

U.S. Immigration: Federal and State Roles

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February 12, 2025



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The Migration Policy Institute (MPI) is an independent, nonpartisan think tank that seeks to improve immigration and integration policies through authoritative research and analysis, opportunities for learning and dialogue, and the development of new ideas to address complex policy questions.

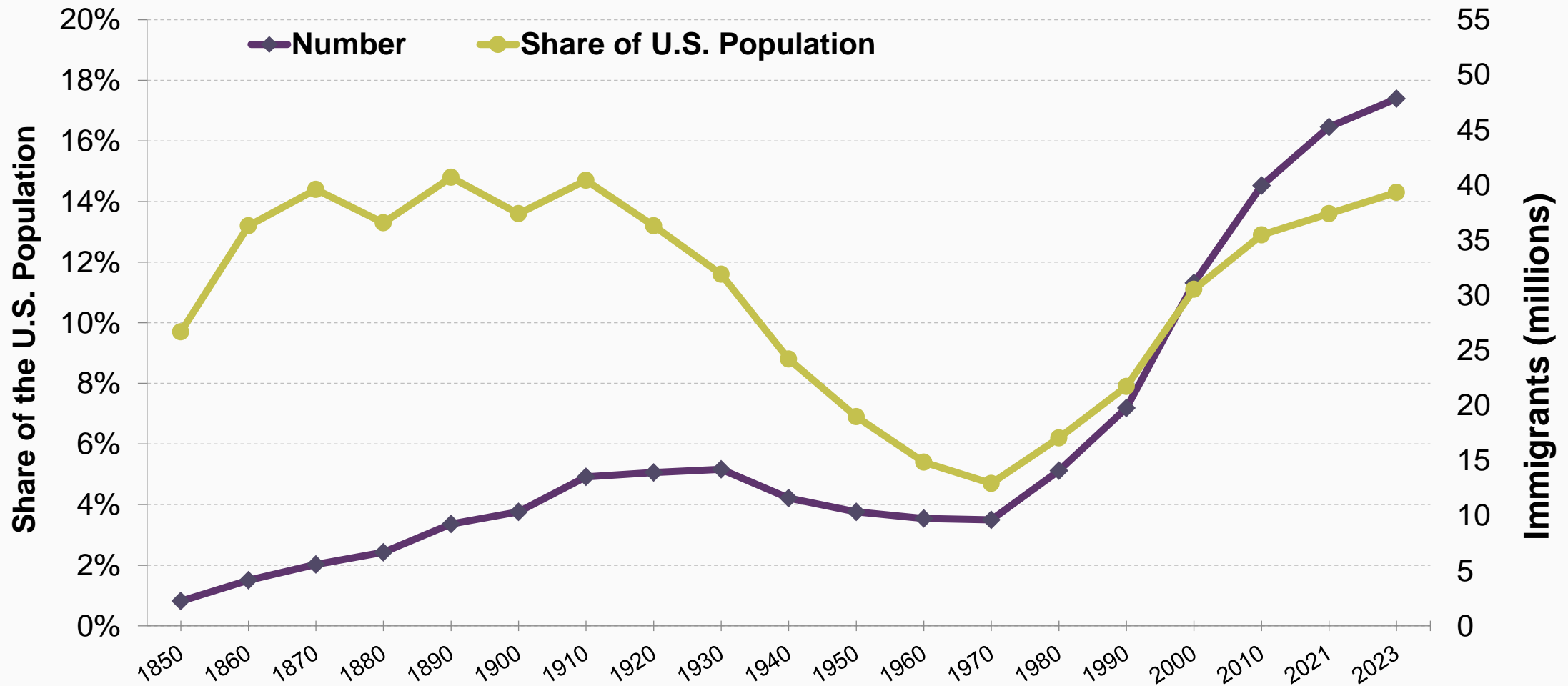
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Overview

- How many immigrants are in the U.S. and New Hampshire? What legal statuses do they hold?
- What roles do federal, state, and local governments play immigration policymaking?
- How do New Hampshire's state policies compare to those of other states?
- How might recent immigration policy changes affect New Hampshire agencies, service providers, and communities?

Immigration Numbers

United States home to 48 million immigrants in 2023, 14.3% of the population



Migrants come to the U.S. in many ways



Permanent immigration – green cards – employment, family, diversity



Temporary immigration – international students, temporary work visas, etc.

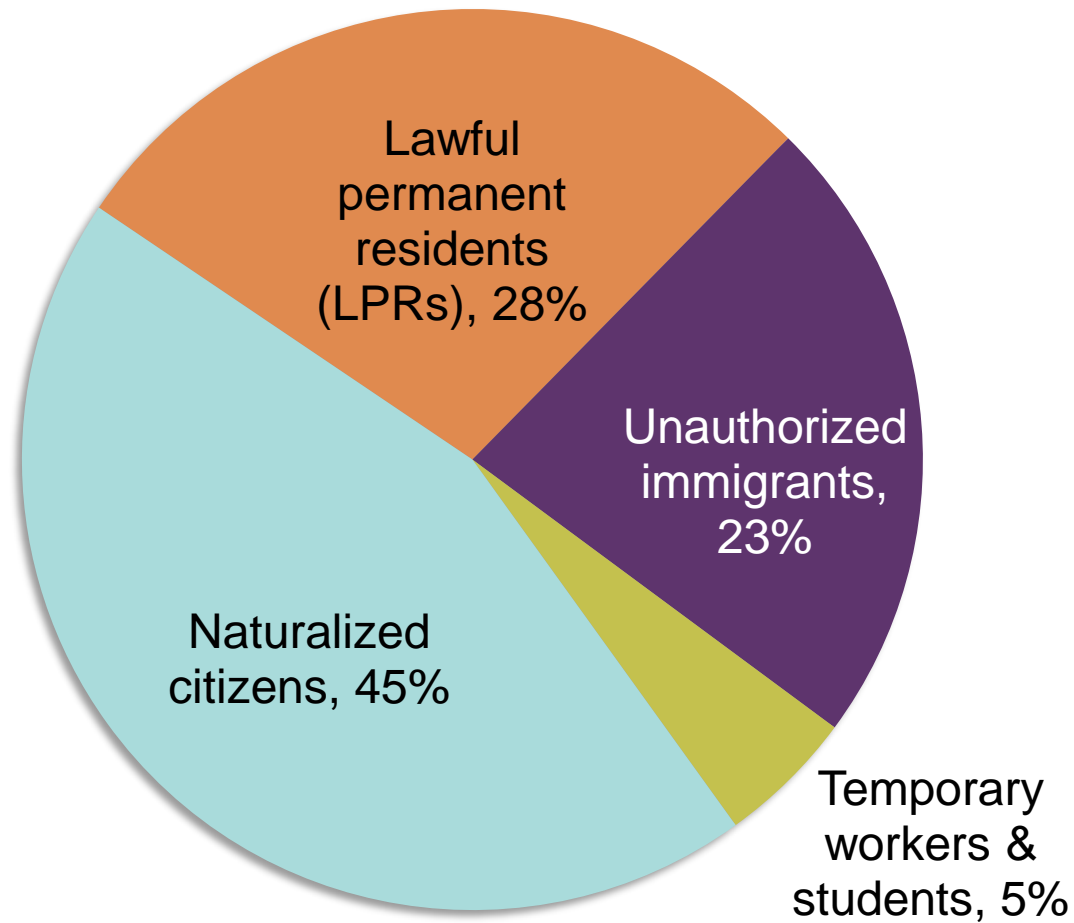


Humanitarian pathways – refugees, granted asylum, humanitarian parole



Unauthorized – cross the border without authorization, or overstay temporary visas

Great majority of immigrants have legal status (2019 data)



Source: MPI Analysis of 2015-19 ACS and 2008 Survey of Income and Program Participation (SIPP) data.

Immigrants are a smaller share of the New Hampshire population than of the U.S. population

- 95,000 immigrants in 2023
- Immigrants were 6.8% of the population of New Hampshire and 8.5% of the workforce in 2023
- 11,000 unauthorized immigrants in 2019

Immigration Policymaking: Federal, State, & Local Roles

Federal government decides who can enter & stay; What supports immigrants receive



Entrance policies: Visas, refugee and asylum policy, grants of temporary protections, naturalization



Immigration enforcement policies: Who is allowed to stay in the U.S., who is deported. How migrants are treated at the border.



Federally-funded public benefits policies: Medicaid/CHIP, SNAP, TANF, SSI, housing assistance, etc.

State choices on policies related to immigrants: Supports, benefits, cooperation in enforcement



State-funded public benefits: Funding public benefits for noncitizens who are excluded from federal benefits



Intensity of focus on immigrant-specific issues: Establishing an Office of New Americans / Immigrant Affairs to integrate immigrants' needs into state action; language access policies



Other rights & benefits: Offering driver's licenses, in-state tuition, state financial aid, and/or professional licenses, regardless of immigration status



Cooperation with federal immigration enforcement: Does local law enforcement hold noncitizens for ICE? Share release dates/times with ICE?



State-led immigration enforcement: Some states have passed laws creating prohibitions on entering or living in the state without status; refusing to recognize driver's licenses from other states; requiring use of E-Verify.

Municipal choices on policies related to immigrants



Providing public support for immigrants during times of economic need (e.g., COVID-19 pandemic)



Intensity of focus on immigrant-specific issues: Mayor's Offices of New Americans / Immigrant Affairs



Other rights & benefits: Local ID cards



Cooperation with federal immigration enforcement: County sheriff or local police policies on cooperation with ICE



Local enforcement: Policies around utility contracts, rental agreements

Immigrant-Focused Policies in New Hampshire and Other States

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New Hampshire provides limited state-funded public benefits to immigrants excluded from federal benefits

Over half of states use state funds to fill in 5-year bar for at least one program for legal immigrants. **NH provides SSI, but not other benefits, for legal immigrants during the 5-year bar.**

Thirty-eight states + DC – including NH – use federal funds (with state match) to fund Medicaid/CHIP for legal immigrant children and/or pregnant women during the 5-year bar.

Five states + DC fund public health insurance for everyone, regardless of immigration status (California, Colorado, DC, Minnesota, Oregon, Washington). **NH does not.**

Eleven states fund public health insurance for at least some ages of children, regardless of immigration status. **NH does not.**

Six states provide food assistance for some immigrants excluded from SNAP (California, Illinois, Maine, Massachusetts, Minnesota, and Washington). **NH does not.**

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New Hampshire has not opted to expand opportunities for unauthorized immigrants

Nineteen states + DC offer limited-use driver's licenses to unauthorized immigrants. **NH does not.**

Twenty-five states + DC offer in-state tuition at public colleges and universities in the state to unauthorized immigrant youth who grew up in the state. **NH does not.**

Nineteen states + DC offer state financial aid to unauthorized immigrant youth who grew up in the state. **NH does not.**

Twenty-one states open at least some access to state occupational licenses to immigrants, regardless of status. **Two states** have policies barring unauthorized immigrants from such licenses. **NH has neither policy.**

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Background: Most ICE arrests occur in prisons/jails, fewer out in the community



Custodial arrests – When someone is arrested by local law enforcement for a minor or major crime, identified as removable, and transferred to ICE



At-large arrests – ICE investigates a targeted person, and seeks to arrest them at home, at work, or out in the community. Larger worksite arrest operations are also “at-large” arrests.

————→ **Most ICE arrests happen at jails & prisons** ←————



New Hampshire does not currently mandate or prohibit cooperation with ICE

Eleven states have state laws that limit local law enforcement cooperation with ICE, to at least some extent.

Twenty states have state laws mandating at least some level of cooperation between local law enforcement and ICE.

New Hampshire is considering a bill (HB 511) to require local law enforcement to contact ICE when they arrest a noncitizen and ICE flags that noncitizen.

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Trump administration
immigration policies present
new choices for states

Early Trump administration actions may reduce the immigrant population

Actions to reduce in-migration & deport unauthorized immigrants:

- **Reduced border inflows:** Many moves to prevent border entries, quickly remove migrants
- **Reduced humanitarian inflows:** Refugee pause, end of parole programs, ending TPS for some Venezuelans
- **Reduced legal immigrant inflows:** Still to be seen, may see bans on immigration from some countries; tighter vetting of applicants
- **“Mass deportations”:** Expanding arrests, aiming to increase deportations

New federal policies will affect New Hampshire service providers, law enforcement, & communities



Fewer migrants coming from the border & fewer refugees: Fewer migrants with needs for economic support, less funding for refugee resettlement



Immigrants losing work authorization & possibly fewer legal immigrants: Employers could lose immigrant workers, have a harder time hiring new workers. Shrinking of labor force & consumer base.



Intensified immigration enforcement: Fear in immigrant communities, spill-over effects for schools, health care providers, other service providers. New demands on social & legal services.



Intensified immigration enforcement: Growing set of decisions for local law enforcement about how to engage.

Choices ahead for New Hampshire

- New efforts to attract workers, amid a declining immigrant workforce?
- How to respond to a period of heightened federal enforcement?
- Restrict or expand the rights of unauthorized immigrants in the state?
- Consider state-level enforcement laws?

References and Resources

- MPI report on immigrant access to public benefits: <https://www.migrationpolicy.org/research/immigrants-public-benefits-primer>
- MPI report on state language access policies: https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf
- ILRC map of state immigration enforcement policies: <https://www.ilrc.org/state-map-immigration-enforcement-2024>
- NILC report on state policy choices toward immigrants: https://www.nilc.org/wp-content/uploads/2024/01/NILC_StateReport-2024.pdf
- Higher Ed Immigration Portal, with data on in-state tuition and state financial aid policies for unauthorized immigrant students: <https://www.higheredimmigrationportal.org/undocumented-daca-students/>
- Higher Ed Immigration Portal, with data on professional licenses for immigrants with only temporary work authorization: <https://www.higheredimmigrationportal.org/states/professional-occupational-licensure/>
- Urban Institute tool on state policies toward immigrants: <https://www.urban.org/data-tools/state-immigration-policy-resource>

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