were really adamant with the contractors that we not have undocumented work force.” (Grand Island transcript p.8)**
 - **“JBS Swift's efforts to voluntarily use e-verify program, I think goes a long way [to informing public about difference between documented**

²⁴ See Appendix C p. 3.

and undocumented immigrants]. As the largest employer of immigrant population, that goes a long way to say, yes there are efforts [being made].” (Grand Island transcript p.21)

- No government should support a policy that promotes illegality.
- There is no question that Hispanic immigrants have had a significant economic impact on communities in Nebraska.
- The work force at Tyson in Lexington is about 70% Hispanic.
- Should the Legislature mandate E-Verify, pressure will be on the state to have a plan for the future of the economy; to train a work force able to fill jobs that will become vacant as undocumented workers leave the state.
- This undoubtedly will be a massive challenge as many thousands of jobs will be impacted.
- Undocumented immigrants are integrating into the communities where they live.
- They are having children who have the right to live and work in America.
- The impact on families will result in a social cost and demand for services that do not exist if the family unit is intact.
- It is critical that the state plan for the negative impact of losing undocumented workers and in some cases their documented family members.
- It is essential that the Governor and Legislature develop an economic impact plan that will cost out the impact of losing thousands of people now living in our state.
- Rural Nebraska has significant challenges already and a reduction of workers and families will not make it any easier.

Integration

- Significant efforts are being made across the state to integrate the immigrant population with the general population.
 - In Grand Island, the Multicultural Coalition effectively brings together representatives from city government, business, health care, law enforcement, religious organizations and education to reach out to and unite the immigrant population in the city.
 - **“I wanted to add neighborhood associations where our Multicultural Coalition is, in a redevelopment area and the church has kind of adopted that area and ensuring that the community stays safe and is invested in that area.” (Grand Island transcript p.14)**
 - The Coalition’s Multicultural Competency Conference is an opportunity for people across the state to be educated about the cultural differences that affect their interaction with diverse members of their communities.
 - The Welcome Center in Lexington offers immigration assistance and support for newcomers.
 - Positive cultural exchanges are occurring within religious congregations in every community we visited.
 - **“I would say when they’re in a religious community...I think they feel like they’re welcomed in their church with their pastors.” (Lexington transcript p.18)**

- Breaking Language Barriers
 - The large employers of immigrants that we met with on the tour offer support services to their employees such as ESL classes and assistance with settling into the community.
 - **“We do have the adult basic education of being a part of JBS Swift we have on on-site learning center.” (Grand Island transcript p.7)**
 - **“[There is a] dual language program here that creates an opportunity for our Spanish-speakers to learn English and vice versa, so we are truly creating educated bilingual graduates.” (Lexington transcript p.1)**
 - **“Central Community College provides GED classes and English classes I think also, and then the school system, we provide a Spanish GED class” (Lexington transcript p.8)**
 - **“I can recognize the difficulty an individual crossing the border would have in learning English in 2-3 months [which] is what these people are demanding; it would be great if we took seriously how can we solve the language problem by offering a means for these people to learn English” (Grand Island transcript p.5)**
 - **“Companies have identified a need and a desire to serve a population that isn’t English speaking, so they’ve hired the staff to do that.” (Grand Island transcript p.6)**
 - **“We also have within the immigrant community people who are highly educated. We have lawyers, teachers, doctors, and we have other professionals in our community here that have high education levels that because of the language barriers, are unable to work in their profession and provide that set of services to the community.” (Grand Island transcript p.9)**
- Beyond Language Barriers
 - **“What keeps us separated is, when you know the language you have to learn to navigate the American system. It’s very very complicated for us to learn how to navigate this system. It’s very very difficult to move here and learn the language in three months and learn how to navigate the American system and learn the culture” (Grand Island transcript p.19)**
 - **“We need more people, we need more immigrants serving on boards and committees, on the board of education, on the city council, we need more immigrants here in this room” (Grand Island transcript p.20)**

Policy Options:

Nebraska, like other states, is at a crossroads on the issue of immigration. The Committee has heard from all perspectives on this issue and is aware of significant differences of opinion on where to go from here. Doing nothing is an option. The status quo maintains the pool of low-wage workers and the economic activity that has clearly

enhanced main streets in some Nebraska cities. However, ignoring the presence of thousands of undocumented immigrants only increases discrimination against documented immigrants and continues a policy of maintaining an underclass of employees who have no opportunity for moving up in our society.

Most of us are descended from immigrants from somewhere. However, our ancestors had opportunities to advance themselves with hard work and that possibility does not exist under current federal law for undocumented immigrants. Below are listed a few policy options that Nebraska may consider. The list is not intended to be exclusive and it assumes that federal immigration law will not change.

1. The Legislature could continue to adjust the state aid to schools to insure that school districts have enough resources to provide adequate ELL services, especially in rural areas. In addition, the Legislature could prioritize funding for adult ELL opportunities, especially in rural areas.
2. The Legislature could leave the Nebraska in-state tuition law in place recognizing that it has little impact on students and their families, but would be in place to provide resident tuition eligibility to undocumented students should the federal law change to allow for a pathway to citizenship for such students. The law could also be amended to sunset in a few years recognizing the possibility that the federal law will change. Finally, the law could be repealed as no access to a pathway to citizenship exists for the students who utilize the law.
3. The Legislature could develop or support the development of an economic plan with regard to the role of immigrants in our state's economy. The plan could focus on workforce initiatives to promote employment for first generation citizens. The plan could recognize that communities in Nebraska benefit greatly from immigrant families and everything possible should be done to encourage them to stay. The plan could rely heavily on the involvement of the Community College System. The plan could include a study of the projected effect of immigrants leaving the state in response to some state or federal policy change.
4. The Legislature could mandate the use of an electronic verification system like SAVE by all public providers of services and benefits to help insure that benefits are only distributed to those entitled to receive them. It is unlikely that this would have a significant impact on the state budget because it does not appear that undocumented immigrants and documented immigrants that have been here for less than five years are applying for benefits they are ineligible for and public agencies in the areas we studied do check the status of applicants. Furthermore, for those in need, there are non-governmental sources available in the community.
5. The Legislature could dedicate more resources for state agencies to hire more certified and culturally competent interpreters and bilingual employees, especially for law enforcement and the courts in the western part of the state.

6. The Legislature could create an identification card or special driver's license for undocumented immigrants. This would help law enforcement and healthcare providers provide better quality protection and care to people they come in contact with everyday. However, we have found little political support for such options.

7. The Legislature could enter a MOA with ICE under the 287(g) Program in order for state and local law enforcement entities to get trained and delegated with authority to enforce federal immigration law.

8. The Legislature could mandate or promote the use of the E-Verify system for all new hires by all Nebraska employers. In addition, the Legislature could provide training for employers on complying with federal immigration law. This option is similar to the Fremont Mayor's Task Force on Immigration recommendation 1. However, it is not clear that this policy would have a significant impact on the state budget.

9. Should the Legislature adopt a policy requiring employers to use E-Verify, the Legislature could work with the Governor to develop an economic plan for the potential negative impact of losing undocumented workers and in some cases their documented family members.

10. State and local leaders could demand that the Federal Government and Congress make policy changes that reflect the impact of immigration on the state of Nebraska and other states with a recent significant growth in their immigrant population. If no change in policy occurs, Congress must be prepared to fund the financial impact of its inaction.

Conclusion:

Local governments are under considerable pressure from constituents to enact immigration policies. This could result in a patchwork of inconsistent ordinances across the state and expensive litigation over the constitutionality of the provisions. A responsible state wide standard is the best option. The rancor that existed in Fremont should be avoided.

It is clear that many Nebraskans would like the status quo to remain. Employers rely on the expanded pool of employees. The refrain, "nobody else will do this work" is heard over and over. Advocacy groups argue that undocumented immigrants have had a positive impact culturally and economically on the state which is otherwise losing population. Religious institutions have seen a significant increase in church attendance. Main streets once dying are now alive again across the state.

However, the struggle for integration continues. Discrimination is not diminishing in many communities. The tragedy is that foreign-born citizens and their descendants suffer from the broad brush of racial profiling. The federal government, having allowed millions of undocumented immigrants to remain in the US after 1986, has failed to protect the borders or otherwise enforce immigration laws. Unfortunately, the result is the creation of a permanent underclass of workers and their families. Blended families

with mixed immigration status are now common. The reality of broken families is not a possibility but a certainty.

The Legislature could do nothing. In many ways doing nothing would be easier and certainly have less impact on many Nebraska communities. However, the fear is that such lack of action will result in the proliferation of local laws resulting in the unrest which occurred in Fremont earlier this year. Discrimination against Hispanics and other ethnic groups will continue. In addition, we know there are many undocumented workers in our state. Increasingly, state government is viewed as complicit in promoting the hiring of undocumented workers.

Though the federal government has the primary responsibility in these matters, it is speculative at best to assume that any relief or clarity will be coming from Washington. There are several options for this Legislature to consider. As Chairman of the Judiciary Committee, I recommend serious exploration into the potential for mandating electronic verification of employment eligibility for all employers in our state and I intend to consider such a proposal in the upcoming legislative session. Employment is what motivated most undocumented immigrants to come here and stay here. It is at that level where the reform should now occur. I recognize that other senators may bring initiatives to address this issue and I hope the debate will be grounded in constructive dialogue and free from acrimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brad Ashford". The signature is written in a cursive, flowing style.

Senator Brad Ashford
Judiciary Committee Chair

Appendix A: 2008 Legislative bills related to
immigration

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 963

Introduced by Friend, 10; Erdman, 47; Lautenbaugh, 18; Pahls, 31;
at the request of the Governor.

Read first time January 15, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to governmental agencies; to amend section
2 85-502, Revised Statutes Cumulative Supplement, 2006; to
3 define terms; to require verification of lawful presence
4 in the United States as prescribed; to provide exemptions
5 and procedures; to provide powers and duties; to require
6 a report; to harmonize provisions; and to repeal the
7 original section.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Notwithstanding any other provisions of
2 law, unless exempted from verification under section 3 of this
3 act or pursuant to federal law, no state agency or political
4 subdivision of the State of Nebraska shall provide federal, state,
5 or local public benefits to a person not lawfully present in the
6 United States.

7 (2) Except as provided in section 3 of this act or if
8 exempted by federal law, every agency or political subdivision
9 of the State of Nebraska shall verify the lawful presence in
10 the United States of any person who has applied for federal,
11 state, or local public benefits administered by an agency or a
12 political subdivision of the State of Nebraska. This section shall
13 be enforced without regard to race, religion, gender, ethnicity, or
14 national origin.

15 Sec. 2. For purposes of sections 1 to 6 of this act,
16 federal, state, or local public benefit means any grant, contract,
17 loan, professional license, commercial license, retirement benefit,
18 welfare benefit, health benefit, disability benefit, public or
19 assisted housing benefit, postsecondary education benefit, food
20 assistance benefit, or unemployment benefit or any other similar
21 benefit provided by or for which payments or assistance are
22 provided to an individual, a household, or a family eligibility
23 unit by an agency of the United States or the State of Nebraska or
24 a political subdivision of the State of Nebraska.

25 Sec. 3. Verification of lawful presence in the United

1 States pursuant to section 1 of this act is not required for:

2 (1) Any purpose for which lawful presence in the United
3 States is not restricted by law, ordinance, or regulation;

4 (2) Assistance for health care services and products,
5 not related to an organ transplant procedure, that are necessary
6 for the treatment of an emergency medical condition, including
7 emergency labor and delivery, manifesting itself by acute symptoms
8 of sufficient severity, including severe pain, such that the
9 absence of immediate medical attention could reasonably be expected
10 to result in (a) placing the patient's health in serious jeopardy,
11 (b) serious impairment to bodily functions, or (c) serious
12 dysfunction of any bodily organ or part;

13 (3) Short-term, noncash, in-kind emergency disaster
14 relief;

15 (4) Public health assistance for immunizations with
16 respect to diseases and for testing and treatment of symptoms
17 of communicable diseases, whether or not such symptoms are caused
18 by a communicable disease; or

19 (5) Programs, services, or assistance necessary for the
20 protection of life or safety, such as soup kitchens, crisis
21 counseling and intervention, and short-term shelter, which (a)
22 deliver in-kind services at the community level, including those
23 which deliver such services through public or private, nonprofit
24 agencies and (b) do not condition the provision of assistance, the
25 amount of assistance provided, or the cost of assistance provided

1 on the income or resources of the recipient.

2 Sec. 4. Verification of lawful presence in the United
3 States pursuant to section 1 of this act requires that the
4 applicant for benefits execute an affidavit, on a form prescribed
5 by the Department of Administrative Services, under penalty of
6 perjury, attesting that:

7 (1) He or she is a United States citizen; or

8 (2) He or she is a qualified alien under the federal
9 Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act
10 existed on January 1, 2008, and is lawfully present in the United
11 States.

12 Sec. 5. For any applicant who has executed an affidavit
13 described in subdivision (2) of section 4 of this act, eligibility
14 for benefits shall be verified through the Systematic Alien
15 Verification for Entitlements Program operated by the United States
16 Department of Homeland Security or an equivalent program designated
17 by the department. Until such verification of eligibility is made,
18 such affidavit may be presumed to be proof of lawful presence for
19 purposes of sections 1 to 6 of this act.

20 Sec. 6. Each state agency which administers any program
21 of federal, state, or local public benefits shall provide an annual
22 report not later than January 31 for the prior year to the Governor
23 and the Clerk of the Legislature with respect to compliance with
24 sections 1 to 6 of this act. The report shall include, but not be
25 limited to, the total number of applicants for benefits and the

1 number of applicants rejected pursuant to such sections.

2 Sec. 7. Section 85-502, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 85-502 Rules and regulations established by the governing
5 board of each state postsecondary educational institution shall
6 require as a minimum that a person is not deemed to have
7 established a residence in this state, for purposes of sections
8 85-501 to 85-504, unless such person is lawfully present in the
9 United States and:

10 (1) Such person is of legal age or is an emancipated
11 minor and has established a home in Nebraska where he or she
12 is habitually present for a minimum period of one hundred eighty
13 days, with the bona fide intention of making this state his or her
14 permanent residence, supported by documentary proof;

15 (2) The parents, parent, or guardian having custody of a
16 minor registering in the educational institution have established
17 a home in Nebraska where such parents, parent, or guardian are
18 or is habitually present with the bona fide intention to make
19 this state their, his, or her permanent residence, supported by
20 documentary proof. If a student has matriculated in any state
21 postsecondary educational institution while his or her parents,
22 parent, or guardian had an established home in this state, and the
23 parents, parent, or guardian ceases to reside in the state, such
24 student shall not thereby lose his or her resident status if such
25 student has the bona fide intention to make this state his or her

1 permanent residence, supported by documentary proof;

2 (3) Such student is of legal age and is a dependent for
3 federal income tax purposes of a parent or former guardian who
4 has established a home in Nebraska where he or she is habitually
5 present with the bona fide intention of making this state his or
6 her permanent residence, supported by documentary proof;

7 (4) Such student is a nonresident of this state prior
8 to marriage and marries a person who has established a home in
9 Nebraska where he or she is habitually present with the bona fide
10 intention of making this state his or her permanent residence,
11 supported by documentary proof;

12 (5) ~~Except as provided in subdivision (8) of this~~
13 ~~section, such~~ Such student, if an alien, has applied to ~~or~~
14 has a petition pending with the United States Immigration and
15 Naturalization Service to attain lawful status under federal
16 ~~immigration law and~~ has established a home in Nebraska for a
17 period of at least one hundred eighty days where he or she is
18 habitually present with the bona fide intention to make this state
19 his or her permanent residence, supported by documentary proof;

20 (6) Such student is a staff member or a dependent of a
21 staff member of the University of Nebraska, one of the Nebraska
22 state colleges, or one of the community college areas who joins
23 the staff immediately prior to the beginning of a term from an
24 out-of-state location; or

25 (7) Such student is on active duty with the armed

1 services of the United States and has been assigned a permanent
2 duty station in Nebraska, or is a legal dependent of a person on
3 active duty with the armed services of the United States assigned a
4 permanent duty station in Nebraska. ~~or~~

5 ~~(8)(a) Such student resided with his or her parent,~~
6 ~~guardian, or conservator while attending a public or private high~~
7 ~~school in this state and:~~

8 ~~(i) Graduated from a public or private high school in~~
9 ~~this state or received the equivalent of a high school diploma in~~
10 ~~this state;~~

11 ~~(ii) Resided in this state for at least three years~~
12 ~~before the date the student graduated from the high school or~~
13 ~~received the equivalent of a high school diploma;~~

14 ~~(iii) Registered as an entering student in a state~~
15 ~~postsecondary educational institution not earlier than the 2006~~
16 ~~fall semester; and~~

17 ~~(iv) Provided to the state postsecondary educational~~
18 ~~institution an affidavit stating that he or she will file~~
19 ~~an application to become a permanent resident at the earliest~~
20 ~~opportunity he or she is eligible to do so.~~

21 ~~(b) If the parent, guardian, or conservator with whom the~~
22 ~~student resided ceases to reside in the state, such student shall~~
23 ~~not lose his or her resident status under this subdivision if the~~
24 ~~student has the bona fide intention to make this state his or her~~
25 ~~permanent residence, supported by documentary proof.~~

LB 963

LB 963

1 Sec. 8. Original section 85-502, Revised Statutes
2 Cumulative Supplement, 2006, is repealed.

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1170

Introduced by White, 8.

Read first time January 23, 2008

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to labor; to provide a cause of action against
- 2 employers of illegal immigrants.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Attorney General, a political subdivision,
2 or a citizen of the state may bring an action against an
3 employer who knowingly or recklessly recruited or employed illegal
4 immigrants for recovery of costs related to the provision of public
5 services, including but not limited to public education costs,
6 health care costs, and public assistance programs, to illegal
7 immigrants and their family, spouse, or other dependents.

ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE RESOLUTION 224

Introduced by Fulton, 29.

Read first time January 11, 2008

Committee: Judiciary

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing the public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal, state, and local law enforcement resources; and

WHEREAS, section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizes the Secretary of Homeland Security to enter into agreements with municipal, county, and state law enforcement agencies granting designated officers of those agencies the authority to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement; and

WHEREAS, the Memorandum of Agreement allows municipal, county, and state law enforcement officers to receive appropriate training in immigration law enforcement from United States Immigration and Customs Enforcement officers; and

WHEREAS, the Memoranda of Agreement between the secretary and municipal, county, and state law enforcement agencies have

improved immigration law enforcement in several other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in Nebraska to enter into Memoranda of Agreement, as authorized by section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with the Secretary of Homeland Security to perform immigration law enforcement functions.

2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

Appendix B: Legislative Resolution 362

ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE RESOLUTION 362

Introduced by Ashford, 20.

PURPOSE: The purpose of this interim study is to:

(1) Access and utilize all available resources in our state to develop a response to the issues surrounding the increasing population of undocumented persons in Nebraska;

(2) Consult with Nebraska businesses, educational institutions, law enforcement agencies, and faith-based organizations to identify pragmatic solutions to the problems facing Nebraskans as a result of illegal immigration;

(3) Research what governmental and nongovernmental organizations are doing at the local level to address the growing immigrant population;

(4) Explore the lack of federal response to immigration issues and its impact upon state policy;

(5) Research what other states are doing to address illegal immigration and the impact of such laws; and

(6) Research the naturalization process.

Issues to be examined include, but are not limited to: Public benefits; law enforcement; employment; health care; identification; licensure; human trafficking; legal services; guest workers; and educational opportunities for children of undocumented persons.

Until the 1880s, the federal government maintained a relatively open immigration policy that encouraged migration from Europe. The Naturalization Act of 1790 provided, "Any alien, being a free white person, may be admitted to become a citizen of the United States." The law required the person applying for citizenship to establish residency in the country for two years and one year in the state of residence prior to being naturalized.

The law also provided that children of citizens shall be considered natural born citizens of the United States.

The open border policy was maintained through the 1880s when the United States Government began to enact laws to control the flow of immigration. The Chinese Exclusion Act of 1882, prohibiting Chinese laborers from immigrating to the United States, was the first significant restriction enacted in the wake of a period of mass immigration starting in the 1840s.

The flow of immigrants to the United States reached a peak between the 1890s and the 1920s, which led to the Immigration Act of 1924, limiting the number of visas granted each year and allocating them based on the number of people from that country already living in the United States in 1890. The 1924 law also placed a ban on all immigration from the Asia-Pacific Triangle. The national quotas established in the 1924 law did not apply to the Western Hemisphere, a policy which allowed the United States Government to recruit thousands of temporary workers from Mexico under the Bracero Program to meet farm labor shortages brought about by World War II. These workers were not eligible for citizenship, but were given temporary work permits which had to be turned in upon their return to Mexico after their contracts

expired. The 1942 Bracero Program lasted for twenty years and brought more than three million workers to the United States. However, temporary workers continued to cross our southern border and this program is widely believed to have been the foundation for illegal immigration from Mexico.

The Immigration and Nationality Act of 1965 created the fundamental structure of today's immigration system. It was enacted shortly after the 1964 Civil Rights Act which prohibited discrimination based on "national origin." Accordingly, the national origin quotas were replaced by hemispheric quotas including the first quotas on immigration from the Western Hemisphere. The 1965 law limited the annual maximum of Eastern Hemisphere immigrants to 170,000, and no more than 20,000 per country. The Western Hemisphere limit was set at 120,000 per year with no per-country limit. Another provision established that visas would be granted on a first-come, first-served basis with priority given to family reunification, attracting needed skills to the United States and refugees.

Since 1965, sources of immigration to this country have shifted from Europe to Latin America and Asia.

The last comprehensive immigration reform was passed over twenty years ago when President Reagan supported and signed the Immigration Reform and Control Act of 1986 in an effort to address illegal immigration. The law provided for amnesty to immigrants who entered the United States illegally prior to January 1, 1982, and resided here continuously. The law also made it illegal for employers to knowingly hire or recruit undocumented immigrants. The 1986 law did little to solve the illegal immigration problem due

to extensive document fraud and the number of people applying for amnesty far exceeding projections. Furthermore, enforcement of the employer sanction policy proved difficult due to the prevalence of document fraud and a lack of political will to enforce the sanctions. As a result, it is estimated that there are anywhere from eight million to twenty million undocumented persons living in the United States today.

The framework for the current United States immigration quota system stems from the 1986 law and is divided into three primary quota categories: Immediate relative immigrants; family-based immigrants; and employment-based immigrants. Immediate relatives are not numerically limited and are defined as the spouse of an adult United States citizen, unmarried minor child (under 21) of an adult United States citizen, or the parent of a United States citizen. Current law provides for 226,000 lawful admittances into the United States for persons in the family-based category. The family-based category allows for up to 23,400 unmarried sons and daughters of United States citizens, 114,200 dependents of green card holders (includes spouses, minor children, and unmarried adult children), 23,400 married sons and daughters of United States citizens, and 65,000 brothers and sisters of United States citizens. Finally, 195,000 immigrants receive green cards pursuant to the employment quota category.

Although the quota numbers are modestly adjusted annually, the number of green cards issued as part of the employment category over the past two decades has not kept pace with the demand for immigrant labor within the United States economy. There are 40,000 green cards available for

unskilled workers each year. There are 66,000 temporary work visas available for nonagricultural workers each year. Because of the large demand for unskilled labor in the American economy, the overall lack of available unskilled laborers among those in the United States legally, and the enormous demand for unskilled employment by foreign nationals in countries lacking adequate employment opportunities, the number of available visas are grossly inadequate. Furthermore, the number of temporary work visas available for agricultural workers is unlimited and many temporary workers who get into the country on temporary work visas stay here beyond their legal status, adding to the eight to twenty million undocumented people in the United States.

In 2006, Congress considered the Comprehensive Immigration Reform Act to address the enormous population of undocumented persons living and working in this country. The version of the legislation passed by the United States Senate provided for increased border security, a citizenship path for undocumented persons who have been in the United States for a length of time, and expansion of the number of guest workers allowed to enter the United States. The version advanced by the United States House of Representatives solely focused on United States-Mexican border security and penalties for employers, smugglers, and those providing assistance to illegal immigrants, such as churches and charity workers. Further, the House version sought to change illegal presence in the United States from a civil offense to a felony. The varying versions of this legislation were both ultimately stymied as the House and Senate were unable to come to an agreement in conference.

Due to the failure of the federal government to enforce current immigration policies or enact comprehensive immigration reform, states are attempting to address immigration-related issues on their own. In 2007, at least 1,562 immigration bills were introduced among the fifty state legislatures, a three-fold increase from the previous year. Of the 1,562 immigration bills introduced in 2007, 240 bills became law in forty-six states.

Nebraska is a state populated by immigrants. Our history is marked by two significant waves of immigration. The first wave came from Europe in the second half of the Nineteenth century when German, Swedes, Irish, Bohemians from the modern-day Czech Republic, and Mexicans came to this state in search of economic opportunity. The Homestead Act of 1862 promoted early immigration to Nebraska with the availability of cheap land. Additional immigrants were drawn to the state when the Union Pacific Railroad triggered expansion of Nebraska's agricultural and meatpacking industries. In the last twenty years, a new wave of immigrants has come to Nebraska from Latin America, some documented and some undocumented. According to the Pew Hispanic Center, the undocumented immigrant population in Nebraska grew from 6,000 in 1990 to 24,000 in 2000, faster than any other Midwestern state.

While Nebraska has been economically and culturally enriched throughout its history by immigration, the current influx of undocumented persons has presented the state with a variety of challenges. According to the Pew Hispanic Center, there were between 35,000 and 55,000 undocumented persons in Nebraska in 2005. Because undocumented immigrants typically lack strong English language skills and live on a low income, many communities

that have recently experienced a rapid increase in immigrant population find it increasingly difficult to provide access to education, health care, and housing to all residents. The lack of documentation, language barriers, and cultural differences cause many undocumented persons in our state to face a daily struggle for health, safety, and security. Despite the high demand for manual labor, some Nebraskans have expressed concerns regarding the potential unavailability of some employment opportunities for lawful Nebraska residents resulting from the hiring of undocumented persons by some employers. Finally, while state government has experienced increased costs associated with providing undocumented persons with certain public benefits such as health care and public education, there are economic benefits to the state associated with having a large immigrant population, including meeting workforce needs, increased tax revenue, and significant entrepreneurial activity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall access community leaders from businesses, educational institutions, law enforcement agencies, and faith-based organizations across the state to carry out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Appendix C: Review of State and Local
Approaches to Immigration

Review of State and Local Approaches to Immigration Policy
By Senator Brad Ashford, Judiciary Committee Chairman and
Stacey Trout, Legal Counsel to the Judiciary Committee

Following the failure of the federal government to enact comprehensive immigration reform in 2007, states and local governments have responded by proposing and enacting laws and ordinances to address a variety of issues related to the rapidly growing immigrant population in this country. The National Conference of State Legislatures recently reported that 1,267 immigration-related bills have been introduced so far this year.¹ Yet, only 175 laws and resolutions have been adopted, which may reflect the polarized divide in opinions on immigration reform and the dim prospect for compromise in this area. The relatively few initiatives passed compared to those introduced also may indicate the realization by state lawmakers that, notwithstanding public pressure for local action, immigration is largely a federal issue. Federal immigration law preempts most state and local action. In fact, several state and local enactments have been challenged in court based on the doctrine of federal preemption.

The doctrine of federal preemption is based on the principle that the U.S. Constitution and U.S. laws are the “supreme law of the land,” pursuant to the Supremacy Clause, Art. VI, cl. 2 of the U. S. Constitution. In *Martinez v. Regents of the University of California*, WL 4194303, (September 15, 2008), the court described how federal law preempts state law:

“[S]tate law is pre-empted ... in three circumstances. First, Congress can define explicitly the extent to which its enactments pre-empt state law. ... Second, ... state law is pre-empted where it regulates conduct in a field that Congress intended the Federal Government to occupy exclusively. ... Finally, state law is pre-empted to the extent that it actually conflicts with federal law.”

Id. at * 12.

Some plaintiffs have challenged federal immigration laws, without success, on the basis of the Tenth Amendment to the United States Constitution (the so-called Reservation of Powers Clause), which provides, “The powers not delegated to the United States by the

Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The court in *Lopez v. U.S. INS*, 758 F.2d 1390, 1392 (10th Cir.1985) recognized the authority of Congress on immigration matters: "Because Congress may entirely pre-empt state authority in immigration matters, we dismiss plaintiff's claim that the INS actions violated the Tenth Amendment." *Id.*

The United States Constitution specifically vests with Congress the power to regulate matters relating to immigration. U.S. Const. art. 1, § 9, cl. 1. (The Migration or Importation of . . . Persons . . .”). The United States Supreme Court has "repeatedly emphasized that 'over no conceivable subject is the legislative power of Congress more complete than it is over' the admission of aliens." *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (quoting *Oceanic Navigation Co. v. Stranahan*, 214 U.S. 320, 339 (1909)).

Accordingly, states and local governments have very limited authority to legislate in the area of immigration, which seems inconsistent with the recent increase in immigration proposals in legislatures and city councils across the country.

The purpose of this brief is to set the stage for well-informed and forward-thinking discussions across Nebraska about what, if any, immigration policy should be adopted. The brief will describe and summarize recent efforts made by states and local governments to address the impact of immigration on their communities. States and localities are increasingly pushing the boundaries of federal preemption in immigration policy because they bear the costs of immigration, especially in education, healthcare, and law enforcement systems with limited federal reimbursement.² The brief will address the areas of law that have received the bulk of state and local attention over the last three years, including: employment, education, law enforcement, public benefits, housing, human trafficking and licensure. Each topic section will include a description of the pertinent federal law including the role of federal preemption principles, as well as a discussion of what states and localities are proposing and enacting. There will also be discussion of any documented impact of enacted policies and any litigation resulting from

them. While not intended to be an exhaustive list of state and local action, this brief will provide a general description of current trends in state and local immigration policy.

Employment

The Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a(a), prohibits an employer from knowingly hiring, recruiting, or referring illegal aliens for work in the United States, whether the individual is in the country illegally or because their immigration and residency status does not allow employment. The law extends to employers who discover that an employee is not authorized to work in the U.S. after hiring. Under IRCA, the punishment for employing undocumented workers may include both civil and criminal penalties. Another provision of IRCA states: “The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ or recruit or refer for a fee for employment, unauthorized aliens.” 8 U.S.C. § 1324a(h)(2).

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress established the Basic Pilot Program of the Employment Eligibility Verification Program now known as E-Verify.³ Employers can use this web-based system to verify the work authorization of new hires by entering the information from the employee’s I-9 form into the system within three days of the hire date.⁴ The information is compared against 425 million records in the Social Security Administration (SSA) database and 60 million records in the Department of Homeland Security’s (DHS) immigration databases. At first, the program was voluntary and limited to select states. E-Verify has been extended three times over the past twelve years and it is still voluntary, although now it is available to employers in all 50 states to check the employment eligibility of all new hires.

Since the expansion of E-Verify to employers nationwide, enrollment has grown from 3,000 in 2003 to 82,000 in 2008.⁵ During a recent visit to Nebraska, the acting director of the U.S. Citizen and Immigration Services (CIS), Jonathan Scharfen, said the E-Verify program helps secure a legal workforce. Scharfen acknowledged that, while

improvements are being made, the system has flaws.⁶ One weakness of E-Verify is that it can only determine the validity of the Social Security number presented by the employee. At this point, E-Verify cannot determine in most cases whether the number belongs to the employee.

A 2007 evaluation of the E-Verify program for the Department of Homeland Security found that “the database used for verification is still not sufficiently up-to-date to meet the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), 8 U.S.C. §1623 (1996) requirement for accurate verification.”⁷ In the report, the Social Security Administration estimated that 4.1 percent of the records contained discrepancies related to name, date of birth or citizenship status, 12.7 million of which are related to U.S. citizens. On average, 96 percent of employees attesting to be U.S. citizens are automatically confirmed as authorized to work -- compared to 72 percent of lawful permanent residents and 63 percent of immigrants authorized to work.⁸ As a result, a significant number of potential employees who are eligible and ready to work are rejected or terminated due to errors and inconsistencies in the E-Verify system.

After Congress failed to enact immigration reform in 2006 and 2007, the Bush Administration initiated a worksite-enforcement campaign by combining the expansion of the E-Verify program with a series of highly organized raids by Immigration and Customs Enforcement (ICE) agents on large employers in Iowa and Mississippi.⁹ On June 9, 2008, President Bush issued an executive order proposing that all federal contractors use E-Verify for new hires.¹⁰ At least 13 states and a number of local governments have made mandatory participation in the E-Verify program by certain employers the cornerstone of their recently enacted immigration policies. Another Bush Administration effort to discourage the employment of undocumented immigrants, the “Safe Harbor Procedures for Employers Who Receive a No-Match Letter,” would force employers to fire workers who have discrepancies in their Social Security data and could cost employers over \$1 billion a year.¹¹ Implementation of the administrative rule was enjoined by a federal judge in a lawsuit filed by the American Civil Liberties Union and the U.S. Chamber of Commerce, among others.¹²

An estimated 8.1 million undocumented immigrants are working in the US.¹³ As a result, employment has been the subject of over 175 state legislative immigration initiatives this year as states and local governments try to meet the often-conflicting dual goals of ensuring an adequate labor supply and complying with federal immigration laws. Most proposals aim to hold employers accountable for employing undocumented workers, commonly referred to as “enforcement-only policies.” The underlying intent of such policies is to remove the incentive for undocumented workers and their families to settle in these states.

Arizona and Oklahoma have enacted comprehensive immigration laws aimed at penalizing employers who hire undocumented immigrants.¹⁴ Arizona has experienced a decline in school enrollment and rise in apartment vacancy rates in heavily Latino neighborhoods since the Legal Arizona Workers Act was adopted in 2007.¹⁵ The Greater Tulsa Hispanic Chamber of Commerce estimates that 15,000 to 25,000 undocumented immigrants have left Tulsa County since the Oklahoma Taxpayer and Citizen Protection Act of 2007 was adopted.¹⁶

Both the Arizona and Oklahoma laws are the subjects of preemption challenges in federal court.¹⁷ The U.S. Court of Appeals for the Ninth Circuit upheld Arizona’s “Legal Arizona Workers Act” against a federal preemption challenge in *Chicanos Por La Causa, Inc. v. Napolitano*, No. 07-17272, D.C. No. CV-07-01355-NVW (September 17, 2008). The *Napolitano* court observed that “[f]ederal preemption can be either express or implied.” Slip op. at 13071. The court said the Legal Arizona Workers Act is neither expressly nor impliedly preempted by IRCA because the Act is a “licensing” law within the meaning of IRCA. The court also said that the provision requiring the use of E-Verify by all employers is not impliedly preempted. The court reasoned that Congress could have, but did not, expressly forbid state laws from mandating employer participation in E-Verify.

Despite the preemption provision of IRCA that restricts state and local governments from imposing sanctions other than under “licensing and similar laws” on employers for non-compliance with the new state laws include: suspension or revocation of business licenses; fines up to \$25,000; civil liability for firing a U.S. resident or citizen and replacing him or her with an undocumented worker; and prison time. Aside from the suspension and revocation of business license provisions, these penalty provisions are vulnerable to a court challenge based on federal preemption.

Business owners and groups such as chambers of commerce are resisting employer-enforcement measures by: challenging them in court; organizing to make the case that businesses need immigrant workers and they want to be on the right side of the law; warning law-makers that such measures could hurt the economy; and pressuring congressional representatives to enact reform.¹⁸ For example, in *Chamber of Commerce of U.S. v. Henry*, No. CIV-08-109-C (W.D. Okla. June 4, 2008), a federal court temporarily enjoined enforcement of a new law that would have required employers to withhold employee taxes at a higher rate unless the employers use E-Verify. The court reasoned that the purpose of the higher tax rate was not to raise revenue, but to impose a civil sanction—a practice specifically prohibited by IRCA.

Employer-sanction initiatives were defeated in seven states including: Idaho, Iowa, Indiana, Kansas, Kentucky, Tennessee and Wisconsin.¹⁹ According to a 2007 study, commissioned by the Oklahoma Bankers Association, of the economic impact of Oklahoma’s recently enacted immigration law (enjoined in *Henry*), the state is predicted to experience a long term reduction of \$1.3 billion in gross state product if the undocumented workforce leaves the state.²⁰ On the national level, a 2008 study indicated that if all undocumented workers are deported or leave due to enforcement-only policies, agriculture would lose nearly a quarter of its workers, building maintenance would lose 17 percent and the construction industry would lose almost 15 percent.²¹

Breakdown of employment policies and indication of state enactment:

- Require use of federal employment eligibility verification systems (E-Verify) for new hires and possibly current employees by:
 - All employers (public and private) – Arizona, Mississippi
 - Public agencies – Arizona, Georgia, Idaho, Minnesota, North Carolina, Rhode Island
 - Public employers – Arizona, Georgia, Minnesota, Mississippi, Oklahoma, South Carolina, Utah
 - State contractors – Colorado, Georgia (and subcontractors), Idaho, Minnesota, Oklahoma (and subcontractors), Rhode Island (and subcontractors), Utah (and subcontractors)
- Create employer sanctions for knowingly hiring unauthorized workers:
 - License revocation/suspension – Arizona, Missouri, South Carolina, Tennessee, West Virginia
 - Fine – Colorado, Nevada, West Virginia
 - Criminal conviction – West Virginia (misdemeanor for knowingly hiring undocumented workers)
- Provide private employers with financial incentives to verify the eligibility of new hires:
 - Subsidies - Minnesota
 - Tax withholding breaks – the concern here would be that the incentives would not make up for the increase in wages the employer would have to implement to recruit documented workers
- Provide a cause of action for US citizens to sue employers if they are fired and replaced by undocumented workers – Mississippi, Oklahoma, South Carolina, Utah
- Shield employers from prosecution or liability if they verify the eligibility of new hires – Arizona, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee
- Require employers signing state contracts to state they will not knowingly employ undocumented workers – Arkansas, Idaho

- Require employers receiving state economic development grants to verify the eligibility of new hires – Iowa, Virginia
- Make it a felony for an undocumented worker to hold a job - Mississippi
- Tighten wage laws by increasing penalties or encouraging enforcement of them – Arizona, California, Colorado, Connecticut, Florida, Idaho, Illinois, Maine, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah
- Close loopholes allowing employers to misclassify workers as independent contractors in order to avoid obligations like workers’ comp insurance coverage; minimum wage; overtime pay; health and safety compliance; and right to organize protections – Iowa (Governor created a task force to look at this), Minnesota, Missouri, Utah, Vermont, Virginia
- Prohibit the use of E-verify until it achieves a high standard of accuracy
 - Illinois requires 99 percent accuracy (law temporarily suspended pending a lawsuit filed by the US Department of Homeland Security).

Education

The federal government settled the law with regard to K-12 education for immigrants in 1982 when the US Supreme Court ruled that states may not exclude children from public education because of their immigration status in *Plyler v. Doe*, 475 U.S. 202 (1982). It is estimated the 65,000 undocumented students graduate from U.S. high schools each year and have very limited options because they are not eligible to work in the U.S and very few can afford college tuition.²² This uncertainty is compounded by the fact that the federal law remains unsettled with regard to post-secondary education of undocumented immigrants.

There is no federal prohibition on admitting undocumented immigrants to public colleges and universities. However, in 2008, South Carolina became the first state to bar undocumented students from all public colleges and universities in the state.²³ In May, the North Carolina community colleges ordered all 58 campuses to stop enrolling undocumented students based on an advisory letter from the state attorney general’s

office that admitting them may violate federal law.²⁴ The attorney general has since reversed the opinion after a July 9, 2008 letter from the U.S. Department of Homeland Security that “states must decide for themselves” on admitting undocumented immigrants into their post-secondary institutions.²⁵ However, eligibility of undocumented students for in-state tuition is arguably not a decision for state lawmakers because of federal preemption.

In *DeCanas v. Bica*, 424 U.S. 351, 354-55 (1976), the U.S. Supreme Court articulated three tests to be used in determining whether a state statute related to immigration is preempted.²⁶ If the state statute or local ordinance fits any one of the following categories, the law is preempted by federal law: (1) does the statute or ordinance regulate immigration? (i.e., a determination of who should or should not be admitted into the country and under what conditions someone who entered legally should remain), (2) did Congress intend to occupy the field and exclude state and local power?, and (3) does the state or local law conflict with federal law, making compliance with both the state or local law and the federal law impossible? Preemption analysis requires a clear understanding of the federal regulatory schemes in the area and application of the *De Canas* tests to the state and local laws.

In 1996, Congress passed IIRIRA, 8 U.S.C. 1623, which, in Section 505, states:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

In other words, federal law may prohibit undocumented students from being eligible for in-state tuition rates unless all U.S citizens, including those residing outside the state, are eligible for the same rate.

The federal Development, Relief, and Education for Alien Minors Act (DREAM Act) was originally introduced in 2001, and repeatedly since then, to overcome the IIRIRA prohibition on allowing undocumented immigrants to be eligible for in-state tuition rates to public higher education. The measure would provide qualified undocumented students with the opportunity to secure legal residency status for tuition purposes. Congress has not passed the DREAM Act, but 10 states including Nebraska have passed similar laws allowing in-state tuition rates for qualified undocumented students despite the IIRIRA provision that seems to prohibit them.²⁷ Six states have passed laws explicitly denying in-state tuition rates to undocumented students.²⁸

In 2006, the Nebraska Legislature passed its own version of the DREAM Act. LB 239 amended §85-502, making students eligible for in-state tuition rates if: they resided with their parents while attending a Nebraska high school; graduated from a Nebraska high school; lived in Nebraska for three years prior to high school graduation; registered at a state postsecondary institution no earlier than the 2006 fall semester; and signed an affidavit stating the student would file an application to become a permanent resident as soon as he or she was eligible.

There have been federal preemption challenges to the state DREAM Acts mounted in both Kansas and California.²⁹ In the Kansas case, *Day v. Sebelius*, the U.S. Supreme Court declined to review a Tenth Circuit Court of Appeals ruling that dismissed the challenge for lack of standing.

However, in the California case, *Martinez v. Regents of the University of California*, WL 4194303, (September 15, 2008), the California Court of Appeal for the Third District unanimously reversed the dismissal of a challenge to California's DREAM Act that is similar to Nebraska's DREAM Act. The court said that granting in-state tuition to undocumented immigrants who attend California high schools for three years violated IIRIRA. The court reasoned the three-year requirement was alternatively "ambiguous", *id.* at 49, and a "defacto residence requirement". *Id.* at 53. IIRIRA forbids the granting of any postsecondary education benefit to undocumented immigrants on the basis of

residence within a state unless the same benefit is available to U.S. citizens or nationals without regard to the residency status of that person. As such the California law is preempted by IIRIRA. The court observed that the affidavit requirement, similar to the Nebraska law, that the undocumented student execute an affidavit promising to apply for legalized status if he or she becomes eligible is a “supposed condition” which “add[s] nothing” and is “an empty and unenforceable promise.” *Id.* at 48. Unless the California Supreme Court reverses the ruling, the case will return to the superior court for trial.

Proponents of state DREAM Acts argue these laws would provide undocumented students incentive to achieve legal status and to continue their education, making them more productive members of society. Opponents argue that allowing undocumented students to be eligible for in-state tuition benefits rewards the illegal behavior that brought their parents to this country. There is additional concern that allowing in-state tuition rates for undocumented students could take opportunities away from U.S. citizens and documented immigrants.

Education is the single largest expenditure in state budgets and state and local governments bear the primary fiscal and administrative responsibility of providing K-12 education.³⁰ Therefore, states incur substantial costs to educate immigrants, both documented and undocumented. The expense of educating undocumented immigrants and their children has prompted states to consider a wide variety of legislative proposals to save money and give high school graduates incentives to continue their education and stay in the state to work. Issues the states have looked at include: eligibility for in-state tuition, student loans and scholarships; English language acquisition and access; and English as a Second Language (ESL) programs.

Breakdown of education policies and indication of state enactment:

- Allow undocumented students to qualify for in-state tuition – California, Illinois, New York, Washington, Kansas, Nebraska, New Mexico, Oklahoma, Texas and Utah

- Explicitly deny in-state tuition rates to undocumented students - Arizona, Colorado, Georgia, Mississippi, Oklahoma and Virginia
- Exclude undocumented immigrants from attending public institutions of higher education - North Carolina (barred undocumented students from community colleges and then removed bar pending further discussion); South Carolina (barred undocumented students from all taxpayer funded colleges and universities)
- Fund and facilitate programming for immigrants, including: English language learning; classes on citizenship / naturalization; classes on American banking and culture – Arizona, California, Illinois, Minnesota
- Stimulate Americanization of immigrants by providing funds, resources, and groups for this purpose – Arizona, Illinois, Massachusetts, New Jersey, Washington

Law Enforcement

The federal IIRIRA of 1996 added section 287(g) to the federal Immigration and Nationality Act (INA) authorizing the Department of Homeland Security (DHA) to enter into agreements with state and local law enforcement agencies permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement (MOA) (or Memorandum of Understanding (MOU)), provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn U.S. Immigration and Customs Enforcement (ICE) officers, 8 U.S.C. 1357(g).

Preemption analysis in the context of law enforcement begins with the question of whether states have the constitutional authority to authorize state and local police to make arrests for violations of federal immigration law.³¹ Through the so-called “287(g) Program,” and the enforcement authority granted in §§ 274 and 276 of INA relating to human trafficking and illegal entry following removal, Congress created statutory authority for state and local law enforcement agencies to voluntarily participate in the enforcement of federal immigration laws under narrowly defined terms. These explicit

grants of enforcement authorization suggest that Congress intended for all other forms of criminal immigration enforcement to be off-limits to non-federal agents based on the theory of implied field preemption. The MOAs formed under the 287(g) program are explicitly permitted under federal statute and therefore inherently not preempted, provided they adhere to the provisions of IIRIRA.

States and local governments are increasingly entering into MOAs to enable their law enforcement officers to enforce federal immigration laws directly. “At the start of 2007, only eight police agencies took part in the 287(g) program; now a total of 47 police agencies in 17 states participate, with 90 more agencies waiting to sign up.”³²

Supporters of the 287(g) program argue that training local law enforcement to enforce immigration laws will speed up deportation of criminals and suspects who are undocumented immigrants. Opponents of the 287(g) program argue that enlisting local police in federal immigration enforcement could subvert public safety and crime fighting efforts of local law enforcement agencies by straining their resources, significantly broadening the scope of their jobs and damaging their relationships with the immigrant community.³³

Breakdown of law enforcement policies and indication of state enactment:

- Authorize negotiation of a Memorandum of Agreement (MOA) with the U.S. Department of Homeland Security with respect to state law enforcement agencies’ cooperation in the enforcement of federal immigration laws – Alabama, Arkansas, Georgia, Minnesota, Missouri, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah
- Provide for detention of material witness if a flight risk due to immigration status – Arizona
- Allow for deportation of undocumented immigrants convicted of crimes - Illinois
- Require no-bond warrant for undocumented defendants – Colorado, Missouri (if reasonable belief that defendant is undocumented)

- Penalize the transportation or harboring of undocumented persons with exceptions for humanitarian aid – Oklahoma, Tennessee, Utah
- Require verification of immigration status of arrested or jailed persons – North Carolina, Georgia (for felony or DUI only), Missouri, North Carolina (must also report for felony or impaired driving offense), South Carolina (for felony or impaired driving offenses), Virginia
- Provide detainees with access to clergy in jails and prisons - Illinois

Public Benefits

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub.L. 104 – 193, 110 Stat. 2105, establishes a scheme to determine immigrant eligibility for public benefits provided by governments at all levels.

PRWORA also restricts the access of undocumented immigrants and immigrants that have been in the U.S. for less than five years, to federal public benefits such as Medicaid, Supplemental Security Income (SSI), Social Security, Medicare, Food Stamps and Temporary Assistance for Needy Families (TANF). Some federal benefits are exempted from the eligibility restrictions including emergency Medicaid, non-cash emergency disaster relief, and in-kind assistance, such as soup kitchens and short-term shelter provided by public and private entities and determined by the attorney general to be necessary for the protection of life or safety.

PRWORA also restricts undocumented immigrant eligibility for state or local benefits under 8 U.S.C. 1621(a). In 8 U.S.C. 1621(c)(1)(B), State or local benefit is defined as:

[A]ny retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or 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.

There are exceptions for emergency health care, immunizations and emergency disaster relief in 8 U.S.C. 1621(b).

However, PRWORA does give states some authority to grant benefits to undocumented immigrants in 8 U.S.C. 1621(d), which provides:

A state may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under ... this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.

Accordingly, federal preemption is not an issue when states pass laws creating separate, state-funded programs to assist immigrants in their state.

On the state level, legislators are struggling with the issue of how to verify the eligibility of immigrants for public benefits. In order to ensure that no public benefits are provided to undocumented persons, some legislatures have passed laws requiring government agencies at the state, county and city levels to verify the lawful presence in the U.S. of all applicants. The Systematic Alien Verification for Entitlements Program (SAVE) is a database maintained by the U.S. Citizenship and Immigration Services (USCIS) and used by government agencies to determine a person's eligibility to receive state or federal benefits. Other verification methods include: requiring applicants to provide documentary evidence of their lawful status or accepting a written declaration, under penalty of perjury from the applicant or a third party as to the lawful status of the applicant. Under these laws, verification would not be required for emergency medical treatment, immunizations, testing and treatment of communicable diseases, prenatal care or public school enrollment.

The argument for limiting undocumented immigrants' access to public benefits is that the state should save money and reduce incentives for undocumented immigrants to settle in the state by restricting the public benefits available to them as much as possible and verify the lawful presence of applicants for available benefits. The argument for providing and expanding public benefits is that undocumented immigrants pay taxes as workers, consumers and residents, and they should get some benefits in return.

Undocumented workers pay federal and state income taxes, Social Security taxes, and Medicare taxes. All undocumented immigrants pay sales tax on purchases and property tax if they own or rent property. Recent studies in Texas, Oregon and Iowa show that undocumented immigrants contribute more in state revenue than they receive in state services.³⁴ In 2006, the Texas State Comptroller found that undocumented immigrants produced \$1.58 billion in state revenues, which exceeded the \$1.16 billion in state services they received.³⁵ However, a 2006 study of Colorado indicates the opposite: Annual costs to Colorado for providing federally mandated services to undocumented immigrants are between \$217 million and \$225 million for education, emergency medical care and incarceration, while taxes collected from undocumented immigrants at both the state and local levels amount to between \$159 million to \$194 million annually.³⁶

On the national level, the Social Security Administration (SSA) has concluded that undocumented immigrants account for a large portion of the billions of dollars paid into the social security system under names and numbers that do not match SSA records.³⁷ The SSA has estimated that undocumented immigrants contribute approximately \$8.5 billion in Social Security and Medicare funds each year.³⁸ Because these workers will never collect these benefits, their contributions result in a windfall for the Social Security and Medicare funds.

Breakdown of public benefits policies and indication of state enactment:

- Require individuals to provide documented proof of being lawfully present in the United States before receiving public benefits from the state – Arizona, Colorado, Georgia, Idaho, Indiana, Kansas, Missouri, Oklahoma
- Describe in state statute which benefits are available to immigrants and which require verification of lawful presence - Kansas
- Extend public benefits like housing, income and educational support to migrant workers – California
- Order public agencies to increase the number of bilingual staff – Illinois
- Fund immigrant services such as health centers, legal services, childcare and immigrant welcoming centers – Illinois, Maine, Maryland

- Prohibit tax credits, exemption or refunds for any former employee who has been deported due to immigration status – Nebraska
- Commission studies showing the taxes paid and economic contributions made by immigrants – Arizona, Arkansas, California, Florida, Maryland, New Mexico, New York, Oregon, Texas, Virginia, Washington D.C.

Housing

There is no federal statutory scheme specifically regulating housing for immigrants, which seems to leave room for states and local governments to legislate in this area. To determine whether laws in this area are preempted, one must consider whether the law is an attempt to regulate immigration under the first *De Canas* test, or whether the law interferes with the federal government’s ability to enforce its immigration laws under the third test.³⁹

Local governments have taken the lead in this area by enacting ordinances that penalize landlords for knowingly renting to undocumented immigrants. Regardless of their legality, the so-called “harboring” or “Do Not Rent” ordinances impose a harsh consequence on undocumented immigrants, and potentially those perceived to be undocumented immigrants, because they deny individuals one of the most basic human needs – shelter.⁴⁰ As a result, the individual rights of due process and equal protection, guaranteed under the Fourteenth Amendment U.S. Constitution to all people regardless of immigration status, are particularly important to the legal analysis of these laws without respect to federal preemption analysis. Another important federal law is the Fair Housing Act which prohibits discrimination against individuals in the rental of housing on the basis of race, color, religion, sex, familial status, or national origin under 42 U.S.C. 3604.

In order to discourage undocumented immigrants from settling in their communities, many local governments have proposed and enacted harboring ordinances. The typical ordinance requires landlords to verify the immigration status of all applicants before renting to them and to deny applications from undocumented immigrants. Penalties for violation of the ordinances include fines, suspension or revocation of rental licenses and

even jail time. Opponents argue that harboring ordinances could lead to discrimination on the basis of race, ethnicity or national origin because landlords will be motivated to deny housing to anyone who looks or sounds foreign in order to avoid the risk of penalties.

Federal case law on this issue sets out the federal preemption framework in the context of housing law.⁴¹ One of the first immigration ordinances was enacted in Hazleton, Pennsylvania to prohibit undocumented immigrants from working and renting there. In *Lozano v. City of Hazleton*, 496 F. Supp. 2d 477 (M.D. Pa. 2007), the Hazleton ordinance was struck down on federal preemption grounds.⁴² The *Lozano* court reasoned, “Hazleton’s ordinances burden aliens more than federal law by prohibiting them from residing in the city [and in effect deporting them] although they may be permitted to remain in the United States. The ordinances are thus in conflict with federal law and preempted.” *Id.* at 130.

In 2006, Riverside, New Jersey was the first municipality in the state to enact a law penalizing landlords for renting to undocumented immigrants.⁴³ The law achieved the intent of its supporters when immigrants left the community and the noise, crowding and traffic diminished. However, the sudden drop in population significantly hurt the economy and the town was forced to spend \$82,000 defending two lawsuits challenging the law. After a year, the town rescinded the ordinance in response to the economic consequences it endured as well as the *Lozano* ruling.⁴⁴

A similar proposal in Fremont, Nebraska to ban harboring, hiring of, or renting to undocumented immigrants did not pass.⁴⁵ Debate on the proposal was informed in part by a 1997 opinion by former Nebraska Attorney General Don Stenberg concluding that federal law preempts any state attempt to impose fines on employers for hiring undocumented immigrants.⁴⁶ Attorney General John Bruning stands by the opinion.⁴⁷

Breakdown of housing policies and indication of state or municipal enactment:

- Prohibit local governments from requiring a landlord to inquire into tenant's immigration status or take any action regarding a tenant's known or suspected immigration status – California
- Prohibit landlords from renting to undocumented immigrant – Oklahoma, More than 50 municipalities including: Hazleton, Pennsylvania; Valley Park, Missouri; Farmers Branch, Texas; and Riverside, New Jersey

Human Trafficking

Federal law prohibits smuggling, transporting or harboring of undocumented immigrants under the Immigration and Nationality Act (INA), 8 U.S.C. 1324. Furthermore, under §274 of the INA, state and local police are authorized to make arrests for violations of the federal prohibition on human trafficking. Aside from making the definitions of the crime of human trafficking more or less inclusive, there is not much controversy in this area of the law. Most states have added prohibitions on human trafficking into their criminal codes. Nebraska's human trafficking law includes a prohibition on interfering with the immigration documents of another person.⁴⁸

Breakdown of human trafficking policies and indication of state enactment:

- Criminalize human trafficking and smuggling – Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Washington
- Prohibit the destruction, concealment, removal, confiscation, or possession of a passport or other identification or immigration document of another person – Hawaii, Maryland, Rhode Island, Virginia
- Criminalize the act of threatening to report a person's illegal status for purposes of extorting money - Virginia
- Create a taskforce to study and combat human trafficking – Connecticut, Florida, Hawaii, New Mexico, Oregon, Texas, Virginia, Utah, Virginia

- Provide funding for support services for victims of human trafficking – Connecticut, Delaware, Florida, Georgia, Idaho, Maine, New Mexico, New York, North Carolina, South Carolina, Texas

ID/Driver's Licenses

In 2005, Congress passed the Real ID Act as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, H.R. 1268, P.L. 109-13. The Real ID Act establishes national standards for the issuance of state driver's licenses and identification cards that the states were supposed to comply with by May 11, 2008. Due to concerns over privacy implications and costs associated with implementing the Real ID Act, all 50 states were granted extensions for compliance.⁴⁹ The law aims at keeping driver's licenses out of the hands of terrorists and undocumented immigrants by directing states to make licenses more secure by verifying each applicant's citizenship and address, sharing information with other state motor vehicle departments and creating licenses that are more difficult to forge. Without the new tamper-proof licenses or identification cards required for compliance with the federal law, citizens will not be able to board commercially operated airplanes or enter federal buildings starting January 1, 2010.⁵⁰

At least twelve states have passed legislation prohibiting the implementation of the Real ID program, which they regard as an unfunded mandate.⁵¹ On the state level, there is an underlying debate over whether undocumented immigrants should be allowed to obtain driver's licenses. Those opposed to making undocumented immigrants eligible for driver's licenses argue that only citizens and those with legal status should have driver's licenses for national security reasons. Those in support of making undocumented immigrants eligible for driver's licenses argue that to do so would reduce the rate of uninsured motorists. License and identification restrictions cause undocumented immigrants to avoid contact with law enforcement and be unwilling to report crimes.⁵²

Breakdown of ID and driver's license policies and indication of state enactment:

- Create stricter guidelines with regard to residential status and proof of legal status in obtaining an ID or driver's license – Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Michigan, Missouri, Oklahoma, Oregon, Tennessee
- Prohibit the use of federal individual taxpayer ID numbers as a form of ID to prove immigration status - Tennessee
- Allow undocumented persons to get a driver's license based on residency status in the state and tighten the security measures involved in the production and distribution of the licenses -
- Mandate English-only driver's tests – Missouri
- Expand and strengthen identity theft law – Mississippi, Oregon, South Carolina, Utah, Wyoming

Conclusion

The doctrine of federal preemption places significant limitations on what states and local governments can do to address the issue of our undocumented immigrant population. When considering proposed legislation related to immigration, it is critical for state and local lawmakers to understand the preemption framework and realize that most action in this area will be vulnerable to a challenge on preemption grounds. The potential for burdening the taxpayers with costly litigation in defense of a state or local immigration law should inform any policy decision in this area of the law.

Some state and local governments have been mindful of these considerations and concluded that the best action is to pressure the federal government to exercise its constitutionally assigned role in the regulation of immigration. Alabama, Idaho and Utah have passed resolutions recognizing that immigration is a federal issue and urging the President and Congress to act to resolve the immigration crisis.⁵³ City and county governments across the country have also challenged the federal government to enact comprehensive immigration reform. At the 76th annual meeting of the United States Conference of Mayors in Miami, mayors of 1,139 cities in the country with populations of over 30,000 voted unanimously to adopt three resolutions addressing the federal role in

the local immigration issue.⁵⁴ They called on the President and Congress to cease and desist all raids and deportations not related to national security or criminal activity until comprehensive immigration reform was completed; called for increased efforts and support for timely expansion of the U.S. Visa Waiver Program, and urged ICE to not prioritize responsible employers for worksite raids until more accurate ways of verifying legal workers can be developed.

The challenge facing Nebraska in considering proposals for handling the growing immigrant population in the state is to be mindful of issues that may be preempted by federal law. Examples of successful immigration initiatives from other states show that not all state and local laws related to immigration are federally preempted, such as those related to employment eligibility, licensing and public benefits. However, Nebraska lawmakers should engage in substantive dialogue about the status of the Nebraska DREAM Act after carefully reviewing the issues raised in the *Martinez* case from California.

Both state and local lawmakers need to examine any proposed initiative in light of the unique needs of their communities, but also in light of the success or failure of similar initiatives in other jurisdictions. Furthermore, we must be certain that any legislation we pass can be effectively enforced.

¹ Hegen, Dirk. "State Laws Related to Immigrants and Immigration, Jan. 1-June 30, 2008." *NCSL Immigrant Policy Project*, July 24, 2008.

² Merrell, Melissa. "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments." Congressional Budget Office, December 2007, p. 10.

³ The Basic Pilot Program was established in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), 8 USC §1324.

⁴ Under IRCA 8 USC §1324a(b), all US employers must complete the I-9 Employment Eligibility Verification form to verify the employment eligibility and identity of all employees hired to work in the US, including US citizens.

⁵ "Employers fault E-Verify immigration system," Omaha World Herald (August 29, 2008).

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- ⁸ Findings of the Web Basic Pilot Evaluation, Westat (September 2007)
- ⁹ Nossiter, Adam, "Hundreds of Workers Held in Immigration Raid," New York Times (August 26, 2008).
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<http://www.whitehouse.gov/news/releases/2008/06/print/20080609-2.html>> (last accessed September 22, 2008); Preston, Julia, "Employers Fight Tough Measures on Immigration," New York Times, July 6, 2008.
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- ¹² AFL-CIO, et al. v. Chertoff, et al., N.D. Cal. Case No. 07-CV-4472 CRB (October 10, 2007) (preliminary injunction enjoins and restrains the Department of Homeland Security and the Social Security Administration from implementing the Final Rule entitled "Safe-Harbor Procedures for Employers Who Receive a No-Match Letter").
- ¹³ An Essential Resource: An Analysis of the Economic Impact of undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry, The Perryman Group (April 2008) (Analysis is based on statistics from the Pew Hispanic Center and the U.S. Census)
- ¹⁴ Arizona HB 2779 (2007); Oklahoma House Bill 1804 (2007).
- ¹⁵ Archibold, Randal C., "Arizona Seeing Signs of Flight by Immigrants," New York Times, February 12, 2008.
- ¹⁶ Bazar, Emily, "Strict immigration law rattles Oklahoma businesses," USA Today (January 10, 2008) <
http://www.usatoday.com/news/nation/2008-01-09-immigcover_N.htm> (last accessed September 22, 2008).
- ¹⁷ *Chicanos Por La Causa, Inc. v. Napolitano*, No. 07-17272, D.C. No. CV-07-01355-NVW (September 17, 2008) (Arizona House Bill 2779 mandating the use of E-Verify by all employers and sanctioning employers for knowingly hiring undocumented immigrants upheld against facial challenge on federal preemption grounds); *Chamber of Commerce of U.S. v. Henry*, No. CIV-08-109-C (W.D. Okla. June 4, 2008) (federal court enjoined enforcement of a new law which would have imposed harsh penalties on employers for hiring undocumented workers).
- ¹⁸ Preston, Julia, "Employers Fight Tough Measures on Immigration," New York Times, July 6, 2008.
- ¹⁹ The New Battleground, Immigration in the States – The Outlook for Business, Immigration Works USA (June 10, 2008)
- ²⁰ A Computable General Equilibrium (CGE Analysis of the Impact of the Oklahoma Taxpayer and Citizen Protection Act of 2007, Economic Impact Group, LLC (March 24,2008).
- ²¹ An Essential Resource: An Analysis of the Economic Impact of undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry, The Perryman Group (April 2008) (Analysis is based on statistics from the Pew Hispanic Center and the U.S. Census)
- ²² Ramirez, Eddy, "Should Colleges Enroll Illegal Immigrants? A new front line in the immigration debate: access to higher education," U.S. News and World Report, posted August 7, 2008 accessed on September 10, 2008.
- ²³ Ramirez, Eddy, "Should Colleges Enroll Illegal Immigrants? A new front line in the immigration debate: access to higher education, , U.S. News and World Report, posted August 7, 2008 accessed on September 10, 2008
- ²⁴ Letter from JB Kelly, General Counsel, North Carolina Department of Justice to Shante Martin, Esquire, General Counsel, North Carolina Community College System (May 6, 2008)
http://www.newsobserver.com/content/news/story_graphics/20080507_communitycollegeletter.pdf (last accessed September 22, 2008).
- ²⁵ Letter from the Sheriff (Ret.) Jim Pendergraph, Executive Director of the Office of State and Local Coordination in the U.S. Department of Homeland Security to Thomas J. Ziko, Special Deputy Attorney General of the North Carolina Department of Justice (July 9, 2008)
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accessed September 22, 2008); Ordonez, Franco, “Too Late for Illegal Immigrants,” Charlotte Observer (July 30, 2008)

²⁶ *Martinez v. Regents*, CO 54124 (September, 15, 2008).

²⁷ California, Illinois, New York, Washington, Kansas, Nebraska, New Mexico, Oklahoma, Texas and Utah

²⁸ Arizona, Colorado, Georgia, Mississippi, Oklahoma and Virginia

²⁹ *Day v. Sebelius*, 376 F. Supp. 2d 1022 (D.Kan. 2005) (On June 23, 2008, the U.S. Supreme Court declined to review a federal appeals court ruling that dismissed a challenge to a Kansas statute that discriminates against U.S. citizens who live outside the State); *Martinez v. Regents*, No. CV 05-2064 (Cal. Super. Ct. Oct. 6, 2006) (held the California provision is fully consistent with federal law)

³⁰ Merrell, Melissa. “The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments.” Congressional Budget Office, December 2007.

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<<http://www.stateline.org/live/details/story?contentId=309055>>

³³ Progressive States Network. “State Immigration Project: Policy Options for 2009.”
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³⁵ Strayhorn, Carole K. “Undocumented Immigrants in Texas: A Financial Analysis.” Office of the Comptroller Special Report, December 2006.

³⁶ Baker, Robin and Jones, Rich, “State and Local Taxes Paid in Colorado by Undocumented Immigrants,” Issue Brief No. 3 (Denver: Bell Policy Center, June 30 2006) <
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<http://www.thebell.org/PUBS/IssBrf/2006/06ImmigCosts.pdf>> (last accessed September 22, 2008).

³⁷ Office of the Inspector General, Social Security Administration, Obstacles to Reducing Social Security Number Misuse in the Agriculture Industry (Report No. A-08-99-41004), January 22, 2001, p. 12.

³⁸ Porter, Eduardo, “Illegal Immigrants are Bolstering Social Security with Billions,” New York Times (April 5, 2005)

³⁹ *DeCanas v. Bica*, 424 U.S. 351, 354-55 (1976) (“Power to regulate immigration is unquestionably exclusively a federal power.” According to Monica Guizar, Employment Policy Attorney for the National Immigration Law Center in Facts About Federal Preemption published in June 2007, Almost all state and local immigration initiatives are preempted by the federal government’s exclusive authority to regulate immigration. Pursuant to the Supremacy Clause, Art. VI, cl. 2 of the United States Constitution, the US Constitution and laws of the US are the “supreme law of the land.” According to US case law, “a fundamental principle of the Constitution is that Congress has the power to preempt state law.” Other powers that implicate the federal government’s exclusive authority to regulate immigration include: the Commerce Clause, Art. I, Sec. 8, cl. 3; the Naturalization Clause, Art. I, Sec. 8, cl. 4; the Migration and Importation Clause, Art. I, Sec. 8, cl; and The War Power, Art. I, Sec. 8, cl. 11.

The Supreme Court provided a preemption test in *De Canas v. Bica*, to determine whether federal law preempts a state or local statute relating to immigration. If the state or local law fails any one of the following tests, it is preempted by federal law:

1. Constitutional preemption – Is the state or locality attempting to regulate immigration by determining who should or should not be admitted into the country?
2. Field preemption – Did Congress intended to occupy the field and oust state or local power? (Congress has comprehensively legislated the field of immigration including regulation, naturalization and deportation)
3. Conflict preemption – Is the state or local law in conflict with federal law, making compliance with both state/local and federal law impossible?

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- ⁴² *Lozano v. City of Hazleton*, 496 F. Supp. 2d 477 (M.D. Pa. 2007) (holding that the federal Immigration Reform and Control Act preempted a city ordinance that prohibited employing, "harboring," or renting housing to undocumented aliens)
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- ⁴⁵ Gonzalez, Cindy "Immigration proposal is dead in Fremont," Omaha World Herald (July 30, 2008)
- ⁴⁶ Nebraska Attorney General Opinion 97046, Attorney General Don Stenberg, (September 11, 1997); Stoddard, Martha, "Immigration's economic implications," Omaha World Herald (July 22, 2008).
- ⁴⁷ Stoddard, Martha, "Immigration's economic implications," Omaha World Herald (July 22, 2008).
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- ⁴⁹ Hall, Mimi, States Get "Real ID" Extensions, USA Today, April 2, 2008
- ⁵⁰ Hall, Mimi, States Get "Real ID" Extensions, USA Today, April 2, 2008
- ⁵¹ States with anti-Real ID statutes include: Arizona, Georgia, Idaho, Louisiana, Maine, Montana, New Hampshire, Oklahoma, South Carolina and Washington <http://www.realnightmare.org/news/105/> accessed on 9/12/08
- ⁵² National Immigration Law Center Fact Sheet: Why denying driver's licenses to undocumented immigrants harms public safety and makes our communities less secure. (January 2008)
- ⁵³ Hegen, Dirk. "State Laws Related to Immigrants and Immigration, Jan. 1-June 30, 2008." *NCSL Immigrant Policy Project*, July 24, 2008.
- ⁵⁴ McFadyen, Jennifer, "U.S. Mayors Pass Immigration Resolutions," About.com http://immigration.about.com/od/immigrationlawandpolicy/a/76_usmc.htm (last accessed September 23, 2008).

Appendix D: Strategic Discussions for Nebraska magazine, Immigration in Nebraska (UNL)

STRATEGIC DISCUSSIONS FOR **nebraska**



IMMIGRATION IN NEBRASKA



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Dr. Eric Brown, General Manager of KRVN Radio in Lexington

Dr. Will Norton, Jr., Dean of the UNL College of Journalism and Mass Communications

Dr. Frederik Ohles, President of Nebraska Wesleyan University in Lincoln

Dr. Janie Park, President of Chadron State College, Chadron

Harvey Perlman, J.D., Chancellor of the University of Nebraska–Lincoln

James Seacrest, Retired Newspaper Publisher, Lincoln

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*Front cover images from left to right:
Crete, Nebraska
Omaha, Nebraska
Lexington, Nebraska
Scottsbluff, Nebraska*

Dear Readers:

Strategic Discussions for Nebraska is a grant-funded research project located in the University of Nebraska–Lincoln College of Journalism and Mass Communications. The project began July 1, 2007, and performs studies on topics of national interest and how they affect Nebraska and the people who live here. Group discussions in selected communities encourage the public to be involved in improved statewide communication. Through these qualitative studies and discussions, we hope Nebraska can be a key player in raising national awareness and thus, affecting national policy on these topics.

We researched immigration for the project's initial study. We selected Scottsbluff, Lexington, Crete and Omaha and looked at the impact immigration has had on those communities. We selected these communities for specific reasons:

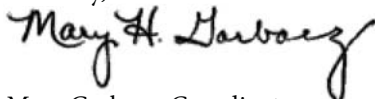
- Scottsbluff – because of its geographic and perceived cultural distance from the capital of the state, but also because its history with immigration goes back for nearly 150 years
- Lexington – because of the changes that community has experienced since the Tyson meatpacking plant located there in 1990
- Crete – because of the small size of the community, the changes it has experienced since the Farmland meatpacking plant located there in 1975, and also because of Doane College's long academic presence in the community
- Omaha – because of its size, history with diversity, federal designation as a primary resettlement site for refugees and also because of its geographic and perceived cultural distance from other parts of Nebraska

We spent hundreds of hours, traveled thousands of miles and conducted scores of interviews from many perspectives in each community. We studied the long history of immigration in Nebraska and used it as a comparison to today's issues.

The summary of our findings, selected stories and a list of additional readings are included in this magazine. This is only part of the information collected during this study. Please go to our website: www.unl.edu/sdn to read all the stories written from interviews across the state, as well as view photographs and video clips. As you read and view this information as a whole, consider whether you still believe immigration is a problem in Nebraska, and also consider possible solutions. We suggest you contact the officials on the community, county, state and national levels and share your thoughts and possible solutions with them. I welcome your comments on this study and your suggestions for future studies.

If you would like additional copies of this magazine, please contact me.

Sincerely,



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IMMIGRATION IN NEBRASKA

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Summary of Qualitative Research Findings

After visiting with nearly 100 individuals and hosting several conversations statewide about immigration, the Strategic Discussions for Nebraska research team has learned some interesting information. A summary of this information follows here; overviews of Scottsbluff, Lexington, Crete and Omaha are included, along with a selection of the collected stories – they were selected because the information may help to understand the depth and breadth of the issue in Nebraska. Additional stories, video clips and still photographs may be found on our website: www.unl.edu/sdn.

Federal data indicate that, of today's immigrant worker population, 50 percent come to the U.S. from Mexico; 25 percent from Latin America; and 25 percent from Europe, Asia and Africa. Some are able to work in the U.S. legally; some are not. Public perception is based on superficial knowledge, SDN research shows, and the fear of the unknown or unfamiliar may have a great influence on the topic of immigration. The public can't tell the difference between a worker who is in the country legally and one who is not; they can't tell the difference between people from Mexico and people from Guatemala, for instance, even though there are major differences. In addition, the public may be disseminating and perpetuating myths through the newest technology and techniques available.

Media Influence

The immigration issue is far larger and more complex than most people can imagine, both in Nebraska and nationwide. There is a lack of education about the topic overall, and the media – local and national, broadcast and print – are at least partly responsible, as are the changing news consumption habits of people in the 21st century. People used to read newspapers and listen to the news regularly; today, headlines and the 10-second sound bite may form the depth of news knowledge, based on many interviews in this research project.

The Internet and the blogosphere have contributed to negative attitudes about immigration, as they quickly and widely disseminate myths and misconceptions, as well as vitriolic commentary. Todd Wiltgen, State Director for the office of Senator Chuck Hagel, spends a great deal of time dispelling these misconceptions when constituents write or call Senator Hagel's office. During a recent interview, Wiltgen displayed a large, three-ring binder full of factual reports collected so he could respond to a constituent's concerns about immigration issues. Most of the issues the constituent was worried about were myths, Wiltgen said. The research was provided by the Congressional Research Office and other federal research organizations.

Nebraska's Congressional Involvement

Nebraska's congressmen and senators are well-informed about the complexities of the immigration issue and are trying to find the most practical solutions, both for Nebraska and for the country as a whole. However, solutions that make sense in heavily-populated coastal states don't make sense for the sparsely-populated, agrarian Nebraska with its wildly different terrains and lifestyles. Nebraska's Congressional delegates receive a broad spectrum of feedback from their constituents about immigration – everything from “cut it off,” “keep it as it is,” “lower it,” “build a wall,” “don't build a wall,” “fix the system,” and more.

The Strategic Discussions for Nebraska team visited with Congressman Lee Terry, who represents the 2nd District; with

Charles Isom, Communications Director for Congressman Adrian Smith, who represents the 3rd District; and with Josh Moenning of Congressman Jeff Fortenberry's office – Fortenberry represents Nebraska's 1st Congressional District. The SDN team also visited with David DiMartino, then-Communications Director for Senator E. Benjamin Nelson, and with Todd Wiltgen, State Director for Senator Chuck Hagel. All are very much aware that the “one-size-fits-all” approach to immigration does not work for Nebraska, or for states similar to Nebraska.

Two of the major issues are fortifying the border with Mexico and identifying the people who are already in the United States and what they are doing here. Since September 11, 2001, much of the focus has been on terrorists possibly coming into the U.S. via the country's southern border. In addition to determining whether undocumented entrants into the U.S. have terrorist ties, federal authorities are looking at drug smugglers, traffickers in humans, gang activity and people who bring in and sell counterfeit goods.

Conversations about building a wall across the border between the U.S. and Mexico draw varied comments. One Lincoln employer asked “who will they get to build the wall?” knowing that immigrant labor is used for much of U.S. construction. Chuck Karpf of Scottsbluff is Discovery Program Director for the John N. Harms Advanced Technology Center of Nebraska, and commented recently, “If they're going to close the border with Mexico, they should close the Canadian border, too.”

Understanding Words, Culture

Conversations with sources throughout Nebraska indicate that people want a standard, respectful vocabulary to describe people, laws and situations. The terms “illegal” and “alien” are two of the terms to which many object. They suggest “undocumented worker” as a more objective term. A list of definitions is provided in this magazine; these are the main terms encountered during this study that require clarification and possibly change, based on feedback from many sources.

The cultural and economic divide is enormous between most Americans and the people who come here for a better life. “We are the shining city on the hill” to them, to quote Steve Frederick, editor of the Scottsbluff Star-Herald. Luis Peon-Casanova, lecturer in advertising in the UNL College of Journalism and Mass Communications, became a U.S. citizen on December 7, 2007. He noted recently that on the north-south highway through Mexico, he has often seen women and children selling snakes, falcons and rugs at the side of the road. That is the life they know; they were born into that lifestyle; their children are born into that lifestyle. They simply don't have the ability to imagine a lifestyle other than selling snakes, falcons and rugs at the roadside, Peon-Casanova said.

Federal Immigration Organizations

In March 2003, the U.S. Citizenship and Immigration Services (USCIS) replaced the U.S. Immigration and Naturalization Service, and its umbrella organization became the Department of Homeland Security (DHS). The U.S. Immigration and Customs Enforcement (ICE), also established in March 2003 is the largest investigative and enforcement branch of the Department of Homeland Security.

However, the federal immigration system is nearly impossible to access; it changes its focus frequently; the ICE raids on companies that hire immigrant labor are short-sighted, assault

many Nebraskans' sense of human rights, break up families and negatively impact communities' economies, as discussed in a meeting of community leaders in Scottsbluff on May 14. Some sources go so far as to allege that these ICE raids are conducted solely for publicity. Even though many Nebraskans object to people working in the U.S. without legal documentation, they object far more strongly to the ICE raids that break up families. Even though a federal software system is available to employers to determine whether employees are legally able to work in the U.S., it is optional. SDN sources believe employers should abide by federal regulations regarding employing undocumented workers so employees aren't caught in such raids, with the inevitable repercussions that follow. Individuals' stories were frequent, detailing unanswered calls, years of waiting for documents and observed mistreatment of would-be applicants in federal immigration offices.

The largest U.S. immigration raid in history took place on May 12, 2008, at Agriprocessors, a Postville, Iowa kosher beef processing plant. Nearly 400 workers were arrested in that ICE raid. A spokesman for Rep. Tom Latham, R-Iowa, said Latham views the raid as a blow to families seeking a better life and for the community, which is suffering economically, according to an Associated Press story in the June 2, 2008 Lincoln Journal Star. The story went on to say that if that many workers were undocumented, the company must have known they were hiring undocumented workers. The SDN community discussion in Scottsbluff on May 14 brought out that if employers were required to hire only workers with legal documentation, it would prevent the kind of human crisis that was visited on the workers of Agriprocessors and their families.

Nebraska's Employment Future

Nebraska grows food not only for its own residents, but also for export. Its vast Sandhills region provides a suitable environment for raising cattle, and Nebraska ranks #2 in the United States in cattle production. A large work force is required to grow, transport, process and distribute or ship the product.

With Nebraska's death rate exceeding its birth rate, there is a current shortage of people available to do the work required by that #2 national ranking. And it will only get worse in the future, especially in rural areas of the state, according to Jerrod Haberman, Executive Director of the Panhandle Area Development District. The so-called baby boomer generation will likely retire in the next 10 years, he said, and combined with the fact that deaths are exceeding births, Nebraska's current critical shortage of workers will become even worse by 2018.

Rural Nebraska already has a difficult time finding health-care professionals, not to mention bilingual professionals to serve the population who doesn't speak English. Cal Hiner, administrator of the Tri-County Hospital in Lexington, struggles to fill positions there, and is always on the lookout for bilingual professionals. In addition, Lexington is working on the "grow your own" method of filling health care jobs, which encourages Lexington high school graduates to get the requisite training and return to the community to work.

The increasing technical nature of employment has also changed the employment landscape, and small communities are finding ways to train people to fill these jobs, according to Dr. John Harms, current State Senator from District 48 (Scottsbluff) and retired President of Western Nebraska Community College. The John N. Harms Advanced Technology Center is part of WNCC, and was built to serve the technology training needs of western Nebraska.

The workers from other countries are reliable and loyal and cause few problems, according to employers SDN interviewed; they often have specialized skills learned in their own countries that are valuable in American construction projects.

Meatpacking/Processing Jobs

In many cases, beef processing facilities are located close to the source of production; the small towns can't provide enough workers, so immigrant labor fills the positions.

Nebraska's smaller communities are actively recruiting people for available jobs. They're recruiting from Nebraska and from other parts of the U.S., but they're also recruiting from other countries. Without this work force, the state's economy would suffer. Pundits have suggested the immigrant work force is taking jobs Americans won't take, while others disagree.

Todd Wiltgen, State Director in Senator Chuck Hagel's office, said "how much would you want to be paid to work in a meatpacking plant?" He said people are reluctant to answer, and may tell him that "other" people would be happy to take those jobs. Eric Brown, General Manager of KRVN Radio in Lexington, was one of the community leaders who led recruitment efforts to fill a large, empty manufacturing facility in Lexington. When Tyson moved into the structure and set up operations, the need for nearly 2,000 workers was more than the community of 10,000 could provide, so workers from other countries moved in to work in the plant. Some Lexington residents "did try it out," Brown said, but very few remain employed there. It is hard work, and Brown does believe that these workers are filling jobs Americans aren't willing to take.

Angelo Fili, Executive Vice President of Greater Omaha Packing Company in Omaha, hires many Latino workers and uses the federal verification software to be sure the company's employees are working in the U.S. legally. The company has built an addition to the plant specifically to provide for the sorts of formal and informal educational needs of the employees – language classes, citizenship classes, classes to help them understand American banking and culture – whatever they would like to learn, "we'll find a teacher." The classes are offered free of charge, Fili said. The employees are valuable to the company, he said, and the company wanted to give back to them. An unexpected result was that the program also grew company loyalty.

Language

Historically, immigrants to Nebraska took a long time to learn English. In some cases, it took generations. However, some Americans today have little patience with immigrants' process of language-learning.

According to Todd Chessmore, Superintendent of the Lexington Public Schools, educational research shows it takes seven years to learn English well. Parents of immigrant children are less likely to learn English as quickly as their children. But, Chessmore said, Americans' wish that immigrants be fluent in English quickly is complicated. "What does it mean to be fluent?" Does it mean reading a menu? Speaking, writing and reading perfectly? Or some combination of those? Chessmore uses the term "biliterate" instead of "bilingual," because "biliterate" means speaking, reading and writing in two languages, while "bilingual" may mean only speaking in two languages. Chessmore is pleased with the language process of Lexington's students. The majority of the students are Latino, he said, and it is increasingly clear that those students will have the advantage in the job market in the future; they are already earning scholarships and winning awards for educational excellence. He is now making sure the white students learn Spanish well so they have the same opportunities as their Latino classmates.

Kyle McGowan, Superintendent of Schools in Crete, says the Crete schools start Spanish-language education in kindergarten. Crete's location just 20 miles from Lincoln increases the chances of finding bilingual teachers and other personnel. Dr. Gary Reynolds, Superintendent of Schools in Scottsbluff, would like to start Spanish-language education in kindergarten too, but finding Spanish teachers is a challenge in Nebraska's Panhandle.

Racism? Education? Or Poverty?

Alex Moreno, Chief of Police in Scottsbluff, is of Mexican descent. He believes there is an element of racism today, but believes it is more likely to be a gap in education or income between whites and Latinos or between whites and any other ethnicity. Moreno said he sees a difference in the way professionals – like doctors and lawyers – are treated in comparison with agricultural workers who have less education and have lower incomes.

However, each Nebraska community is different in its ethnic makeup and in its ethnic history. Scottsbluff's ethnic mix has been part of the community's history for nearly 150 years, while the mix in Lexington has been only 18 years. Crete has worked with a variety of ethnicities since Farmland started operations there in 1975. Omaha was settled by a wide mix of ethnicities in the 1850s, so the city has always known differences.

Law Enforcement, Public Safety

Local law enforcement agencies are not only charged with enforcing laws, but also with protecting and serving the residents of a community. Moreno said that local law enforcement agencies are being asked to participate in ICE raids nationwide, and he sees that involvement as a conflict in the “protect and serve” mission of law enforcement. The human rights aspect of immigration is ignored in these cases, he said; communities take it seriously when such raids break up families and mistreat people.

Moreno said one of the most difficult issues arises when a non-English-speaking person is accused, by a person who does speak English, of a crime he or she did not commit. Another is when a non-English speaking person is a victim of a crime (such as rape or domestic assault) perpetrated by an English-speaking person. That is when it is vital for a community to have bilingual law enforcement officers and other personnel who can translate for victims, in addition to those who have committed crimes. Moreno, who is bilingual, said he is frequently contacted to break down communication barriers to establish either innocence or guilt. America's judicial system assumes innocence until guilt is proven.

Eric Brown of Lexington believes anything can happen in any community, but points out that demographics indicate most crime in any segment of society is perpetrated by young men, regardless of their ethnicity. The immigrant workers are largely young men, so it would stand to reason that communities with a large population of young men would have more crime. Brown believes the crime in Lexington is relatively rare and minor in nature.

Children—the Common Denominator of Nebraska's Future

“The common denominator of the whole immigration issue should be children,” according to Lyn Wallin Ziegenbein, Executive Director of the Peter Kiewit Foundation in Omaha. The children being educated through Nebraska's schools are the

future of the state, and the efforts to keep them in Nebraska will determine the work force of the future.

Chuck Karpf of Scottsbluff said he believes Nebraska needs to develop a system of incentives so young people will stay in the state. His ideas range from giving people lower property taxes for a period of years, to paying for their educations should they agree to work in the state for several years.

Dr. John Harms, in his role as state senator in Nebraska's Unicameral, is spearheading long-range planning for Nebraska beginning in the 2009 legislative session. His focus on rural Nebraska will address many issues such as educating Nebraska's children for the future needs of the state and possibly developing programs to recruit and retain workers – not only Nebraska's own children, but also people from other countries and other parts of the United States.

The Role of Religion

A church family has long been a way for newcomers to integrate into a community. Today, Lutheran Family Services and Catholic Social Services are two of the main religious organizations that help refugees integrate into new communities. The focus is on helping people to integrate quickly into America, but at the same time serving the various physical, emotional and spiritual needs of the newcomers, as well as the underserved of each community.

Lutheran Family Services nationwide is one of the largest organizations working with the needs of refugees who fled the political violence of Sudan and have resettled in the United States.

Most of today's immigrant population comes from predominantly Catholic countries, so the Catholic Church has significant involvement in serving the needs of both refugees and immigrants. Jim Cunningham, Executive Director of the Nebraska Catholic Conference, said the Catholic Church looks at immigration issues from a moral, human rights standpoint, as it has for centuries. The Church has developed and accepted five principles on migration:

- Persons have the right to find opportunities in their homeland.
- Persons have the right to migrate to support themselves and their families.
- Sovereign nations have the right to control their borders (though more powerful economic nations have a stronger obligation to accommodate migration flows).
- Refugees and asylum seekers should be afforded protection (by the global community).
- The human dignity and human rights of undocumented migrants should be respected.

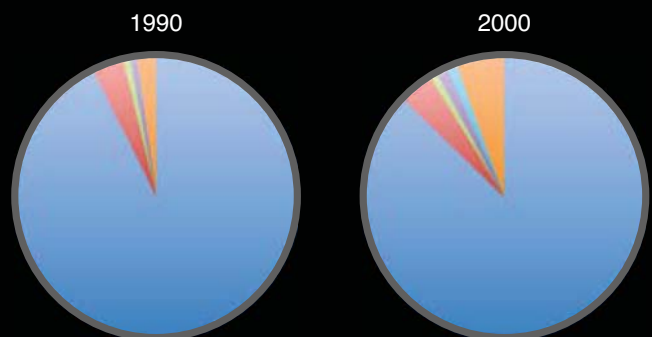
The Catholic Church in Nebraska is also in the process of developing a joint statement on immigration from the bishop in each of Nebraska's three dioceses, Cunningham said. ●

For more information visit www.unl.edu/sdn/immigration

Nebraska Demographics

Race	1990	2000
White (Caucasian)	1,461,733	1,494,494
Hispanic (of all origins)	35,093	94,425
African American	56,424	67,537
American Indian	11,989	13,460
Asian or Pacific Islander	12,270	22,324
Other	876	19,023

* Sources: 1990 Census and 2000 Census



Definitions Relevant to Immigration Discussion

Acculturation (acculturate)—to cause (a society) to change; the process of adopting the cultural traits or social patterns of another group (dictionary.com).

Alien—a resident born in or belonging to another country who has not acquired citizenship by naturalization; a foreigner; a person who has been estranged or excluded; noncitizen; a creature from outer space (extraterrestrial) (dictionary.com). *The consensus of those interviewed is that “alien” should be stricken from immigration discussions and “undocumented worker” or “noncitizen” be substituted.*

Americanize—to make or become American in character; assimilate to the customs and institutions of the U.S. (dictionary.com)

Assimilate—to bring into conformity with the customs, attitudes, etc., of a group, nation, or the like; adapt or adjust: to assimilate the new immigrants (dictionary.com). *Some of those interviewed object to this word, as there are many definitions of what constitutes assimilation; preference is given to either “Americanize” or “acculturate” because of the forced or coercive nuance of “assimilate.”*

Asylee—a person who seeks asylum in the U.S., is in the U.S. and is unable or unwilling to return to his or her home country for fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. Asylees are in the U.S. legally (personal interview with Christine Kutschkau, State Refugee Program Coordinator with State of Nebraska Department of Health and Human Services).

Biliterate—a person who is able to read and write in two languages (dictionary.com).

Bilingual—a person who is able to speak in two languages with the facility of a native speaker (dictionary.com).

Documented Worker—a worker from a country other than the United States who has completed the appropriate and official paperwork and has been approved by the U.S. Citizenship and Immigration Services to work legally in the U.S.

Fluent—ability to speak and/or read a language with ease (dictionary.com). *There is significant difference of opinion among sources interviewed about the definition of “fluent” in the context of immigration – does it mean a person can speak AND read, speak OR read, and at what level?*

Hispanic—from the Latin word for Spain, Hispanic has the broader reference, potentially encompassing all Spanish-speaking peoples in both hemispheres and emphasizing the common denominator of language among communities that sometimes have little else in common. Only Hispanic can be used in referring to Spain and its history and culture; a native of Spain residing in the U.S. is a Hispanic. Hispanic is a label that borders on the offensive and lacks the authenticity and cultural resonance of Latino (dictionary.com).

Integration—an act or instance of integrating a racial, religious, or ethnic group (dictionary.com).

Immigrant—a person who voluntarily leaves his or her country of nationality to work, study or live in another country. Legal immigrants may be eligible for certain public assistance benefits (personal interview with Christine Kutschkau, State Refugee Program Coordinator with State of Nebraska Department of Health and Human Services).

Latino—in Spanish means “Latin” but which, as an English word, is probably a shortening of the Spanish word *latinoamericano*—Latino refers more exclusively to persons or communities of Latin American origin, such as Mexico, Central America and South America. One cannot substitute Latino for Hispanic without garbling the meaning. When referring to residents of the U.S., most of whom are of Latin American origin, one can theoretically use either Hispanic or Latino. Latino is a term of ethnic pride and can also be changed to the feminine form (Latina) when referring to women (dictionary.com).

Mexican—a native or inhabitant of Mexico, or a person of Mexican descent (dictionary.com).

Mexican-American—a citizen or resident of the U.S. of Mexican birth or descent (dictionary.com).

Nativism—the policy of protecting the interests of native inhabitants against those of immigrants (dictionary.com).

Refugee—a person who is outside his or her country of nationality and is unable or unwilling to return to that country because of a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion (personal interview with Christine Kutschkau, State Refugee Program Coordinator with State of Nebraska Department of Health and Human Services).

Secondary Migrant—a refugee who has lived in the U.S. legally for three years or less and has moved to another state (personal interview with Christine Kutschkau, State Refugee Program Coordinator with State of Nebraska Department of Health and Human Services).

Undocumented Worker—a worker who has not completed appropriate and official paperwork to work legally in the United States and has not received the approval by the U.S. Citizenship and Immigration Services to work in the United States. This group also includes persons who have overstayed their legal visas and have no current documentation.

U.S. Citizenship and Immigration Services (USCIS)—formerly the U.S. Immigration and Naturalization Service (INS), the USCIS is a government agency within the U.S. Department of Homeland Security. The USCIS is responsible for the administration of immigration and naturalization functions and for establishing immigration services policies and priorities (www.uscis.gov).

U.S. Immigration and Customs Enforcement (USICE, called ICE as an acronym)—the ICE organization is the largest investigative branch of the U.S. Department of Homeland Security. This organization combines the enforcement branches of the former U.S. Immigration and Naturalization Service and the former U.S. Customs Service. The purpose of ICE is to enforce U.S. immigration and customs laws and to protect the United States against terrorist attacks. ICE targets illegal immigrants; the people, money and materials that support terrorism; and other criminal activities. The focus of ICE includes: gang activities; employers who hire illegal workers; fraudulent immigration document and benefit applications; organizations that smuggle and traffic in humans; organizations responsible for smuggling and distributing counterfeit products (www.ice.gov).

Xenophobia—an unreasonable fear or hatred of foreigners or strangers or of that which is foreign or strange (dictionary.com).

Re-Inventing the Wheel: Nebraska's Immigration History

Immigration issues in Nebraska seem to have come to light only recently, and sometimes with a startling vehemence. But Nebraska has a 150-year history of immigration, and also a history of difficulty in accepting differences between ethnic groups.



Dr. John Wunder

“We have a long history of immigration in Nebraska; every one of us came from somewhere else. Even the American Indians migrated here from somewhere else,” said Dr. John Wunder, Professor of History at the University of Nebraska-Lincoln. And during the years since then, there have been issues of acceptance.

What about people today who are vocally anti-immigrant? “I would say they are selfish and ignorant of the past,” Wunder said softly. “Americans have collective amnesia.”

Even at that, Wunder said, America has been more welcoming than other countries. Historically, there have been serious immigration issues in other countries; issues still exist today that are dealt with by violent means.

Nebraska’s history paints a picture of immigrants from many European countries who were looking for a better life, knowing it would take hard work and sacrifice. They encountered people from other countries seeking the same thing, but differences in ethnicity, religion, language and culture made it hard to communicate, hard to work together. There were tensions, and sometimes trouble.

But they were building Nebraska, and they persevered.

Nebraska’s Early Immigration

One must have a working knowledge of Nebraska’s history and growth to understand immigration issues in the state today. “In the 1920s alone, more than 500,000 people moved to Nebraska,” Wunder said. Taking into account the

population of the state at that time, it was a significant influx of newcomers. By comparison, the population of Nebraska in 1860 was about 30,000; the population in 1920 was around 1,296,000; and the population in 2007, according to U.S. Census, was about 1,775,000.

Nebraska’s roots began to grow, in part, because of the settlement of adjacent states. Kansas, for instance, attracted Pietists, who were believers in religious and ethical purity, as well as purity in customs and traditions. Those individuals who preferred more independence from such constraints moved north to Nebraska. Perhaps it is not surprising, then, that Nebraska is still known for its independent thinkers, manifested by America’s only one-house legislature, the Unicameral. A bill establishing the Unicameral system was passed by a vote of Nebraskans in 1934 and the first session began in 1937. This system of government in Nebraska still exists today.

The first federal immigration law was enacted in 1882, but its life was only 10 years, Wunder said. It was revised in 1892, then again in 1902. “It was created because there was distinct anti-Chinese sentiment on the west coast, as so many people came here to work from China. The Chinese were not interested in assimilation; there were also racial overtones. At the same time, Japanese, Filipino and South Asians were also coming in,” he said. In 1920, the first all-purpose federal immigration legislation was enacted – the same year that women were given the right to vote. “Assimilation,” Wunder said, “is really defined as forced cultural

change; it requires coercion.” Acculturation, on the other hand, allows a person to choose the characteristics he or she wishes to adopt. Picking and choosing these characteristics is positive in society, Wunder said, because allowing choice is the basis for a more successful society long-term. Various other terms have been used historically and recently, including “integration” and “Americanization.” Each term means something different, especially if one is to consider the decade in which it was used.

Nebraskans of the 1850s and 1860s came to the state by steamboat via the Missouri River or by covered wagon from the east. There were push factors and pull factors that influenced the desire to migrate to the United States, and specifically to Nebraska, Wunder said. Push factors pushed people out of their home countries, while pull factors attracted them here. Economic factors pushed them out of their own countries, including the fact that farmland was traditionally passed down to the eldest son, leaving other sons without land to farm and thus no way of making a living. Farmland was cheap in Nebraska, Wunder said, so that was a “pull factor,” pulling many people to Nebraska from many European countries at that time. The railroads in Nebraska heavily influenced where people settled, as the railroads carried these people to a town depot, which was the hub in communities served by the railroad.

If a certain area of the state needed railroad workers, recruiters for the railroad would meet ships in New York and bring the immigrants to Nebraska

on the train. Immigrants usually arrived in groups of the same ethnicity, so a whole Swedish community, for instance, might settle in a certain area. Germans made up the largest percentage of immigrants, Wunder said, and were “the most harassed people during World War I.” Local anti-German sentiment was so strong about that time in Nebraska, Wunder said, that German immigrants were prohibited from speaking their language on the phone or in schools; town names were changed (New Berlin, for example, became Garland), and the Ku Klux Klan became active as an anti-immigrant, anti-Catholic, anti-German, anti-black and anti-college-educated organization. More than 50 newspapers were once published in German; today there are none.

Post-WWI Change

A letter written in 1919 to a Mr. Richard Hurd by President Theodore Roosevelt discusses Americanization and what adaptive traits should be expected of immigrants to America. World War I had ended in 1918, and anti-German sentiment was at a high point. His comments detailed some of his expectations of men regarding language, loyalty and assimilation. The date of the letter and the term “man” in its context is historically significant, as women did not have the right to vote until 1920, and blacks were not assured that privilege until 1965; though blacks were given the right to vote after the Civil War, some states found ways to prevent them from voting.

In fact, that whole post-WWI time period, Wunder said, was a time of change. “Things were not pleasant in America. The economy fluctuated; there was massive urbanization and industrialization; World War I displaced a lot of people because they were either working for the war effort or working in the war, and people had to go to different places,” he said. “Africans – post-Civil War – had moved north to the cities. America was surrounded by change, and it was mysterious. The automobile allowed people to get around. Radio brought great culture changes; people listened to music, started dancing, drinking and smoking,” he added.

Gender also became an issue. “There

was a gender change in families, which resulted in stress in society. Women had joined the work force during World War I, and they wanted to continue working,” Wunder explained. Women had been pushing for the right to vote, and men were concerned. The suffrage and Prohibition issues were closely linked, Wunder said. German and Czech immigrants opposed Prohibition because drinking was part of their culture. Northern Europeans thought Prohibition was a good idea. “It was thought that if women were given the right to vote, they would vote in favor of Prohibition,” he said. “Nebraska was one of the later states to approve women’s suffrage.”

Change was happening so fast it was

event paled in comparison to a race riot in Tulsa, Oklahoma around that time. “In Tulsa,” Wunder said, “mobs destroyed – killed – the entire black community.”

Today

Fast-forward to Nebraska today.

New technologies have revolutionized Nebraska agriculture; the complex equipment requires skilled workers. Fewer farmers are needed to farm more land. “We have great pride in our homestead past, when people were allowed 160 acres of land to farm. Today, it is more likely to be 1,600 acres,” Wunder said. The immigrants are now working on the end product in the meatpacking business instead of the beginning of the product – the planting. Many immigrants are unskilled laborers, and farming now requires skilled laborers.

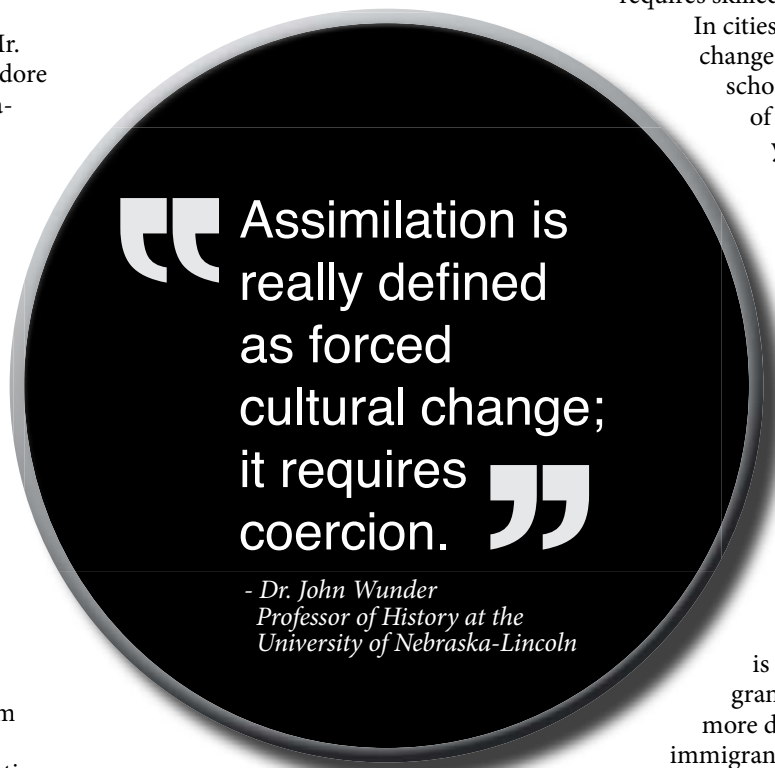
In cities, the clear evidence of change comes from looking at school data. The composition of the state has changed; five years ago, data from the Lincoln Public Schools’ English Language Learner program student body was chiefly Iraqi, followed by students from Kosovo, then from Bosnia. In Lexington, much of the community is Hispanic, but there now are a significant number of workers from Ethiopia, Sudan, Somalia and Liberia.

Wunder said it doesn’t appear that much attention is paid to matching immigrants to culture, making it more difficult to acculturate new immigrants. “We are notoriously insular; we don’t place emphasis on other languages; we are world-deficient.”

Many young people have left small communities; you’ll find people 50-plus years of age – white – and then large groups of young Hispanics. “You not only have the ethnic difference, but you also have the generational difference, the cultural difference and the religious difference,” Wunder said.

How does it manifest itself? “The older folks don’t think through things like school bond issues to fund education for immigrant students, but education is the way to make this work,” he said. “Anti-tax increase equals anti-immigrant.” ●

For more information visit www.unl.edu/sdn/immigration



difficult for people to absorb. In fact, Americans elected two presidents – Warren Harding, then Herbert Hoover – who were not interested in great change. “People wanted someone who did not want change,” Wunder said. “Americans were feeling very insecure.”

That insecurity, he said, led to a race riot in Omaha in 1919. “One man was killed – lynched, actually. Henry Fonda, who was born in Omaha, and his father were in Omaha at the time, and Henry later wrote that it was the most frightening thing he had ever witnessed,” Wunder explained. As bad as it was, the Omaha

Covering the New Nebraska: Serving Diverse Audiences through the Media

Nebraska's influx of workers from other countries has brought profound changes to some communities in the state. Those changes have brought new challenges to many Nebraska media outlets who wish to provide coverage of all aspects of a community.

Daily and weekly newspapers are challenged to provide a smorgasbord of information to all kinds of readers in the paper's subscription area, including international, national and local news, business news, agricultural news, feature stories, human interest stories, editorials and classified advertising. Even though the desire is strong to bridge the gap between ethnicities in a community, the people-power may not be available.

A January 17, 2008 videotaped conversation dubbed *Covering the New Nebraska* was moderated by Kathleen Rutledge, former editor of the Lincoln Journal Star. Panelists were Kent Warneke, editor of the Norfolk Daily News; Josh Wolfe, editor of The Crete News; and Dr. John Wunder, Professor of History at the University of Nebraska-Lincoln, who brought the historical perspective to the conversation. Contributing by mail were Steve Frederick, editor of the Scottsbluff Star-Herald and Lindsey Tederman, editor of the Lexington Clipper-Herald.

"The old population is graying; the new population is immigrants," Rutledge noted, but time and staffing constraints make it difficult to cover everything in small, diverse communities.

"No matter how good your intentions are it's hard to meet the needs of everyone...Hispanics, people of faith, farm families, single mothers, grandparents and such unless you find ways to include their voices in your newspaper," Frederick said from his office in Scottsbluff. And a good place to start is hiring people at the newspaper that reflects the community's diversity. Scottsbluff's history includes migrant farm workers who were first Germans from Russia, then Hispanics, more than 100 years ago. They worked in the potato and sugar beet industries. The community was settled by these groups, as well as others who worked for the railroad. "I encounter intense polarization and closed-mindedness, especially in politics. Some people are resolutely unreachable with facts. Where this becomes most damaging is in an issue such as immigration, where many people equate immigrants with Hispanics (or even more specifically, Mexicans) and don't differentiate between legal and illegal immigrants,"



Frederick said. "The only way to bridge those gaps is to respect and reveal nuance, expose nonsense, highlight good role models and spend less time getting pulled into political squabbles and more time emphasizing our common humanity," he added.

And the obvious answer to bridging the coverage gap, Tederman said, is to cover more stories exploring other ethnicities, different ages and various interests. Lexington has experienced great changes since IBP took over a large, vacant building in Lexington and remodeled it as a state-of-the-art beef processing facility. Now Tyson Fresh Meats, the facility attracted enough workers from many countries to change the face of

“Hispanics in Norfolk are surprised that we want to know about them...but we have gotten over treating minorities as a novelty. We just incorporate this coverage as part of our regular coverage.”

- Kent Warneke
Editor of the Norfolk Daily News

Editor Commentary on Today's Media

I believe part of the reason newspapers are struggling is that we have allowed special interests to take control of the conversation and define us as something we're not; specifically, the baloney about "liberal media." Newspapers have a responsibility to be smart. That sounds egotistical, perhaps, but we are supposedly more engaged, do more research, observe more intently, have greater institutional memory. There's nothing wrong with putting all that hard work into what we do. The worst newspapers, I believe, are those that pander to their readership – all conservative columnists because their audience is conservative, no stories about Hispanics because the community is quietly racist, no stories about the dynamics of farm subsidies or conjunctive water use because the community is hostile to "anti-farm" coverage. We should be biased toward the truth, wherever that takes us. That means respecting people's intelligence and aiming high. It means being courageous. A newspaper that refuses to be intimidated will command respect. There aren't many of them left.

- Steve Frederick, Editor, Scottsbluff Star-Herald



that small community. Most of the workers are Hispanic, but there are now also workers from Somalia and Sudan, with other ethnicities arriving frequently. "The Lexington Clipper-Herald owns an adjoining building, which we rent to a Muslim place of prayer. I'm hoping to do a feature on the Muslim religion and way of life," she explained as an example of a story that might help bridge the gap.

The Clipper-Herald offers a free monthly Spanish newspaper called "Que Pasa," which summarizes the month's top news stories. "This shows tangible success," she said. "We've also added the Spanish translation to our website—one click of a button, and the entire page is translated to Spanish," even though she's found it's difficult to serve all dialects of the language. Tederman also measures success of the paper's efforts by the coffee shop discussions the day after publication, as well as direct compliments and website hits.

Small weekly papers are challenged by the changing face of their communities, in addition to their staffing shortages. "The Crete News has been around since 1871," Wolfe said. "We used to have a whole page of Czech news that correspondents would provide to us, but frankly, those people have died, and we haven't had great success getting the Hispanics to be involved," he said. He hopes a leader of the Hispanic community will come forward and act as a liaison, helping to bring Crete together, even including notices of common events such as weddings and births. Farmland opened its doors in Crete in 1975 as a pork processing facility, and has attracted workers from many countries, as well as workers who are longtime Nebraskans. Although the workers are mostly Hispanic, nearly two dozen languages and dialects are represented in the work force.

Norfolk's Warneke moved to Norfolk in 1987, shortly after a meatpacking plant went in and the Hispanic population nearly doubled, along with the mix of cultures and ethnicities. "We have a 20-member newsroom staff, and we share the

same concerns you have in Crete," he said. "Hispanics in Norfolk are surprised that we want to know about them...but we have gotten over treating minorities as a novelty. We just incorporate this coverage as part of our regular coverage." A bank robbery in Norfolk in 2002, in which four Hispanic men entered U.S. Bank and killed four employees and one customer, had the potential to polarize Norfolk. But one of the Hispanic churches held a healing service and invited everyone in the town, Warneke said. "The Hispanics were as hurt as the Caucasians. It turned the tide. That one gesture turned the tide."

After the bank tragedy, Warneke said he went out and solicited letters to the editor from the Hispanic community. "I had never done that before, but I wanted their voices to be heard," he said. Finding a good spokesperson is valuable, he said.

Finding commonalities is at the heart of it all, Rutledge suggested. An editor of an Asian newspaper came to visit her some time ago, and suggested that the Journal Star run a story on how different ethnicities make chicken soup; nearly everyone makes it, but with interesting differences. Finding those common experiences and keeping up personal relationships in the community are important, she said, especially when you're working with an emotional topic like immigration.

Wunder, the historian, said one can't overestimate the importance of developing those connections and improving them over the long term. "These immigrants may be of one or two religious groups. These are connections, as are schools. Churches and schools have the most direct line to the people," he said. "There are natural suspicions and you have to prove yourself. In journalism there's an immediacy to everything, and this can't be immediate."

Success in bridging the gap in coverage would look a lot like a bulletin board, Frederick said. "Lots of letters, lots of press releases, lots of photos, stories from all strata of the community, dependence on more than "official" sources and a place for reader-generated stories."

The benefits of these efforts will show up in the communities. Engaging people in the community like Spanish teachers to involve their students in diversity projects would be helpful, Wunder said. And in the end, he added, "I think it's crucial that we want our communities to be peaceful places where people have a good life." ●

For more information visit www.unl.edu/sdn/immigration

Immigrants, Refugees Not the Same

Myths and stereotypes related to immigrants and refugees are common, and Christine Kutschkau is eager to communicate the facts.

Kutschkau, State Refugee Program Coordinator with the Nebraska Department of Health and Human Services, has found that the media tends to lump everyone with limited English proficiency into the same category, leading people to believe they're all the same. But there are profound differences.

By federal definition, an immigrant voluntarily leaves his or her country of nationality to work, study or live in another country. Legal immigrants may be eligible for certain public assistance benefits; however, they are not eligible to receive benefits or services from the Refugee Resettlement Program.

Conversely, a refugee is outside his or her country of nationality who is unable or unwilling to return to that country because of a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. Each October, the President of the United States issues a determination on the number of refugee admissions within a federal fiscal year. The admission of up to 80,000 refugees to the United States during the 2008 fiscal year is justified by humanitarian concerns or is otherwise in the national interest.

Other populations eligible for provision of services offered by the Refugee Resettlement Program include asylees, Amerasians, Cuban/Haitian entrants, secondary migrants, victims of severe forms of trafficking, and any lawful permanent resident who once held one of the other referenced statuses in the past.

Kutschkau works solely with refugees and their resettlement, not with immigrants. "By federal mandate, the Refugee Resettlement Program focuses on self-sufficiency as quickly as possible after arrival to the United States," she said.

There are three communities in Nebraska where refugees are actually placed – Hastings, Lincoln and Omaha. Even with limited human and financial resources, service providers in these communities are well-equipped to provide eligible populations with culturally and linguistically-appropriate assistance.

She notes that eligible populations often come to the United States having

suffered torture and trauma based on the sometimes-horrific situations they have fled in their home countries. Refugee resettlement agencies, in partnership with the State Refugee Resettlement Program, consult with a variety of community entities to determine the viability of resettling particular refugee groups. Discussion of issues related to the impact on business, schools, law enforcement, housing, health and language access is paramount in planning for new arrivals. Faith congregations and family sponsors, Kutschkau said, are sought to assist in the ongoing assimilation of newly-arrived refugees.

Refugees who moved to smaller communities may be secondary migrants. "Refugees make the decision to go to the secondary site," she said. Many refugees come from agrarian areas in their home countries, mostly with smaller populations, so metropolitan areas feel too big to them. "And our government can't mandate that they stay in the primary placement site," she said. For example, the Somali and Sudanese refugees who now live in Lexington were primarily resettled to Minnesota and Texas, and they came to Nebraska on their own.

"The grapevine is powerful," Kutschkau said, and when Immigration and Customs Enforcement raids occur in a work site, the grapevine quickly communicates that there are available jobs in a community. After one of these raids, Kutschkau says communities can expect a large wave of new workers – sometimes with languages and cultures new to the community.

The Refugee Resettlement Program in Nebraska is funded exclusively with federal dollars. Based on the funding source, allocations are divided among service providers.

Kutschkau said there are two cultural orientations that take place for refugees. The first takes place in the refugee camp or U.S. Embassy. The purpose of overseas cultural orientation is to help refugees develop realistic expectations about life in the United States. Overseas cultural orientation enables refugees to begin processing, in a safe and familiar environment, what can be an overwhelming



amount of new information. Overseas cultural orientation addresses 11 essential topics related to processing, travel and resettlement: pre-departure processing, role of the resettlement agency, housing, employment, transportation, education, health, money management, rights and responsibilities, cultural adjustment and travel.

The second cultural orientation takes place post-arrival in the community where the refugees are resettled. "That's the domestic cultural orientation. It teaches basic survival, but also teaches housing and personal safety," she said. "But most of that information is not retained," she added, because it's a lot of new information to absorb under less-than-ideal circumstances. There is support for the first 90 days after arrival, she said.

Kutschkau recognizes that refugees need more than 90 days to acculturate, learn the language and adjust to their new environment, so her office works with faith-based communities and families to continue the acculturation process. Her office also serves the refugee community through providing health and safety information printed in many languages and distributed to sites where refugees are likely to receive it. But it's not possible to print the information in every language, considering how many languages are spoken. For example, language data from the Lincoln Public Schools, Kutschkau said, indicates that there are 2,000 non-native English speakers in the student population. Of those, 56 different countries are represented, with 46 languages spoken. ●

An Employer's View

“I have a hard time imagining where we would get our work force if we didn't have the Hispanic community. If they ship them all back, there will be a big void—at least in our state,” said a Nebraska employer who asked to remain anonymous.*

His company employs several hundred workers, both skilled and unskilled, and says Hispanic workers comprise 80 percent of his new hires. “I think they are a very viable part of our community, and if we just eliminated them, and sent the Hispanics back to wherever their roots might be, this community would suffer.”

This employer's long experience in business and with the Hispanic work force gives perspective to the immigration issue. Nebraska is different from some states due to its small population, so there are fewer people to form the needed work force. There is competition for workers in his business, even with the influx of workers from other countries. He tries to keep the workers he has, while recruiting new people.

“The Hispanics are our best workers; the most loyal. They'll be there on time, do the hardest jobs with no complaints, and they appreciate everything you do for them,” he said. And they are long-term employees—many have been with his company for two or three generations. “They are more reliable; they're always there; they follow directions; they don't cause trouble; they don't get into trouble. I don't see these terrorist things that people are talking about, and our people aren't into drugs like people are saying they are,” he said.

This employer is concerned that some actions by the media may be negatively impacting public opinion concerning workers from other countries, creating a general disapproval of immigration nationwide and perhaps even encouraging the formation of new laws to regulate immigration or exclude immigrants.

“These talk shows quote things, and if you repeat them enough times, people accept them as facts. I hear that these workers are causing a drain on the health care system, but my guys never get sick. They don't want to miss a day; they're here to earn money. A lot of them send money back home, but they are still generating money for the economy,” he said.

And what happens when new laws exclude immigrants? “Oklahoma has passed some laws that are tougher on the Hispanic community, and I understand that (after the law was passed) pickup after pickup was full of employees leaving the state, and now there are billboards up, people trying to hire workers,” he said. People will try to steal employees from other companies, he said, offering workers more money to work for the other company. “Where does it stop?” he said. “We are petrified.”

Homeland Security has given employers the option of using a software program called E-Verify to determine legal status of employees. The employee provides his or her name and social security number, and if they are in the system and the name and number match, the employee is a legal worker and may be hired. “But it doesn't always work,” this employer said. In the case of Hispanics, a person often keeps his or her mother's name, and maybe mother's maiden name, too. “They might have three or four names. Now, that can be a problem if you mix them up and don't remember what's on the card...so it doesn't match,” he said. “We may try three or four times, and if we can't get it right,

then we give them appropriate time to straighten it out and if they can't, then we have to release them.”

He has heard stories about the difficulties encountered by people trying to go to the immigration office in Lincoln. “For someone to go through the process of trying to get their paperwork straightened out—they make it so difficult, they frustrate people so they don't do it. The government isn't user-friendly,” he said.

Raids on job sites are also troubling, he said. “We had 12 employees on a job site, and ICE workers questioned them. It scared them to death. Think about it...do you have all your paperwork with you at all times, when you're out there working hard? How much identification do you have with you right now if someone asked you to prove you are legal?”

This employer described his recent trip to California, during which he happened to hear a radio show about the immigration situation, and that it is a big burden. “But on the other hand, I don't know what they'd do out there if they didn't have anyone to pick their lettuce, their strawberries, pick their grapes...they wouldn't be able to harvest their crops without some of the migrant workers,” this employer said.

It would be interesting to challenge some of the statistics quoted in the media, he said, and see whether they have any validity to them. For example, whether a specific ethnicity really is a large portion of the country's or the state's concerns with criminal activity, or whether it's the influx of a large number of young people. The 18-34 age group, say some law enforcement personnel, statistically has more criminal activity than younger or older groups. Other statistics would be interesting to investigate, he said, such as whether these workers are really a drain on other areas of the country.

It's more than the issue of whether they're a burden on the U.S. economy. “I don't think they are,” he said. My family's history is the same kind of thing...came from (another country)... didn't understand English, worked hard. They didn't have to live in the shadows, though, and that's a difference,” he noted.

Living in the shadows makes some people wary of those they don't understand. Language, this employer said, is part of the problem. Some don't like to hear people speaking Spanish. “Why Spanish would bother people is beyond me,” he said. “I don't understand that; it's just prejudice.” People are going to have to understand, he said, that when you come from another country, you are going to flock to other people who came from that country, just like people did historically. “They talk the language they know, then they pick up a little English as they go. For the first generation, their English skills aren't very good, but by the second generation it's usually very good,” he said.

“The Hispanic community is not an ignorant community,” he said. “They came here because they needed to try to improve their standard of living from wherever they came from. A lot of them came over here illegally a long time ago, and they've settled in, they've raised families, they've had 2nd and 3rd generation people here. These are great citizens of our country,” he said. “There is no reason to fear that they are going to be terrorists, or gangsters or anything like that. I think if they are given a chance and allowed to stay, we'll look back on this era and say ‘hey, what were we worried about?’”

And if a wall is built on the Mexico-United States border, he said, has any thought been given to who will build the wall? ●

* The identity of this employer is known to the coordinator of this project and to a member of the SDN advisory board. Both can vouch for his veracity.

For more information visit www.unl.edu/sdn/immigration

Independence, Self-Reliance Key to Scottsbluff's Staying Power

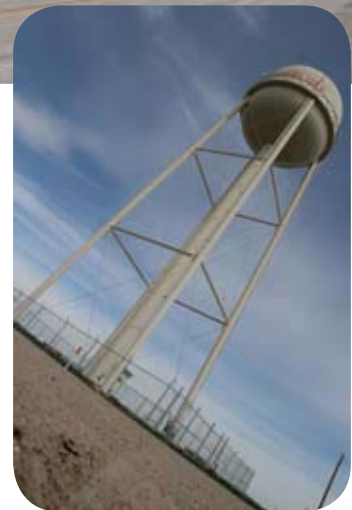
You won't find a lot of towns in Nebraska's Panhandle, and the towns you will find are sparsely-populated, even by Nebraska standards. But the people who call the Panhandle home are the independent sort – the kind who rely on themselves and each other to grow their communities and improve the quality of life for all people.

The Scottsbluff area was settled by Germans from Russia who came to work the potato and sugar beet fields in the middle of the 19th century. The community still bears the tidy, manicured look that was their trademark. After the area was settled and the Germans from Russia began to take other jobs in the area, migrant Hispanic farm workers worked the crops beginning in the early 1900s, following the planting and harvest in many areas of the Midwest. Many stayed, choosing to make the community their home. North of the Panhandle, in South Dakota, is the Pine Ridge Indian Reservation, the second-largest reservation in the United States and the tribal home of the Oglala Lakota Sioux. The diversity of ethnicities and cultures have characterized the Panhandle and specifically, the Scottsbluff area since the community was settled.

Smaller communities continually face the challenges of attracting doctors, nurses, attorneys, dentists and other professionals to their communities. The best way to attract them, say some, is to use the "grow your own" model, which encourages the community's young people to return after they complete their educations. They know the communities and they may be happier and thus, stay longer than would recruits from elsewhere.

Many of the towns in the Panhandle are using the "grow your own" model, but also proactively recruit people to come to their communities, and make efforts to retain the people who live there. Maintaining population is a success; growth is cause for celebration.

Scottsbluff has held its population at about 15,000 for several years. Its next-door-neighbor community -- Gering -- holds at about 8,000. Alliance, an hour's drive from Scottsbluff, weighs in at a population of 9,600, and Sidney, also an hour from



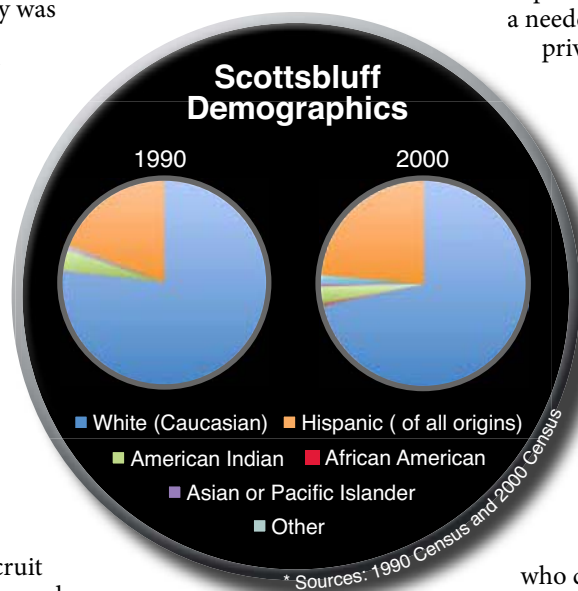
Scottsbluff and headquarters of Cabela's, stays steady at about 6,000.

The culture is different in Nebraska's Panhandle than that in the eastern part of Nebraska. Scottsbluff is only 100 miles from Cheyenne and 200 miles from Denver, but is 400 miles from Lincoln. When Scottsbluff residents turn on the television news, they're watching news from Colorado or Wyoming, not from Nebraska. They may identify more with those states than with Nebraska in some ways. They're accustomed to handling issues themselves rather than turning to outside sources for help. If voters turn down a bond issue for a needed project, residents may raise money privately and make it happen anyway.

Talk to the locals, and there may be a hint of curiosity about people from the eastern part of Nebraska who make the day's drive to the area. The residents feel a bit like they've been forgotten since they're so far away, according to one local leader. There's also a hint of protectionism – tell outsiders what you want them to know, or tell them just a little, but don't give them the whole story.

Concern for education, planning, rural America

Occasionally, though, there's someone who comes forward and tells that whole story. Dr. John Harms, for example, retired as President of Western Nebraska Regional College in Scottsbluff so he could run for the District 48 seat in Nebraska's Legislature, representing Scotts Bluff County. Harms completed his first term in the Unicameral in April 2008, and is championing a move toward long-range state planning and education of the state's residents. "We have no idea how we can make anything





happen, and it's even worse in the communities," he said in a recent interview. Harms is deeply concerned about the dropout rate in western Nebraska schools... something not everyone will talk about. Employment of the future depends on education, he said, as jobs are becoming increasingly technical and require specific skills. There is less and less need for unskilled labor as years go by, he said, and he fears a large population of people sitting idle in communities who have not been proactive in efforts to educate their residents.

"Immigration has made us what we are"

Hod Kosman, Chairman, President and CEO of Platte Valley National Bank in Scottsbluff, is another person who talks. "The GED class is the largest high school class in Nebraska," he said, and it's sometimes a struggle to cross cultural barriers so the diverse population can be persuaded that education is the way to self-sufficiency. In one culture, education is far less important than are other things; in another culture, moving around frequently is a barrier to keeping kids in school; in yet another culture, it's not acceptable to be educated – it's something only white people do.

Despite the challenges, "immigration has made us what we are (in Scottsbluff)," Kosman said. "We've been assimilating immigrants since 1920 and it has added to our community, but it has put tremendous pressures on us, too." For instance, false documentation can leave a banker holding the bag if an undocumented worker is deported and defaults on a loan, he explained.

Overall, he said, there is lots of cultural mixing in the Scottsbluff area and many businesses are owned by ethnic minorities.

That increases by generation, he said. "Most immigrants who come here want to do well," he said, but the Native American population is a different story in many cases.

The Native American population frustrates businessmen like Kosman, he said. There is a lack of leadership and understanding, he said, and he thinks the reservation system is part of that issue. Keeping Native kids in school is a challenge, he said, because the tribe is culturally nomadic and people move frequently.

"We're all in this together"

Scottsbluff and other neighboring communities are not wealthy; in fact, the annual family income is well below the state average, according to Rick Kuckkahn, Scottsbluff City Manager. The common thread running through the community is religion, he said, and church support groups are important in many community roles, including acculturation of people and businesses. "This area is founded on religion, and it's deeply rooted in everything we do," he said. "When there's a decision to be made, we all ask ourselves 'is this morally the right thing to do?'"

Randy Meininger, Scottsbluff mayor, noted there are more than 200 churches in the region; most are neighborhood-based and cater to the needs in a region or a neighborhood. In fact, Meininger said, he'd like to see the churches take a bigger role in reducing Medicaid.

Kuckkahn said living in Scottsbluff comes down to one thing: "we're all in this together." ●

For more information visit www.unl.edu/sdn/immigration

LEXINGTON

Overview



High Quality of Life for Everyone

In the late 1980s, Lexington was still a small farming community in the fertile Platte Valley. Lexington farmers were still planting and harvesting the same land their ancestors farmed 100 years ago; neat homes lined the streets of the town; business and industry were thriving.

Then a large manufacturing business left town, leaving vacant its manufacturing facility so large that 12 football fields could fit inside. It also took with it many jobs; homes went up for sale; people moved away.

“We needed a company to fill that building,” said Eric Brown, General Manager of KRVN Radio and a leader in the Lexington community. A group of about seven Lexington leaders devoted much of their time for about a year and a half to recruit businesses to move to Lexington and occupy that facility.

When the team of Lexington leaders looked for businesses to occupy the facility, they seriously considered the impact each option would have on social services, law enforcement, health care – every part of the community. “We wanted to know what impact it would have on Main Street,” Brown said.

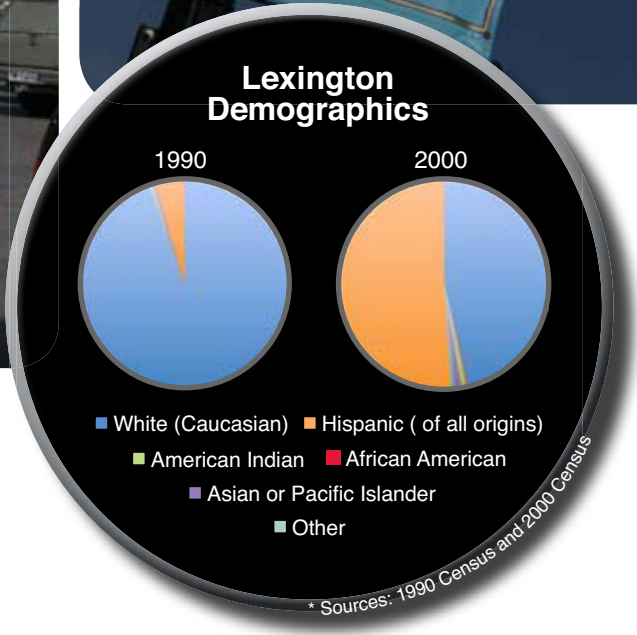
That’s when representatives of Iowa Beef Processors (IBP) decided that, with some remodeling, the facility would work for them. After many months of remodeling, the beef processing facility began operations in Lexington in 1990. Many Lexington

residents started working in the facility, Brown said, but few still work there. Instead, immigrant workers flocked to fill the jobs at IBP (now Tyson).

In the years since then, Lexington has changed. Farmers still farm the land of their ancestors; neat homes still line the streets. But there are businesses in town that are owned by Latinos; the Lexington Public Schools are about 75 percent non-white. Although most are Latino, there are a few students from Africa; most are from Sudan and Somalia, with a few from Ethiopia.

“We have the same minority percentage as Los Angeles,” Brown said. “When people say Lexington has changed forever, well, nothing stays the same. What you try to do is make it an attractive place to live. We’ve recruited good teachers; we have a good hospital; we’ve raised a ton of money for a new library; prior to that we built an aquatic park. We just remodeled the middle school auditorium. So you do things for humanities and quality of life,” he said.

T O N



Totally Positive

Dennis Burnside, Assistant City Manager in Crete, believes it takes a generation or two for existing residents of a community to accept new residents, but his office is not sitting by waiting for that to happen; it's moving forward, assuring that representatives from every part of Lexington are "at the table."

"We're trying to establish a 12-member Multicultural Commission," Burnside said, on which most of the ethnicities in town are represented. A number of Latinos have volunteered to serve, he said, and Burnside's office is trying to also get the community's Africans involved.

"Most of the people who are moving the community forward think this (immigration) is a good thing and try to be welcoming," he said. The economy is doing well; new businesses are opening; students are in school.

The Lexington Public Schools are led by Superintendent of Schools Todd Chessmore, who believes that all students should

graduate knowing two languages, regardless of their ethnicity.

"My pie-in-the-sky dream," he said, "is that every student be biliterate – able to read and write in two languages – before high school graduation." The system has been teaching English to Latino students for many years, but is now placing more emphasis on teaching Spanish to students for whom English is their first language. The benefits will be great as these young people enter the job market. Preference will be given to those who are biliterate, regardless of ethnicity.

Chessmore has a good bit of experience in leading school districts with non-white populations; he spent nine years with Indian Reservation schools, which, he said, is "probably the most difficult system in the state of Nebraska." His focus is on dealing with the whole child, "helping students be happy with the skin they're in and their lot in life, have aspirations to move on and help other people," he said.

But, he said, "we are offended by harsh discussion that goes on concerning immigration. And sometimes we forget that we are affecting kids when this is the only country they know, but say they aren't welcome here. And I take pretty strong offense that we can be so uncaring and harsh on anyone's children."

Chessmore sees only potential when he looks at kids and schools, and focuses on what constitutes success. The graduation rate is good; students are winning awards and scholarships; they're going on to college; they're getting jobs. "We're now hiring back some of our Latino students that are now graduates of the University of Nebraska-Kearney to our program, so there are a lot of really good things going on in Lexington."

Lexington is a positive community, an accepting community, an ever-changing community, according to Lindsey Tederman, editor of the Lexington Clipper-Herald. "People are people, and they may have an accent, they may be a different color, but I think we're all trying to do the same thing – work, raise a family, live together cohesively."

Tederman credits the strong core group of lifelong Lexington residents who have come forward to model for the entire community in accepting the immigrant population. They have also worked hard at keeping the community thriving.

Even so, there have been legitimate news stories from Lexington that haven't been positive for the community, and the outside opinions of Lexington based on these stories concern Tederman. When the stories are picked up by other papers, she said, "they can't resist inserting a phrase about the high immigrant population of Lexington, which may or may not be relevant to the story."

Tederman said communication issues are the biggest roadblock to acculturating the diverse community. She said the Latino population has a culture similar to the Caucasian population, but the new arrivals from Africa have dissimilar cultures. There is uncertainty about who is responsible for helping them acculturate, she said; there are no funds or groups designated for that purpose, and that makes it a bit complicated for the community.

"If I were to give advice to another small community about to get a meatpacking plant or other large business, it would be to assemble a core group of people who have been in the community for a long time, and get them on the same page," Tederman said.

"I'd also tell them that it's not going to ruin their city; it's actually going to improve their economy, it's going to grow. Take the things that are positive and work with those, and be proactive instead of reactive." ●

For more information visit www.unl.edu/sdn/immigration

Crete—A City of Contrasts

Crete is a community of about 6,500 people, located in Saline County about 20 miles southwest of Lincoln. Founded by Germans from Russia, it later became home to an influx of Czech immigrants, who influenced the community with their culture, foods and religion.

Crete has been home to Doane College since 1872; Doane is a private liberal arts and sciences college known nationally for high-quality education. Crete is home to a progressive public school system known for excellence in academics and sports.

It's also home to Farmland Foods, which has changed the landscape of Crete since it opened its doors for business in 1975. Farmland processes pork products, and this Farmland facility is both a slaughtering and manufacturing plant. The plant employs about 1,800 workers and many travel long distances to work there, according to Tom Crisman, Mayor of Crete and a longtime Farmland employee. In the last 20 years, the Farmland plant has attracted immigrant workers from many countries – chiefly Mexico and countries in Central America. But, Crisman said, the plant has employed large numbers of Asian workers in the past, and currently employs smaller numbers of workers from other countries. Seventeen languages and dialects are now spoken in the plant, he added.

Crete Today

Latino-owned restaurants and other businesses dot Crete's downtown district, which is a change from the past. Many longtime Crete residents remember the locally-famous Czech restaurant that closed its doors a few years ago and miss its ethnic foods, but evidence of change is everywhere. A new fire station gleams downtown. Infrastructure is being improved; new middle school was built nearly four years ago; there's a new hospital.

Crete Public Schools is a few blocks down the street, changing to meet the needs of its ever-changing student population, and teaching Spanish to students as early as kindergarten in addition to its thriving English Language Learners (ELL) program. Kyle McGowan, Superintendent of Schools in Crete, is one of many Nebraska superintendents who believe students who know two languages well will have an advantage in the job market, and that a language is easier to learn for children than it is for adults.

The Crete News, located on a downtown corner, continues to churn out a weekly newspaper, as it has since 1872. Doane College stands on a hill in a park-like setting, old buildings aside new, continuing to recruit students from all over the country to this small



community.

Jonathan Brand, President of Doane College since 2005, hopes to expand associations between the college and the rest of the Crete community; the college already hosts many educational and social activities in Crete. Many years ago, more than 80 percent of Doane's faculty and staff lived in Crete; today only half live there. Part of that is because Lincoln has grown in that direction, and the conveniences of a larger city are attractive to some people. However, Brand would like to increase the number of faculty and staff who live in Crete, and has introduced an incentive program to persuade more Doane employees to live there.

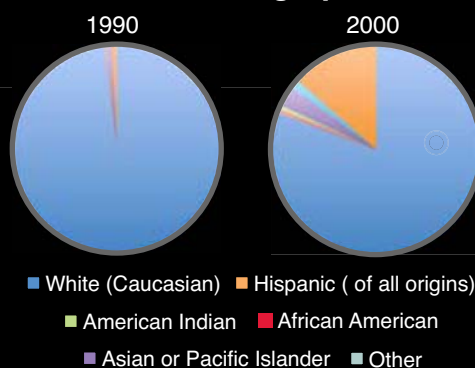
Community Division – Real or Perceived?

Crete's mix of ethnicities, combined with the presence of both a nationally-ranked college and a meat processing facility, creates a dichotomy in this community; it is all the more apparent because of the community's small population.

Statewide, Strategic Discussions for Nebraska researchers found a variety of opinions regarding the reasons for divides in communities, real or perceived. While some voices indicate it is a race issue, others – including Latino leaders – say it isn't so much an issue of race as it is a divide between people who are educated and people who are not; people who work in manufacturing facilities as opposed to people who work as professors, doctors or lawyers; people who are poor compared to people who are not.

Still, there are people in every community – including Crete – who say the workers should leave, and that the school system shouldn't spend tax dollars teaching Spanish in the public schools. The majority, however-

Crete Demographics



* Sources: 1990 Census and 2000 Census

CRETE

Overview



er, say the Crete economy would crash if those workers left, and that teaching Spanish to native English-speakers and English to native Spanish-speakers can have only positive results.

Learning and Communication

McGowan believes the process of acculturation begins in the schools, as children learn languages and cultures of their classmates. McGowan is implementing programs to be sure the Crete schools continue to move in a positive direction. One example is the schools' diversity plan, designed to help more kids succeed, he said. It also helps students understand the culture of Crete.

Nearly four years ago, the schools hired a bilingual counselor. "Our premise is that the system works, but you have to be able to access it. Osmosis doesn't work," McGowan said. That counselor also serves in outreach and advocacy roles.

Constant communication is one of the keys to engaging the various ethnicities, he indicated, and knowing how everyone is comfortable communicating is important. It's not enough to use normal forms of communication with varied ethnicities. For example, if McGowan wants to hire a bilingual employee, he advertises on the Internet.

One of the ways Crete schools are communicating with the Latino population is through a Hispanic Parents Night. "We needed to work on our informal communication network," he said. "Good schools have good, multiple ways to communicate."

"The world has changed," McGowan said, and Crete schools are changing with it.

Bridging the Gap – The Crete News

Josh Wolfe, editor of The Crete News, believes any problems with negativity are few; he occasionally gets letters to the editor and publishes them, but says they are written by very few people. Wolfe is actively involved in bridging the gap of coverage between Crete's ethnic groups, hoping to increase communication and understanding. However, his newspaper has a small staff and can't cover all the events going on in the community. He wants to cover all the news and social events in Crete – not only in the white community, but in the Latino community, as well. The Latino community seems to be surprised that he

wants to include them in the Crete News, Wolfe said. He hopes to re-introduce an old custom, in which volunteers covered social events in the community and wrote columns or stories for the newspaper. If he can make that happen, he will be able to include all segments of Crete's population as well as manage his staffing shortage.

Managing Fear

Some of the employees at Farmland are undocumented, according to Father Julius Tvrdy, pastor of Sacred Heart Catholic Church. The church and St. James Catholic School are very near the downtown district. Fifty percent of the students in St. James School are English Language Learners (ELL), Father Tvrdy said. Most of those are Latino, but there are also some Vietnamese students. He said that his goal is for all the kids in St. James School to learn to read and write Spanish – to be biliterate.

He first told SDN researchers of the fear among the undocumented workers at Farmland. They fear being found out, fear deportation, fear for their families if that were to happen, he said. That fear makes people live quiet lives and makes them shy away from community activities. Latinos are usually devout Catholics, and Father Tvrdy, who speaks Spanish fluently, works closely with the Latino Catholics in addition to the Caucasian segment of the population. He continues to try various activities and methods to decrease their fear and increase their involvement in the church. He is reaching out to people who are here legally, encouraging them to serve on committees and become involved in other activities in hopes that others will follow that lead.

The undocumented workers and their families don't like to hide in the shadows, Father Tvrdy said. They would prefer to be here legally. "Our Hispanics are industrial migrant workers," he explained, and it's a "long, impossible process to become a legal resident. Unless there's a green card, there's no way of moving forward, no way they can improve themselves."

But on the state or national level, Father Tvrdy said, "I don't hear anybody addressing any part of this complicated issue." ●

For more information visit www.unl.edu/sdn/immigration

OMAHA

Overview



Omaha – a Sprawling Tapestry of Diversity on the Plains

Diversity is nothing new to Omaha; it's as common as the hard work of the immigrants who founded the city in 1854. Omaha has grown to be a center of banking, insurance and meat processing over the years based on that hard-working beginning. However, ethnic and race relations in the city have been difficult throughout the city's history, and Omaha continues to deal with various issues today.

Omaha, like all of Nebraska, was settled by immigrants. What makes Omaha different than some communities is that, over the years, it was settled by an exceptionally diverse mix of people. This was especially unusual because of Omaha's location in the center of the United States; it was easier to stay in cities closer to the coasts than to continue to travel inland. People of various religions and ethnicities, from Africa, Mexico and southern, northern and eastern Europe were included in the first 100 years of immigration; Asian, Latino and African immigrants and refugees have arrived in the last 50 years. Native Americans immigrated to Nebraska from other locations, as well.

Ethnic hostilities took place in the 1890s between the city's Catholics and the American Protective Association; a violent anti-Greek riot in 1909 dispersed Omaha's Greek population throughout the Midwest; and the lynching of an African-American by the name of Willie Brown in 1919 was another signpost of the depth of racism in Omaha at that time.

Confrontations occurred throughout history, including several notable events in the 1960s. North Omaha today struggles with poverty and violence, as well as the crisis of an achievement gap in black males, according to Trina Creighton, lecturer in the College of Journalism and Mass Communications at the University of Nebraska-Lincoln. Creighton, a former crime reporter in Omaha, is conducting a research study and is producing both a manuscript and a documentary on that achievement

gap. She hopes that awareness will curb what Creighton calls "the loss of a generation of young, black men."

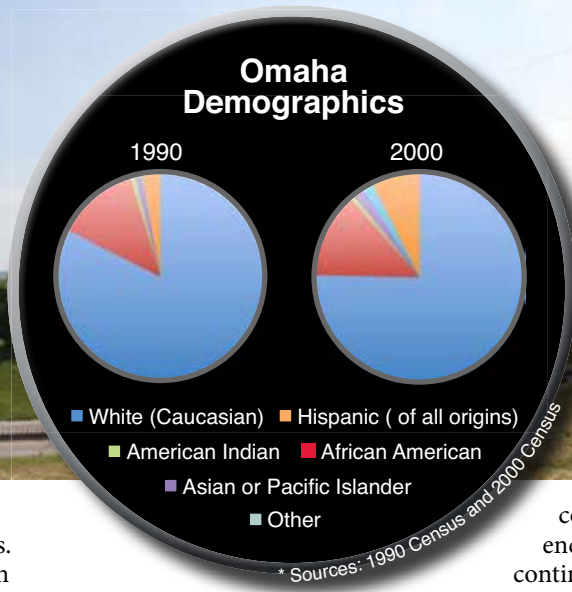
Immigration in Omaha Today

According to Frank Partsch, retired editorial editor for the Omaha World-Herald, any discussion of immigration issues in Omaha is complex. "We are not talking about one group, or even a dozen groups," he said. Immigrants in Omaha can be professionals from Africa and Asia, political refugees from Bosnia, people in search of a better life, legally or illegally, from a host of Latin American countries. Immigrants are Jews from Russia, Muslims from the Balkans, tribe members from remote areas of South America, political refugees from Somalia and students from China, he explained.

At one time, Partsch said, the Omaha Public Schools identified more than two dozen linguistic groups among its student body – students whose first language was something other than English.

"With this vast diversity of the immigrant population comes a vast diversity of problems and issues," Partsch said. Even among groups that might appear outwardly similar there are differences; Cubans and Salvadorans, for example, have vastly different histories and reasons for leaving their native land. Other differences separate Mexicans from Guatemalans.

In addition to being a city that continues to attract immigrants from many countries, Omaha is one of Nebraska's three



federal refugee resettlement locations; the other two are Lincoln and Hastings. These three cities welcome people from many different countries, all in different stages of acculturation, language learning and job seeking. Refugees come to the U.S. under this country's legal protection from persecution; many have endured great physical and emotional suffering prior to coming to the U.S. Several organizations help refugees to resettle in the United States; help immigrants when necessary; and help poor people meet their needs.

A'Jamal Byndon, Senior Director for Advocacy for Catholic Charities in Omaha, has spent 25 years with Catholic Charities, helping the disenfranchised population of Omaha.

"My job is to try to help low-income people – people who are at the bottom. I also try to bring people together from different sectors in Omaha and try to change structures," he said. "I try to get people who traditionally do not deal with the 'have-nots' to do more of that. The whole issue of being committed to a community, a state...I try to bring the world together," he said.

Byndon believes historical demographics indicate there is a caste system in this country. "I try to change structures so people are no longer locked into poverty and into their caste," he explained. He described himself as a "social justice person" who believes all people need to be more inclusive of others, not only in the areas of race and gender, but also of ideology. His mother was a social justice activist, he said, and her role modeling helped lead him to his chosen career.

Byndon spent two years in the Peace Corps after he graduated from the University of Nebraska-Lincoln. He met his wife there, and when he returned to the United States he decided to work with the poor. His experience in Africa was life-changing, he said, and formed the basis for his personal mission in dealing with the poor. "I cannot begin to describe to Nebraskans how sometimes strangers who had very little treated me as if I was one of their relatives," he said. He said he always remembers to treat the disenfranchised people of Omaha in the same way he was treated in Africa – as a valued guest.

Additionally, Byndon said it is critical that the voices are "at the table." In committee and board meetings and other interactions, he said, "we have to make sure the very people we are talking about are there – both sides of the continuum. We often balance our scale to folks who are like us, rather than not like us."

Byndon is aware of the many situations from which refugees and immigrants flee. "When you think in terms of people who

come from a tortured past and experience, we should not be the ones who continue with that torture for them, either physically or psychologically," he said.

The Bible says to treat others as you would want them to treat you -- "if we keep that in mind as we deal with people, how can we disrespect or denigrate them?"

Population and Perspective

Omaha's population alone is approaching 500,000, but its metropolitan area surpasses 800,000 and growing. The total population of Nebraska is about 1.8 million, according to the 2000 U.S. Census estimate for 2006, which is the most recent estimate. The eastern part of Nebraska is by far the most densely populated part of the state; the Sandhills and Panhandle regions are the most sparsely populated. The distance from Omaha to Scottsbluff, for example, is 474 miles, while the distance from Omaha to Chicago is 468 miles.

Even though Scottsbluff and Omaha are in the same state, the culture, terrain, population and economy are in stark contrast to one another. Omaha is home to several Fortune 500 companies and is a center of banking, insurance and medicine. Its access to transportation, entertainment, health care and cultural activities rivals much larger cities. It can be easy to forget that Omaha lies within a largely-agricultural state – one that is #2 in cattle production in the whole country; one that helps to feed the world's hunger for food and fuel; one that competes with other communities and other states for health care providers in rural areas; one that struggles to maintain population in its rural communities. Driving is the chief means of traveling to Scottsbluff from Omaha; there is no commercial air service between the two communities. Some stakeholders in Scottsbluff say they have learned to rely on themselves and on one another in the smaller communities; they need each other. If a community wants to keep a grocery store, for instance, the community needs to shop there. In a larger city, if one store goes out of business, there's always another.

The rural residents of Nebraska are accustomed to driving to Lincoln and Omaha, though many of their trips to larger cities are to Denver and Cheyenne, which are hours closer. Their urban counterparts are much less likely to drive to the western part of the state. According to Steve Frederick, editor of the Scottsbluff Star-Herald, "the road does go both ways." ●

For more information visit www.unl.edu/sdn/immigration

Selected Reading List on Immigration

National

The Hispanic challenge

Author: Huntington, Samuel. 2004
Foreign Policy

“Testing Huntington: Is Hispanic Immigration a Threat to American Identity?”

Authors: Jack Citrin, Amy Lerman, Michael Murakami, and Kathryn Pearson
 Issue: March 2007
 Journal: *Perspectives on Politics*

“Culture Clash? Contesting Notions of American Identity and the Effects of Latin American Immigration”

Author: Luis R. Fraga and Gary M. Segura
 Issue: Jun. 2006
 Journal: *Perspectives*

“Measuring Immigrant Assimilation in the United States”

Author: Jacob Vigdor, Professor, Duke University
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First Annual Index of Immigrant Assimilation

“Mexican Americans and the American Dream”

Author: Richard Alba
 Issue: Jun. 2006
 Journal: *PS: Political Science & Politics*

“Mexican Immigrant Political and Economic Incorporation”

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Regional

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“Latinos on the Great Plains: An Overview” Refugio I. Rochín 243. Great Plains Research. FALL 2000 VOL. 10/NO. 2

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“Health-Care Utilization and the Status of Latinos in Rural Meat-Processing Communities” Joe Blankenau, Joni Boye-Beaman, and Keith Mueller 275 Great Plains Research. FALL 2000 VOL. 10/NO. 2

“The Use of an Ethnic Food Frequency Questionnaire among Hispanic Women” Linda S. Boeckner, Susan A. Jordan, and Marilyn I. Schnepf 295 Great Plains Research. FALL 2000 VOL. 10/NO. 2

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“Rethinking Human Services for Latinos in the Plains: New Paradigms and Recommendations for Practice” Robert P. Moreno, Lawrence P. Hernandez, Jennifer D. Schroeder, and Ani Yazedjian 387 Great Plains Research. FALL 2000 VOL. 10/NO. 2

“Culture and Ecology of Latinos on the Great Plains: an Introduction” Gustavo Carlo, Miguel A. Carranza, and Byron L. Zamboanga 3 SPRING 2002 VOL. 12/NO. 1

“Latino Families in the Perinatal Period: Cultural Issues in Dealing with the Health-Care System” J. Martín Maldonado-Durán, María Muguía-Wellman, Sari Lubin, and Teresa Lartigue 75 Great Plains Research. SPRING 2002 VOL. 12/NO. 1

“Migrations of Grassland Communities and Grazing Philosophies in the Great Plains: A Review and Implications for Management” Joe C. Truett 3 Great Plains Research. SPRING 2003 VOL. 13/NO. 1

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“Examining Strengths and Challenges of Rapid Rural Immigration” Rochelle L. Dalla, Francisco Villarruel, Sheran C. Cramer, and Gloria Gonzalez-Kruger 231 Great Plains Research. FALL 2004 VOL. 14/NO. 2

“New Immigrants in the Great Plains: Strengths and Challenges” John DeFrain, Rochelle Dalla, Douglas A. Abbott, and Julie Johnson 163 Great Plains Research. FALL 2004 VOL. 14/NO. 2

“An Analysis of Refugee Resettlement Patterns in the Great Plains” John Gaber, Sharon Gaber, Jeff Vincent, and Darcy Boellstorff 165 Great Plains Research. FALL 2004 VOL. 14/NO. 2
 State

“Latinos Along the Platte: The Hispanic Experience in Central Nebraska” Roger P. Davis 27 SPRING 2002 VOL. 12/NO. 1

“A View of Sudanese Refugee Resettlement through Nebraska’s Print Media” Mary S. Willis and Constance J. Fernald 271 [2004 Leslie Hewes Award] Great Plains Research. FALL 2004 VOL. 14/NO. 2

“Epilogue: We Welcome the New Immigrants” John DeFrain, Rochelle L. Dalla, Douglas A. Abbott, and Julie Johnson 335 Great Plains Research. FALL 2004 VOL. 14/NO. 2

“Becoming Neighbors or Remaining Strangers? Latinos and Residential Segregation in the Heartland” Ana-María Gonzalez Wahl, Steven E. Gunkel, and Bennie Shobe, Jr. 297 Great Plains Research. FALL 2005 VOL. 15/NO. 2
 Local

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“Si, Se Puede: Organizing Latino Immigrant Workers in South Omaha’s Meatpacking Industry” Jackie Gabriel Springer, *Journal of Labor Research*. 2007

“Latino Immigrants, Meatpacking, and Rural Communities: A Case Study of Lexington, Nebraska” by Lourdes Gouveia and Donald D. Stull, Julian Samora Research Institute Research Report No. 26 August 1997

Organizations Working on Immigration in Nebraska

Nebraska Appleseed
Mexican American Commission
Lincoln Action Program
The Catholic Church

Other Initiatives

The Rural Initiative
Dialogue Across Nebraska
Community Builders
START
Friendship Force
New American Task Force
Justice for Our Neighbors

Beautiful Nebraska

Written by Jim Fras and Guy Miller

Beautiful Nebraska, peaceful prairieland,
Laced with many rivers, and the hills of sand;
Dark green valleys cradled in the earth,
Rain and sunshine bring abundant birth.

Beautiful Nebraska, as you look around,
You will find a rainbow reaching to the ground;
All these wonders by the Master's hand;
Beautiful Nebraska land.

We are so proud of this state where we live,
There is no place that has so much to give.

Beautiful Nebraska, as you look around,
You will find a rainbow reaching to the ground;
All these wonders by the Master's hand,
Beautiful Nebraska land.

Jim Fras was a refugee from Russia who moved to Lincoln in 1952. In 1960, Fras and Guy Miller wrote the words to Beautiful Nebraska. Fras set the words to music. On June 21, 1967, the Nebraska Legislature approved legislation adopting Beautiful Nebraska as the official state song.

STRATEGIC DISCUSSIONS FOR **nebraska**

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Appendix E: Nebraska's Immigrant Population:
Economic and Fiscal Impacts (UNO)



NEBRASKA'S IMMIGRANT POPULATION

ECONOMIC AND FISCAL IMPACTS



OLLAS



NEBRASKA'S IMMIGRANT POPULATION ECONOMIC AND FISCAL IMPACTS



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October 12, 2008

The Office of Latino/Latin American Studies (OLLAS, pronounced “oy-yas”) at the University of Nebraska at Omaha is a transnational center located in the College of Arts and Sciences. OLLAS’ mission is to combine academic excellence with real-world engagement in order to contribute to the understanding of Latino/Latin American issues. OLLAS’ main goals are: 1) to develop and implement a policy-oriented and community-relevant research and publication agenda; 2) to create and expand learning spaces beyond the classroom for students, corporate actors, policy-makers and the public at large; and 3) to establish partnerships with community organizations in order to strengthen Latino and Latin American populations’ capacity to exercise their rights to equal and active citizenship within and across borders. Our work is informed by a deep understanding of the dynamic interaction of global and local forces. We are grateful for the support provided by private foundations, government grants, private donors and the University of Nebraska. For more information, visit our website: www.unomaha.edu

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Executive Summary

Immigration issues have once again assumed center stage in policy circles at every level of government in the United States, as the number of new immigrants, many undocumented and many from Latin American nations, has risen markedly in recent years. This is certainly true in Nebraska. According to US Census figures for 2000, the total immigrant population in Nebraska was estimated to be 74,638. By 2006, this figure had risen to 99,500, a 33.3 percent increase. By comparison, the total native-born population in the state grew less than 2.0 percent over the same six-year period. This study attempts to quantitatively measure the impact of the state's immigrant population on the Nebraska economy, with some attention paid to Latin American immigrant groups. In this summary, a few key findings are highlighted. (See executive summary table).

- In 2006, immigrant spending resulted in \$1.6 billion worth of total production (or output) to Nebraska's economy, with a possible range from \$1.5 to \$1.7 billion. Moreover, this spending generated between 11,874 and 12,121 jobs in total for the state.
- The 2006 total production impact of Central and South American immigrant *spending* was \$717 million, with a possible range between \$653 million and \$792 million, accounting for between 4,923 and 5,971 jobs in the state.
- The total value of production impact of immigrant spending in Nebraska's Omaha and Lincoln areas was \$1.14 billion in 2006, resulting in 8,331 jobs. The impact of immigrant spending on total production in Nebraska's Eastern region (excluding the Omaha and Lincoln areas) was \$204 million, resulting in 1,275 jobs. Finally, the impact of immigrant spending on total production in Nebraska's Western region was \$238 million, resulting in 1,896 jobs.
- Nebraska's immigrant population makes a substantial contribution to the labor force in some of the state's key economic sectors: construction, hotel and food services, and meat, poultry, and fish processing. The immigrant labor force accounted for 9.65 percent of total employment in construction in 2006, 7.3 percent of total employment in the services sector, and 80.4 percent in meat processing.
- In this study, we conducted experiments addressing what would happen if the immigrant portion of the labor force were unavailable in these key sectors. We found that total state production would fall by \$13.5 billion if these immigrants were not present in these sectors, about 8.75 percent of total state production. If just the Central and South American immigrant population were removed from these sectors, the resulting loss to the state would be \$11.4 billion, or 7.9 percent of total state production.
- Total production losses in the state's main, densely populated areas would be \$5.4 billion. Losses would amount to \$3.9 billion and \$2.8 billion in the state's Eastern and Western regions, respectively. These would represent significant losses to these regions' employment as well. For instance, in the state's densely populated regions, total job losses could be as high as 35,140, or about 6.5 percent of total jobs in the regions.
- The state's immigrant population contributed about \$154 million in the form of property, income, sales, and gasoline tax revenue in 2006. This amounts to about \$1,554 in per capita contributions. By contrast, the state's corresponding per capita contribution from the native-born population is about \$1,944.
- In terms of government costs, the immigrant population in Nebraska accounted for \$144.78 million from food stamps, public assistance, health, and educational expenditures in 2006. This amounts to about \$1,455 per capita. By contrast, the corresponding per capita costs from the native-born population are about \$1,941.
- While the contribution to cost ratio is 1.0 for the native population, the corresponding ratio for the immigrant group is 1.07, indicating that this group "pays in" about 7 percent more of what it uses in terms of governmental support.

Executive Summary Table.

Economic Impacts:	Production Generated (\$ millions)	Employment Generated (# jobs)
<i>Impact of Immigrant Spending</i>		
State of Nebraska	\$1,643.32	12,447.5
Tri-County (Douglas, Sarpy, and Lancaster Counties)	\$1,138.34	8,330.7
Eastern Region of Nebraska	\$203.94	1,275.4
Western Region of Nebraska	\$238.32	1,895.7
<i>Impact of Removing Immigrant Employment</i>		
State of Nebraska	-\$13,461.60	-78,070.7
Tri-County (Douglas, Sarpy, and Lancaster Counties)	-\$5,432.65	-35,139.3
Eastern Region of Nebraska	-\$3,852.79	-18,372.3
Western Region of Nebraska	-\$2,802.28	-15,648.2
<hr/>		
Fiscal Contributions and Costs to Nebraska:	Foreign Born	Native Born
Contributions per capita (\$)	\$1,554.27	\$1,943.53
Costs per capita (\$)	\$1,455.11	\$1,941.05
Ratio of contributions to costs	1.07	1.00

Source: See text.

Technical Note about the foreign born included in this report. For purposes of this report, Mexico, Cuba, Jamaica and the Dominican Republic, among others, are included under the “Central and South American” category. The total foreign born category includes both those from Central and South America as well as the rest of the world. Table A1, in Appendix A, identifies the country of origin for the delineations used in this study.



Measuring the Economic Impact of Migration An Introduction

Immigration as a national and local issue has been present in our nation's history from its very beginning. While its prominence in national debates has ebbed and flowed in the past, it has without doubt again assumed center stage in policy circles at every level of government as the number of new immigrants, many undocumented and many from Latin American nations, has risen markedly in recent years. This is certainly true in Nebraska. According to US Census figures, in 2000, the total immigrant population was estimated to be 74,638. By 2006, this figure had risen to 99,500, a 33.3 percent increase. By comparison, between 2000 and 2006, the total native-born population in the state grew less than 2.0 percent. Thus, the share of foreign-born residents in the state has increased markedly in recent years.

This trend has occurred in other states as well. Not surprisingly, the various social and economic effects

of immigration have once again piqued the interest of many economists, sociologists, political scientists, and policymakers. The recent academic literature in economics has focused on the impact of immigration on the labor market, with little consensus. Borjas (2003), for instance, found evidence that increased immigration places significant downward pressure on wages in a variety of sectors. Indeed, his analysis suggests that a 10 percent increase in immigration can reduce wages by as much as 4 percent in lower-skilled occupations. However, Card's (2005) analysis suggests that Borjas's conclusion is too pessimistic, finding little evidence of any substantive link between wages and immigration. Indeed, this lack of consensus in the literature highlights a significant complexity in labor market dynamics that makes it difficult at best to conclude that immigrants necessarily pressure wages downward in the long run. This is a debate that will not be settled any time soon.¹

¹ For a recent summary and critical assessment of the evidence on the impact of immigrants on native wages and job displacement, see Murray, Batalova, and Fix (2006) and Pedace (2006). The latter study is of particular note. The author argues that most studies fail to account for the segmented nature of the US labor market. Labor market segmentation mitigates competition among those groups of workers, including African Americans, who tend to occupy different employment niches (e.g., public sector versus manufacturing employment). Additionally, native workers often transition more easily to primary sector jobs, exiting jobs in the lesser-skilled, lower-wage secondary sector where immigrants are more likely to concentrate. Moreover, Pedace's statistical analysis suggests that Hispanic women may benefit least from immigration. Gouveia (2006) examines the issue of occupational niches for immigrants and, to some extent, African Americans in Nebraska. Her analysis, based in part on census data, suggests that competition between these two groups is indeed minimal, but much remains to be known about the root causes of economic and educational disadvantages of all low-income workers in Nebraska; most of such causes preceded the arrival of large numbers of immigrants.

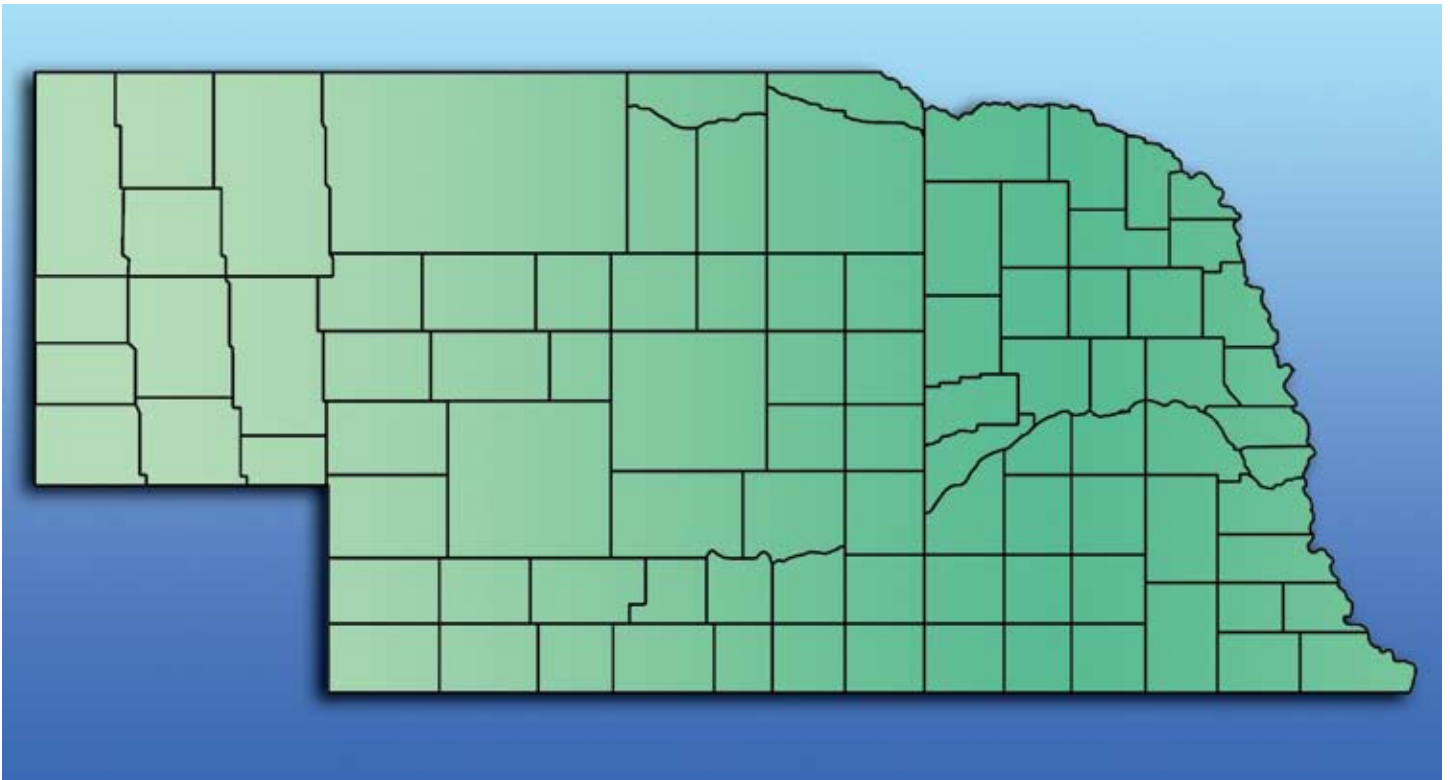
Perhaps as a consequence of the general inability to conclusively demonstrate a wage-immigration link by sector or demographic group, some studies have taken a broader view of immigration's impact on an economy. For instance, James, Romine, and Zwanzig (1998) find that immigrant inflow has buoyed housing markets and local business in a number of major US cities that had been experiencing economic declines in the 1970s and 1980s. Finally, a major issue is the degree to which increased immigration places greater pressure on local communities' ability to supply public services such as education and health services relative to these groups' ability to contribute in the form of property, income, and sales taxes. Here evidence is scant. Recently, however, Garvey, Espenshade, and Scully (2002) found that in New Jersey the state's immigrant population tended to "pay in" more than they received from state and local services relative to their native-born counterparts. Kasarda and Johnson, Jr. (2006) found some evidence indicating a reverse situation for North Carolina.

Many studies have looked more broadly at the economic impact of immigration, rather than taking an isolated view of unskilled labor markets or public benefits and costs. In a study of the Arizona economy, Gans

(2007) found that immigrants in that state accounted for \$44 billion worth of total production in 2004. Also, the Fiscal Policy Institute (2007) in New York found that immigrants accounted for \$229 billion worth of total production in 2004. Finally, while focusing mostly on North Carolina's Hispanic population, a large percentage of which are foreign born, Kasarda and Johnson, Jr. (2006) indicated that this population generated a substantial amount of employment and economic activity within that state.

This broader view of immigration's impact on an overall economy is the focus of this analysis. To that end, this report attempts to quantitatively assess the economic impact of international migrant population movements into the state of Nebraska. To date, no such comprehensive study has been undertaken for this state, in spite of the substantial increase in immigrant population flows in recent history, especially over the last decade. While the report considers the economic impact of all immigrants to the state, particular attention will be directed toward immigrants coming from Central and South American countries since the majority of immigrants to Nebraska are from these regions.²

² While another important issue is the economic impact of state-to-state net migration within the United States, this report does not consider such dynamics. Our focus is on international migration. Moreover, we do not address issues of when or why such migration took place. We are interested in measuring the effects of immigration rather than their cause. Indeed, our specific focus is on providing a "snapshot" of the impact that first-generation immigrants who have settled in the state are having on the Nebraska economy. For studies analyzing the causes of migration to the United States, there are a number of useful references, many drawn from the sociological literature. Interested readers should see, for instance, Portes and Rumbaut (2006), Waldinger and Lee (2001), and Massey, Durand, and Malone (2002). For a regional analysis, see Gouveia and Saenz (2006). For an examination of the global forces behind world and US migration, see Castles and Miller (2003). For a more detailed explanation about how countries of origin were aggregated see Appendix A.



Major Elements and Regional Scope of Impact Study

To conduct an economic impact study, most researchers employ an Input/Output (IO) model. An IO model, originally developed by Wesley Lontief (1936) and therefore often called Lontief models, describes an economy as a series of interlinked industries or sectors. A stimulus to one sector, such as an increased wage-earning labor force, then impacts all other sectors, to varying degrees, through a “multiplier effect.” This is illustrated in Figure 1 below.

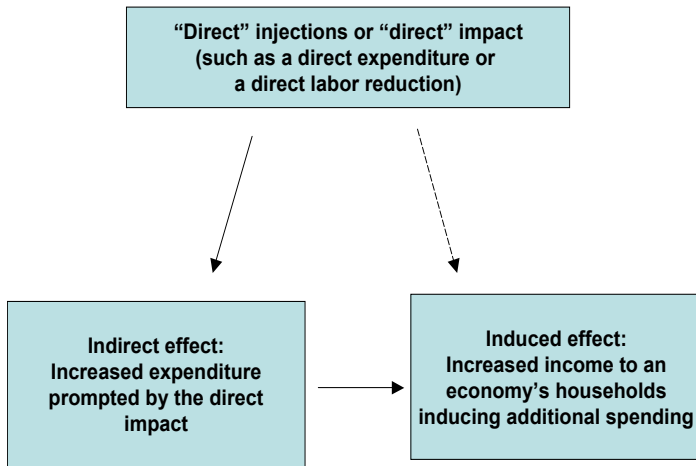
The multiplier effect measures the “indirect” and “induced” impact or effect of a direct injection. As a matter of technical exposition, “indirect” effects are those re-spending effects that filter through other industries in an economy as a result of the direct injection. For instance, suppose a direct impact on hotel expenditures boosts demand for cleaning services at those hotels (a first indirect effect). This stimulates demand for cleaning capital and products (a second indirect effect). This second indirect effect stimulates demand in other sectors, and so on. The sum of all these effects on other industries is the “indirect” effect. The “induced” effect is the effect on final demand in an economy. Final demand can be characterized in the following way. All of these sectors employ people locally. Increased demand for production (output)

from these sectors induces additional labor inputs, paid for via wages and salaries. The resulting increase in employee incomes induces additional spending locally. This additional spending is the “induced” effect. The continual “re-spending” of the original direct injection accumulates all through the local economy.

The total impact, then, is the sum of the direct, indirect, and induced effects. From these figures, we obtain economic multipliers, which measure the impact of one dollar’s worth of direct injections. For instance, if an additional \$100 of direct expenditure is spent on groceries, this would stimulate spending by the grocery sector to source grocery items from suppliers. This spending might be \$40. In turn, there may be a need for additional labor in the grocery sector, generating additional income and thus additional spending of perhaps \$15. Taken together, the aggregate impact of the initial \$100 injection was \$155 to the economy.

As is generally done, these effects are normalized to one dollar, meaning that, in our example, one dollar of direct spending results in an addition of 55 cents to the economy; the overall impact is \$1.55. This figure is commonly referred to as the final demand multiplier. The overall dollar impact on an economy is often called

Figure 1.
The Multiplier Effect

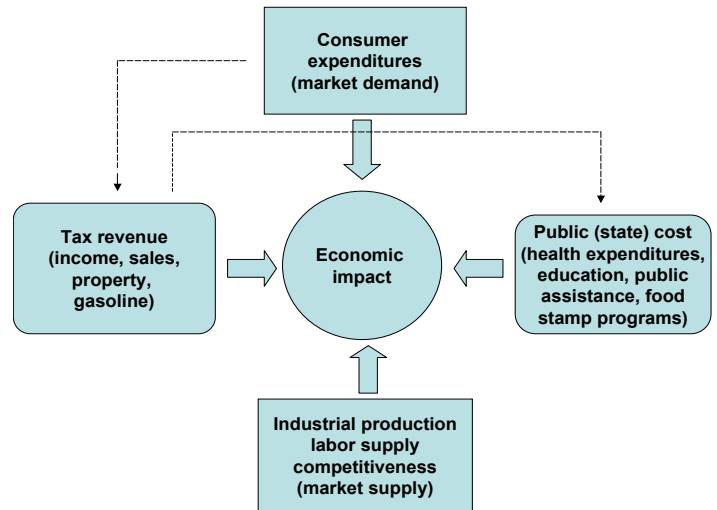


the “multiplier effect.”

Following Kasarda and Johnson, Jr. (2006), most impact studies of this nature generally have four basic elements. These elements, depicted in Figure 2, are as follows:

- **Consumer expenditures impact:** This effect focuses attention on the demand side of an economy. A given group, such as first-generation immigrants, will be income earners and will spend income on a variety of locally provided goods and services in certain sectors of the economy. These expenditures are our “direct” injection expenditures. These expenditures will in turn stimulate further “indirect” spending increases and increased labor earnings, generating the “induced effect.” Taken together, these direct, indirect, and induced expenditures provide a measure of total expenditure impact on an economy.
- **Production impact:** The production impact measures the effect of an increase/decrease in labor on an economy. This, too, will have a multiplier effect associated with it. For instance, a reduction in the meat processing industry of 100 workers will result in lower production in the meat processing sector. Moreover, as a result of reduced production and incomes, there will be lower demand for other goods and services in an economy, thus creating an adverse indirect effect on other sectors of the economy. Moreover, lower household incomes create an adverse induced effect. The total impact is, again, measured by a total multiplier effect.

Figure 2.
The Major Elements of an Economic Impact



- **Fiscal contributions:** Increases in employment, immigrant or otherwise, generate income tax revenue for the state. Moreover, to the extent that these populations own homes, property tax revenue is generated. Finally, sales tax revenue is generated on spending, and excise tax revenue is generated on the sale of gasoline. These fiscal contributions to state and local economies support education, health services, road construction and repair, and so on. These effects must also be considered as part of the overall impact on an economy.
- **Public sector costs:** Increased population, immigrant or otherwise, will place increased pressure on public goods and services. Hence, part of the impact on the economy needs to address this increased demand. As discussed in detail below, in this study we consider expenditures on food stamps, public assistance support supplied by the state of Nebraska, cost of supplying educational services, and state support for health care expenditures. There may be other public sectors to consider; however, in Nebraska these categories tend to be the major sources of public expenditure.

Data Sources and Model Platform Utilized for Immigration Analysis

Throughout this report, data sources are referenced. However, the primary data source is the American Community Survey Public Use Microdata Sample (PUMS) data system available from the US Census Bureau. For additional details regarding these data, see Appendix A. These data offer researchers the most recent and comprehensive secondary statistical data

source of demographic and economic information at the state and county geographic levels. From this data source we obtain information on population and income by demographic group as well as employment by industrial sector and demographic group. To these data we apply a number of other sources of information to obtain estimates of necessary economic variables.

In terms of model platform, the key to a complete impact study is to employ an IO model measuring both direct injections and the resulting indirect and induced effects that result from the multiplier effect. Creating multipliers requires an IO model that can be costly and data-intensive to create. Fortunately, there are many sources of such models and multipliers. One of the most common models used is IMPLAN, developed by the Minnesota IMPLAN Group, Inc. (MIG, Inc.).³ The IMPLAN model provides substantial industry detail (a desirable characteristic as multipliers will vary from industry to industry), provides substantial detail on direct injections and indirect effects, and is quite flexible in that it allows users to input a variety of market characteristics that may be unique to a particular area of the country. IMPLAN is used throughout this analysis.⁴

Geographic Scope of Impact Study

This study focuses primarily on state-level impacts. However, in Nebraska, characteristic of only a few US states, there is a significant dichotomy between its more densely populated and less densely populated economies. The counties that comprise the Omaha and

Lincoln Metropolitan Statistical Areas account for nearly 50 percent of the state's population. Moreover, there are significant differences between Nebraska's Western regions, roughly west of the 100th meridian, just to the west of Grand Island and Hastings, Nebraska, and its Eastern regions.⁵

Several common measures are used to describe the industrial composition of a regional economy for comparative purposes. One measure is a location quotient (LQ). These measures compare the employment share of a given industry in a particular region with the employment share of the same industry for a broader region (in this case, the state of Nebraska as a whole). An LQ exceeding the value 1 for a given industry indicates that a given region has a larger share of employment in that industry than the state as a whole, suggesting the industry is of particular importance to the economic base, or foundation, of the region.

Another measure is a regional Herfindahl Hirshman Index (HHI). This is a measure of industrial diversity within a given regional economy. It is calculated by summing up the squared industrial shares for all industries within a region.⁶ The more diverse an economy's industrial structure is, the smaller the HHI value.⁷ The more concentrated an economy is in a given set of industries, the higher the associated HHI value.

For this study, we constructed three regions: a "Tri-County" region comprised of Douglas (the densely

³ For details regarding IMPLAN, visit <http://www.implan.com>.

⁴ This program essentially includes, for a given user-defined geographic economy, a mathematical matrix of data that measure the industrial structure of the defined economy. This matrix (this so-called IO matrix) accounts for the fact that each sector in an economy depends on inputs supplied by other sectors in an economy. Hence, any external factor that directly impacts one sector will have the "ripple effects" that filter through the rest of the economy, as described above. This, then, generates the multipliers discussed above. MIG updates the data used in the model periodically, the latest measures of expenditure and employment data representing information for 2006. The primary data sources IMPLAN uses come from survey data and estimates generated by the US Bureau of Economic Analysis. In Appendix D, we provide a brief overview of IO models. However, for more detail, readers are referred to Raa (2005), Yan (1969), and Hewings (1985). Each provides an excellent overview. Note further that the IMPLAN model produces several different types of effects. The main effect is the dollar value impact on total economy-wide production or output. Once these figures are obtained from direct, indirect, induced, and total effects, IMPLAN will calculate other economic measures. One such measure of interest to this study is the employment effect, i.e., the number of jobs added to (or subtracted from) an economy as a result of some direct impact.

⁵ One major difference is climate. There is substantial difference in rainfall amounts east and west of the 100th meridian.

⁶ Specifically, let the employment share of industry i be defined as s_i for an economy's n different industrial sectors. The HHI is then calculated as follows: $HHI = \left(\sum_{i=1}^n s_i^2 \right) * 10,000$. The 10,000 value in this calculation is a scaling factor and has no meaningful impact on the interpretation of the HHI values.

⁷ Recent research tends to conclude that diversity is generally a desirable characteristic of regional economies because it acts as an "insulating" characteristic beneficial to weathering economic downturns. Since different sectors are impacted to varying degrees by economic downturns, the more diverse an economy, the less impacted such an economy will be by national or statewide recession.

TABLE 1. Regional Breakdown

	Tri-County	Eastern Nebraska			Western Nebraska		
County:	Douglas	Antelope	Merrick	Adams	Frontier	Kimball	
	Lancaster	Boone	Nance	Arthur	Furnas	Lincoln	
	Sarpy	Burt	Nemaha	Banner	Garden	Logan	
		Butler	Nuckolls	Blaine	Garfield	Loup	
		Cass	Otoe	Box Butte	Gosper	McPherson	
		Cedar	Pawnee	Boyd	Grant	Morrill	
		Clay	Pierce	Brown	Greeley	Perkins	
		Colfax	Platte	Buffalo	Hall	Phelps	
		Cuming	Polk	Chase	Harlan	Red Willow	
		Dakota	Richardson	Cherry	Hayes	Rock	
		Dixon	Saline	Cheyenne	Hitchcock	Scotts Bluff	
		Dodge	Saunders	Custer	Holt	Sheridan	
		Fillmore	Seward	Dawes	Hooker	Sherman	
		Gage	Stanton	Dawson	Howard	Sioux	
		Hamilton	Thayer	Deuel	Kearney	Thomas	
		Jefferson	Thurston	Dundy	Keith	Valley	
		Johnson	Washington	Franklin	Keya Paha	Wheeler	
		Knox	Wayne			York	
		Madison	Webster				

Source: Author's delineation

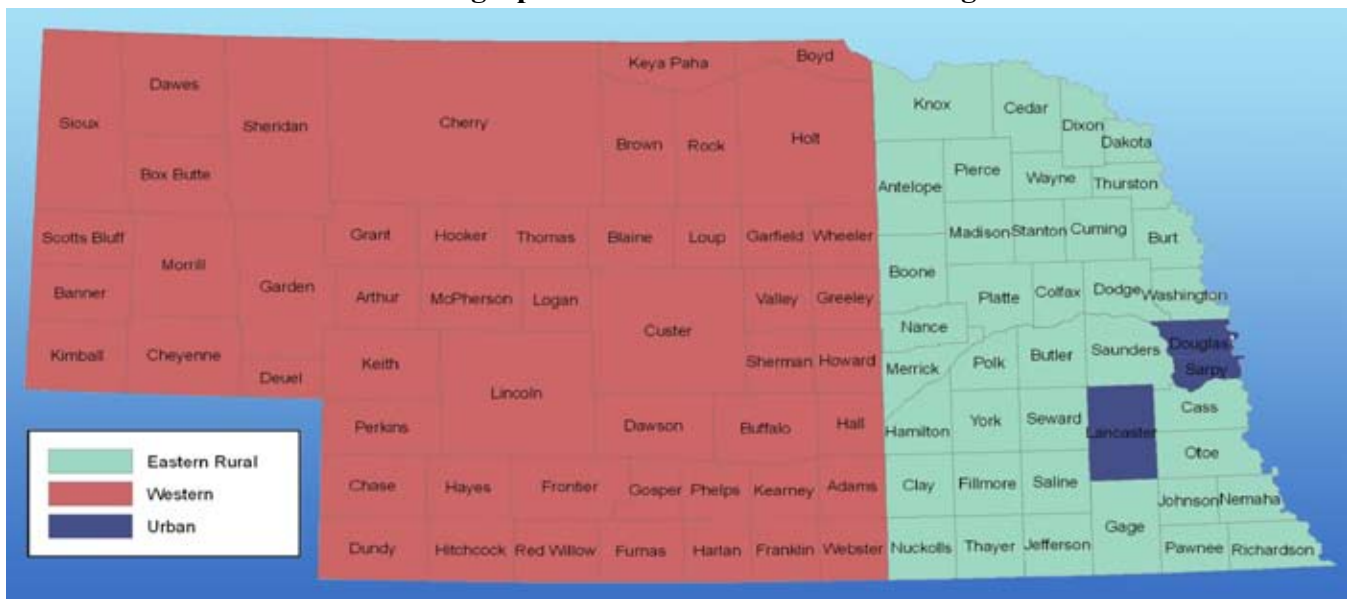
populated portions), Sarpy, and Lancaster counties (essentially Omaha and Lincoln), an “Eastern” Nebraska region comprising counties in the eastern part of the state (excluding the Tri-County area), and a “Western” Nebraska region.

Table 1 provides a specific county-by-county breakdown of these regional delineations.⁸ Figure 3 provides a geographic depiction of these regional breakdowns as well.

The LQ and HHI figures were calculated based on employment data available from the US Bureau of Economic Analysis (BEA).⁹ Table 2 shows the LQs and HHIs for the three regions of interest in this report. In terms of the HHIs, the data suggest that, characteristic of many, more densely populated economies, the Tri-County area of Nebraska has a more diverse economy than does the state’s Western and Eastern regions.

Eastern Nebraska has a very high concentration of

**Figure 3.
Geographic Breakdown of Nebraska Regions**



⁸ For largely pragmatic reasons, we did not break the data down into further subregions. The PUMS data are based on a sampling of residents in locations throughout the state. To further refine these geographic areas would have resulted in severe small sample biases in the data, making any inferences regarding population characteristics much more unreliable.

⁹ BEA’s Regional Economic Information Services (REIS) provide such employment data currently through 2005. These figures were thus based on the 2005 estimates. These data are available at <http://www.bea.gov/regional/reis/>. Note that some of these industry data are subject to disclosure issues, indicating several missing variables. The authors generated estimates for these missing variables utilizing state-level shares of employment data as well as other information sources. Details regarding these estimates are available upon request from the authors.

Table 2. Locations Quotients and Herfindahl Hirshman Indexes

	LQs		
	Tri-County	Eastern Nebraska	Western Nebraska
Farm employment	0.09	1.46	2.29
Mining	0.44	1.94	0.77
Utilities	0.83	1.68	0.31
Construction	1.19	0.64	1.15
Manufacturing	0.88	1.04	1.20
Wholesale trade	1.02	0.73	1.38
Retail trade	1.11	0.59	1.38
Transportation and warehousing	0.64	1.80	0.55
Information	1.45	0.50	0.79
Finance and insurance	1.41	0.48	0.89
Real estate and rental and leasing	1.29	0.60	0.98
Professional and technical services	1.50	0.41	0.81
Management of companies and enterprises	1.71	0.32	0.49
Administrative and waste services	1.41	0.54	0.81
Educational services	1.48	0.64	0.49
Health care and social assistance	1.20	0.74	0.97
Arts, entertainment, and recreation	0.71	1.78	0.43
Accommodation and food services	0.61	1.79	0.64
Other services, except public administration	0.99	0.86	1.24
HHI	727.29	1121.89	845.38

Source: Author's calculations based on data from the Regional Economic Accounts, Bureau of Economic Analysis, US Department of Commerce. Retrieved January 25, 2008 (<http://www.bea.gov/regional/reis/>).

transportation and warehousing service jobs (accounting for about 18 percent of employment in this region), as well as food service establishments (accounting for about 22 percent of employment). In Western Nebraska, farm employment accounts for about 11 percent of employment, and retail trade and health services account for 16 and 10 percent, respectively.

The LQ data demonstrate that, while the Tri-County region of the state is more diverse, many service-oriented jobs are concentrated there. In particular, information services (with an LQ of 1.45), financial services (with

an LQ of 1.41), management services (1.71), and educational services (1.48) appear to be concentrated in this region. These sectors tend to generate higher-paying jobs than many other sectors more prominent in less densely populated regions of the state. For instance, in Eastern Nebraska, farm employment, jobs in mining, utilities, transportation and warehousing, and food services tend to have very high LQs. In Western Nebraska, the LQs are relatively large in agriculture and wholesale and retail trade. Again, these sectors do not necessarily carry as high a level of compensation as those sectors concentrated in the Tri-County region.



Expenditure Impacts of First-Generation Foreign-Born Immigrants

As stated above, the primary data source used is the US Census's PUMS data system. Table 3 provides a summary picture of the demographic and earnings figures for the state as a whole as well as the three subregions described earlier.

The data reflect a few essential elements. While the total immigrant population represents about 5.6 percent of the total population (and about 6.7 percent of the total population of income earners aged 16 and over), as we show below, the impact on overall state expenditures tends to be less than these population percentages because these groups tend to earn less (\$26,195 per year for the immigrant population versus \$31,297 for the total population).¹⁰

State-Level Impacts

To obtain a measure of consumer expenditures, we used the income data from the 2006 PUMS data system. From these figures, we deducted federal and state income taxes as well as payroll taxes. This provided a

reasonable measure of after-tax personal income.¹¹ For the immigrant populations, we deducted a percentage of income remitted (i.e., sent or transferred) to immigrants' country of origin. In particular, for Central and South American remittances (by far the group with the greatest propensity to send earned income to their home country), we employed data from the Inter-American Development Bank, which found that an estimated \$154 million was remitted to country of origin in 2006, representing about 23 percent of after-tax income for the immigrant population from Central and South American countries.¹² The total estimated after-tax and remittances income for the state of Nebraska in 2006 was \$1.188 billion for total foreign-born immigrants and \$516.1 million for immigrants from Central and South American countries. These figures were put into IMPLAN to generate the overall impact of such spending on the state; they are presented in Table 4.¹³

As shown in Table 4, the direct expenditure by the state's income-earning, foreign-born population aged 16 and

¹⁰Also, the Central and South American immigrant populations tend to send a substantial portion of their take-home pay to family still residing in their respective countries of origin. We will discuss this issue below.

¹¹For details on this procedure, see Appendix B.

¹²For details on how these remittances figures were obtained and implemented, again see Appendix B.

¹³With aid from MIG, a set of figures was developed that estimated, for a given income range, the share of one dollar's (continued on next page)

Table 3. Summary of Population and Income Characteristics for 2006

	Total	Native Born	Foreign Born	Central & South American Born
Nebraska				
Population	1,768,331	1,668,831	99,500	57,172
Population 16 and over - wage and salaried plus self-employed	1,050,028	980,184	69,844	40,382
Mean Income (\$)	\$31,297.35	\$31,660.92	\$26,195.10	\$21,825.02
Total Income (\$ millions)	\$32,863.10	\$31,033.52	\$1,829.57	\$881.34
Tri-County (Douglas, Sarpy, and Lancaster Counties)				
Population 16 and over - wage and salaried plus self-employed	536,522	491,180	45,342	
Mean Income (\$)	\$34,938.21	\$35,571.85	\$28,074.14	
Total Income (\$ millions)	\$18,745.12	\$17,472.18	\$1,272.94	
Eastern Nebraska				
Population 16 and over - wage and salaried plus self-employed	256,979	244,296	12,683	
Mean Income (\$)	\$27,644.88	\$27,993.98	\$20,920.59	
Total Income (\$ millions)	\$7,104.15	\$6,838.82	\$265.34	
Western Nebraska				
Population 16 and over - wage and salaried plus self-employed	256,527	244,708	11,819	
Mean Income (\$)	\$27,341.46	\$27,471.62	\$24,646.54	
Total Income (\$ millions)	\$7,013.82	\$6,722.52	\$291.30	

Source: U.S. Census Bureau, Census 2006 Public Use Microdata Sample (PUMS), Nebraska.

Table 4. Economic Impact of Immigrant Spending on the State of Nebraska

	Direct Impact	Indirect Impact	Induced Impact	Total Impact
Production Impact (\$ millions)				
Total Foreign Born	\$1,188.38	\$228.08	\$226.87	\$1,643.32
Central & South American Origin	\$516.10	\$100.97	\$99.50	\$716.57
Employment Impact (# jobs)				
Total Foreign Born	8,161.1	1,953.9	2,332.5	12,447.5
Central & South American Origin	3,527.4	854.6	1,023.0	5,405.0

Source: Author's estimates using IMPLAN 2.0

over of \$1.188 billion in 2006 resulted in \$228.1 million in indirect and \$226.9 million in induced expenditures, a total impact of \$1.643 billion to Nebraska's economy. By dividing the total impact by the direct impact, we obtain our impact multipliers. The production multiplier in this case is 1.38, indicating that for every dollar spent by the state's immigrant population, 38 additional cents are created through indirect and induced effects. This \$1.643 billion figure represents about 1.1 percent of total production in the state of Nebraska.¹⁴

The employment effect is larger. The direct spending by the state's immigrant population aged 16 and over required 8,161 jobs. This direct impact then generated an additional 1,954 jobs and 2,333 jobs to cover the indirect and induced effects, respectively. The overall effect of 12,448 jobs thus indicates an employment multiplier of 1.52, indicating that for every 10 jobs created as a result of direct expenditures, a little over five additional jobs are generated through the indirect and induced effects. The total 12,448 jobs created represent about 1.2 percent of the total 1.05 million

worth of expenditure on each of a set of 395 industrial sectors. For instance, individuals earning between \$25,000 and \$50,000 per year spent 2.2 percent of their disposable income in the motor vehicle and parts sector. These expenditure shares were derived from Consumer Expenditure Survey publications provided by the US Bureau of Labor Statistics (see <http://www.bls.gov/cex/home.htm>). We then modified some of these shares to better reflect the spending habits exhibited by the primary immigrant population in the state, those from Central and South America. For instance, a recent UCLA study found that Latin American foreign-born immigrants are 50 percent less likely to use emergency rooms than are US-born Latin Americans (see http://www.pnhp.org/news/2007/november/study_finds_immigran.php). Moreover, evidence from the US Department of Health and Human Services' Medical Expenditure Panel Survey indicates that in 2000 Hispanic Americans spent only about 61 percent per capita on health expenditures relative to other citizens (see http://meps.ahrq.gov/mepsweb/data_files/publications/rf21/rf21.shtml). Since the data suggest that such immigrants spend less on health services and more on food consumed at home and home repair and maintenance, we increased these shares of expenditures within IMPLAN.

¹⁴According to data supplied by MIG, total state output was \$153.8 billion in 2006.

income earners in Nebraska as of 2006 (see Table 3).

For the immigrant population from the Central and South American regions, the initial \$516.1 million in direct spending resulted in \$716.6 million of total production, resulting in a production multiplier of 1.39. The overall impact from an initial set of 3,527 jobs needed to cover the direct spending from this group ultimately generated a total of 5,405 jobs, an employment multiplier effect of 1.53. This total employment impact represents about 0.51 percent of total income earners in the state.

The figures in Table 5 show the top 15 industrial sectors (as measured by total production generated) most impacted by Nebraska's immigrant spending.

Most of the total production generated is taken up by the retail trade and owner-occupied dwellings sector, with wholesale trade, health expenditures, food services, and motor vehicles and parts sectors also being impacted. It is important to note that these sectors do not represent spending by the immigrant populations only. These production effects are the result of the total effects on the state's economy (including indirect and induced effects). With that in mind, it is interesting to note that a few of these sectors, such as health services, appear to benefit from increased immigrant spending patterns even though there is evidence that many immigrant populations tend to have lower home ownership rates and spend proportionately less on health services than their native-born counterparts.

Table 5. Top 15 Industries Impacted by Immigrant Spending

Industry	Total Production (\$ millions)
Total Foreign Born	
1 Domestic retail trade	\$343.96
2 Owner-occupied dwellings	\$118.82
3 Foreign retail trade	\$80.77
4 Wholesale trade	\$71.40
5 Real estate	\$59.67
6 Food services and drinking places	\$59.53
7 Offices of physicians, dentists, and other health	\$55.39
8 Hospitals	\$45.53
9 Monetary authorities and depository institutions	\$40.71
10 Pharmaceutical and medicine manufacturing	\$35.09
11 Insurance carriers	\$31.07
12 Motor vehicle and parts dealers	\$30.85
13 State and local government electric utilities	\$27.22
14 Nursing and residential care facilities	\$24.00
15 General merchandise stores	\$22.66
Central/South American Born	
1 Domestic retail trade	\$146.95
2 Owner-occupied dwellings	\$52.98
3 Foreign retail trade	\$32.31
4 Wholesale trade	\$31.32
5 Real estate	\$26.24
6 Offices of physicians, dentists, and other health	\$24.13
7 Food services and drinking places	\$23.66
8 Pharmaceutical and medicine manufacturing	\$20.07
9 Hospitals	\$19.84
10 Monetary authorities and depository institutions	\$15.42
11 Motor vehicle and parts dealers	\$13.20
12 State and local government electric utilities	\$13.01
13 Insurance carriers	\$12.66
14 Nursing and residential care facilities	\$12.01
15 Other ambulatory health care services	\$9.85

Source: Author's estimates using IMPLAN 2.0

Table 6. Economic Impact of Immigrant Spending by Region

	Direct Impact	Indirect Impact	Induced Impact	Total Impact
Production Impact (\$ millions)				
Tri-County (Douglas, Sarpy, and Lancaster Counties)	\$823.44	\$157.29	\$157.60	\$1,138.34
Eastern	\$174.17	\$16.19	\$13.58	\$203.94
Western	\$189.71	\$24.31	\$24.30	\$238.32
Employment Impact (# jobs)				
Tri-County (Douglas, Sarpy, and Lancaster Counties)	5,461.3	1,336.7	1,532.7	8,330.7
Eastern	963.2	160.4	154.9	1,275.4
Western	1,336.9	249.6	299.2	1,895.7

Source: Author's estimates using IMPLAN 2.0

Regional Impacts

Table 6 summarizes the production and employment impacts of total foreign-born spending by region. In the Tri-County area that includes most of Omaha and all of Lincoln, the state’s foreign-born population aged 16 and above spent an estimated \$823.4 million in 2006. This translated into a total production effect of \$1.138 billion, indicating a multiplier of 1.38, largely mimicking the state multiplier impact. Moreover, this direct spending prompted a labor need of 5,461, which ultimately generated a total of 8,331 jobs, implying an employment multiplier of 1.53. This final employment figure represents about 1.6 percent of total income earners in these counties.

For Nebraska’s less densely populated economies, direct spending from the state’s immigrant population is relatively small, owing in large measure to fewer such individuals living in these areas as well as smaller per capita incomes. The Eastern immigrant population spent

an estimated \$174 million in 2006, generating a total impact of \$204 million, a multiplier of 1.17. Economic activity among immigrants in the Western region of the state was marginally better. The \$190 million in direct spending in 2006 by this group generated a total production effect of \$238 million, a multiplier of 1.26 (see Figure 4).

The employment impacts follow a similar pattern. The 963 jobs needed to meet increased immigrant spending demands in Eastern Nebraska ultimately generated a total employment multiplier effect of 1.32. This total employment figure of 1,275 represents about 0.50 percent of total income earners in this region.

In Western Nebraska, the employment multiplier is 1.42. Hence, initial employment needs ultimately created a total of 1,896 jobs. This represents about 0.74 percent of total income earners in this region.

Figure 4. Expenditure Effects: Production and Employment Multipliers by Region

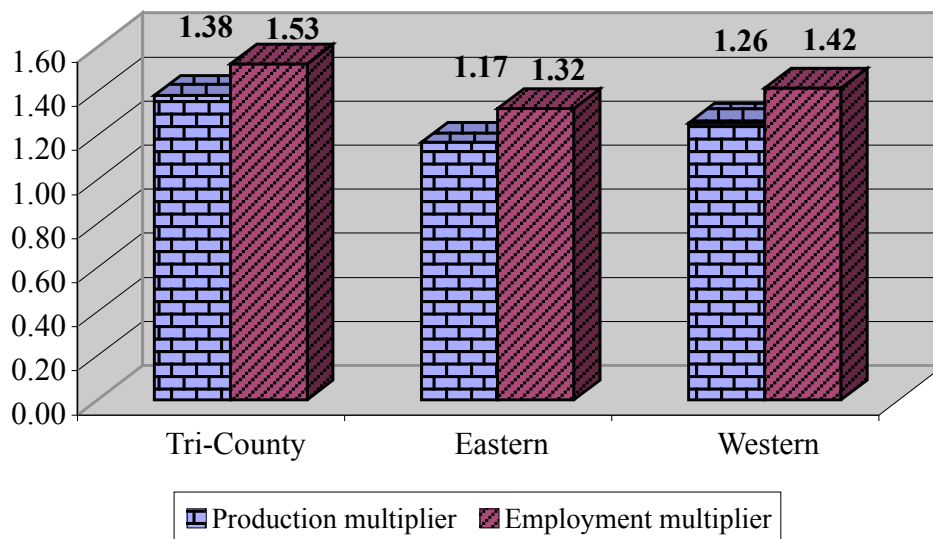


Table 7. Alternative Total Economic Impact of Immigrant Spending: High and Low Remittances

	High Remittance	Low Remittance
Production Impact (\$ millions)		
State:		
Total Foreign Born	\$1,567.61	\$1,732.20
Central & South American Origin	\$652.70	\$791.54
Regions:		
Tri-County (Douglas, Sarpy, and Lancaster Counties)	\$1,085.89	\$1,199.90
Eastern	\$194.55	\$214.97
Western	\$227.34	\$251.21
Employment Impact (# jobs)		
State:		
Total Foreign Born	11,874.0	13,120.7
Central & South American Origin	4,923.2	5,970.5
Regions:		
Tri-County (Douglas, Sarpy, and Lancaster Counties)	7,946.9	8,781.2
Eastern	1,216.6	1,344.4
Western	1,808.3	1,998.2

Source: Author's estimates using IMPLAN 2.0

Alternative Expenditure Estimates

While the expenditure figures provided above represent the most likely picture of immigrant expenditure impacts on Nebraska, it is worth remembering that these estimates are derived from sample data. For instance, the remittances figure of \$154 million for 2006 was based on a sampling survey. Hence, it can be beneficial to provide a range of impacts assuming alternative direct expenditure figures. To this end, alternative direct expenditure figures were constructed using alternative estimates for Central and South American remittances. Specifically, we assumed, while the best estimate for these remittances in 2006 is still the \$154 million figure, a high remittance level of \$200 million (about 30 percent of the Central and South American group's after-tax income), and a low remittance level of \$100 million (about 15 percent of after-tax income).¹⁵

Table 7 reports the total production and employment impacts (i.e., the direct, indirect, and induced impacts) from these high and low remittance scenarios on the state of Nebraska and the three regions considered in this study. Based on these estimates, the total production impact of expenditures by the foreign-born population ranges from \$1.568 billion to \$1.732 billion. In terms of employment, expenditures by immigrants in the state generated between 11,874 and 13,121

jobs. Isolating just direct expenditures from those immigrants of Central and South American origin, the total production impact ranges from \$653 million to \$792 million, with employment generation between 4,923 and 5,971.

Regionally, the Tri-County area experienced between 7,947 and 8,781 new jobs due to immigrant spending in 2006 and increased production between \$1.086 and \$1.200 billion. The Eastern region saw an increase of 1,217 to 1,344 new jobs, and between 1,808 and 1,998 new jobs were generated in the Western region.

¹⁵Admittedly, this range is somewhat arbitrary since no information was provided by the Inter-American Development Bank as to the margin of error in their 2006 survey. This same group conducted a similar survey in 2004 and indicated a margin of error of +/-5 percent in that survey. If a similar margin of error exists in the 2006 survey, then the upper and lower bounds provided above are well outside such a +/-5 percent range. The alternative results provided in this section, then, can reasonably be viewed as offering a more-than-generous upper and lower expenditure impact bandwidth of the immigrant population in the state.



Photo courtesy of David Bacon from the book Communities Without Borders

The Impact of the Immigrant Labor Force on State Production

The foreign-born population aged 16 and over in the state of Nebraska accounted for 6.65 percent of total population aged 16 and over in the state. Immigrants of Central and South American origin accounted for nearly 4 percent of the state's total population aged 16 and over. These groups' labor force contributions are considerably higher in certain key sectors of the state's economy. This labor has allowed the state to expand production, particularly in less densely populated regions where labor force availability would otherwise be quite limited. In their absence, it is quite likely that substantial reductions in Nebraska's economic production would occur.

In this section we estimate the likely impact on state and regional economies if this labor force were, in effect, unavailable. In doing this experiment, we identified three sectors that tend to rely heavily on immigrant labor (primarily from Central and South America): construction, food and hotel accommodation services, and meat, poultry, and fish processing. Table 8 summarizes these employment figures.

In the construction sector, 7,089 immigrants were employed in 2006, accounting for 9.7 percent of total construction employment (Central and South American immigrants account for nearly all of this, making up 8.6 percent of total construction employment).¹⁶ In the services sector, most of which is food and hotel accommodations services, immigrants accounted for 4,969 jobs in 2006, or 7.3 percent of total employment. Finally, in meat, poultry, and fish processing occupations, historically one of the most important manufacturing sectors in Nebraska, 11,282 immigrants were employed in 2006, accounting for 80.4 percent of total employment in this sector. Immigrants from Central and South America accounted for 9,731 of these jobs, or 69.4 percent of the total.

State-Level Impacts

With these employment figures in place, we used IMPLAN to generate estimates of what would be lost from the various state and regional economies from a hypothetical removal of these laborers.¹⁷ Table 9 summarizes the impact on the state of Nebraska. If a

¹⁶Within IMPLAN, the construction sector is comprised of 13 different subsectors, broadly comprising residential, nonresidential, and non-building (e.g., highway and utility network) construction, as well as residential, nonresidential, and non-building repairs. However, the PUMS data is available only for the aggregate category. To implement the impact within IMPLAN, we divided up the PUMS immigrant employment data, based on the total employment shares of each of these 13 subsectors, as reported within the IMPLAN model.

¹⁷This experiment ignores the potential that some of the native population may have been employed in the absence of (continued on next page)

Table 8. Employment Summary Data for 2006

	Total		Native Born		Foreign Born		Central & South American	
	<i>Employed</i>	<i>Employed</i>	<i>Percent</i>	<i>Employed</i>	<i>Percent</i>	<i>Employed</i>	<i>Percent</i>	
Nebraska								
Construction	73,439	66,350	90%	7,089	9.65%	6,320	8.61%	
Services	158,461	146,890	93%	11,571	7.30%	6,602	4.17%	
Butchers and other meat, poultry, and fish processing	14,032	2,750	20%	11,282	80.40%	9,731	69.35%	
Tri-County (Douglas, Sarpy, and Lancaster Counties)								
Construction	37,658	31,729	84.26%	5,929	15.74%			
Services	80,956	73,395	90.66%	7,561	9.34%			
Butchers and other meat, poultry, and fish processing	4,937	595	12.05%	4,342	87.95%			
Eastern Nebraska								
Construction	19,114	18,828	98.50%	286	1.50%			
Services	35,984	34,275	95.25%	1,709	4.75%			
Butchers and other meat, poultry, and fish processing	5,458	1,258	23.05%	4,200	76.95%			
Western Nebraska								
Construction	16,667	15,793	94.76%	874	5.24%			
Services	41,521	39,220	94.46%	2,301	5.54%			
Butchers and other meat, poultry, and fish processing	3,637	897	24.66%	2,740	75.34%			

Source: U.S. Census Bureau, Census 2006 Public Use Microdata Sample (PUMS), Nebraska.

total of 29,242 immigrant jobs were removed from the economy, the resulting direct impact on the dollar value of state production in 2006 would be a loss of \$6.4 billion. Furthermore, there is a reduction in indirect and induced benefits since the initial labor reduction causes less production from the three sectors—construction, services, and meat processing—resulting in less demand for inputs from other sectors of the economy (the indirect effect) and lower spending by households due to fewer income earners (the induced effect).

Thus, the value of total production lost is \$13.5 billion and total employment reduction is 78,071. To place these figures in context, according to data supplied by

MIG, in 2006 the value of total production in the state of Nebraska was \$153.8 billion. Hence, the total lost production from removing immigrant workers from the economy alone represents about 8.75 percent of total state production. The total reduction in employment of 78,071 accounts for 7.4 percent of total income earners in Nebraska (see Table 3).

Note the substantial multiplier effect here as well (2.11).¹⁸ For every one dollar of production directly lost, an additional \$1.11 is lost through indirect and induced spending reductions. Moreover, the employment multiplier is relatively large as well (2.61). For every direct job lost, an additional 1.6 jobs

Table 9. Economic Impact of Removing Immigrant Employment in Construction, Food and Hotel Services, and Meat, Poultry, and Fish Processing on the State of Nebraska

	Direct Impact	Indirect Impact	Induced Impact	Total Impact
Production Impact, 2006 (\$ millions)				
Total Foreign Born	-\$6,366.18	-\$5,499.67	-\$1,595.75	-\$13,461.60
Central & South American Origin	-\$5,363.56	-\$4,684.53	-\$1,337.58	-\$11,385.67
Employment Impact (# jobs)				
Total Foreign Born	-29,942.0	-31,720.2	-16,406.4	-78,070.7
Central & South American Origin	-22,653.0	-26,955.2	-13,752.0	-63,360.2

Source: Author's estimates using IMPLAN 2.0

immigrant labor. The issue of labor substitution is a complex issue and is addressed later in this report. Since the estimates provided by this experiment do not consider substitution of native for immigrant labor, they can reasonably be considered a type of “upper bound” effect on the total impact on production and employment.

¹⁸These multipliers can be easily calculated by dividing the total impact measures by the direct impact data. For instance, the output multiplier for the total foreign-born category is simply $\$13,461.60/\$6,366.18 = 2.11455$.

Table 10. Industries Impacted by Removing Immigrant Employment

	Industry	Total Production (\$ millions)
Total Foreign Born		
	1 Meat processed from carcasses	-5,295
	2 Animal (except poultry) slaughtering	-1,239
	3 Cattle ranching and farming	-1,038
	4 Wholesale trade	-594
	5 Food services and drinking places	-563
	6 Truck transportation	-290
	7 New residential 1-unit structures	-257
	8 Animal production (except cattle and poultry)	-234
	9 Management of companies and enterprises	-219
	10 Commercial and institutional buildings	-215
	11 Owner-occupied dwellings	-209
	12 Real estate	-154
	13 Monetary authorities and depository credit intermediaries	-119
	14 Maintenance and repair of nonresidential buildings	-108
	15 Hotels and motels- including casino hotels	-95
Central/South American Born		
	1 Meat processed from carcasses	-4,564
	2 Animal (except poultry) slaughtering	-1,066
	3 Cattle ranching and farming	-891
	4 Wholesale trade	-504
	5 Food services and drinking places	-351
	6 Truck transportation	-248
	7 New residential 1-unit structures- all	-229
	8 Animal production (except cattle and poultry)	-201
	9 Commercial and institutional buildings	-192
	10 Management of companies and enterprises	-187
	11 Owner-occupied dwellings	-175
	12 Real estate	-127
	13 Monetary authorities and depository credit intermediaries	-101
	14 Maintenance and repair of nonresidential buildings	-94
	15 Telecommunications	-79

Source: Author's estimates using IMPLAN 2.0

are also lost through indirect and induced impacts. These three sectors are thus critical sectors to the Nebraska economy.

Table 10 illustrates the top 15 industries hit hardest by the reduction in labor force (as measured by the total economic impact). Given the relative size of the impact associated with hypothesized reductions in the meat, poultry, and fish processing sectors, it seems reasonable that the major industries impacted would be those involved in these businesses, such as ranching and farming, wholesale trade, food services, and transportation. Also, associated reductions in many construction industries are expected as

well, particularly in new single-family residential construction.

Regional Impacts

Table 11 summarizes the regional impacts of immigrant employment in construction, food and hotel accommodations, and meat, poultry, and fish processing. Total immigrant employment in these sectors was 17,832 in the Tri-County area of Nebraska, 6,195 in Eastern Nebraska, and 5,914 in Western Nebraska as of 2006. According to the data presented in Table 10, removal of these employees would result in a direct loss of \$3.0 billion worth of production in the Tri-County area, \$1.94 billion in Eastern Nebraska,

Table 11. Economic Impact of Removing Immigrant Employment by Region

	Direct Impact	Indirect Impact	Induced Impact	Total Impact
Production Impact, 2006 (\$ millions)				
Tri-County (Douglas, Sarpy, and Lancaster Counties)	-\$3,018.70	-\$1,683.45	-\$730.50	-\$5,432.65
Eastern	-\$1,937.03	-\$1,681.10	-\$234.66	-\$3,852.79
Western	-\$1,386.82	-\$1,172.42	-\$243.03	-\$2,802.28
Employment Impact (# jobs)				
Tri-County (Douglas, Sarpy, and Lancaster Counties)	-17,832.0	-10,202.1	-7,104.2	-35,139.3
Eastern	-6,195.0	-9,491.5	-2,675.1	-18,372.3
Western	-5,914.0	-6,752.0	-2,991.9	-15,648.2

Source: Author's estimates using IMPLAN 2.0

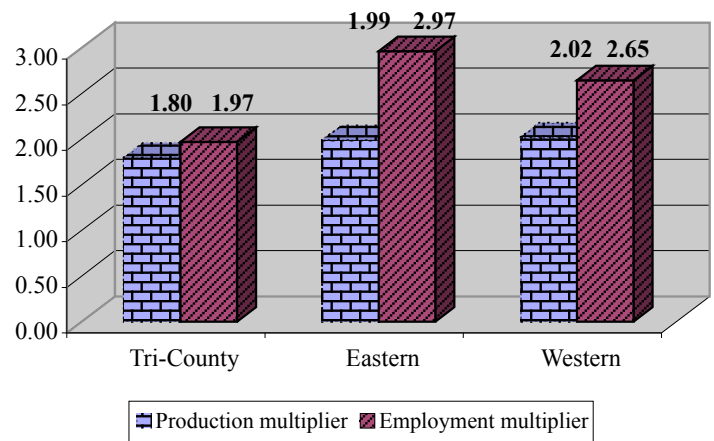
and \$1.39 billion in Western Nebraska. Once these direct reductions in expenditures filter through the rest of these economies through the associated indirect and induced effects, the total loss to this economy is estimated to be \$5.43 billion. Aggregate losses to the Eastern and Western Nebraska economies would be \$3.85 billion and \$2.80 billion, respectively, in 2006. In terms of total employment losses, the Tri-County region would have lost 35,139 jobs, about 6.5 percent of total income earners in that economy (see Table 3); 18,372 jobs in Eastern Nebraska, representing about 7.1 percent of total income earning positions in that region; and 15,648 jobs in Western Nebraska, or 6.1 percent of total income earners.

The regional employment multipliers are particularly significant. In the Tri-County economy, the employment multiplier is 1.97 and in the Eastern and Western economies the associated multipliers are much larger, registering 2.97 and 2.65 respectively (see Figure 5).

The implication is that the industrial sectors in which immigrant workers tend to be employed are of critical importance to these regional economies, particularly in Eastern Nebraska where meat, poultry, and fish processing are vital to this region's economy. For instance, for every job lost in any one of the three identified industries in Eastern Nebraska, an additional 1.97 jobs are also lost through indirect and induced effects.

Similarly, in Western Nebraska, for every job lost in one of the three identified industries, an additional 1.65 jobs disappear through indirect and induced effects. It is also of interest to note that in the more economically diversified Tri-County region, where we would expect a

Figure 5. Production Impacts: Production and Expenditure Multipliers by Region



smaller overall multiplier effect, we observe a substantial employment multiplier. The Tri-County multiplier implies that a job lost in construction, meat processing, or food and hotel services results in 0.97 jobs lost through indirect and induced impacts.

Alternative Employment Impact Scenarios

The above experiments ignore the potential for labor substitution. That is, in the absence of this immigrant labor, some of the native population may have been employed. Assuming no labor substitution is an important limitation of the above analysis; however, a couple of points are germane. First, Nebraska's unemployment rates are substantially lower than many other states, as well as the nation as a whole. This is largely due to a relatively limited labor force. Hence, prospects for substituting away from an immigrant pool of labor are limited. Moreover, a more limited labor force might result in higher wages (an effect that, as the existing literature suggests, is illusive to measure at best).

Labor substitution and market dynamics are very complex issues, and estimating such substitution effects precisely would require a substantial amount of analysis far beyond the scope and intent of this study. In this section alternative impacts are presented based on assumptions regarding the degree to which jobs held by the economy's immigrant population in the construction, food and hotel accommodations, and meat, poultry, and fish processing sectors might be absorbed by the native-born labor force, as well as other key assumptions.¹⁹

Three different absorption rates are considered. The first is where 25 percent of immigrant jobs are filled by the native-born labor force; the second where 50 percent of immigrant jobs are filled by domestic workers; and the third where 75 percent of immigrant jobs are filled by the native born.²⁰ These figures, shown in Table 12, provide a range

of possible impacts from the removal of immigrant labor from the state and regional economies.

One can see that there are still substantial adverse impacts on the state and regional economies from the hypothetical removal of the immigrant labor force. Assuming a 25 percent absorption rate, the state loses \$10.097 billion worth of production and 58,553 jobs. The Tri-County region still suffers the most, losing \$4.075 billion in production and over 26,000 jobs.

Under the more favorable condition, in which 75 percent of the missing immigrant labor force is replaced with domestic labor, the state loses \$3.366 billion in production and 19,518 jobs. Again, the Tri-County economy suffers the most, losing \$1.358 billion in production and 8,785 jobs.

Table 12. Alternative Total Economic Impact of Removing Immigrant Employment

	Percent of Immigrant Jobs Absorbed by Native Workers		
	25 percent	50 percent	75 percent
Production Impact (\$ millions)			
State:			
Total Foreign Born	-\$10,096.66	-\$6,730.26	-\$3,365.98
Central & South American Origin	-\$8,539.21	-\$5,693.35	-\$2,846.69
Regions:			
Tri-County (Douglas, Sarpy, and Lancaster Counties)	-\$4,074.49	-\$2,716.33	-\$1,358.16
Eastern	-\$2,889.59	-\$1,926.39	-\$963.20
Western	-\$2,101.71	-\$1,401.14	-\$700.57
Employment Impact (# jobs)			
State:			
Total Foreign Born	-58,553.0	-39,035.3	-19,517.7
Central & South American Origin	-47,520.2	-31,680.1	-15,840.1
Regions:			
Tri-County (Douglas, Sarpy, and Lancaster Counties)	-26,354.4	-17,569.6	-8,784.8
Eastern	-13,779.2	-9,186.1	-4,593.1
Western	-11,738.1	-7,825.4	-3,912.7

Source: Author's estimates using IMPLAN 2.0

¹⁹Two such assumptions are made in this section, largely due to the basic structure of IO models. First, it is assumed that native-born surplus labor is sufficient to absorb these vacated jobs. Second, closely related to the first, it is assumed that the native-born labor force would take those jobs at prevailing wages. By their very construction, IO models treat prices, including wages, as fixed, essentially assuming that there are sufficient resources in an economy to meet any changes in final demand for goods and services.

²⁰Adverse economic impacts will obviously get smaller with larger absorption rates. If 100 percent of all immigrant jobs were replaced by domestic labor, then there would be no adverse impact on the economy. With such a tight labor force, such an outcome would be highly unlikely in Nebraska.



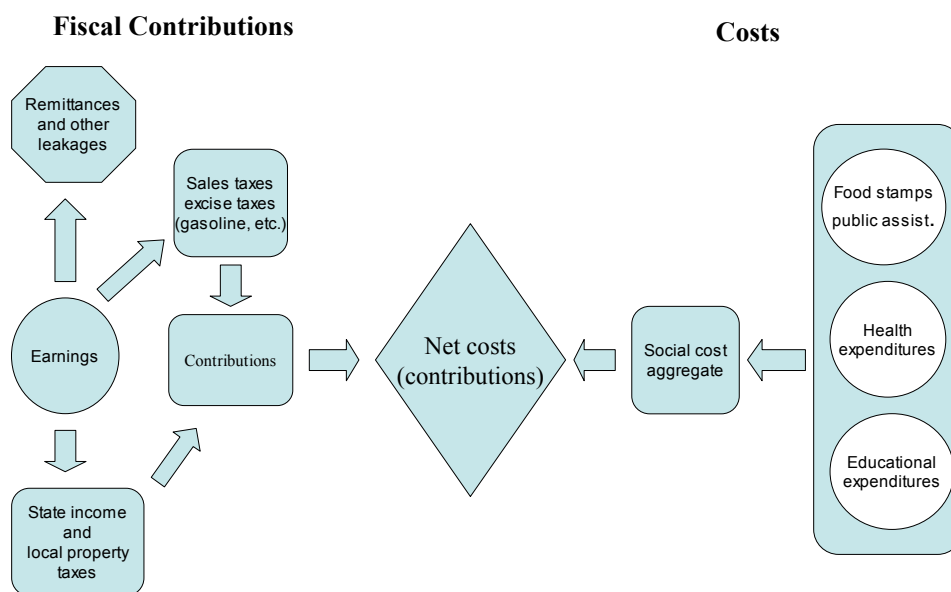
Fiscal Contributions and Social Cost Pressures from the Immigrant Population in Nebraska

The analysis above suggests that Nebraska’s immigrant population does contribute substantially to the state’s economy in meaningful ways. First, through their spending activity, jobs are created for both immigrants and native-born groups. Second, the sectors in which these immigrant groups are largely employed are critical to the state’s economic well-being, particularly in its Eastern and Western regions.

In order to assess more completely the impact of the immigrant population on the state, however, some

detailed analysis of the fiscal contributions and social pressures this group has on Nebraska is necessary. Many concerns have been expressed suggesting that immigrant populations place more pressure on publicly supplied services, such as educational and health services, than they contribute in the form of tax revenue. In this section, we attempt, to the extent possible, to estimate these public costs and tax revenue figures for both immigrant and native populations in the state.²¹ The focus of these estimates is depicted in Figure 6.

Figure 6. Fiscal Contributions and Social Costs



²¹In what follows, we focus on the total immigrant population rather than attempting estimates of the Central and South American immigrant population in particular. This is in large measure due to small sample difficulties associated with highlighting particular immigrant groups in the PUMS data system. However, since most of the immigrant population does come from Central and South America, the total numbers presented here are likely reasonably close to those of the specific immigrant group.

Table 13. Fiscal Contributions and Costs

	Foreign born	Native born
Contributions (\$ millions)		
Property taxes ¹	\$39.80	\$1,055.38
Income taxes (state) ¹	\$73.57	\$1,393.74
Sales taxes ²	\$34.07	\$661.65
Gasoline taxes ²	\$7.21	\$132.67
Total	\$154.65	\$3,243.43
Share	4.55%	95.45%
Costs (\$ millions)		
Food stamps ¹	\$6.83	\$66.06
Public Assist. ¹	\$6.25	\$163.85
Health Exp. ³	\$38.73	\$403.85
Education ⁴	\$92.97	\$2,605.53
Total	\$144.78	\$3,239.29
Share	4.28%	95.72%
Contributions per capita (\$)¹	\$1,554.27	\$1,943.53
Costs per capita (\$)¹	\$1,455.11	\$1,941.05
Ratio of contributions to costs	1.07	1.00

¹Source: US Census Bureau, Census 2006 Public Use Microdata Sample (PUMS), Nebraska.

²Source: Author's calculations based on data from *Consumer Expenditures in 2005*, Report 998, U.S. Department of Labor, US Bureau of Labor Statistics.

³Source: Author's calculations based on PUMS demographic data as well as from the Medial Expenditure Panel Survey for the year 2000, US Department of Health and Human Services. Retrieved on February 26, 2008 (http://www.meps.ahrq.gov/mepsweb/data_files/publications/rf21/rf21.shtml).

⁴Source: Author's calculations based on PUMS demographic data as well as from the Annual Financial Report, Education Support Services, Nebraska Department of Education. Retrieved March 5, 2008 (<http://ess.nde.state.ne.us/SchoolFinance/AFR/StatwidePPC.htm>).

Fiscal Contributions

The primary source of state (and local) fiscal contributions come from income taxes paid to the state, property taxes paid to local governments, sales taxes paid to the state, and energy (gas) excise taxes paid to the state (see Table 13). The property tax data from the PUMS data system indicate that in 2006, the total foreign-born group paid \$39.8 million to local governments. The corresponding native-born group paid \$1.055 billion; the difference can largely be attributed to a greater number of households whose

head of household is native born.²² Foreign-born wage earners contributed an estimated \$73.6 million to the state of Nebraska in the form of state income tax, as compared to \$1.39 billion for the corresponding native-born population; again the difference reflects the larger number of wage and salary earning native-born workers in the state.²³

Sales tax estimates are based on expenditure data available from the US Bureau of Labor Statistics' Consumer Expenditure Survey, 2005, the latest

²²According to the PUMS, in 2006 the number of foreign-born heads of households who paid property taxes in Nebraska was 18,933. By contrast, the total number of native-born heads of households in the state who paid property taxes in 2006 was 453,305.

²³These figures were based on the income data supplied in the PUMS data system, where an average state tax rate of 4.02 percent was applied (see Appendix B). It should be noted that these income tax figures likely understate the impact of immigrants' overall income (and sales) tax revenue since these figures are based only on direct income. They do not include the tax benefits from the increase in income generated through the indirect and induced expenditure effects.

estimates available. These data provide a breakdown of expenditures on various consumer items such as food, clothing, gasoline, and so forth. From these data, we identified those consumption categories subject to a state (and local) sales tax and calculated this group's share of total expenditures.²⁴ We then applied this share to our estimate of after-tax and remittances income data from the PUMS. These figures suggest that the immigrant population paid \$34.1 million in sales taxes in 2006.²⁵ Using a similar procedure for gasoline consumption, and applying an excise tax of 25 cents per gallon, we estimate gasoline tax contributions of \$7.2 million. These figures compare to \$661.6 million in sales tax revenue and \$132.7 million in gasoline tax revenue generated by the native-born population.²⁶

The total native-born contribution based on these measures is estimated to be \$3.24 billion for 2006 (about 95.4 percent of total estimated contributions). The corresponding contribution from immigrant groups is \$154.7 million (about 4.6 percent of total estimated contributions). Again, the dollar difference is largely reflective of the greater number of native born in the state's population. The percentage figures indicate that while the immigrant population comprises about 6 percent of the working age population in the state, they contribute less in percentage terms. This is primarily because the average immigrant's income level is less than that of the native-born group.

Public Costs

Table 13 also shows estimates for public cost categories. These categories include funding for the state's food stamp program, state expenditures for public assistance and supplementary security income, the state cost of providing health services, and the state cost of kindergarten through high school (K-12) education.

The food stamp and public assistance data come from the PUMS system. The estimates indicate that in 2006,

the state spent \$6.8 million and \$6.3 million on food stamps and public assistance to the state's immigrant population, respectively. For the larger native-born population these estimates are \$66.1 million and \$163.9 million, respectively.

Furthermore, estimates of state-supported health services for 2006 are \$38.7 million for the state's immigrant population and \$403.9 million for the native population.²⁷ Moreover, educational expenditures for the immigrant population are estimated to be \$93.0 million as of 2006, as compared to expenditures for the larger native population of \$2.61 billion.

Based on these categories, the total native-born costs are estimated to be \$3.24 billion for 2006 (about 96.0 percent of total estimated costs). The corresponding cost figure for the immigrant group is \$136.4 million (about 4.0 percent of total estimated costs). Again, this 4 percent is less than the immigrant working age population share of roughly 6 percent. This in large measure reflects the fact that such groups tend to spend proportionately less of their income on health care.

An alternative way of viewing these figures is to consider costs and contributions on a per capita basis.²⁸ As shown in Table 11, the average contribution per capita for immigrants is \$1,554.27. For the native population, this average is \$1,943.53. The average cost per capita for the immigrant group is \$1,455.11 as compared to \$1,941.05 for the native group. The ratio of contributions to costs is 1.07 for the immigrant group as compared to 1.00 for the native group. This indicates that while there is some balance between contributions and costs on the native-born side, on the immigrant side, contributions exceed costs by about 7 percent. This result is consistent with other published work for immigrant populations in other states.²⁹

²⁴See Appendix C for additional information.

²⁵The state sales tax is 5.5 percent. In addition, we added, for expenditures occurring in Douglas and Sarpy counties, an additional municipal (Omaha) sales tax of 1.5 percent.

²⁶See Appendix C for details.

²⁷These data were constructed using demographic data from the PUMS and data from the US Department of Health and Human Services' Medical Expenditure Panel Survey for the year 2000. These data can be found at http://www.meps.ahrq.gov/mepsweb/data_files/publications/rf21/rf21.shtml. We used a medical services expenditures price deflator from the US Bureau of Labor Statistics to calculate the 2006 estimates. For details, see Appendix C.

²⁸To construct these per capita terms, we divided the total costs (expenditures) for each group by their corresponding total population count as estimated in PUMS.

²⁹See, for instance, Garvey, Espenshade, and Scully (2002).



Photo by Rudy Smith, Babe Gomez Heritage Elementary School

Conclusion and Future Research

This study has attempted to quantitatively measure the impact of the state's immigrant population on Nebraska, with some attention paid to Latin American immigrant groups. Several key results arise from this analysis.

First, on the demand or expenditure side of the state's economy, in 2006, immigrant spending resulted in \$1.6 billion worth of total production to Nebraska's economy, with a possible range between \$1.5 billion to \$1.7 billion. Moreover, this spending generated between 11,874 and 12,121 jobs in total for the state. The 2006 total production impact of Central and South American immigrant spending was \$717 million (with a possible range between \$653 million and \$792 million), accounting for between 4,923 and 5,971 jobs in the state. The total value of production impact of immigrant spending in Nebraska's Omaha and Lincoln areas was \$1.14 billion in 2006, resulting in 8,331 jobs. The impact of immigrant spending on total production in Nebraska's Eastern region was \$204 million, resulting in 1,275 jobs. Finally, the impact of immigrant spending on total production in Nebraska's Western region was \$238 million, resulting in 1,896 jobs.

On the supply or production side of the state's economy, Nebraska's immigrant population makes substantial contributions to the labor force in some of the state's key economic sectors: construction, hotel and food services, and meat, poultry, and fish processing. The immigrant labor force accounted for 9.65 percent of total employment in construction in 2006, 7.3 percent of total employment in the services sector, and 80.4 percent in meat processing.

To measure these contributions, we conducted counterfactual experiments by addressing what would happen were this labor force unavailable in these key sectors. We found that total state production would fall by \$13.5 billion if the total immigrant population were not present in these three key sectors (and with no absorption by domestic labor), about 8.75 percent of total state production. If just the Central and South American immigrant population were removed from these sectors, the resulting loss to the state would be \$11.4 billion, or 7.9 percent of total state production. Total production losses in the state's Tri-County area would be \$5.4 billion. Losses would amount to \$3.9 billion and \$2.8 billion in the state's Eastern and Western regions. These losses would represent

significant declines in these regions' employment as well. For instance, in the state's Tri-County region, total job losses could be as high as 35,140, or about 6.5 percent of total jobs in the region.

Losses to the state and regional economies would be smaller if sufficient job replacement occurred. Even so, losses would be nontrivial. For instance, if 75 percent of the jobs vacated by immigrant labor were replaced by domestic labor, this would result in \$3.366 billion in lost production and 19,518 jobs would disappear.

Finally, on the fiscal side of the equation, we found that the state's immigrant population does not necessarily place more pressure on public goods than it offers in terms of tax revenue. The state's immigrant population contributed about \$154 million in the form of property, income, sales, and gasoline tax revenue in 2006. This amounts to about \$1,554 in per capita contributions. By contrast, the state's corresponding per capita contributions from the native-born population are about \$1,944. In terms of government costs, the immigrant population in Nebraska accounted for \$144.78 million from food stamps, public assistance, health, and educational expenditures in 2006. This amounts to about \$1,455 per capita. By contrast, the corresponding per capita costs from the native-born population are about \$1,941.

While the contribution to cost ratio is 1.0 for the native population, the corresponding ratio for the immigrant group is 1.07, indicating that that this group "pays in" about 7 percent more of what it uses in terms of governmental support. This result appears in line with some recent evidence suggesting that immigrant populations can in fact generate a fiscal surplus to state and local governments.

While this study has utilized the most recent and reliable data available and one of the most detailed and commonly employed modeling platforms (i.e., IMPLAN) to measure the economic impact of immigrant populations on the state of Nebraska, the study has some limitations that suggest a number of fruitful avenues for future research. Several such extensions are discussed below.

First, the fiscal surplus generated by immigrant populations, while consistent with existing literature, is worth further investigation. Much of this surplus

can be attributed to the fact that these populations place less pressure on health services. Indeed, many studies have documented that in the United States the foreign born are much more likely to go without health insurance and, as a consequence, are less likely to seek such services than the native-born population. The reason for this appears to go beyond income and occupation. A recent study by Pol, Adidam, and Pol (2002) found that immigrant populations are twice as likely to go without health insurance as are their native-born counterparts—*even after controlling for income and employment status*. Hence, there may be other social and cultural factors at play that might help guide a more complete understanding of the fiscal evidence presented in this report.

Second, the issue of documented versus undocumented immigrant populations is an important, and quite heated, political and legal debate, both regionally and nationally. From an economic impact perspective, the issue is, at best, difficult to address. First, reliable data are hard to come by, particularly at a substate level. Second, numerical information on income, expenditures (for both public and private goods and services), and occupation is generally not available. Hence, constructing an economic impact is hard to conceptualize. Moreover, even if reliable estimates were available, it is questionable whether the existing modeling platform (i.e., the IO model structure) would provide any additional insight relative to what is already presented here. For instance, in a 2005 Pew Hispanic Center report titled "Estimates of the Size and Characteristics of the Undocumented Population," between 2002 and 2004 Nebraska is estimated to have had between 20,000 and 35,000 undocumented immigrants in the state (between 28 and 49 percent of the foreign-born population from the PUMS data). Assuming that these immigrants have similar incomes and exhibit the same spending habits as the immigrant population investigated in this report, then the expenditure multipliers will be the same. Hence, the total dollar impacts will largely reflect a simple percentage of the figures presented in Table 4. Similarly, if this undocumented group is employed in jobs similar to those of documented immigrants, then again, the multipliers will be the same and the total employment impacts will largely reflect a percentage of those figures presented in Table 11. In short, from the economic impact perspective, there may be little to gain from focusing on the undocumented immigrant

group unless more reliable detailed income and expenditure data can be found to refine any direct effect measurements.

The fiscal impact may be a useful avenue for future research; however, even here the fiscal estimates presented earlier in this study might still reasonably reflect the undocumented immigration experience. As Pearson and Sheehan (2007) articulate, undocumented immigrants do pay property, sales, and income taxes. Moreover, like their documented counterparts, these populations also tend to access the medical care system at rates much lower than native-born citizens. Hence, the fiscal picture presented in Table 13 may be illustrative of the undocumented population as well. Nevertheless, there are still too many unknowns about the nature and extent of the undocumented immigrant population to draw any definitive conclusions, thus more research may be in order.

Third, the nature of this study and the modeling platform employed are such that the results provide only a “snapshot” of the immigrant population’s impact on the state of Nebraska in 2006. The analysis is thus static in nature and does not offer a dynamic picture of how this population may change over time or how occupational mobility or production processes may evolve.

Input/Output (IO) models are often referred to as “fixed proportion” production models, meaning that production requires a fixed proportion of a set of inputs to generate a given level of production. For instance, to produce one dollar’s worth of processed meat, fish, or poultry requires 35 cents worth of labor, 3 cents worth of electricity, etc. There are two important characteristics of these models. First, the proportions will not respond to changes in factor input prices. Hence, if the production of a dollar’s worth of processed meat, fish, or poultry requires 35 cents’ worth of labor, that proportion (i.e., 35 percent) is fixed and will not change as labor costs change. Second, these proportions do not change over time. In short, there is no input substitution in IO models. This can be a limiting factor in a dynamic impact analysis. For instance, if there were sufficient increases in automation in the meat, fish, and poultry processing industries over time, resulting in lower labor demand, the IO model would not adjust to this new production mix. The resulting production and employment multipliers

would thus tend to overstate labor’s contribution to production. This could have significant implications for the future direction of immigrant labor in certain sectors. Indeed, increased automation in meat, fish, and poultry processing is quite prevalent, as evidenced by a new, highly automated meat processing plant in northeast Nebraska near Sioux City, Iowa. To account for such input substitution would require a much more complex model in which such substitution is possible.

Fourth, IO models, by their very construction, assume fixed prices, including factor prices such as wage rates. This in effect implies that there are no meaningful resource constraints in an economy. Hence, if there is an increase in final demand for some good or service, it is assumed that sufficient resources (including labor) are available to meet that additional demand. In an environment with limited resources, then one would expect a corresponding change in price. For example, if demand for meat, fish, and poultry increased, then there would be a corresponding increased labor demand in this sector. If a significant amount of surplus labor were available, then one would anticipate no change in wages and thus no upward pressure on meat, fish, and poultry prices. However, if only a limited amount of surplus labor were available, then one would expect an increase in wages and thus some inflationary pressure on meat, fish, and poultry goods and, in turn, inflationary pressure further down the supply chain as well.

As indicated earlier in this report, the existing literature linking wage increases/decreases to immigration flows is largely inconclusive, and therefore there may be little bias in the results generated by the IO model in this study. However, as also indicated earlier, labor market dynamics are quite complex and the Nebraska experience may differ markedly from results published in the literature. It may, then, still be fruitful to investigate specific labor markets within the state to see if wages are sensitive to immigrant population levels. In addition, if such a link does exist, it would be worth investigating how much changes in wages impact consumer prices for goods and services in the Nebraska economy. Moreover, with such labor market adjustments, one could also construct reasonable projections for the Nebraska economy and the role immigration will likely play. These and other considerations are left for future research.

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Appendix A: American Community Survey Public Use Microdata Sample

The Public Use Microdata Samples (PUMS) are a sample of the actual responses to the US Census Bureau's annual American Community Survey (ACS) and include most population and housing characteristics found in ACS as well as the ten-year censuses. These files provide users with the flexibility to prepare customized reports and datasets useful for geographically and demographically detailed research and analysis.

The ACS is a nationwide survey designed to provide current and accurate information every year about demographic, socioeconomic, and housing characteristics. There are more than 60 questions on the ACS, and they are comparable to those on the Census 2000 long form. PUMS files from the American Community Survey show the full range of responses made on individual questionnaires, including income, occupation, and industry of employment. The files contain records for a sample of all housing units and group quarters, with information on the characteristics of each housing unit and the people in the housing unit or group quarter.

Nationally, the American Community Survey is mailed to about 250,000 housing units each month, totaling 3 million annually. This comes to about a 1 in 40 sample of all the housing units in the nation. In addition to the housing units, the ACS includes approximately 1 in 40 persons living in group quarters. For Nebraska in 2006, the Census Bureau received completed interviews from 18,307 housing units and 1,036 people living in group quarters

The records selected for the PUMS are a sample of those housing units and group quarter persons that completed the questionnaire. The sample consists of approximately 1 percent of the housing units and 1 percent of the persons residing in group quarters. In 2006, the PUMS for Nebraska included 7,749 housing units and 521 persons in group quarters. Combining the persons in housing units and those in group quarters,

the total number of persons in the sample was 18,063. Individual responses are given a weight so that the weighted values will estimate the characteristics of the total population.

As is the case for every sample survey, the PUMS is subject to two types of error: sampling error and nonsampling error. Sampling error results from using a sample of persons to estimate the characteristics of a population. Probability sampling allows us to conduct statistical analyses of sample data. All other things being equal, the larger the number of people included in the sample, the smaller the sampling error. Therefore, in this report, our analyses were limited if the unweighted number of persons included in the sample was too small.

Nonsampling errors are unknown and may affect the data in two ways. Some non-sampling errors are introduced randomly because of data entry or editing errors. These errors increase the variability of the data. Systematic errors, which are in one direction, introduce bias into the results of a sample survey and may result from the failure to obtain measurements from sampled housing units (nonresponse). The Census Bureau tries to minimize the effect of these systematic errors on survey estimates through sampling techniques, questionnaire design, and data collection and processing procedures. For more information, the reader is referred to the US Census Bureau's web page at http://factfinder.census.gov/home/en/acs_pums_2006.html.

The PUMS includes detailed country of origin information within its sample. We used this information to aggregate foreign born Nebraska residents who came from Central and South American countries, including, among others, Mexico, Cuba, Jamaica, and the Dominican Republic. Our total foreign born group includes both those from Central and South America as well as the rest of the world. Table A1 identifies the country of origin for the delineations used in this study.

Table A1: Place of Birth - Country Breakdown

Central & South American Origin		Rest of World			
		Europe & Canada		Asia & Middle East	Africa, Australia and Pacific Islands
Mexico	St. Kitts-Nevis	Canada	Spain	Afghanistan	Algeria
Bermuda	St. Lucia	Albania	Sweden	Bangladesh	Cameroon
Belize	St. Vincent & the Grenadines	Austria	Switzerland	Myanmar	Cape Verde
Costa Rica	Trinidad & Tobago	Belgium	England	Cambodia	Egypt
El Salvador	West Indies	Bulgaria	Scotland	China	Ethiopia
Guatemala	Argentina	Czechoslovakia	Northern Ireland	Hong Kong	Eritrea
Honduras	Bolivia	Denmark	Yugoslavia	India	Ghana
Nicaragua	Brazil	Finland	Czech Republic	Indonesia	Guinea
Panama	Chile	France	Slovakia	Iran	Kenya
Antigua & Barbuda	Colombia	Germany	Bosnia & Herzegovina	Iraq	Liberia
Bahamas	Ecuador	Greece	Croatia	Israel	Morocco
Barbados	Guyana	Hungary	Macedonia	Japan	Nigeria
Cuba	Paraguay	Iceland	Estonia	Jordan	Senegal
Dominica	Peru	Ireland	Latvia	Korea	Sierra Leone
Dominican Republic	Uruguay	Italy	Lithuania	Kazakhstan	Somalia
Grenada	Venezuela	Netherlands	Armenia	Kuwait	South Africa
Haiti		Norway	Azerbaijan	Laos	Sudan
Jamaica		Poland	Belarus	Lebanon	Tanzania
		Portugal	Georgia	Malaysia	Uganda
		Azores Islands	Moldova	Nepal	Zimbabwe
		Romania	Russia	Pakistan	Fiji
			Ukraine	Philippines	Micronesia
				Saudi Arabia	New Zealand
				Singapore	Tonga
				Sri Lanka	Samoa
				Syria	
				Taiwan	
				Thailand	
				Turkey	
				Uzbekistan	
				Vietnam	
				Yemen	

Appendix B: Calculation of After-Tax and Remittances Income

After-Tax Income

To calculate after-tax income, we generated an effective federal and state income tax rate by using mean income measures for our demographic groups and applied various marginal tax rates as supplied by a variety of sources on marginal tax rates. We obtained data on federal marginal tax rates from the following web site: http://www.moneychimp.com/features/tax_brackets.htm, verified through US Internal Revenue Service sources, and for the state of Nebraska we used information found at the Nebraska State Department of Revenue at <http://www.revenue.state.ne.us/>. The rates are provided below:

Federal Rates		State Rates	
Income range	Rate	Income range	Rate
\$0-\$10,750	10%	\$0-\$2,400	2.56%
\$10,750-\$41,050	15%	\$2400-\$17,000	3.57%
\$41,050-\$106,000	25%	\$17,000-\$26,500	5.12%
\$106,000-\$171,650	28%	\$26,500-over	6.84%
\$171,650-\$336,550	33%		
\$336,550-above	35%		

Source: For the federal tax rates, information was retrieved on February 2, 2008 (http://www.moneychimp.com/features/tax_brackets.htm). For the state tax rate data, information was retrieved on February 2, 2008 (<http://www.revenue.state.ne.us/>).

We then applied these tax rates to various levels of income up to the level of mean personal income. The resulting tax rates were between 12.5 and 13.3 percent for federal tax deductions and between 3.8 and 4.5 percent for state tax deductions, depending on demographic group.

An additional income deduction is the payroll tax. While there is significant debate among economists regarding who bears the greater burden of the payroll tax, which requires contributions from both employers and employees (the total of which is about 15.3 percent), we follow convention and apply 7.65 percent to employees' income.

Applying these three deductions gives us a measure of after-tax income. For example, consider the total immigrant group in Nebraska, which as a whole earned \$1,829,570,880.00 in wages and salaries in 2006. The after-tax income is estimated to be:

$$\begin{aligned} \$1,829,570,880.00 * (1 - \text{Taxfed} - \text{Taxstate} - \text{Taxpayroll}) &= 1,829,570,880.00(1 - 0.1293 - 0.0402 - 0.0765) \\ &= \$1,379,457,476.63. \end{aligned}$$

Remittances

Once these after-tax figures are calculated, we need to deduct the income that immigrant populations send to their region of origin, i.e., remittances, as these represent a leakage from the local economy and should not then be used as direct inputs into IMPLAN. For Central and South American remittances, we employed data from the Inter-American Development Bank (the data can be found at the following web page: http://www.iadb.org/mif/remesas_usamap.cfm?language=english). For the Central and South American populations, it was estimated that \$154 million was remitted to country of origin in 2006, representing about 23 percent of after-tax income for the immigrant populations from Central and South American countries. For immigrant populations from other

regions of the world, we employed data from the World Bank’s “Migration and Remittances Factbook, 2008,” which can be found at:

<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~isCURL:Y~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>

This data is available only for the US as a whole so we calculated a remittances share of total US disposable income and applied that share to the Nebraska income figures. The remittance levels are smaller, accounting for about 1.3 percent of after-tax income. To calculate the overall remittance rate for all immigrant populations in the state of Nebraska, we calculated a population share weighted average of the remittance rates for Central and South American populations and the rest of the immigrant population. To calculate these population shares, we used the population aged 16 and over since these are the groups in the labor force likely earning income. This calculation then is as follows:

$$23*(\text{Cent. \& South Am.} / \text{Total Imm.}) + 0.013*(\text{Rest of World} / \text{Total Imm.}) =$$

$$.23*(40,382.00/69,844.00) + 0.013*(29,462.00/69,844.00) = .14$$

Given that most of the immigrant population, about 58 percent of the foreign-born population aged 16 and over, comes from Central and South America, the overall remittance rate is closer to the higher-end estimate, representing about 14 percent of after-tax income.

Table B2 below provides a summary of the tax and remittances calculations on the PUMS income data.

Table B2. Earnings and After-Tax and Remittances Income					
	Total Earnings (\$ millions)	Effective Tax Rate (Federal and State Income+Payroll)	After Tax Income (\$ millions)	Remittances (%)	After Tax and Remittances Income (\$ millions)
Nebraska					
Native Born	\$31,033.52	25.43%	\$23,141.96		
Foreign Born	\$1,829.57	25.43%	\$1,379.46	13.85%	\$1,188.38
Central & South American Born	\$881.34	23.97%	\$670.10	22.98%	\$516.10
Tri-County					
Native Born	\$17,472.18	25.88%	\$12,951.14		
Foreign Born	\$1,272.94	24.91%	\$955.84	13.85%	\$823.44
Eastern					
Native Born	\$6,838.82	24.90%	\$5,136.14		
Foreign Born	\$265.34	23.80%	\$202.18	13.85%	\$174.17
Western					
Native Born	\$6,722.52	24.81%	\$5,054.67		
Foreign Born	\$291.30	24.40%	\$220.21	13.85%	\$189.71

Source: Author's calculations based on income data from PUMS and remittances data from the Inter-American Developmental Bank, retrieved March 20, 2008 (<http://www.iadb.org/mif/remittances/usa/>), and the World Bank’s “Migration and Remittances Factbook, 2008, retrieved March 21, 2008 (<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~isCURL:Y~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>).

Appendix C: Calculations of Public Contributions and Costs Estimates

Contributions

As indicated in the text, the property tax data came from the PUMS. The state income tax figures were calculated using the state tax rate figures calculated in Appendix B.

The sales tax figures were based on expenditure shares on certain key consumer spending categories as defined by the US Bureau of Labor Statistics' *Consumer Expenditure Survey*, 2005, published in 2007. These categories were: food away from home, alcoholic beverages, utilities fuels and public services, household operations, housekeeping supplies, household furnishings and equipment, apparel and services, vehicle purchases (net outlay), other vehicle expenses, entertainment, personal care products and services, tobacco products and smoking supplies, and miscellaneous items. This was done for the immigrant group based on Hispanic spending patterns as published in the Consumer Expenditure Survey, and for the total native group based on household incomes ranging between \$40,000 and \$60,000 per year, also in the BLS publication. The state sales tax is 5.5 percent. In addition, we added, for expenditures occurring in Douglas and Sarpy counties, an additional municipal (Omaha) sales tax of 1.5 percent.

The gasoline consumption tax figures were calculated as follows. Based on data from the BLS's *Consumer Expenditure Survey*, about 5 percent of total expenditures in 2005 were gasoline expenses. We calculated what 5 percent of total after-tax income would be to determine the gasoline expenditure figure for Nebraska's various demographic groups of interest. We then calculated total gallons consumed based on a price per gallon of \$2.23. This figure was, according to the US Department of Energy, Energy Information Administration (www.eia.doe.gov), the average per-gallon price for unleaded gasoline in 2006. We divided the gasoline expenditure figure by 2.23. The total gallons' figures were then multiplied by the state's 25 cents per gallon gas tax.

Costs

Public costs comprise four categories; food stamp expenditures, public assistance and supplementary income, education expenses, and public coverage of health care costs. The food stamp and public assistance and supplemental income come from the PUMS data system.

Educational expenditure estimates were constructed based on population data for native and immigrant groups aged 5 to 17 from PUMS. We obtained statewide per pupil from the Nebraska Department of Education. This data can be found on line at: (<http://ess.nde.state.ne.su/SchoolFinance/AFR/StatewidePPC.htm>). These data indicate that in 2005/2006 per-pupil expenditure was \$8,509.86. The immigrant population aged 5 to 17 in 2006 was 10,925 and total native population aged 5 to 17 was 306,178. Multiplying these figures by the above per-pupil expenditure results in the estimates reported.

The estimates are more complicated to construct. First, we obtained data from the US Department of Health and Human Services' Medial Expenditure Panel Survey for the year 2000. These data and the full report for the US can be found at the following web site: http://www.meps.ahrq.gov/mepsweb/data_files/publications/rf21/rf21.shtml. The data we used were for the US as a whole in the year 2000 and are in the table below:

Age Group	Population (1000s)	% with an Expense	Total Expenses (\$ millions)	Expense per Person
Under 6	24,126	0.87	23,497.00	1,123.33
6 to 17	48,405	0.80	43,241.00	1,116.65
18 to 44	109,021	0.78	161,419.00	1,905.56
45 to 64	62,072	0.89	195,776.00	3,563.86
65 and over	34,782	1.00	203,964.00	5,893.54
Hispanic	33,955	0.70	41,770.00	1,749.87
Non hispanic	244,451	0.84	586,127.00	2,871.53

Source: U.S. Department of Health and Human Services' Medial Expenditure Panel Survey for the year 2000. Retrieved February 26, 2008 (http://www.meps.ahrq.gov/mepsweb/data_files/publications/rf21/rf21.shtml).

The expenses-per-person figures were then applied to the various demographic numbers for the state of Nebraska as estimated by the PUMS. Assuming then that these per-person costs are roughly equivalent to Nebraska's population, total expenses for immigrants and native-born groups were calculated by adding up each demographic cohort's estimated expenses. These figures are presented in Tables C2 and C3 below.

Table C2. Expenses Applied to Nebraska Population Data - Immigrants

Age Group	Expense per Person (from B1)	% with an Expense (from B1)	Nebraska Foreign Born	Total Expenses (\$ millions)
Under 5	\$1,123.33	0.87	1,308	\$1.27
5 to 17	\$1,116.65	0.80	10,925	\$9.76
18 to 44	\$1,905.56	0.78	62,664	\$92.78
45 to 64	\$3,563.86	0.89	19,269	\$60.77
65 and over	\$5,893.54	1.00	5,334	\$31.28
Total Expenses				\$195.87

Source: Author's calculations using PUMS.

For the immigrant population, certain adjustments were made to this total. First, as is clear from Table C1, the Hispanic population in the US spent per capita 61 percent of what the average US citizen spent in 2000. According to our PUMS data for 2006, Central and South American immigrants represent about 57 percent of total immigrants in Nebraska. Assuming that non-Central and South American immigrants tend to use health services as suggested by the US figures (i.e., the \$2,871.53 figure for Table C1), we generated an immigrant population weighted per capita expenditure figure by the following calculation:

$$0.57 * \$1,749.87 + (1 - 0.57) * \$2,871.53 = \$2,232.18$$

This figure represented about 78 percent of what the average US citizen spent in 2000. We then applied the 78 percent to the total immigrant population health expenditures of \$195.87 million from Table C2. This provided us with an estimate of \$152.3 million. Finally, evidence from the Medical Expenditure Panel indicates that the Hispanic population's use of Medicaid was 19.3 percent. Assuming this is a reasonable percentage in the state of Nebraska, we applied this percentage to the \$152.3 million figure to obtain \$29.4 million as our estimate of 2000 immigrant health expenditures in Nebraska.

To this figure we applied a Consumer Price Index (CPI) price deflator for health services as supplied by the US Bureau of Labor Statistics. For 2006, this deflator was 1.318. Since the base year is 2000, this index indicates that health service prices have increased almost 32 percent between 2000 and 2006. Applying this index to our \$29.4 million estimate gives us our 2006 health expenditure estimate of \$38.73 million.

Table C3. Expenses Applied to Nebraska Population Data - Native Born

Age Group	Expense per Person (from B1)	% with an Expense (from B1)	Nebraska Foreign Born	Total Expenses (\$ millions)
Under 5	\$1,123.33	0.87	126,999	\$123.69
5 to 17	\$1,116.65	0.80	306,178	\$273.51
18 to 44	\$1,905.56	0.78	588,011	\$870.62
45 to 64	\$3,563.86	0.89	419,702	\$1,323.75
65 and over	\$5,893.54	1.00	227,941	\$1,336.66
Total Expenses				\$3,928.23

Source: Author's calculations using PUMS.

Evidence from the Medical Expenditure Panel indicates that the total US population's use of Medicaid was 7.8 percent. Assuming again that this is a reasonable percentage in the state of Nebraska, we applied this percentage to the \$3.93 billion figure from Table C3 to obtain \$306.4 million as our estimate of 2000 total health expenditures in Nebraska.

To this figure we applied a Consumer Price Index (CPI) price deflator for health services. Applying this index to our \$306.4 million estimate gives us our 2006 health expenditure estimate of \$403.9 million.

Appendix D: Basic Input-Output (IO) Modeling and Derivation of IO Multipliers

Since their development in the mid-1930s, Input-Output (IO) models have been used extensively by economists and policy analysts to quantitatively measure the impact on an economy (either national or regional) from a variety of economic phenomena such as tax policy, pollution regulation, oil price spikes, military base closings, and industrial entry.

The main strength of the IO approach is that, with a primary focus on production, it recognizes that production processes are complex and that production of any given good or service requires production from other goods or services in the economy as inputs. Hence, it quantitatively measures the interdependency that exists among all industries in an economy. Something that impacts one market, for example, higher labor costs in the construction sector, will have subsequent impacts on many other sectors in the economy. Other regional models, such as Economic Base Theory, do not account for this interdependency. The magnitudes of these “ripple effects” are ultimately what determine the magnitudes of the various multipliers discussed in the text. The purpose of this appendix is to briefly describe the essential elements of an IO model from the perspective of where these multipliers come from. It is not designed to be a complete discussion of IO models in general.³⁰

In general, the following assumptions regarding IO models are made:

1. Each industry (i) produces only one homogeneous commodity or service (i).
2. Each industry uses a fixed input ratio (or factor combination) for the production of its output.
3. Production in every industry is subject to constant returns to scale, so that a k-fold increase in every input will result in a k-fold increase in output.

From these assumptions it will be the case that the production of one unit of the jth commodity requires a fixed proportion a_{ij} ($0 \leq a_{ij} < 1$) of the ith input.

The key to the IO model is the IO matrix, which incorporates these fixed proportions. Consider, for instance, the following (simplified) IO matrix (denoted as **A**):

		Output					
		1	2	3	...	n	
Input	1	a_{11}	a_{12}	a_{13}	...	a_{1n}	d_1
	2	a_{21}	a_{22}	a_{23}	...	a_{2n}	d_2
	3	a_{31}	a_{32}	a_{33}	...	a_{3n}	d_3

	n	a_{n1}	a_{n2}	a_{n3}	...	a_{nn}	d_n
		v_1	v_2	v_3	...	v_n	

The *columns* of this matrix represent the input requirements from industries 1, 2, 3,..n needed for the production of commodity 1. Hence, to produce x_1 units of commodity 1 requires as inputs the proportions of other commodities in the matrix: $a_{21}x_1$, $a_{31}x_1$, etc., as well as some primary input v_1 (a labor and/or capital input, for example). Algebraically, then, by reading down the first *column* of **A** we can describe a fixed proportions production function for commodity 1:

$$x_1 = a_{11}x_1 + a_{21}x_2 + a_{31}x_3 + \dots + a_{n1}x_n + v_1 \tag{D1}$$

³⁰For such a discussion, the reader is referred to Mouhammed (2000), Hewings (1986), and Hoover and Giarratani (1984).

The rows of this matrix can be used to determine the total output production necessary from a given industry to produce all the other commodities in the economy, as well as meet final (or end user) demand (households, for instance) for that given industry. For example, if industry 1 is to produce an output level sufficient to meet the input requirements of the n commodities as well as final demand, commodity 1's output level, x_1 , must be (reading across the first *row* of A):

$$x_1 = a_{11}x_1 + a_{12}x_2 + a_{13}x_3 + \dots + a_{1n}x_n + d_1, \quad (\text{D2})$$

where d_1 is the final demand for commodity 1. To calculate the OI multipliers, we first solve (A2) for d_1 :

$$x_1(1 - a_{11}) - a_{12}x_2 - a_{13}x_3 - \dots - a_{1n}x_n = d_1. \quad (\text{D3})$$

We then do this same operation for the remaining industries comprising our economy. In so doing, we can represent the resulting system of equations compactly using matrix algebra notation:

$$(\mathbf{I}-\mathbf{A})\mathbf{x} = \mathbf{d}, \quad (\text{D4})$$

where \mathbf{x} is an $(n \times 1)$ output vector, \mathbf{d} is an $(n \times 1)$ final demand vector, and \mathbf{I} is an $(n \times n)$ identity matrix. The matrix $\mathbf{I}-\mathbf{A}$ is often referred to as the *technology matrix* and is critical to deriving IO multipliers. Notice that if we solve for our vector of industry output levels we obtain:

$$\mathbf{x} = (\mathbf{I}-\mathbf{A})^{-1}\mathbf{d}, \quad (\text{D5})$$

where letting $\mathbf{B} = (\mathbf{I}-\mathbf{A})^{-1}$, comprises a matrix of individual industry multiplier effects and therefore can be summed to obtain the total output (production) multiplier effect from an increase in a given final demand sector. To see this, expand (D5) and, for the sake of simplicity, assume only two sectors, 1 and 2. In so doing, we obtain:

$$\begin{bmatrix} x_1 \\ x_2 \end{bmatrix} = \begin{bmatrix} b_{11} & b_{12} \\ b_{21} & b_{22} \end{bmatrix} \begin{bmatrix} d_1 \\ d_2 \end{bmatrix}. \quad (\text{D6})$$

Using matrix multiplication, this system becomes:

$$\begin{aligned} x_1 &= b_{11}d_1 + b_{12}d_2 \\ x_2 &= b_{21}d_1 + b_{22}d_2 \end{aligned} \quad (\text{D7})$$

Notice now that the *direct* impact of a one-dollar increase in final demand in sector 1 yields a b_{11} dollar increase in output from x_1 . Notice further, however, that that same dollar increase in sector 1's final demand has an *indirect* impact equal to d_{21} dollars on sector 2's output. The total output multiplier (i.e., the total *direct* and *indirect* effects) from a one-dollar increase in sector 1's final demand is $b_{11}+b_{21}$. In general then, to determine the total output multiplier from an increase in final demand from a given sector i , we simply add up the elements in our \mathbf{B} matrix corresponding to the i th *column* in \mathbf{B} .

As stated above, the OI modeling framework has been and is currently used extensively in applied economic analysis because it has a number of desirable attributes that other model structures do not possess. However, there are some limitations as well. For completeness, these strengths and limitations are listed below.

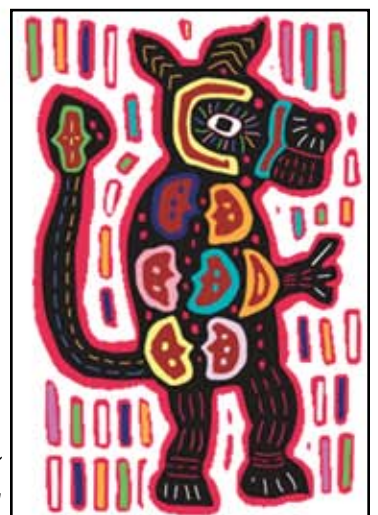
Strengths of the IO modeling framework:

1. More industry detail than is typically provided in most regional econometric models.
2. The simultaneous nature of IO models allows for direct and indirect effects to be measured. Such feedback or ripple effects are generally not possible in most regional econometric models.
3. Ease and flexibility in simulation analysis.

Limitations of the IO modeling framework:

1. The coefficients in production are fixed in the IO matrix. This does not allow for input substitution in response to relative input price changes.
2. IO matrixes are usually developed accurately for a particular year. Over time, it is reasonable to assume the matrix coefficients to change, perhaps due to technological innovations in production or processing. However, this sort of flexibility is generally lacking in IO models.
3. The IO framework by construction imposes constant returns to scale for all industries in the economy.
4. IO models assume the same production technology (i.e., a single, linear production function) is used in a particular industry. This has two potentially troubling implications. First, it assumes that all firms within a particular market employ the same production technology, which may or may not be true in practice. Perhaps more troubling, however, is that often the definition of a “sector” may involve several relatively distinct industries. For instance, there exists an IO production function for the “Utility Sector.” However, this sector is comprised of electricity generation and electricity distribution, water supply systems, and natural gas production and distribution. It is unlikely that all of these industries would have the same production technology. Clearly then, more detail in an IO matrix is better than less. Unfortunately, cost and data limitations often limit the detail on most readily available models.

Office of Latino/Latin American Studies (OLLAS)
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Appendix F: In the Balance: Immigrant Economic Contributions and the Advancement of Human Rights in Nebraska (UNO)

OLLAS Policy Brief No. 1

IN THE BALANCE:

IMMIGRANT ECONOMIC CONTRIBUTIONS AND THE ADVANCEMENT OF HUMAN RIGHTS IN NEBRASKA

October 2008

**Jonathan Benjamin-Alvarado and Lourdes Gouveia
Office of Latino/Latin American Studies (OLLAS)
University of Nebraska at Omaha**

OLLAS Policy Brief No. 1
In the Balance: Immigrant Economic Contributions and the
Advancement of Human Rights in Nebraska

October 2008

Jonathan Benjamin-Alvarado and Lourdes Gouveia
Office of Latino/Latin American Studies (OLLAS)
University of Nebraska at Omaha

On Oct. 15 of this year OLLAS released a report titled “Nebraska’s Immigrant Population: Economic and Fiscal Impacts,” authored by UNO Economics Professor Christopher S. Decker. The report finds that, in 2006, immigrants’ spending resulted in \$1.6 billion worth of total production and generated some 12,000 new jobs. The report also calculates that the loss of this workforce would amount to economic losses to the state in the amount of \$13.5 billion in production and thousands of jobs in one single year. The impact would be particularly devastating for smaller communities whose economic base is heavily dependent on the injection of a new and youthful labor force. In addition, the fiscal contributions of immigrants to the state treasury clearly outweigh the costs.

Some in the media, state legislature, and critics of immigration policy reform have argued that there is a lack of credible research documenting the impact of immigration on the economy of the State of Nebraska. This report speaks directly to their concerns. By itself, however, the report cannot answer many of the questions we all have about immigration, let alone provide us with a definitive sense of how its findings should inform new public policies. That job is the collective responsibility of elected officials, grassroots, business and nonprofit leaders, researchers and others who are charged with the task of understanding and addressing the challenges and opportunities associated with immigration. From our perspective, the OLLAS report serves notice to state leaders that they can no longer postpone the belated task of crafting immigrant integration policies that will bring new hopes to Nebraska communities and protect the human and labor rights of their diverse population. For that they must first loudly reject the ill-informed nativist orthodoxy and enforcement-only practices which are hardening ethnic and racial divisions and stoking hate in our communities. As economist John Maynard Keynes replied when asked why he changed his position on a particular issue, “When I get new information I change my mind. Sir, what do you do?”

While benefiting from the economic growth that immigrants spur, local communities have also been disproportionately charged with the responsibility of addressing the many challenges that come with rapid demographic change, low-wage jobs, and mixed-status immigrant families. Far too many employers sit on the sidelines, content to have their low-cost labor supply guaranteed by these immigrant families. The federal government is all but absent from immigrant integration policy-making while abdicating its responsibility to design immigration policies for the 21st century. Far-sighted state senators fight lonely battles to promote the kind of immigrant-

integration policies that make sense for our state but which, by themselves, are insufficient and may ultimately prove to be ineffective as well.

Often, the first question on some people's minds, is whether we can assume that the report's findings hold when talking about "illegal immigrants." We have a short and a long answer to such a question. The short answer is yes. The longer answer is that, while available data does not permit us to differentiate between the economic impact of authorized versus unauthorized Nebraska immigrants, there are a number of reasonable inferences that can be made. Unauthorized migrants are not very different in terms of their labor force participation or public benefit utilization from authorized immigrants. They are overwhelmingly employed and, therefore, contributing to production, employment and taxes in ways similar to their authorized counterparts. Moreover, there is reason to believe that, if anything, the economic contributions of unauthorized immigrants are underestimated. Such workers, for example, are more likely to work in the informal economy where self-exploitation is common and hidden subsidies to the state are not logged neatly into accounting books. They are also more likely to fall prey to labor arrangements that deny them the right to fair pay for a fair day's work. While they may pay little or no income tax, this is the result of their poverty wages not their legal status. They all have to pay sales and property taxes through rents. Distinguishing between the two in an economic impact study of this sort is not as critical as some may think.

Questions also arise with regard to public benefits and, particularly immigrants' health care costs. A number of reputable studies by organizations such as the Migration Policy Institute have dispelled many of the myths that seek to, erroneously, blame immigrants, especially the unauthorized immigrant population, for rising health care costs. Let us mention just a few known facts about immigrants and health care. One is that immigrants, even legal immigrants, largely as a result of the 1996 immigration law, are much less likely to be eligible for public benefits than their native-born counterparts. Latinos, especially the foreign-born, have the highest rates of occupational injuries of any group in the state and the nation. However, few are protected by their employers, have an understanding of, or expect local government to protect their rights when injured on their jobs. As the studies by anthropologists David Griffith and Donald D. Stull have documented, meatpacking workers specifically are less likely to seek, or benefit from, workers compensation and are more likely to seek refuge with their families back home who then assume the costs of their healing.

Additionally, the foreign-born, regardless of immigrant status, are much less likely to use emergency rooms than the native born. However, there is no question that in places where large numbers of low-income immigrants are working in jobs that offer no health insurance (as is the case for most of low-wage jobs in Nebraska), they will represent a greater share of the uncompensated health care costs in their particular communities. This is not an immigration crisis. This is the same health care and employment security crisis afflicting our nation as a whole, particularly low-income workers and communities of color. Injured low-wage workers are likely to tax the system regardless of whether they are immigrants or non-immigrants.

The fate of the state hinges in great measure on the availability of a next generation of better-educated children of immigrants. Historically, migrant streams have shown to have a beginning and an end; they ebb and flow sharply. As has been noted in the media, and as a forthcoming

OLLAS demographic report suggests, immigration to the state is beginning to wane. The second generation of citizen children will measure the advantages of staying in small Nebraska communities, or in Nebraska period, in ways that differ sharply from how their foreign-born parents assessed the pros and cons of those decisions. The time to respond proactively and put in place policies and programs that support the aspirations of these children and their parents is about to pass us by. The state stands to pay a heavy price if it chooses to waste precious time criminalizing families rather than making sure they remain viable and long-term members of our communities.

Based on the report findings and the above reflections, we offer the following policy recommendations:

1. Elected Nebraska officials, employers, and community stakeholders should form effective coalitions to demand, from the next U.S. Congress and President, the enactment of federal immigration reform containing provisos that will afford immigrants a realistic path to citizenship, access to the same rights and benefits afforded to all citizens, including the right to live in this state with dignity and without fear for their families.
2. In the meantime, the Nebraska State Legislature should assiduously support efforts to document, on an on-going basis, the impact of immigration and changing demographics on all sectors of the state's economy, population, and regions. These efforts are critical for communities to redesign development strategies that ought to be based on principles of sustainability and inclusion. To this end, for example, these monitoring efforts should focus on the identification of potential or under-utilized immigrant skills and other bundles of knowledge. They should also monitor the extent to which rights are protected. Ultimately, they should lead to specific immigrant integration policies and programs informed by experiences in other states and localities. Immigrant integration is defined by the Center for Immigrant Integration Studies as "a two-way process by which immigrants and their families join the mainstream of American society and whereby the mainstream society comes to embrace and reflect its new members." This is one measure by which we could evaluate our success in future integration efforts.
3. The state is in dire need of large-scale, well-funded, well-coordinated programs in workforce development and English-language learning for low-income immigrant (and non-immigrant) workers. Expected impacts of such programs include an improvement in immigrants' income and, thus, on their fiscal contributions to the state. In addition, these 'grow your own' initiatives can provide the state and communities such as Columbus with a much needed higher-skilled labor force.
4. The state must invest, along with the federal government and private employers, in efforts to increase low-income workers and small businesses' access to health insurance.
5. To the extent that immigrants are more likely to be self-employed than non-immigrants, and that they contribute to the prosperity of so many small town business districts, it is incumbent upon local chambers and elected officials to design, or support, development programs targeted specifically for these small-business owners.
6. To the extent that second generation immigrant children hold the key to the future prosperity of aging and younger Nebraskans, state leaders must come together to design programs that increase their vocational skills and access to college.

7. Finally, the vibrancy of a democratic society relies on the ability of all citizens and residents to be engaged, motivated and participating. This will only occur where the effort to effectively integrate all Nebraskans is intentional, sustained and supported by both government and civil society. *De facto* and *de jure* marginalization of populations within the state will work to counter this effort.

Who is responsible and what do we need?

As mentioned earlier, by default local communities have shouldered much of the responsibility of addressing the challenges that come with new immigration. Schools and community organizations have been at the forefront of these efforts. Local philanthropies and non-profit organizations have tried to fill some of the many holes in services to hard-working immigrant families. However, the reality is that their efforts are little more than triage to a much larger set of unfulfilled needs and negated rights.

Unlike schools and community organizations, and because of their inherent inability to address certain fundamental issues, government is obliged to undertake a comprehensive effort to address these issues. This report makes it clear that the state derives far too much in terms of benefits to the economy to turn its back of this population regardless of its legal status. We need immigration reform in Washington together with a coherent, long-term, immigrant integration plan with corresponding resources in our state. Moreover, it would be derelict of the federal government if it seeks to address this matter only through unilateral means. The immigration issue in the United States is part of a larger transnational migration phenomena and it is inconceivable that there can be a lasting solution to the matter, unless it too is transnational in nature.

The report makes clear that the costs and benefits associated with immigrants in Nebraska must not be viewed as a “zero-sum,” whereby all the gains for one group necessarily imply an equal loss for another. In fact, the future economic vitality of the state, let alone its social stability, will be predicated on the extent to which we can fully integrate and enhance the lives of native and foreign-born Nebraskans alike.

We would like to end by noting that migrant organizations all over the world are meeting at this very moment in Manila, Philippines in conjunction with The Global Forum on Migration and Development (GFMD). Leaders are calling on governments and civil society to place human rights at the center of immigration and economic development discussions. The preface to a petition circulated in their website (<http://www.migrantwatch.org/>) reads as follows:

While profiting tremendously from migrant labor, most countries in the world have adopted xenophobic, discriminatory policies that scapegoat migrants for social ills and alleged threats to national security. The adoption of policies that simultaneously “open” low-wage, poorly protected jobs but “close” possibilities for regularized migration or basic human rights protections have increased migrants’ vulnerability to abuse and exploitation by employers, recruiters, organized crime, and corrupt officials. Women migrants, including migrant domestic workers and laborers, are particularly at risk.

We in Nebraska must enter into a process of profound self-examination. We ought to ponder whether this glaring contradiction between profiting from a needed labor force and the virtual absence of legal and human rights and protections for immigrant workers is the right thing to do. We should also realize that denying any group their basic rights to work and raise a family free of harassment endangers the very principles that guarantee those same rights for all of us. It is time to accept the fact that the overwhelming majority of immigrant families answered a labor recruitment call from Nebraska employers, government agencies, and economically-strapped communities more than 20 years ago. These families are no longer newcomers but long-time residents and guarantors of our general well-being. Their contributions are only limited by the punitive policies that shut them out of the safety nets, avenues for securing legal residence, and labor protections. Some of these conditions also affect many low-income Nebraskans but are particularly punitive to non-citizens. The time to remedy them is now.

The Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha (UNO) is dedicated to producing unbiased policy-relevant research about the conditions, contributions and challenges associated with the growing Latino and Latin American migrant population in Nebraska and the Great Plains region. OLLAS Report #5, Nebraska's Immigrant Population. Economic and Fiscal Impacts, constitutes the first effort to quantitatively assess the economic impact of international migrant population movements into the State of Nebraska. The report is authored by UNO's College of Business Administration, Dr. Christopher S. Decker and can be found on the OLLAS website, www.unomaha.edu/ollas.

Appendix G: Mayor's Task Force on Immigration:
Final Recommendations
informational packet

Mayor's Task Force On Immigration
Final Recommendations

Mayor's Task Force on Immigration Final Recommendations

Co-Chairs: Mayor Skip Edwards, Bill Ekeler

Members: Bob Hartwig, Louis Pofahl, Angel Velitchkov, Dale Williamson, City Attorney Dean Skokan, County Attorney Paul Vaughan, Police Chief Mullens, Rita Kitchens, Scott Getchman, Charile Janssen, Gary Bolton, John Lamar, Jerry Delaney, Steve Hespen, Steve Tellatin, Gabriele Ayala, Joe Banker, Leslie Carter, Christy Fiala, Nancy Boyles, Don Temperly, Les Leech, Doug Campbell, Wes Homes, Richard Register, Sheri Holcomb, Dave Mitchell.

Resources: Governor Heineman, Attorney General Jon Bruning, Congressman Fortenberry, Senator Nelson, Senator Ashford and Janssen as well as ICE Representatives, including the Regional Director.

The Immigration Task Force was established August 7th, 2008 to follow-up on the 4-4 vote by the Fremont City Council on the proposed ordinance and to explore Fremont's Immigration Issues. The need to establish the Task Force rapidly, to have strong involvement from local, state and federal interests was imperative. Within days meetings were held and commitments gained from Congressman Fortenberry, Governor Heineman, Attorney General Jon Bruning, Federal ICE Agents and numerous local law enforcement and related public officials.

The goal of the Task Force was to define Fremont's issues with the best facts we could collect and explore opportunities to make recommendations to attempt to resolve these issues at the local level with support from state and federal policy. Although we found it difficult to generate the volume and accuracy of facts we had hoped, (generally related to privacy acts and general lack of race related facts) we have offered numerous educational pieces that were published in the Fremont Tribune. Each of our sub-committees: Law Enforcement/Policy and Procedures, Education/Facts, Social Impacts/Family Services and Work Place Policy/Hiring explored their topics and offered articles and suggestions to the entire Task Force in hope of gaining a greater understanding of the issues specific to Fremont. It appears that socioeconomics play a critical role in immigration issues and has numerous effects on immigration views. Although quantitative data is not available, improving the opportunities for employment for all citizens in Fremont should be addressed as a closely related item when considering immigration issues.

We realize that people have their doubts about what a Task Force can achieve but we are very proud to have served with the individuals involved in this capacity. We can tell you that members of this Task Force were very dedicated and passionate about finding solutions to these immigration concerns and are very grateful for their dedicated efforts. As a task Force, we are proud to offer the following recommendations:

1. The City of Fremont should provide educational opportunities for all Fremont employers to obtain immigration compliance within their workplace. The education should encompass the five topics listed below and be mandatory for all employers operating within the City of Fremont or under its jurisdiction:
 - a. Educate on Pre-Hire considerations utilizing the assistance from documents produced by the Department of Homeland Security and Office of Special Counsel.

- b. Educate employers on proper completion of Form I-9 utilizing HR Employee Education and Yearly Audits where deemed necessary.
 - c. Create documentation that provides employers with options to proceed when they have “actual and/or constructive knowledge” of a possible unauthorized alien.
 - d. Require the use of E-Verify by all employers and utilize public offices and staff to assist small businesses without access for a nominal fee. Training on utilizing the ID checking guide and resolution process for social security and/or name anomalies should also be provided.
 - e. Implement fines and/or loss of business license for those who knowingly break the law in hiring illegal immigrants.
2. To adopt as a city, a policy statement on immigration similar to this: “The City of Fremont supports and encourages legal immigration and those citizens’ contributions to our community.”
3. To press the Governor and Attorney General to co-sponsor a state wide “ICE Summit” with Fremont as the host. The goal would be to establish for the entire state of Nebraska the same lines of communication that Fremont has as a result of law enforcements meetings with ICE over the past several months.
4. To provide literature and resources detailing the accessible social services and educational opportunities within the community currently available to all citizens and legal residents.
5. To encourage the school system to incorporate a mandatory cultural awareness class to inform students of the issues that Fremont faces related to immigration. This class may also encourage students to get involved in hopes of improving these issues in Fremont.
6. To continue to pressure and encourage state and federal officials to improve enforcement of immigration laws already on the books and assist us at the local level in doing so.

Additional supporting documentation and educational pieces have been included in this informational packet.

The members of the Task Force would like to thank you for the opportunity to serve the City of Fremont and would ask that you seriously consider our recommendations. These recommendations have been well thought out and are important to consider when contemplating how to best handle the immigration challenges we face specific to Fremont, Nebraska. These recommendations have also been communicated to Senator Ashford to add additional information to his research which will be discussed at a state hearing in December.

Sincerely,

Skip Edwards
Mayor/Co-Chair

Bill Ekeler
Task Force Co-Chair

Educational Articles

Submitted by Robert Hartwig

This article is the first in a series of articles to be submitted by the Mayor's Immigration Task Force. The objective of these articles is to provide the general public with as many pieces of factual information as possible as they relate to the immigration issues we face in Fremont, Nebraska.

The first set of facts we would like to outline are those taken from the City Council meeting itself which occurred on July 29, 2008. It is important to note that two members of the audience at the meeting encouraged the City Council to consider taking some action on the proposed immigration ordinance that evening. Upon those requests and with some additional discussion, Councilman Getzschman made a motion to take a vote of the council to suspend the rules and place the ordinance on final (third) reading and vote on the ordinance that night. Normally it would have gone to final reading and a vote at a later Council meeting.

After additional clarification, Councilman Bolton seconded the motion and a vote was taken on whether or not to suspend the rules and vote on the ordinance that evening. Votes were cast and the motion passed with 7 Ayes and 1 Nay approving the suspension of rules so that a vote could be taken that evening. A motion to suspend the rules requires at least 6 votes. Basically this means that 7 of the 8 City Council members believed it was in Fremont's best interest to vote on the ordinance at that meeting and not wait another month for the vote. The Mayor is not allowed to vote to suspend the rules. This was a decision made solely by the City Council.

Next, the vote was taken on the ordinance itself with the results being 4 Ayes and 4 Nays. In the case of a tie vote the Mayor has the privilege to vote but does not have to vote. If the Mayor had not voted, the ordinance would have died on a tie vote. However, in this case, the Mayor chose to vote and therefore his Nay vote meant that the ordinance failed 4 votes to 5. Either of these choices ultimately accomplished the same result.

There have also been comments about a "prepared" statement given by the Mayor at the time he voted. The Mayor had prepared some remarks about the ordinance based on the issue being at second reading that evening. Once the Council voted to go to final reading that night the Mayor's statement no longer fit the circumstances. The Mayor departed significantly from his prepared remarks that evening.

It is important that citizens understand the process and results from that meeting as we move forward to further define the facts associated with the immigration issues we face in Fremont.

Of the many questions received by the immigration task force, one of the most often repeated was, “Do illegal immigrants have to pay taxes?” The task force researched this question and here are the answers we found.

According to the Internal Revenue Service (IRS), anyone who earns money in the United States is subject to IRS tax laws. The IRS does not differentiate between immigrants who are here legally or illegally—their primary concern is to collect tax on any monies earned, regardless of the legal status of the individual earning the money. Every person who earns income is a potential taxpayer and the IRS wants to be sure that it collects the monies required according to US tax laws. Former IRS Commissioner Mark Everson put it this way in a speech given to the National Press Club: “We want your money whether you are here legally or not and whether you earned it legally or not.”

In other words, if someone crosses the border into the US illegally and begins working, that income is taxable and that individual is required to report any income earned to the IRS. From day one to day 182 spent in the United States that individual falls under tax regulations designated for non-resident aliens. Beginning on day 183, that individual falls under tax regulations designated for resident aliens.

The requirements for an illegal immigrant to work in the United States are the same as they are for citizens. They must complete an I-9 form which shows proof of eligibility to work in the United States and they must complete a W-4 form which registers them for taxes and withholdings. These are the forms that all workers must complete in order to work “on the books” in the United States.

One of the documents which can be used to complete the I-9 form (proof of eligibility to work in the US) is a Social Security number; another is a driver’s license. Quite often, illegal immigrants will make up, steal or purchase fake documents in order to complete the I-9 form so they can be hired by a business.

Businesses may choose to use E-Verify, which is the program provided by the federal government to verify that documents provided at the point of hire match documents in their database. E-Verify will not ensure that the person who presents the documents is the person whose name appears on the Social Security card. Rather, it will verify that the number provided matches a number in their database and that the person can be hired using that number.

Once hired, persons working “on the books” are subject to the same tax laws as US citizens. They pay federal, state and Social Security/Medicare taxes at the same rates as US citizens. There are no exceptions for illegal immigrants, according to the IRS.

For immigrants who are in the US legally, there may be different tax laws applied. For example, persons who are here from other countries as students or teachers are subject to different tax laws and may have all or part of their tax liabilities waived. In addition, the US has tax treaties with various countries in which we agree to treat income as taxable to some degree, depending upon the treaty agreement. Of course, these exemptions are for persons from foreign countries who are in the US legally.

According to the IRS, there are no treaties which exist for illegal immigrants, nor are their waivers for tax liabilities for refugees. If you are in the US and earning money, you are subject to US tax laws, period.

If an illegal immigrant does not want to work “on the books” at a business or chooses to be self-employed, they are still required by law to report their income and to have that income taxed. The way the IRS expects these people to report their income and file their returns is by use of an Individual Tax Identification Number (ITIN). In 1996 the IRS created the ITIN for foreigners who don’t have social security numbers but need to file taxes in the United States. To obtain an ITIN, a person needs to submit an application to the IRS and a document which serves as proof of identity, such as a driver’s license (Juliana Barbassa, 2007). Counterfeit driver’s licenses are sometimes purchased in order to obtain an ITIN because they are cheaper to buy than other forms of fraudulent identification, such as social security numbers or birth certificates.

Not every person who uses an ITIN is in the country illegally. However, as of 2006 there was no way for the IRS to tell if ITIN users were in the country illegally. (Juliana Barbassa, 2007), nor will the IRS make it their business to attempt to determine the legal status of taxpayers.

Illegal immigrants may not necessarily receive the same benefits as citizens for the same tax dollar paid. For example, illegal immigrants paid “on the books” or who file a return using an ITIN—which means they are paying taxes—are generally not entitled to receive Social Security benefits, even though they are having money deducted from their checks to fund Social Security. This is because under current law an alien who worked in the US illegally can only become eligible for Social Security benefits by becoming a legal US resident. The US Social Security Administration has estimated that 75% of undocumented immigrants pay payroll taxes and they contribute \$6-7 billion in social security funds that they will be unable to claim because they are ineligible to receive Social Security benefits.

In addition to payroll taxes, people pay the same taxes every time they make a purchase at a merchant where the goods and services are taxable. This includes vehicles, clothing, durable goods (washers and dryers, for example), tools, gasoline, etc. These taxes fund the majority of public services such as police, sheriff and fire services, roads maintenance, parks services and the like.

Of course, anytime anyone rents a house, apartment, mobile home, etc. they pay property taxes either directly (as part of their house payment) or indirectly (as payment to a landlord, who must pay property taxes on rental properties). These taxes cover the majority of state and local costs for schooling and other services. These costs are paid whether someone is in the country legally or not.

The task force would like to note that the employers most often mentioned in illegal immigration discussions—Hormel and Fremont Beef—pay their employees “on the books.” In other words, the people working at those facilities are paying taxes according to US tax laws.

Having said all of this, the only way an illegal immigrant can avoid paying income taxes is to receive payment for work in cash and to fail to report that income, according to the IRS. This is the same way that citizens and legal aliens can avoid paying income taxes. Additionally, businesses who pay their employees in cash and fail to report those payments may be in violation of US tax laws.

It bears repeating that whether the person is in the United States legally or illegally is not the concern of the IRS. They exist to enforce tax law and to collect taxes, not to enforce immigration policy. In fact, the IRS is forbidden by law (IRS Code 6103) from turning over tax information to the branch of the government whose responsibility it is to enforce immigration laws, Immigration and Customs Enforcement (ICE).

We hope this information helps you answer the question, “Do illegal immigrants pay taxes?” Should you have additional, specific questions regarding this question, the task force recommends that you contact the IRS directly. They will be able to refer you to the specific tax laws and publications which affect all taxpayers in the United States.

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All other information was provided directly from the Internal Revenue Service

**TO: CITY ADMINISTRATOR BOB HARTWIG
MAYOR SKIP EDWARDS
CITY COUNCIL MEMBERS**

FROM: CHIEF OF POLICE

DATE: 06-17-08

**RE: THE FREMONT POLICE RESPONSE TO
IMMIGRATION ISSUES**

Mr. Hartwig, I am writing this memo in response to a question from the City Council requesting to know what the police department is doing about Immigration issues.

I will begin by explaining how we usually encounter individuals that might possibly be in the country illegally. Our **Uniformed Officers** respond to over 30,000 calls for service a year. These calls involve everything from 1st degree assault to a neighbor's music being too loud. Many of these calls could potentially involve an individual that the officer might suspect is illegally in this country.

Our **Criminal Investigators** investigate felony crimes. Some of these investigations continue for months and might involve a dozen or more people. Just like the uniform division, the Criminal Investigators can encounter individuals during all types of investigations that might be illegally in this country.

Our **Drug Task Force** investigates drug trafficking and violent crime. Of all officers, our Drug Investigators are the most likely to know during an investigation if the individuals involved are illegally in the country.

To begin my response to the Council's question about what the police do when they encounter possible illegal aliens, I would point out that if the incident involves criminal activity, the officers are always conscious of the fact there could be an Immigration issue. When officers have probable cause to believe they are dealing with a person illegally in this country, they do not hesitate to contact **ICE** (Immigration Customs Enforcement).

However, in daily practice, it is rarely that simple. It can take hours or days to confirm that an individual is illegally in this country. False documents are a common problem. Additionally, *ICE* usually does not respond when local law enforcement has only one or two people in custody unless the custody involves a serious crime. The Drug Investigators are the officers most likely to have individuals in custody that *ICE* will authorize incarceration. Our Drug and Criminal Investigators have had some notable cases that resulted in *ICE* joining the investigation.

Next, I would like to address the part of this issue that deals with the authority of the municipal police to investigate people that may be in the country illegally. Some of my response here is going to be a summary of information provided by *ICE*.

Immigration law is extremely complex, and is constantly changing. There are criminal and administrative/civil violations of immigration law. Civil violations include illegal presence and failure to depart after expiration of a temporary visa. Criminal violations include re-entry after deportation and failure to depart after an order of removal. To make matters more complicated, those in this last category are committing a criminal offense only if the government can show that they “willfully” failed to depart. If failure to depart is not “willful”, the offense is civil. As you are aware, municipal police deal with criminal law. Normally, the only involvement municipal police have in civil law is to stand by and keep the peace.

The Constitution gives the federal government the duty of setting and administering immigration policy. It has historically been the case that state and local police do not have the authority to enforce federal civil immigration laws. In 1996, Congress originated Section 287(g) to the Immigration and Nationality Act (*INA*). The initiative is designed to effectively multiply the forces of the U.S. Bureau of Immigration and Customs Enforcement (*BICE*) through enhanced cooperation and communication with state and local law enforcement. Under 287(g), *BICE* provides state and local law enforcement with the training and authorization to identify, process and detain immigration offenders on both civil and criminal immigration violations that they encounter during their regular daily law enforcement activity.

Section 287(g) is a voluntary program. Once accepted into the program, a memorandum of understanding is created between *BICE* and the locality to address specific needs. State and/or local officers complete a five-week training course on immigration law and enforcement. Once completed, the officers may carry out immigration functions at the expense of the State or political (City) subdivision. The officers will also have indirect access to immigration status of aliens through *BICE* and direct access to absconders through the FBI's NCIC. As of August 21, 2007, 23 state or local law enforcement agencies have made agreements with *BICE*.

One common criticism of the 287(g) programs is that the federal government, not the states, counties or cities, should pay for the enforcing of immigration laws. The federal government pays for the training of officers, but not the salaries of the officers during the training. Opponents argue that utilizing state and local law enforcement to enforce immigration law would undermine the relationship between local law enforcement agencies and the communities they serve. Among other problems, this could result in immigrant families not reporting domestic violence, child abuse, sexual abuse and other crimes. Opponents argue the quality of the databases provided by *BICE* and the potential for false positives, which could lead to the incarceration of innocent people. Opponents argue that because federal immigration law is so complex, five weeks of training is not adequate and can lead toward racial profiling and discrimination, ultimately leading toward lawsuits for violation of civil rights.

State and local law enforcement officers frequently encounter immigrants during their regular daily law enforcement activities. During the course of these activities, the officers determine if there is a criminal violation of state law or local ordinance. If an arrest is made, officers have the authority to contact *BICE* to check an immigrant's status and to schedule a *BICE* agent to conduct an interview with an immigrant. Following the interview, the *BICE* agent has the authority to place a detainer on the individual if deemed illegal. If a detainer is placed on an individual, they will be transported to an immigration detention facility, processed and deported.

Current state and federal law allows for officers to detain and arrest individuals involved in the manufacture of fraudulent documents, such as driver's licenses, social security cards and birth certificates. Many times officers work in conjunction with federal agencies, such as *BICE*, Social Security Administration, Internal Revenue Service, and Homeland Security

to further these investigations. Other state criminal violations used by officers that lead to the identification of illegal immigrants include criminal impersonation, forgery and fraud. Example: In 2006, in the City of Fremont, a Hispanic husband and wife were arrested and federally indicted for manufacturing over 1,000 illegal documents. Through the use of an informant, officers made numerous purchases of the documents, leading to a search warrant. During the search, officers located official state seals and manufacturing documents. The officers purchased social security cards and birth certificates, and recovered approximately \$33,000.00 in U.S. currency.

Other states and municipalities have proposed and enacted bills/laws that aid in immigration reform.

Currently, *BICE* tends to prioritize focusing and targeting the most dangerous illegal aliens. *BICE* supports Section 287(g) of the Immigration and Nationality Act in that participation from state and local agencies could lessen the burden placed on *BICE*. However, the drawback to 287(g) is the limited funding to get officers the training and connectivity to *BICE* databases. The *BICE* training academy is located in Glynco, GA. Fremont Police Department has not sent an officer to 287(g) training. Presently, it appears that Section 287(g) is not yet available in Nebraska and may not be for some time. Recently a *BICE* representative complemented the working relationship they have had in Fremont with the III CORPS Drug Task Force.

My final part of this response to the City Council will address generally the challenge of municipal police and Fremont in particular, attempting to investigate immigration violations. As of today, the various divisions of our police department have their hands full meeting the citizens' calls for service. When training or leave causes shortages, there are times when we must bring officers in on overtime to maintain a minimum number of officers on the street.

If officers shift the focus of daily calls, such as accident investigations, theft complaints, disturbance complaints, and other regularly dispatched calls into an investigation of legal status, the department's effectiveness will gradually grind down to a pace unacceptable to a waiting public. The City would have to consider hiring additional officers dedicated to Immigration investigations. In addition, we would have to train officers for this purpose, and would have to conduct field training in other police duties, causing other staffing shortfalls and increasing our overtime expenditures.

If the City Council determines that we need to move in that direction, it would be a concern to me that the police would lose communication with the Hispanic community. Many in this community, both legal and illegal in immigration status, are suspicious of the police because of experiences in their native countries. This would make it even more difficult to communicate with and serve this segment of our population.

In addition to the concern that Hispanics might not report domestic crimes and other offenses to the police, it may also make the task of suppressing gang activity tougher than the challenge we are already faced with today.

Earlier I mentioned the complexity of Immigration Law. Many undocumented immigrants live in mixed status families. For example, the husband may be a legal resident, the wife may be undocumented, and the children may be U.S. citizens, having been born here. An undocumented individual may be committing a chargeable offense only if the government can show that they "willfully" failed to depart. That offense is civil, and not within our authority.

As stated earlier, the police contact *ICE* when we are investigating criminal activity and we believe the suspect is in the country illegally. I don't have an exact number of the illegals that our department has referred to *ICE* agents. Dating back to around 1996 when the Drug Task Force came into existence, our department has probably referred approximately 100 individuals to *ICE* agents. Depending upon each investigation and the current demand on *ICE* during the investigation, *ICE* determines if there are adequate resources available for them to follow up on a referred individual.

If the police department were to begin focusing on investigations that were strictly investigations of a citizen's legal status, the cost of these investigations could be significant. These costs would have to be paid by the City.

To summarize, the Fremont Police Department contacts *ICE* anytime we have a suspicion during a criminal investigation. We have not received the five-week training necessary to participate in the Sec. 287(g) voluntary program. As a result, we do not have a 287(g) agreement with *BICE*. If Fremont decides to send a senior police officer to the five-week training, it will cost approximately \$4,486.00 to pay the officer's salary while they are

at that training. The cost of hiring an officer to fill the vacancy for the officer during the absence will be approximately \$6,728.00. In addition, to our knowledge, this program is not yet available in Nebraska and no law enforcement agency in the state has signed a MOU to participate in 287(g). As mentioned earlier in this letter, as of August 21, 2007, only 23 law enforcement agencies in the U.S. had signed a MOU with *ICE* to participate in 287(g). If we volunteer for this program and wish to pursue it, the City will encounter additional salary costs, additional overtime costs, and additional costs for associated supplies, vehicles, certifications, etc. We will most likely experience increased distrust from our Hispanic community, with an associated increase in difficulty handling crime and gang activity with the City of Fremont. We will incur additional (and significant) costs to investigate a suspect's legal status, and will risk racial profiling and wrongful prosecution lawsuits against the City.

A final note in regard to out of state training. There are three locations our department has been using to send our officers to federally funded training. These locations include the three month FBI Academy at Quantico, VA and one to two week law enforcement classes at the Midwest Counter Drug Training Center, Des Moines, IA and the National Training Center, Sioux City, IA. The training at these locations is complete at the end of the class. However, if the Police Department sends officers to Immigration Training at Glynco, GA, the training assignment and related expenses will begin at the end of that training. Paying the expenses for officers on this assignment, as well as the expense of investigations and incarcerations will follow the initial Immigration Training class. Immigration investigations will, at times, require the Police Department to use certified interpreters. When this is necessary, a certified interpreter can run as high as \$75.00 an hour. Currently our department does not have Spanish speaking officers. Immigration investigations would require the daily use of Spanish speaking interpreters.

For all of the above reasons, it is my professional recommendation, based on 39 years in law enforcement, that the City continue to investigate residency status only as part of criminal investigations. In my opinion, this is the best option available to the City of Fremont based on the complexity of the immigration issue. I have reviewed this recommendation with the City Administrator, and he concurs with these views.

This is as clear as I can make this issue for the Council at this time. I want to thank the Fremont officer that leads the III CORPS Drug Task Force for his assistance in helping me compile this report. He continues to be a valuable asset to the department and to his community. He has been recognized by *ICE* for his efforts and expertise.

Submitted by Jerry Delaney

This report is respectfully submitted to Mayor Edwards Task Force on Immigration by Jerry Delaney on September 31st, 2009. Statistics for the information contained were provided by the Dodge County Court office.

During the months of June, July, and August of 2008 a total of 494 adult cases were heard in Dodge County Court. Of those, 82 were individuals of Hispanic origin. This represents 16.6% of the cases researched. It is estimated that approximately 10% of the population of the Fremont area is Hispanic. This indicates that the per capita ratio of Hispanic to non-Hispanic individuals committing crimes in the area is 1.79 to 1. Hispanic cases are fairly easy to break out from non-Hispanic because nearly all cases of individuals with Hispanic surnames are held on days when interpreters are available to the court. However, court records do not indicate what offenses were committed by undocumented individuals. It is also not possible to break out how many of the other 402 cases heard during this same time period involved individuals of other specific origins. They do involve a mix of various ethnic groups including Native-American, Afro-American, Asian, Caucasian, and others. With this taken into consideration, it can be seen that the ratio of Hispanic origin to any other ethnic specific group could actually be higher than the 1.79 to 1 ratio mentioned above.

Of the 82 cases involving Hispanics during this time period, 60 were for misdemeanor violations and 22 were for felony violations. The figures do not show minor traffic violations, civil cases, small claims, or juvenile cases. Adult criminal cases were researched because most if not all of these would involve actions considered to be illegal in any culture or society. They also involved adults rather than juveniles that some might argue don't know any better and tend to have more of an effect on victims, society, and the community as a whole than civil or traffic violations. The three month time frame was selected at random. It was hoped that a three month time period would give a more accurate average than a shorter one but provide manageable numbers to work with.

According to Dodge County Court personal there is an average of 1-1/2 to 2 days per month dedicated specifically to cases of people of Hispanic origin. These are among the busiest days of the month because large numbers of cases are scheduled to avoid the expense of interpreters on additional days. Because of the extra expense of interpreters and the extra time involved in scheduling of Hispanic cases the cost for processing these cases is above that of the average case. Given the conservative 1.79-1 ratio mentioned above it is obvious that the cost of processing Hispanic violators in our local court system is considerably out of proportion with the percentage of population they represent. While figures were not gathered on law enforcement costs the above findings would indicate that the proportion of man-power, resources, and money spent on the Hispanic population of the area is also not proportional to the percentage of population that they represent. This however is only an assumption based on the information gathered from the court offices.

While this report in no way indicates that all Hispanics are law breakers as some local citizens would lead us to believe, it does indicate that there is a definite and substantial disproportion in

criminal offenses committed by Hispanics when compared to all other combined ethnic groups of our community. It also indicates that the situation is and will continue to create excessive load on our local court and law enforcement system and is adversely affecting our community as a whole.

MEMORANDUM FOR: Mike Ekeler, Co-Chair Mayor's Immigration Task Force

From: Steve Tellatin, Law Enforcement Sub-committee Chair

Subject: Law Enforcement Sub-Committee report

Date: September 16, 2008

The Law Enforcement Agency (LEA) Sub-Committee met yesterday and finalized its analysis of the immigration enforcement capabilities, practices and procedures for the Fremont Police Department (FPD), Dodge County Sheriff's Department (DCSO) and Dodge County Judicial Center (DCJC). The LEA Committee provided the below comments relating to this issue.

This committee is comprised of the FPD Chief of Police, Tim Mullen, DCSO Sheriff, Steve Hespen and DCJC Director, Doug Campbell.

As chair of the committee, I met individually with each department head prior to yesterday's meeting. In those discussions we looked at current procedures and practices regarding the identification and reporting of undocumented aliens (UAs) to United States Immigration and Customs Enforcement (ICE) authorities.

You will recall that we met with several officials from ICE last month. That meeting provided a foundation of information from which my individual meetings and then the sub-committee meeting were conducted.

In the individual meetings, I discussed with the LEA leaders what their agencies could do to enhance the local enforcement efforts in the areas of identifying and referring UAs to ICE. I asked each to consider if any new procedures, practices or agreements might be adapted to better meet the goal of better local immigration enforcement. Each agency described the procedures and practices that they had been employing for a number of years. It is very apparent that these procedures and practices are within the authority and frameworks of local LE response to immigration. Once the LE agencies had an opportunity to consider the above we met as a group and discussed the results of the reviews.

The consensus is that that local LEAs have been doing all that is authorized under federal law in the immigration enforcement area. These practices have been standard for years. In the past several years persons wanted by ICE for violations have been included in the Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) data base of wanted persons. This is a data base accessible to all LE and is constantly by LEAs.

Better access and communication with ICE was an area that all expressed a desire to improve. This has improved at this time as a result of the meeting with ICE officials last month. As with all LE operations between various agencies, communication is vital to cooperation. In our modern environment local LEAs are very dependent on cooperation in matters of enforcement.

Specifically, the meetings helped increase levels of communication and cooperation between the local LEAs and ICE and within the LE community in Dodge County.

There are some minor procedures enacted by the local LEAs to help in this endeavor. I'll summarize those by agency below.

With FPD, a memorandum has been sent to all officers outlining the importance of clearly communicating to DCJC officers the fact an incarcerated offender may be a UA and require a referral to ICE. FPD is also entering into a Memorandum of Understanding (MOU) with ICE in the determination of immigration status of suspected gang members. This is another tool that local LEAs can use in the identification of UAs and will assist ICE in their enforcement efforts. As of this date several gang members' name have been submitted to ICE and all were determined to be either United States citizens or legally in this county.

The DCSO routinely checks and verifies the identity of all persons in the title inspections process. This process has identified UAs under deportation actions form ICE. Those individuals are then referred to ICE for immigration actions.

DCJC has increased its monitoring of incarcerated persons listing a foreign county as a place of birth and refers those individuals to ICE for confirmation of immigration status. If it is determined the individual is a UA, ICE will place a hold on that person. The DCJC made some minor modifications to their "booking" documentation in order to better identify potential UAs. The DCJC made eight referrals to ICE this past week.

In the past ten years III CORPS Drug and Violent Crime Task Force has arrested over a dozen UAs on various drug, fraudulent identification schemes and other criminal offences resulting in federal and state prosecution, conviction and incarceration leading to deportation at the termination of the prison sentences. I mention this to help underline the fact that local LEAs are effective in immigration enforcement.

In summery, the local LEAs have been using procedures for years that identify UAs and routinely have forwarded these people's names to ICE for appropriate action.

Communication between the local LEAs and ICE is important. Maintaining a good flow of communications enhances the efforts in the enforcement of immigration laws. The LE sub-committee's efforts succeeded in the individual agencies entering into more formalized discussion of the immigration issues and helped solidify joint enforcement efforts.

Many if not most people outside law enforcement may not understand the process of local LEA immigration enforcement. Hopefully the above results of the LEA Sub-Committee meetings will help along with the recent letter to the public by Chief Tim Mullen and Sheriff Steve Hespen in giving those concerned with immigration an insight and understanding of the issue.

Submitted by Chief Mullens and Steve Hespen

Dear Mr. Ekeler, Co-Chairman
Immigration Task Force

Dear Mr. Ekeler:

The Immigration Task Force has requested information from law enforcement explaining what law enforcement officers in Dodge County can or cannot do when they have contact with individuals that may be **"undocumented aliens"** (individuals deemed to be in the country illegally). On 08-19-08, representatives of Dodge County law enforcement and the Judicial Center (jail) met with representatives from the U.S. Immigration and Customs Enforcement (ICE). In this letter to the Task Force the information regarding **"citizenship status"** will come from the information provided by ICE.

In the daily assignment of carrying out law enforcement duties, local law enforcement (in this letter, local law enforcement refers to state, county and city law enforcement officers) frequently have contacts with individuals that may be **"undocumented aliens"**. Some of these contacts occur during traffic stops and others occur when officers are dispatched to domestic calls at homes, rentals, mobile homes and apartments. Additional contacts may occur when our Criminal Investigators investigate crimes or when our Drug Task Force conducts drug investigations. Some of the above contacts result in individuals being placed in custody and taken to the Dodge County Judicial Center (jail), to be incarcerated.

When an individual is taken to the Dodge County Judicial Center, a **"booking process"** occurs. When officers have reason to believe that an individual is an **"undocumented alien"**, the officer will bring that information to the attention of the Dodge County Judicial Center staff. Also, during the booking process the Dodge County Judicial Center staff will check the individual's **"country of birth"**. If it is discovered that the individual is **"foreign born"** the Dodge County Judicial Center staff will contact ICE. When ICE is contacted, their agents will make a decision regarding placing a custodial hold on the individual. If ICE decides to place a custodial hold on the individual, they will then begin an investigation into citizenship status.

When local law enforcement has contact with an individual that may be an **"undocumented alien"** but the contact does not result in the individual being taken into custody, local law enforcement does not have the authority to begin an independent investigation into the individual's citizenship status. On 08-19-08 at our meeting with ICE, the ICE agents explained that local law enforcement does not have the authority to investigate **"citizenship status"**. Investigations into citizenship status occur when local law enforcement place an individual in custody and discover during the booking process that they are foreign born and subsequently contact ICE.

At the 08-19-08 meeting with ICE, the agents explained when a foreign born individual is placed into custody by local law enforcement ICE can begin their investigation. ICE will check their database. They will see if the individual has a background with Immigration.

They will also check to see if the individual has a prior criminal history. They will check to see if the individual has previously been deported. If the individual has a prior criminal history background or has been deported before, ICE will place a custodial hold on that individual. If the individual does not have a prior record with ICE, the agents will then look at the seriousness of the charges placed on them by local law enforcement. If the charges are considered serious, ICE will place a custodial hold on the individual. If the individual is being held on a less serious charge, ICE will make a decision on what action they are going to take.

At our meeting on 08-19-08, ICE agents explained that when an individual is in custody and charged with a serious crime by local law enforcement, ICE wants to see that individual prosecuted and sentenced if convicted. The reason for this is that if ICE immediately took the individual into custody, it could result in that individual being deported without going to court for their crime. Subsequently, if that individual returns to this country and is apprehended, there wouldn't be a conviction on their record in this country for the crime for which they were deported.

ICE agents explained that their investigation into "**citizenship status**" will begin when they are contacted by the Dodge County Judicial Center (jail) staff when local law enforcement has placed an individual in custody and they are conducting the booking process. ICE agents explained that it is at this time that local law enforcement is legally authorized to assist Homeland Security (The Federal Government, ICE, Border Patrol and Customs). That assistance by local law enforcement consists of alerting ICE that an individual is in custody and is "**foreign born**".

In closing, local law enforcement would like to address a question they are frequently asked. Citizens want to know why law enforcement cannot go to the homes, rentals, apartments, mobile homes or work sites where most of the potential "**undocumented aliens**" are found and investigate those individuals' "**citizenship status**". The first part of the answer to that question is that local law enforcement officers do not have the authority to investigate "**citizenship status**". The U.S. Department of Homeland Security (The Federal Government, ICE, Border Patrol and Customs) is the law enforcement entity that has the authority to investigate "**citizenship status**". The second part of the answer to the question is that many of the potential "**undocumented aliens**" came to this country without permission, but have committed no other offense. In most cases, ICE considers that offense to be a "**civil**" offense. Local law enforcement deals with "**criminal**" offenses.

I hope this information helps the Immigration Task Force understand what local law enforcement can and cannot do regarding immigration.

Submitted by Steve Sexton

I have been asked to describe the impact of immigration on the school district. The question often asked is, "What is the additional cost of educating immigrants that come to Fremont Public Schools?" This is often followed by, "What do you do to assure there are no illegal immigrants enrolled in your schools?"

The first question may seem easy at first glance, but what does it really mean? Additional cost as it relates to what? When one says "immigrant" what is he or she really asking? Fremont spends significantly less per pupil than the average and is among the dozen or so lowest spenders in the state. Therefore, one could easily argue that because of finances, Fremont does not have the breadth or depth of programs children and youth need or are often desired. It is a documented fact that Fremont spent \$1,127 per pupil less than the state average last year. This means, based on 4,600 students in the system, the district would have needed to spend an additional \$5.1 million just to break even with a comparable district based on the "average costs."

It is important **not** to confuse minority group membership with being an immigrant. Not all immigrants are members of a minority and not all members of a minority are immigrants. **Every** child that enrolls, regardless of status, is counted in state financial aid and adds to total district income from the state. **Every** child that is of poverty status adds to that calculation and **every** child that is receiving instruction as an English Language Learner helps increase income from the state. Some even add to funds received from the federal government. For **every** child that is enrolled, we receive state funds to help in providing for the costs of education. We also receive several hundreds of thousands of dollars in Federal assistance to provide for all kinds of student needs including assisting *children of all backgrounds* in developing reading proficiency, writing proficiency, and proficiency in mathematics *for all* children in need. Some of these dollars are spent on summer school programs to assist children in developing reading, writing and speaking skills and includes children from all backgrounds.

The second question seems to ask assurance that immigrants are here legally. Schools receive students from nearly everywhere. Schools accept all students. Schools do their best to provide the best education within the restrictions under which they operate. Schools by law require proof of age, location of birth and some assurance that the children have not been abducted. Beyond that, I cannot recall a single public school or state that has required enrollees to prove that they were either a citizen or that they were in the country legally. If it is required of one student, under the constitution it would be required of all.

Through federal and state assistance, Fremont provides an ELL (English Language Learners) program. Its purpose is to assist in developing English skills among students whose primary language is other than English. It is not focused on immigrants of a single country. ELL assistance in Fremont Public Schools has been provided to students from many countries including Japan, China, Sierra Leone, Sudan, Guatemala, El Salvador, Mexico, Nicaragua, and Honduras among

others. When we talk about immigrants, we should remember that Fremont truly is multi-cultural in makeup. This may not be readily visible, but it is a fact and there can be strength in diversity and much of the strength of our country is testament to that belief. Some of the countries of birth represented in Fremont's student population include Argentina, Brazil, Canada, China, El Salvador, England, Germany, Guatemala, Honduras, Japan, Mariana Islands, Mexico, Philippines, Romania, Slovakia, South Korea, Spain and Zimbabwe. Those are the countries about which we know.

We educate children and base our programs and services on their needs and that is it. Merely being an immigrant **does not** mean that there is automatically an additional cost. If a child enters our schools from another country and is proficient in English, there would be no more cost associated with his or her education than for a child born in the United States proficient in English. In fact it could cost less to educate an immigrant child, depending on whether or not he was born in the U.S. and has special needs. Here the operable words are, "child," and "need," not country of origin. Comparisons sometimes fail to show anything meaningful. Sometimes a child may well be proficient in English while one or both of their parents are not. Again, this does not translate automatically to additional school costs.

Looking at another area, the school cafeteria program is a rarity compared to other schools because it is self supporting and does **not** depend on local tax dollars for its operation. This speaks to the efficiency of Bruce Kroeger and his staff. The documented fact is that in January 2008, a total of **45%** of our students were receiving free or reduced price meals. In August, the minority enrollment was **20.5%**. Minorities included Hispanic, Black, Asian, American Indian, Pacific Islanders, and all others and equaled **20.5%**. This is clear evidence that not all minority students receive free or reduced price meals. ***Not all who receive meal assistance are minorities or of immigrant status. Most students*** who qualify for assistance ***are not minorities***. The percentages given above reinforce this statement. So, what does it matter? It really does not because they are **all children**, and they are ours. The federal threshold for free meals this year for a household of three is \$22,880. Our records are audited at least once annually and sometimes twice so these statements are documented.

We hope that this information at least more fully describes the costs and operation of our school system. In the broadest definition and view, if there were no immigrants there would be no school system. If we are not all immigrants we are not that far removed from that status. If the question stated in the second sentence of the first paragraph was really meant to ask about the cost locally of educating illegal immigrants, then there is no way we can answer that question. When children arrive at our doors, we take **all of them in and assume they are all here** legally regardless of whether or not they are African, American, Asian, Australian, Eastern European, Western European, Central American, South American or are from any other locale.



August 29, 2008

Mr. Bill Ekeler
Overland Products
1687 Airport Road
Fremont, NE 68025

Dear Bill:

Over the last few weeks, FAMC has had numerous requests for information that were aimed at determining the financial impact of the care we provide to undocumented aliens. As you might imagine, hospitals have very strict requirements that specify the information we can and should report as well as the kind of personal health information that is highly confidential.

Please remember that hospitals are required to care for all patients in an emergency condition (including childbirth) regardless of the patient's financial status. We require identification during the registration process, but we are not allowed to determine whether or not the patient is an undocumented alien. With these things in mind, we offer this brief statement below simply to educate and inform our community about this issue.

FAMC receives many forms of reimbursement for the services it provides. By far, the largest payor is Medicare at about 55%, Commercial Insurance represents roughly 30%, and Medicaid is about 10%. The private pay category is roughly 5% - this includes the amount paid by insured patients for co-pays and deductibles as well as the amount paid by uninsured patients.

There are essentially two categories of unreimbursed care - Charity Care and Bad Debts. Bills are categorized as Charity Care only when we can verify that the patient does not have the resources - assets and income - to make payment arrangements. FAMC is a not-for-profit organization, and it views the provision of these charity services as part of its mission to serve the community. FAMC does pursue all other unpaid bills, and as with most other businesses, some portion of these accounts may be ultimately "written off".

Over the last 7 years, the amount of Charity Care has remained at roughly 1% of Gross Charges. The actual amount of Charity Care has increased from roughly \$1M in 2001 to \$1.5 in 2008. During this same period, Bad Debts have grown from 1.3% of gross charges in 2001 to 2.2% in 2008. The actual amount of Bad Debt Expense has grown from about \$1M in 2001 to almost \$4M in 2008. The reasons for these increases include growth in our service volumes, inflation, and an increasing number of uninsured and underinsured patients.

Mr. Bill Ekeler
August 29, 2008
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We have no information that would show how much of this Charity Care and Bad Debt Expense is related to undocumented aliens. Again, this is because we are not allowed to inquire about resident status, particularly in an emergency situation.

FAMC is required to gather some information about the racial composition of our patient population for various purposes. Therefore, it is only possible to make a partial response to many of the data requests we have been fielding. For example, we are able to approximate the percentage of our patients who are White, Black, Hispanic, Asian Pacific, or Native American. Further, we understand that undocumented aliens may be represented in any of these groups. Finally, because the current issue under discussion in Fremont seems to relate largely to undocumented aliens from the Hispanic community, we share the following.

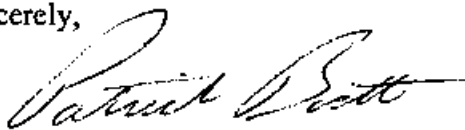
Over the last 6 years, the percentage of Hispanic patients who have utilized FAMC has remained relatively constant in each of three service areas; 1) Emergency Care – 6%, 2) Obstetrical Care – 14%, and 3) Inpatient Care – 5%.

Over the last 6 years, the percentage of Charity Care & Bad Debt expense related to Hispanic patients has remained relatively constant at about 10%. This means that the approximate amount of Charity Care and Bad Debt Expense attributable to Hispanic patients has ranged between \$300,000 and \$500,000 per year.

In summary, it appears that the use of Charity Care and Bad Debt Expense by Hispanic patients is proportional to their use of hospital services. In addition, the overall increase in Charity Care and Bad Debt Expense these past 6 years is in line with national trends.

We hope this information is useful to you. We are sharing this information with the best of intentions, hoping that these facts contribute to a constructive discussion of this issue. Please don't hesitate to contact me if you have additional questions and concerns. Thank You.

Sincerely,



Patrick Booth
President & CEO

Fear of Illegal/Undocumented Immigrants in Reporting Crime

Submitted by Gabriel Ayala

Illegal/ Undocumented immigrants have more fear in reporting a crime due to their legal status in the U.S. They fear that the police department will check their legal status and charge them with a crime instead of helping with the crime committed to them. This week there was a story on the news about a case in Raleigh, N.C. where Jose Luis Segura-Rios called authorities to report that he was the victim of a home invasion and he was also charged with a crime as well. Wake County Sheriff Donnie Harrison said he felt obligated to contact federal immigration officials two days later when Segura-Rios showed authorities what they believed to be a fake ID and because of other suspected illegal activity. His case and others like it are likely to keep undocumented immigrants from reporting crimes. But if illegal immigrants fear they cannot report crimes, they will turn into easy targets and will be unwilling witnesses.

In other cases it is within the same family members that crimes get committed and never reported. There are many cases where the undocumented wife is being physically abused by the "Legal" husband and will never call the authorities due to legal status. They fear they may be deported and kids (if any) taken away. In a lot of cases the abused spouse doesn't report the crime, because they had applied for legal status thru the legal spouse. Fears of losing their application, children, house, and freedom stop them from doing so.

An officer of the Fremont Police Department provided me with information over the phone about what it's done in cases like these. First, when someone calls to report a crime they ask for:

- Name
- Identification
- In a case of a car accident , they ask for documentation of the vehicle
- Who owns the vehicle (in case the individual is not the owner)
- What happened (if a crime)

And more questions depending on the situation. Second, if they received what seems to be a fake ID from the individual, or questions the individuals identity they will arrest him/her. The officer does not ask for legal status, since they do not have the authority to do so, they just take the individual to jail and it is the jail personnel who will call ICE to have federal authorities investigate the status of the individual arrested. The Fremont Police Department does not have the power to do what federal authorities do, it is their job to arrest the individual in question and it is the federal authorities who have the power to check on legal status and they are also the ones to decide what to do with the individual. By speaking with the Hispanic community during last week and this week, I can tell a difference already of what the community feels since the proposed ordinance targeting illegal immigrants. They used to trust the Fremont Police, but are afraid now of what can happen if they were victims of a crime and needed to contact the FPD. It's really hard to get an idea of how many crimes are not reported due to legal status, since most of the victims will not dare to call for help in fear of being deported.

Submitted by
Sheri Holcomb

Health & Human Services of Nebraska, or our social services program, has a defined procedure for obtaining benefits, such as food stamps, Medicaid and ADC. A person or family must complete an extensive application form that asks for various types of identification and verification. An applicant must verify income, citizenship or legal status and proof of address, among other things.

Birth certificates are used to verify legal citizens. Illegal aliens are not eligible for any benefits. Children of illegal aliens may sometimes receive benefits depending on their status. A woman who is pregnant may receive assistance for prenatal care and delivery since the child will be born in the United States and become a citizen from birth. Legal or “qualified” aliens must verify their status and are run through a Federal Department of Homeland Security database.

The WIC program relies on the Health & Human Services Department to verify legal status. A client must present a Medicaid card or other verification of citizenship. An illegal immigrant cannot obtain WIC.

Immigration Compliance References



Fact Sheet

November 7, 2007
(Revised)

USCIS Revises Employment Eligibility Verification Form I-9 *Revision will eliminate certain documents for employment verification*

U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9, *Employment Eligibility Verification*, and M-274, *Handbook for Employers, Instructions for Completing the Form I-9*. The revised form is now available for use.

BACKGROUND

The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) mandated a reduction in the number of documents that employers may accept from newly hired employees during the employment eligibility verification process. In 1997, the former Immigration and Naturalization Service (INS) published an interim final rule in the *Federal Register* eliminating some of the documents IIRIRA slated for removal. However, Form I-9 was not updated to reflect the revised List of Acceptable Documents at that time. USCIS has revised Form I-9 to bring it into compliance with the 1997 regulation as a first step toward achieving the document reduction goals set out in IIRIRA and as a further step in its ongoing work toward reducing the number of documents used to confirm identity and work eligibility. The most significant change to the revised Form I-9 is the elimination of five documents from List A of the List of Acceptable Documents. This and other minor revisions are detailed below.

Questions and Answers:

Q: Where can I get the new Form I-9 (Rev. 06/05/07)N and the Employer Handbook (M-274)?

A: Both Form I-9 and the Employer Handbook are available as downloadable PDFs at www.uscis.gov. Employers without computer access can order USCIS forms by calling our toll-free number at 1-800-870-3676. Individuals can also request USCIS forms and information on immigration laws, regulations, and procedures by calling the National Customer Service Center toll-free at 1-800-375-5283.

Q: What is the difference between the revised Form I-9 and the old one?

A: Five documents have been removed from List A of the List of Acceptable Documents:

- *Certificate of U.S. Citizenship (Form N-560 or N-561)*
- *Certificate of Naturalization (Form N-550 or N-570)*
- *Alien Registration Receipt Card (I-151)*
- *Unexpired Reentry Permit (Form I-327)*
- *Unexpired Refugee Travel Document (Form I-571)*

One document was added to List A of the List of Acceptable Documents:

- *Unexpired Employment Authorization Document (I-766)*

All the Employment Authorization Documents with photographs that are in circulation are now included as one item on List A:

- *I-688, I-688A, I-688B, I-766*

Instructions regarding Section 1 of Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of Form I-9, unless he or she is employed by an employer who participates in E-Verify. The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

The estimated reporting burden under the *Paperwork Reduction Act* has changed to reflect the latest estimates and, finally, the format, font, organization, and grammar of the text have been improved to make Form I-9 more readable and user-friendly.

Q: Can I accept documents that used to be on the Form I-9 but aren't now?

A: No. Employers may only accept documents listed on the List of Acceptable Documents on Form I-9. When re-verifying employees, employers should ensure that they use the new Form I-9 with its updated list of acceptable documents.

Q: Are there any changes in the way the new Form I-9 is completed?

A: No. The updated form should be completed exactly the same way as the old one was. The only difference is the types of documents that employers may accept in Section 2.

Q: Is the Form I-9 available in different languages?

A: The Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may have employees complete the Spanish version for their records. Employers in the 50 states and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete the English version and kept it in the employer's records. Employees may also use or ask for a translator/preparer to assist them in completing the form.

Q: Are employers in Puerto Rico required to use the Spanish version of Form I-9?

A: No. Employers in Puerto Rico may use either the Spanish or the English version of the new Form I-9 to verify employees. Employers in Puerto Rico may not use the expired 1988 Spanish or English edition of Form I-9.

Q: What versions of Form I-9 are valid for use?

A: As of November 7, 2007, the Form I-9 with a revision date of June 5, 2007 is the only version of the form that is valid for use. The revision date is printed on the lower right corner of the form and states "(Rev. 06/05/07)N". All previous versions of Form I-9, in English or Spanish, are no longer valid. The 1988 version of Form I-9 in Spanish expired in 1991.

Q: When should employers begin using the version of Form I-9 marked with a revision date of "(Rev. 06/05/07)N"?

A: Employers must use the amended Form I-9 (Rev. 06/05/07)N for all individuals hired on or after November 7, 2007. However, DHS recognizes that employers should be afforded a period of time to transition to the amended Form I-9. DHS will publish a Notice in the *Federal Register* announcing that it will not seek penalties against an employer for using a previous version of the Form I-9 during a 30 day transition period that begins on date of publication of the Notice. After the transition period, employers who fail to use Form I-9 (Rev. 06/05/07)N may be subject to all applicable penalties under section 274A of the INA, 8 U.S.C. 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE).

Q: Do I need to complete the new version of Form I-9 for all my employees or just the new ones?

A: Employers only need to complete the new version of Form I-9 (Rev. 06/05/07)N for new employees. Employers do not need to complete new forms for existing employees. However, employers must use the Form I-9 (Rev. 06/05/07)N when their employees require re-verification.



E3

Customer Guide

U.S. employers are required by law to verify the employment authorization of all workers they hire on or after November 6, 1986, for employment in the United States, regardless of the workers' immigration status. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States, or who fail to comply with employment authorization verification requirements, may face civil and, in some cases, criminal penalties. **Form I-9, *Employment Eligibility Verification***, must be completed for each newly hired employee, including U.S. citizens, permanent residents, and temporary foreign workers, to demonstrate the employer's compliance with the law and the employee's work authorization. Through the Form I-9 verification process, employers ensure that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.

Who is responsible for completing the different sections of Form I-9?

The employee must complete Section 1, Employee Information and Verification, of Form I-9. The employee must attest that he or she is a U.S. citizen or national, a lawful permanent resident, or is otherwise authorized to work for the employer in the United States. The employee must present documentation to the employer establishing identity and employment authorization based on the most current Lists of Acceptable Documents on the I-9 form. The employer is obligated, after physically examining the documents presented by the employee, to complete Section 2, Employer Review and Verification, and Section 3, Updating and Reverification (if applicable), of the I-9 form.

When should Section 1 of Form I-9 be completed?

Each newly hired employee (an employee who has accepted the position) should complete and sign Section 1 no later than the first day of employment, regardless of his or her immigration status.

I Am an Employer

How Do I... Complete Form I-9, Employment Eligibility Verification?



U.S. Citizenship
and Immigration
Services

M-584 (August 2008)

When should Section 2 of Form I-9 be completed?

Employers must complete and sign Section 2 of Form I-9 within 3 business days of the employee's first day of employment. If the employment relationship will last less than 3 days, then the employer must verify work authorization and complete Section 2 no later than the first day of employment.

What documents must the employee present?

The employee may provide the documents they choose from those listed on the most recent Lists of Acceptable Documents, which can be found on the I-9 form. The employee must present one document from List A, or two documents—one from List B and one from List C:

- List A (documentation establishing both identity and authorization to work);
- List B (documentation establishing only identity);
- List C (documentation establishing only authorization to work).

The employer must physically examine the documentation establishing identity and employment authorization the employee presents.

In certain instances, the employee may use receipts in lieu of original documents in the Form I-9 process. For example, if an individual's document has been lost, stolen, or damaged, then he or she can present a receipt for the application for a replacement document. The replacement document must be presented to the employer within 90 days of hire, or, in the case of reverification, the date employment authorization expires. For more information on the receipt rule, see the manual, **M-274, *Handbook for Employers***.

Note: A receipt for an application for an initial or renewal USCIS Employment Authorization Document (EAD) filed on a **Form I-765, *Application for Employment Authorization***, is not acceptable for Form I-9 verification purposes.

When should Section 3 of Form I-9 be completed?

Employers should complete Section 3 of Form I-9 when updating and reverifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 does not apply to employees who are U.S. citizens or permanent residents. (Note, however, that the receipt rule applies to temporary evidence of permanent resident status, and will need to be reverified.) Section 3 should only be completed when the employee indicates that he or she is an alien authorized to work until a certain date in Section 1 of the I-9 form. For example, when a USCIS EAD is scheduled to expire, the employer must reverify that the employee has renewed his or her authorization to work. The employee can choose which documents to provide from the Lists of Acceptable Documents on the I-9 form.

Except for employees who are U.S. citizens or permanent residents, employers should reconfirm the employment authorization of every employee who has presented evidence of work authorization that contains an expiration date.

What if the employee only has temporary work authorization?

An employee who has been issued temporary work authorization must produce proof of continued work authorization no later than the expiration date.

Can I tell a potential employee what documents to present for employment authorization?

No, an employer cannot tell an employee which documents to present for Form I-9 purposes. Employers should direct the employee to the Lists of Acceptable Documents on the Form I-9. If an employee presents a document that is not on the Lists of Acceptable Documents, an employer should ask for additional proof of identity and/or employment authorization.

How do I know if a document is genuine or false?

An employer is not required to know with absolute certainty whether a document is genuine or false. The law requires that an employer examine the original document (not a photocopy) and make a good-faith determination that the document:

- Appears to relate to the employee;
- Appears to be genuine; and
- Is included in the Lists of Acceptable Documents on Form I-9.

Please note that rejecting a document that later proves to be genuine could result in a violation of the anti-discrimination provisions of immigration law, so employers should guard against being overzealous in their inspection of documents the employee presents.

Can photocopies be accepted?

No, employees must present original documents. The only exception is that a newly hired employee may present a certified copy of a birth certificate.

How long should I-9 forms be retained?

I-9 forms should be retained for 3 years after the date of hire, or 1 year after the date employment ends—**whichever is later**.

How can I get more information about Form I-9?

The M-274, *Handbook for Employers*, contains the instructions for completing Form I-9. Both Form I-9 and the handbook can be downloaded from our website at www.uscis.gov. We also have additional information about Form I-9 on our website under "About Form I-9 and E-Verify."

Key Information

Key USCIS forms referenced in this guide	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Handbook for Employers	M-274

USCIS

• On the Internet at: www.uscis.gov

For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library. If you cannot find what you need, please call Customer Service.

• Customer Service: 1-800-375-5283

• Hearing Impaired TDD Customer Service: 1-800-767-1833

Other U.S. Government Services—Click or Call

General Information	www.usagov.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

Disclaimer: This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

**Form I-9, Employment
Eligibility Verification****Instructions****Please read all instructions carefully before completing this form.**

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

Filling Out the Form I-9

Section 1, Employee: This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer: For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

Section 3, Updating and Reverification: Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired **or** if a current employee's work authorization is about to expire (reverification), complete Block B and:
 1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A **or** C);
 2. Record the document title, document number and expiration date (if any) in Block C, and
 3. Complete the signature block.

What Is the Filing Fee?

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: **1)** learning about this form, and completing the form, 9 minutes; **2)** assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

Form I-9, Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen or national of the United States
- A lawful permanent resident (Alien #) A _____
- An alien authorized to work until _____
(Alien # or Admission #) _____

Employee's Signature	Date (month/day/year)
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Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: _____	Document #: _____
Expiration Date (if any): _____	

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
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LISTS OF ACCEPTABLE DOCUMENTS

LIST A

**Documents that Establish Both
Identity and Employment
Eligibility**

LIST B

**Documents that Establish
Identity**

LIST C

**Documents that Establish
Employment Eligibility**

OR

AND

<p>1. U.S. Passport (unexpired or expired)</p>	<p>1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address</p>	<p>1. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i></p>
<p>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</p>	<p>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address</p>	<p>2. Certification of Birth Abroad issued by the Department of State <i>(Form FS-545 or Form DS-1350)</i></p>
<p>3. An unexpired foreign passport with a temporary I-551 stamp</p>	<p>3. School ID card with a photograph</p>	<p>3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal</p>
<p>4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)</p>	<p>4. Voter's registration card</p>	<p>4. Native American tribal document</p>
<p>5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer</p>	<p>5. U.S. Military card or draft record</p>	<p>5. U.S. Citizen ID Card <i>(Form I-197)</i></p>
	<p>6. Military dependent's ID card</p>	<p>6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i></p>
	<p>7. U.S. Coast Guard Merchant Mariner Card</p>	
	<p>8. Native American tribal document</p> <p>9. Driver's license issued by a Canadian government authority</p>	<p>7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i></p>
	<p>For persons under age 18 who are unable to present a document listed above:</p>	
	<p>10. School record or report card</p>	
	<p>11. Clinic, doctor or hospital record</p>	
	<p>12. Day-care or nursery school record</p>	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Answer ID 1695

How can I recognize a valid Social Security card?

Question

How can I recognize a valid Social Security card?

Answer

There are more than 50 different versions of the Social Security number (SSN) card, all of which are valid. Until 1976, original SSN cards and replacement cards were different.

Sometimes the employer asks the employee to show you their card and they can't find it, or the employer is uncertain the validity of the card. Though there are several versions of the card in circulation, all prior versions of the card are valid. In either case, you don't have to send the employee to a local Security office.

The best way to verify a name/SSN is to use the free [Social Security Number Verification Service](#) (SSNVS) that allows registered employers to quickly verify whether a person's name and SSN matches Social Security's records.

The following chart lists the changes in the SSN card with effective dates.

The best way to verify a name/SSN is to use [Security Number Verification Service](#) (SSNVS).

DATE	CHANGE IN SSN CARD
1936	First version of SSN card. No form number and no revision date. The preprinted information on the card face was in blue ink with a Social Security Board seal (in a lighter shade of blue) in the center of card. The SSN was in red ink. The date of issue was typed on the card. Had a "stub" to type in the mailing address. (The stub was to be put away for safe keeping.) Left edge was perforated. The card had a curved header showing "Social Security Act." Under the header was "account number." Had preprinted legends "date of issue" and "employee's signature." The instructions on the back were in black ink.
1937 – 1938	Second version of SSN card. Same as the first version of the card. The stub had a centered legend "For Office Use Only."
1938 – 1940	Third version of SSN card. The card itself was the same as the prior version but there were some variations in the printings. In some printings the SSN was printed on the stub; in others it had to be typed on. In some printings the stub had pre-printed spaces for the NH's name and address. First version of replacement SSN card. On the back of the card the form number was shown as "Form OA-702 DUP." The card format was the same as the original SSN card except it was light green and had "DUPLICATE" printed diagonally across the face in red letters (green letters for those used by RRB). There was a Social Security Board seal in the middle of the

DATE	CHANGE IN SSN CARD
	<p>card. The left margin was not perforated. The back of the RRB version showed only "RR" in large letters. The cards did not have a stub.</p> <p>Second version of replacement SSN card. The preprinted information was in blue ink. "Duplicate" was not printed on the card. On the back of the card was "Form OA-702.1." Date of issue was omitted. All printed information was in black ink. Back of card had: Federal Security Agency, Social Security Board</p>
1940	<p>Fourth version of SSN card. The preprinted "date of issue" was eliminated. "Employee's signature" changed to "worker's signature." The stub had the SSN preprinted in red. "Federal Security Agency" was printed on the back of the stub. Instructions said to show card to employer.</p> <p>Third version of replacement SSN card. The card was the same as the prior version. The stub had a box designated "worker's name and home address."</p>
1942	<p>Fourth version of replacement SSN card (12/42 revision). The revision date was printed on the back of the card. The legend "employer's name" was pre-printed on the stub. Preprinted information on the card and stub was in blue ink. Instructions (in black ink) included information about name changes.</p>
1943	<p>Fifth version of SSN card (4/43 revision). The card looked the same as the prior version. Instructions on the back of the card were expanded.</p>
1944	<p>Sixth version of SSN card (7/44 revision). The same as the prior version, except the left edge was straight and the form number ("Form OA-702") and the revision date (7-44) appeared in the lower left corner of the stub and the back of the card.</p> <p>Fifth version of replacement SSN card (7/44 revision). The card was the same as the prior version. "Employer's name" was no longer preprinted on stub.</p>
1946	<p>Seventh version of SSN card (1/46 revision). The seal was now the Social Security Administration Seal and both the card and the stub bore the legend "For Social Security Purposes Not For Identification." Back of the card showed: Federal Security Agency, Social Security Administration.</p> <p>Sixth version of replacement SSN card (1/46 revision). Both card and stub showed "For Social Security Purposes--Not For Identification" across the bottom. Back of card showed: Federal Security Agency, Social Security</p>

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	Administration.
1948	<p>Eighth version of SSN card (6/48 revision). Some cards were the same as the prior version; others had a new header, "Social Security" with a small SSA seal in the header between "Social" and "Security." There were variations in the printings of this version.</p> <p>Seventh version of replacement SSN card (3/48 revision). Card had the Social Security Administration seal instead of the Social Security Board seal. Back of card showed: Federal Security Agency, Social Security Administration.</p> <p>Eighth version of replacement SSN card (10/48 revision). The SSA seal appeared as a slightly stippled design in the same shade of blue as the rest of the format. Instructions on the back of the card and the stub were printed in blue ink.</p>
1949	Ninth version of replacement SSN card (7/49 revision). The card was the same as the prior versions with the "Social Security" header.
1949 – 1951	Printings of the 6/48 version of the SSN card had a header "Social Security" with a small SSA seal between the two words.
1952	<p>Ninth version of SSN card (1/52 revision). "Signature" instead of "Worker's signature" appeared on card and stub.</p> <p>Tenth version of replacement SSN card (1/52 revision). "Signature" rather than "Worker's signature" appeared on card and stub.</p>
1953	<p>Tenth version of SSN card (4/53 revision). The card was the same as the prior version. The instructions on the back of the card were revised. Also showed: Department of Health, Education, and Welfare, Social Security Administration.</p> <p>Eleventh version of replacement SSN card (4/53 revision). The card was the same as the prior version. Instructions on back of card were changed. Back showed: Department of Health, Education, and Welfare, Social Security Administration.</p>
1954	<p>Eleventh version of SSN card (2/54 version). The seal on the card was changed to a small DHEW seal.</p> <p>Twelfth version of replacement SSN card (2/54 revision). The seal was</p>

DATE	CHANGE IN SSN CARD
	<p>changed to a DHEW seal.</p> <p>Twelfth version of SSN card (7/54 revision). The card was the same as the prior version. There were small changes in the instructions on the back of the card.</p> <p>Thirteenth version of replacement SSN card (7/54 revision). Card and stub were the same as the prior version. Instructions on the back of the card and stub used the term “field office” rather than “district office.”</p>
1956	<p>Fourteenth version of replacement SSN card (3/56 revision). The card and stub were the same as the prior version. Instructions included information for the NH to get in touch with SSA if totally disabled.</p> <p>Thirteenth version of SSN card (4/56 revision). The card was the same as the prior version. Instructions on the back of the card said to get in touch with SSA if a worker became totally disabled.</p> <p>Fifteenth version of replacement SSN card (4/56 revision). The card and stub were the same as the prior version. Some cards may have been printed with 4/56 revision date (rather than 3/56).</p>
1958	<p>Sixteenth version of replacement SSN card (10/58 revision). The card and stub were the same as the prior version. Instructions included information that a woman should contact SSA when she reached age 62.</p>
1959	<p>Fourteenth version of SSN card (5/59 revision). The card and the stub were the same as the prior version. Instructions added information that a woman should contact SSA when she reached age 62. The instructions on the back were in black ink.</p>
1961	<p>Fifteenth version of SSN card (9/61 revision). The card and stub revised to read “For Social Security and Tax Purposes -- Not For Identification.” The instructions on the back were in blue ink.</p> <p>Seventeenth version of replacement SSN card (11/61 version). The card and stub revised to read “For Social Security and Tax Purposes -- Not For Identification.”</p>
1970	<p>Seventeenth version of SSN card</p>
1972	<p>Eighteenth version of SSN card (1/72 revision). Legend “Not For Identification” was no longer on card (shown from 1946 to 1972). A large</p>

DATE	CHANGE IN SSN CARD
	DHEW seal was in the middle of the card. The format of the stub was changed to envelope size (the card was a small two-sided tear-off of the stub). The instructions were expanded on the back of the card and stub and were in black ink.
1974	Eighteen version of replacement SSN card. This was the last version of the replacement SSN card. Thereafter, original and replacement cards looked the same.
1976	Nineteenth version of SSN card (4/76 revision). The card is the same as the prior version. The stub size is smaller. The instructions are less and are printed in blue ink.
1980	Twentieth version of the SSN card (5/80 revision). The seal is changed to a DHHS seal.
1981	Twenty-first version of the SSN card (4/81 revision). The card is the same as the prior version.
1982	<p>On May 17, 1982, SSA began annotating SSN cards issued to aliens assigned nonwork SSNs "NOT VALID FOR EMPLOYMENT."</p> <p>Twenty-second version of SSN card (6/82 revision). The card is the same as the prior version. The SSN was removed from the card stub. Instructions add information about legend on non-work SSN cards.</p> <p>Twenty-third version of SSN card (9/82 version). The card is the same as the prior version.</p>
1983	Twenty-fourth version of SSN card (10/83 revision). SSA begins issuing counterfeit resistant SSN card (on blue banknote paper with randomly placed colored planchettes on the back).
1984	Twenty-fifth version of SSN card (4/84 revision). The card is the same as the prior version with the instructions reformatted.
1987	Twenty-sixth version of SSN card (1/87 revision). Same as prior version with slightly darker shade of blue ink on back of card and stub.

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1988	Twenty-seventh version of SSN card (1/88 revision). Anti-copy VOID pattern added as security feature for card.
1992	On September 14, 1992, SSA began showing the legend " VALID FOR WORK ONLY WITH INS AUTHORIZATION " for aliens with temporary work authorization.
1994	Twenty-eighth version of SSN card (January 1994). Language on the card tells NHs to "Keep card in a safe place to prevent loss or theft."
1995	Twenty-ninth version of SSN card (April 1995), has SSA's new seal on the card.
1999	Thirtieth version of the SSN card (06/99). Corrected SSA address to which cards should be returned.
2002	Thirty-first version of the SSN card (12/2002). Instructions updated for clarity, to ask that the NH report changes in name, U.S. citizenship or alien status to SSA and not allow others to use SSN. The instruction "do not carry it with you" added to the back of the card.
2004	Thirty-second version of the SSN card (03/2004). The language, "DO NOT CARRY IT WITH YOU" is added to the face of the card and the anti-copy VOID pattern is removed. In April 2004 the restrictive legend, VALID FOR WORK WITH INS AUTHORIZATION is changed to show INS change to DHS.
2006- 2007	Thirty-third version of the SSN card (11-2006). Left side of SSN card carrier includes an explanation of the date printed under signature line on SSN card. Right side of carrier provides instructions for signing card. Beginning 04/07, the date the card is issued is printed under the signature line. Beginning 9/08/07, the number holder's name will always be printed on two lines, with the last name printed directly below the first and middle names.
2007	Thirty-fourth version of the SSN card (10-2007). The 10-2007 version of the SSN card includes additional security features. Some of the more recognizable features are: <ul style="list-style-type: none"> • A unique non-repeating spiral design, replacing the existing

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	<p>marbleized pattern. The new pattern will be the same or a very similar color to the current background and will continue to be erasable.</p> <ul style="list-style-type: none">• Color shifting inks added to the face of the card; very recognizable since it is used in currency.• A latent image on the face of the card, visible only when the document is viewed at specific angles.

Appendix H: List of questions used for facilitated discussions

Discussion questions for the LB 362 immigration meetings

1. How has the recent growth of Nebraska's immigrant population impacted your community? Businesses? School System? Delivery of social services? Law enforcement activity? What are some concrete examples of this?
2. In what ways do language barriers complicate your community activities, business activities, and school activities? What are some examples of this?
3. Describe the bilingual services and English language education programming available in your community. How does the immigrant population access these services and programs? How do you know this?
4. What types of employment are most commonly pursued by undocumented workers in your community? How do you know this?
5. How has the growing presence of immigrants in Nebraska affected your job market? How do you know this?
6. What kind of relationship has your local law enforcement agency had with federal officials (ICE agents) in addressing issues related to the undocumented immigrant population in your community? How do you know this?
7. How has the presence of larger numbers of immigrants in Nebraska affected your ability to protect community safety and fight crime? What are some examples of this?
8. Does your approach to protecting community safety and fighting crime change when dealing with the immigrant population in your community? In what ways?
9. How visible is the immigrant population at community events?
10. Describe the general relationship and opportunities for interaction between the immigrant population and the native born population in your community.
11. What measures are taken in your community to inform the public about the difference between documented and undocumented immigrants?
12. Should the community promote the verification of employment eligibility of workers to reassure the public that documented workers are being protected?
13. What would you do differently regarding the rapid growth of the immigrant population in your community if you knew then what you know now? What advice would you have for other communities who are dealing with all the attendant problems of a larger population and a different culture, language, etc.? What do you think the state could do to help? Or should the state do anything?