

WELCOMING STATES, WELCOMING REFUGEES: A Policy Guide for the 2023 State Legislative Session



REFUGEE
ADVOCACY **LAB**





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Introduction

Since 2020, the International Rescue Committee and the Refugee Advocacy Lab's state-level portfolio of advocacy work has expanded significantly to include new issue areas that affect the overall integration of refugee and immigrant community members. This has included advancing legislation that has increased resources for refugee-serving programs; reduced barriers and established parity in the credentialing and licensure processes in states; and eased the process of enabling New American students to return to school, both at the K-12 and post secondary levels. These measures not only help ensure refugees and other newcomers have pathways to economic self-sufficiency and integrate more smoothly, but they positively impact the broader community as well. States and localities across the country can only benefit from the personal and professional success that a recently arrived individual achieves as they rebuild their lives.

This guide has been designed to present opportunities for proactive policy action that meets critical needs and also considers diverse political environments. Recommendations provided are informed by stakeholder engagement and landscaping impacted communities to understand service provision needs, and strategic assessments of the realities on the ground.

How to Use This Guide

This guide is designed for new and experienced advocates. Anyone who may wish to engage in creating pro-refugee legislation should do so in coordination with their local resettlement agency and refugee leaders to address the most pressing needs. Each issue is separated into two parts:

1. **Policy assessment and recommendations**, including a summary of the issue, best practices, sample policies, and language modifications to consider for compromise agreement.
2. **Strategic engagement guidance** specific to varying political environments, including a checklist of advocacy considerations and instructions for strategically targeting both relevant legislative committees and local and national partners.

When reviewing our suggestions for proactive legislation, it's helpful to ask these questions:

- Are you aware of how these issue areas affect impacted communities in your state?
- What additional information would help you learn more about this issue in your state?
- Are you aware of prior or existing efforts to address these challenges?

We encourage you to consult with the Refugee Advocacy Lab as you create your advocacy plans in your state, and consider the following points as you review this handbook:

Understanding Your Context

- **Relevance to Impacted Communities**
 - As you review the policy issues, you may feel that some are more closely related to the needs of refugees in your state than others. The impact of a given policy option on the refugee and broader immigrant community should be clear.

- **Political Environment**

- Elections can change a number of our expectations for an upcoming state session. The proactive options shared in this guide may have varying levels of support in different environments.

Taking Action

- **Landscaping**

- Meet with refugee leaders and impacted populations in the community and around the state to learn about the challenges they are experiencing. This can be done through 1:1 meetings with leaders, focus group discussions, as broader listening sessions, or a combination thereof.

- **Time to Dedicate to These Policies**

- Prioritization is important, and this is particularly significant in more challenging political environments. If you are anticipating reacting to negative or anti-refugee legislation, or you are interested in a broader proactive goal, consider a two-year plan.

This guide was written and designed to not just share impactful policy ideas but to also help you initiate activity to advance legislation. Implementing new policy and advocacy priorities can take time and requires strong relationships with legislators. While this manual offers options to consider, work closely with your networks and your elected partners to find the right fit for your state.

If you have specific questions or would like support in designing a new strategic advocacy plan, please contact: Genevieve Kessler (genevieve.kessler@rescue.org), Director of State Advocacy with IRC & Lab State Strategy Lead

Integration & Infrastructure

I. Designing Supportive Infrastructure: Offices of New Americans (ONAs)

Policy Summary

Also referred to as Offices of Immigrant and Refugee Affairs and other names, ONAs are state agencies that provide a central location for state-wide integration efforts spanning workforce development, civic engagement, language access, and more. ONAs elevate the voices of impacted communities and service providers, provide technical support to state agencies, and make key policy recommendations to the state legislature and governor. ONAs can be established via state legislation, executive order, or administrative action.

Recommended Best Practices

- An ONA should have the authority to convene state agencies, service providers, community-based organizations (CBOs), refugee leaders, the business community, and other stakeholders to address intersecting issues. [Colorado HB21-1150](#) vested the ONA with the authority to convene diverse stakeholders to implement a statewide strategy for successful integration.
- It should directly report to or coordinate closely with the governor or governor's executive staff. In Maryland, [S.B. 0085/H.B. 0015](#) creates the Governor's Office of Immigrant Affairs and requires an annual report to the Maryland Governor. It is funded commensurate with staffing needs and to allow for implementation of its programmatic mandate.
- It should provide technical assistance to state agencies' language access planning and be granted oversight for their implementation (see [Nevada SB 318](#)).

Alternatives and Compromises

- If unable to establish a statewide office, establish a policy advisor position on refugee and immigrant affairs that reports directly to the Governor.
- If unable to establish within the Governor's office, house the ONA within an existing state agency or department (such as a Department of Labor or Human Services).
- A governor may first convene a council or taskforce to consider the necessity of establishing a statewide Office of New Americans and make recommendations to the governor and state legislature for its structure and mandate. This can be the first step in the process that helps validate the necessity of an ONA for a given state.
- Establish a separate Office for Language Access within the Department of Health or another key agency to ensure language access is coordinated and implemented across state agencies, ideally under the leadership of a designated coordinator.

Select State Examples

State	Type	Details
Colorado	Legislation (HB21-1150) (2021)	Establishes the ONA within the Department of Labor and Employment; calls for the implementation of a statewide strategy to promote economic stability and economic, social, linguistic, and cultural integration.
Virginia	Legislation (HB 1209) (2020)	Establishes the ONA within the Department of Social Services and establishes a New American Advisory Board to provide policy recommendations to the Governor and legislature on promoting the economic, linguistic, and cultural integration of New Americans.
Maryland	Legislation (SB 0085) (2014)	Establishes the Office of Immigrant Affairs within the Governor's Office of Community Initiatives; the office serves as a central convener of stakeholders across the state, bringing together programs and resources to lower barriers to access state services for newcomer communities.
Ohio	Executive Order (2018-05K) (2018)	Establishes an Office of Opportunities for New Americans within Ohio's Development Services Agency and a New Americans Advisory Committee to offer policy recommendations to the Governor; coordinates service providers across the state and provides technical guidance to state agencies on immigrant integration.
New York	Administrative (2012)	Established the ONA within the Department of State; serves as a central coordinator of resources to assist New Americans in accessing a variety of services and support through the statewide network of providers.

Advocacy Checklist

- Review your state's existing state, county, and municipal-level New American initiatives.
- Compile information about existing immigrant and refugee populations, their contributions, and identify gaps and opportunities a state-wide ONA can help meet.
- Review [other state ONAs](#) to understand the variety of potential structures/mandates. Considering your political context, identify the best most viable place to house the ONA and identify its priorities. Establish clear deliverables, benchmarks, and projects.
- Connect with the [ONA State Network](#) for technical support creating a new ONA.
- Have you mapped out the broad network of community stakeholders who may be ready to mobilize behind such an effort? What new partners should be brought to the table?

Options for Targeted Political Environments

- **Red Option:** House the ONA within a workforce-related state agency and prioritize economic integration; consider a multi-year effort that establishes the ONA first and allocates funding in subsequent years; emphasize benefits of increasing efficiency across state agencies.

- **Purple Option:** The alignment of either the governor or legislature may determine whether you pursue an ONA via executive order or legislation as well as whether it is housed in a state agency or the governor's office; ensure broad geographic/political representation.
- **Blue Option:** House the ONA within the governor's office; fully fund the ONA for staffing needs and programmatic implementation; provide a mandate to oversee other state agencies' implementation of language access and other newcomer-related plans.

Legislative Committee Targets

Budget and Appropriations Committees; Health and Human Services Committees; committees related to the department in which the ONA will be housed.

Coalition Building & Partner Targets

World Education Services and the American Immigration Council's [ONA Network](#), [State Refugee Coordinators](#), impacted communities, resettlement agencies/service providers, English language learning providers, indigenous communities, and state interpreter associations.

II Building Capacity – State Investments in Integration Programming

Policy Summary

Entire communities see the return on investing in refugee integration, from expanded tax contributions to small-business growth to maximizing workforce potential. State resources can fill gaps left un-funded by the federal government and support longer-term integration programming. States may establish a generalized fund to support a variety of potential services or may allocate state resources towards specific initiatives (e.g. workforce development or language access).

Recommended Best Practices

- Funding request is data-driven and evidenced by service providers and impacted communities.
- Eligibility parameters for receipt of funds/enrollment in programs are inclusive of various immigration statuses, including refugees, asylees, Special Immigrant Visa (SIV) recipients, and humanitarian parolees.
- Development of the distribution formula and dispensation is overseen by the ONA or State Refugee Coordinator with input from resettlement agencies, service providers, and impacted communities. For example, the Washington Office of Refugee and Immigrant Affairs is distributing the \$28.5 million [allocated by the legislature in 2022](#) for services to Afghan humanitarian parolees and newly arriving refugees (described on p 274). The funding ask is designed for sustainability and future growth. For example, the New York State Enhanced Services for Refugees Program (NYSESRP) was initially established in 2017 and has since grown to a \$6 million legislative allocation in 2022. Resources were additionally allocated [via the Governor's office](#) in 2021 to support the resettlement of arriving Afghan humanitarian parolees.

Select State Examples

State	Type	Details
New York	Aid to Localities (2017-2022)	Through the Aid to Localities portion of the annual state budget, the New York State Enhanced Resources for Refugees Program (NYSESRP) dedicates varying amounts to resettlement agencies statewide for services annually.
Washington	S.B. 5625 (2022)	This appropriations bill included \$28.5 million for resettlement services for the remainder of fiscal year 2022 and fiscal year 2023.
Oregon	S.B.718 (2021)	Appropriates money from the general fund to the Department of Human Services to award grants to refugee resettlement agencies to provide specified services to refugees.

Advocacy Checklist

- Research budget priorities communicated by the governor or legislative leadership and understand your political context. Is your state’s political majority likely to invest in this?
- Review your state’s budget timelines and cycles, processes, and funding allocation pathways (the governor’s proposed budget, an appropriations bill, or agency request). Assess your best pathway dependent on existing relationships and political viability.
- Has your state made previous investments in refugee and immigrant programming? Review their impact and identify the need to sustain, expand, or diversify this funding.
- Engage key community stakeholders to identify shared programmatic funding priorities.
- Budget advocacy requires a significant investment of time, effort, and expertise. Assess your capacity and/or coalition capacity. Do you have dedicated staff who can support this effort? Can you source a pro-bono lobbyist to help you through this process?

Options for targeted political environments

- **Red Option:** Instead of pursuing state-level funding, consider pursuing budget advocacy at the county or municipal level if the political context is appropriate.
- **Purple Option:** Pursue a generalized allocation that can support a range of potential programming intersecting with state budget priorities; choose to pursue allocation via legislature or gubernatorial proposal based on respective alignment.
- **Blue Option:** Consider seeking a broad pot of funding that empowers service providers or CBOs with greater discretion over fund utilization; funding can go not just towards programming, but also towards direct financial assistance; eligibility is inclusive of various immigration statuses.

Legislative Committee Targets

Budget and Appropriations Committees, Health and Human Services Committees; committees that relate thematically to the intent of the funding.

Coalition Building & Partner Targets

The business community, and specifically supportive state business coalitions and [regional chambers of commerce](#), resettlement agencies/service providers, the State Refugee Coordinator, impacted communities, representatives of funded programming, English language learning providers, indigenous communities, and state interpreter associations.

Education

I. K-12 Education

Policy Summary

Often the first meaningful interaction newcomers have with a state institution is the K-12 public education system. The right to a free public education, regardless of national origin or level of English proficiency, is affirmed in the U.S. Supreme Court ruling *Plyer v. Doe*¹ and Title IV of The Civil Rights Act of 1964.² Schools sometimes struggle to meet the unique needs of students from diverse backgrounds, resulting in newcomer students and families facing unique hurdles in enrolling and participating in the school community. To address these challenges and strengthen the infrastructure, states can promote policies that facilitate enrollment and encourage inclusion. Investment in K-12 education manifests long-term success for states – with higher enrollment rates and English language learner instruction, newcomer students are more likely to graduate, earn higher wages,³ and contribute more fully to their new communities.

Recommended Best Practices

- Policies to ensure newcomer students are registered in school as soon as possible at the correct skill level. Utah [HB 230](#), modeled off the Military Interstate Compact's⁴ [Article IV](#), provides flexibility and support to newcomer families and students as they register including provisions that: 1.) establish a virtual repository for immigrant and foreign exchange students' transcripts; 2.) permit alternative documentation other than a birth certificate for enrolling students; and 3.) allow the conditional enrollment of students when a school has not yet received a student's complete immunization record.
- Policies to fund and expand English Learner (EL) services and programs.⁵ States can design and fund language access programs that promote the acquisition of English at school and facilitate the participation of limited-English proficient families in their child's educational process. Best practices include funding English language learner instructional materials ([Utah](#)), affirming the rights of EL students ([Nevada](#)), and allocating funds for student success in high EL density districts ([California](#)). A 50-state comparison of EL program funding is available from the [Education Commission](#).

Alternatives and Compromises

- **Enrollment**
 - Advocate for regulatory change with the state's Department of Education to establish administrative flexibility for enrolling students.

¹ *Plyer v. Doe*. 457US202 (1982). <https://www.oyez.org/cases/1981/80-1538>

² Civil Rights Requirements- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. ("Title VI"). <https://www.hhs.gov/civil-rights/for-individuals/special-topics/needy-families/civil-rights-requirements/index.html#:~:text=2000d%20et%20seq.,or%20other%20Federal%20financial%20assistance>

³ Investing in English Skills: The Limited English Proficient Workforce in U.S. Metropolitan Areas, Metropolitan Policy Program at Brookings, 2014, https://www.brookings.edu/wp-content/uploads/2014/09/metro_20140924_investing_in_english_skills_report.pdf

⁴ The Military Interstate Compact, Department of Defense Education Activity, 2022, <https://www.dodea.edu/partnership/interstatecompact.cfm>

⁵ Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/charts/english-learners-K-12-education-state>



- **Fund and expand EL programs**
 - Expand the mandates of existing EL funding allocations to include instructional aides, hardware/software, and interpretive services. For example, [Utah](#) allocates \$3 million annually for technology specific EL materials.
 - Allocate funds to school districts with high numbers of EL students ([California](#)) or modify the division wide ratio of EL students to ensure the instructor to EL student ratio remains low ([Virginia](#)).

Select State Examples

Policy Area	State(s)	Details
Enrollment	Utah (2022) HB 230 , California (2017) AB 699	Provides flexibility and support to newcomer families and students as they register for school (Utah). Affirms the rights of all students, regardless of immigration status, to public education (California).
Fund and expand English Learner programs	Utah (ongoing appropriation), Nevada (2021) AB 195 . A full list of states funding EL is available HERE .	Funds (Utah) and supports (Nevada) English Learner programs in schools.

Advocacy Checklist:

- Research your state’s current policies on [enrollment](#) and [EL programs](#).
- Connect with impacted community members, service providers, and educational entities (the State’s Board of Education for K-12 matters) and identify areas of need: i.e., a transcript repository for registrars to compare documentation, or an expansion of EL software funding.
- If pursuing enrollment policy, research the [Military Interstate Compact](#) to identify if policy expansion/replication is beneficial.
- If pursuing EL program funding or expansion, identify the [most frequently spoken languages](#) in your area and current service provision.

Options for Targeted Political Environments

- **Red Option:** Consider pursuing administrative changes that target structural issues with enrollment or language access procurement ⁶ without fiscal notes attached.
- **Purple Option:** Pursue expanded administrative changes that lend more funding to, or increase the mandate of, existing programs.
- **Blue Option:** Pursue innovative programs designed to support English language learners, mandated structural modifications that establish new enrollment procedures, and bolstered funding to support program development and growth.
- Both progressive and conservative environments have fostered policies designed to support newcomer students and families. While political realities may limit possibilities in some contexts, the largest variable in newcomer-related education policy strategy is funding. Depending on the availability of funding, or general trends throughout the state, items with a fiscal note attached may incur difficulty in passage. There are, however, several policy options for efforts without budget implications– enrollment policies often pass without funding.

⁶ Every state and school board should have a department of procurement and purchasing that negotiates with vendors to ensure the cheapest price for language assistance services.

Legislative Committee Targets

Education Committees in both chambers; Appropriations Committee members, as it may be necessary to support any policies which require resourcing such as increased EL support staff.

Coalition Building & Partner Targets:

- Enrollment: School boards, school registrars, and community liaisons.
- Funding and expanding EL programs: School boards, the title III coordinator for the state, and EL service providers.

II. In-State Tuition

Policy Summary

Access to in-state tuition upon arrival in the United States (or grant of status) can bolster newcomer participation in higher education and long-term economic opportunities and outcomes. However, refugees and other newcomer populations often do not qualify for in-state tuition at institutions of higher education due to in-state residency requirements and/or legal status. For individuals seeking to enroll in college following high school, or complete higher education as a means to re-credential in the United States or advance employment opportunities, immediate access to in-state tuition would reduce rates of delaying or abandoning pursuit of postsecondary education.

States can improve access to higher education by ensuring a more inclusive group of newcomer populations are able to receive in-state tuition residency upon arrival, facilitating higher educational attainment and economic output of newcomers.

Recommended Best Practices

- Consult the existing standards for in-state tuition policies as outlined by this analysis from the [President's Alliance on Higher Education and Immigration](#).
- Consider building in-state tuition access as a component of a state workforce study on barriers to professional licensure. A state study acknowledging this challenge may be a compelling determinant for legislators. See below for further details on developing these studies.
- Understand existing state standards and ensure strong in-state tuition policies are appropriately communicated to institutions of higher education for implementation.

Alternatives and Compromises

- Modify in-state tuition policies to include Humanitarian Parolees and/or TPS holders, or TPS holders who were previously enrolled via a student visa.
- Expand existing laws that allow non-citizen students to access in-state tuition.
- If legislative options are unavailable, pursue administrative change with the state's Board of Regents ([Nevada](#)).
- Verify if your state allows colleges and universities to set their own residency requirements, and if so, approach schools directly to adjust policies.

Select State Examples

Policy Area	State(s)	Details
In-State Tuition	Colorado (2018) SB18-87 , California (2017) AB-343 , Virginia (2020) HB1179 , Vermont (2022) S.283 , full list of states available HERE	Allows refugees, and other resettled populations, legally settled in the respective states to access in-state tuition upon arrival.

Advocacy Checklist

- Research your state’s current policies on [in-state tuition](#) with the Refugee Advocacy Lab’s “[Resource: In-State Tuition Tracker](#).”
- Connect with impacted community members, service providers, and higher education institutions.
- If pursuing in-state tuition, identify the governing entity in charge of residency decisions– in some states, Nevada for example, the state’s Board of Regents can determine which populations qualify for in-state tuition. Collect enrollment data to ensure parity.

Options for Targeted Political Environments

- **Red Option:** Limit the expansion of an in-state tuition residency waiver to refugees and Special Immigrant Visa (SIV) recipients. Engage veterans groups in support of the effort.⁷
- **Purple Option:** Expand an in-state tuition residency waiver to include refugees, humanitarian parolees, and special immigrant visa recipients.
- **Blue Option:** Include Temporary Protected Status beneficiaries (TPS) and asylees as eligible for a residency waiver to access in-state tuition.

Legislative Committee Targets

Education (and Higher Education Committees in some states where this exists); committees in both chambers.

Coalition Building and Partner Targets:

Higher education institutions (especially community colleges), workforce development centers, and job readiness providers like resettlement agencies; state board of higher education or board of regents; [IMPRINT Coalition](#); [Presidents Alliance for Higher Education and Immigration](#).

⁷ Significant research has disproven the common misconception that expanding in-state tuition residency requirements is costly for the state or university system.

Credentialing and Access to Work

Policy Summary

Immigrants make up 17.4 percent of the U.S. workforce (28.4 million).⁸ However, the skills, training, and education they acquired before coming to the U.S. are widely underutilized.⁹ There is no universal method to evaluate their qualifications and as such, the processes to re-credential, return to a chosen career, or apply existing skills in the United States are onerous, time and cost-intensive, and inaccessible—with some states requiring citizenship or specific immigration status for trade and other career paths. This results in brain waste within communities and lost economic potential on the individual and societal level. In the healthcare industry alone, more than 260,000 high-skilled immigrants and refugees with health-related undergraduate degrees are underutilized—either underemployed or unemployed.¹⁰

Recommended Best Practices

- Ensure refugees and immigrants/English Learners are clearly and consistently identified in state and local Workforce Innovation Opportunity Act (WIOA) plans.
- Codify the use of Supplement Nutrition Assistance Program Employment & Training (SNAP E&T) funds to engage ELs, refugees, and immigrant communities.
- Survey the scope of the issue by assessing the skills, education, and training of your state's immigrant and refugee residents. This will provide a better understanding of the level of skills (informal, trade, professional), sectors (healthcare, manufacturing, etc.) and professions (nurse, mechanic, engineer, etc.) that are most impacted and could benefit from further action.
- Promote policy which establishes a state commission or study to evaluate what state requirements or policies are proving to be barriers that prevent newcomers' skills from being applied to the local workforce. Studies should be informed by impacted community members and should provide recommendations for action that the state, education institutions, employers, and licensing boards can adopt.
- Advance targeted policies to decrease the underutilization of immigrant and refugee talent. [Illinois S.B. 1166](#) eliminated immigration status-related requirements for professional licensure. [Utah S.B. 43](#) authorized licensing boards to issue a license when an individual can demonstrate that their skills and experience acquired outside of the U.S. as being substantially similar to existing state requirements.
- Support opportunities for skill building and English acquisition related to workforce integration. [California A.B. 2636](#) aimed to resource wrap around services for enrollees in vocational EL programs.

Alternatives and Compromises

State agencies themselves may be able to invest resources in sectors that have high rates of employment opportunity. In 2022, Iowa dedicated resources to train recently arrived refugees to secure commercial driver's licenses and secure employment in trucking and transport. Carefully consider professional licensure needs that are critical for state the workforce as an initial point of priority.

⁸ U.S. Bureau of Labor Statistics, TED: The Economics Daily, Foreign-born workers made up 17.4 percent of labor force in 2019, <https://www.bls.gov/opub/ted/2020/foreign-born-workers-made-up-17-point-4-percent-of-labor-force-in-2019.htm>

⁹ Public Administration Review, U.S. Immigrant Integration Policy in Light of Covid-19 Pandemic, <https://onlinelibrary.wiley.com/doi/10.1111/puar.13331>

Select State Examples

Policy Area	States	Details
Apprenticeships and work-based learning incentives	Colorado (2022) SB-140	Expansion of experiential learning opportunities through relationships with employers; establishing a work-based learning incentive program, a digital navigation program, a career-aligned English as a second language program, and a global talent task force to study in-demand occupations.
Licensure pathway for International Medical Graduates	Colorado (2022) HB-1150	Provides opportunities for International Medical Graduates to help address physician workforce shortages by creating new opportunities or allowing foreign-trained physicians to access existing mechanisms to re-credential in the U.S.
Removing immigration status as a requirement for licensure	New Jersey (2022) A-1060	Permits individuals previously licensed in cosmetology and hairstyling outside of the U.S. to be issued an occupational license without examination if the criteria for licensure in their licensing country were "substantially similar" to New Jersey requirements.
Workforce study	Georgia (2021) HR-11	Creates a House study committee to "review best practices for maximizing global talent, with a focus on education, training, occupational licensing, and small business development."
Establishing a process to assess qualification of international professional licensure.	Vermont (2019) HB-427	Requires the Director of the Office of Professional Regulation (OPR) to adopt rules that prescribe a process for assessing the equivalence of an applicant's professional credentials earned outside the U.S. as compared to Vermont license requirements for those OPR professions that do not already have laws addressing the verification and recognition of such credentials.
Breaking Barriers to Employment through WIOA	California (2022) AB 628	Through the California Workforce Innovation and Opportunity Act (WIOA), the legislation supports English Language Learners and others with funded projects that create pipelines to quality jobs, upward mobility, and income security.
Healthcare Workforce Study	Minnesota (2014) SB-1340	Established a foreign-trained physician task force to identify barriers to practice and make recommendations for increased integration into the state's healthcare workforce.

Advocacy Checklist

- Find out who in the state oversees licensing and creates licensing requirements (state legislature, state agency, state-sponsored board) and [which occupations require licensure to practice in the state](#).
- Gather [information about immigrant and refugee populations in the state](#), including workforce trends and economic benefits.
- Gather information about current [workforce shortages](#) in the state.
- Work with impacted community members and workforce centers or other entities that support newcomers with job readiness and employment to understand specific barriers.
- Compile a list of organizations and coalitions already working in this space to partner with.

¹⁰ Migration Policy Institute, Brain Waste among U.S. Immigrants with Health Degrees: A Multi-State Profile, retrieved 2022 from: <https://www.migrationpolicy.org/research/brain-waste-immigrants-health-degrees-multi-state-profile>

Options for targeted political environments

- **Red:** A study to understand current workforce needs and the role of underutilized immigrant talent can be a good starting point and frames the issue through an economic and workforce lens.
- **Purple:** Policies that reduce bureaucratic obstacles to licensure or work to reduce occupational regulations, in general, can prove to be promising.
- **Blue:** Policies that include funding to help build or evaluate skills should be considered in addition to the above options.

Legislative Committee Targets:

Committees involved with workforce and credentialing typically include Business & Labor Affairs, Commerce, Economic Development, Regulated Industries, Industry & Labor, Economic Growth, and Education. For initiatives that require funding, Appropriations Committee outreach should also be prioritized.

Coalition Building & Partner Targets:

- For work related to licensing, coalitions should include individuals and organizations involved with licensing and working with licensed individuals (e.g., licensing boards, occupation and industry-specific societies, formal and informal training programs, educational institutions, credential and skill evaluation entities, and impacted community members).
- Work related to general workforce access and integration should include impacted community members, workforce development boards, and job readiness programmatic staff (e.g., resettlement agencies), higher education institutions and trade schools, state employment departments, and employers. State and local WIOA plans include specific population target, strategies, sectors, and more to guide this.

Federal Addendum**

States have the discretion to set requirements and standards for occupational licensure. However, recent federal initiatives have worked to advance occupational licensing reform. The Federal Trade Commission's Economic Liberty Task Force collaborates with state elected leaders and supports efforts to "reduce unnecessary occupational licensing requirements not narrowly tailored to protect the public from legitimate, substantiated health and safety risks."¹¹ In recent years, efforts to advance Universal Licensure Recognition have proven successful, and in 11 states, legislation requires licensing boards to allow individuals who are licensed in another U.S. state to obtain a valid license to practice.¹² However, few of these policies make meaningful efforts to integrate individuals licensed outside of the U.S.

Working to understand and address general barriers to employment for newcomers, the bipartisan *Bridging the Gap for New Americans Act* (introduced in February 2022 and signed into law by President Biden in October 2022) directs the Secretary of Labor to "conduct a study of the factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries."¹³ Taking a more targeted approach, Representatives Adam Smith (D-WA) and Lucille Roybal-Allard (D-CA) introduced three pieces of legislation to address U.S. healthcare shortages and advance the inclusion of immigrants and refugees into the healthcare workforce.¹⁴

¹¹ Federal Trade Commission, *State-Based Initiatives: Selected Examples*, Economic Liberty: Opening doors to opportunity, Retrieved 2022 from: <https://www.ftc.gov/policy/advocacy-research/advocacy/economic-liberty/state-based-initiatives-selected-examples>

Naturalization and Immigration Legal Services

Policy Summary

In 2021, unrepresented asylum-seekers were [20 percent more likely](#) to be denied asylum in immigration court than those with legal counsel. The challenge of representation in immigration court is multi layered: First, there is no right to legal representation in immigration court; second, legal representation is tremendously financially prohibitive; third, there are substantially more immigrants seeking counsel than there are private, pro, or low-bono immigration lawyers to provide it.

Recommended Best Practices

- Budgetary measures are one mechanism for resourcing programs that will increase access to legal service provision. The [Colorado](#) state budget sets aside allocations for legal defense funds to be used specifically to prevent removal or detention.¹⁵ [California](#) has passed legislation that allocates funds to be used for direct contracts with not-for-profit legal organizations through an RFP process facilitated by their Department of Social Services.¹⁶
- Where relevant, work within already-established state or municipal Offices of New Americans/Immigrant Affairs or [Welcoming Committees](#) to make appropriate policy and funding recommendations.
- To address the shortage of pro and low bono immigration attorneys available to provide legal services, individual grants have also been issued by state legislatures to fund public pro bono legal clinics for specific immigrant populations. Private donations and non-profit organizations have also driven innovative methods to expand capacity and reach more immigrants in need. For example, Albany County in New York state issued an individual mini grant to a local NGO to fund and facilitate a series of pro bono legal clinics for newly arrived Afghans. The clinics provided immigration legal consultations for many Afghan families who did not have access to legal services through their resettlement agencies.
- The Immigration Advocates Network created a [guide](#) that leverages technology to connect people remotely to legal information and services, therefore expanding the reach of services and eliminating geographic barriers.
- Allocating money to state bar associations to train non-immigration attorneys in order to voluntarily take on immigration cases would be another avenue to expand access to legal services. Such a model exists privately through [Welcome.US](#), which partnered with a large national law firm to provide trainings to interested attorneys around the country on how to support immigration cases, but could be replicated by direct allocation in a state budget.

¹² National Conference of State Legislatures, Universal Licensure Recognition, <https://www.ncsl.org/research/labor-and-employment/universal-licensure-recognition.aspx>

¹³ Congress.Gov, H.R.6715 - Bridging the Gap for New Americans Act, <https://www.congress.gov/bill/117th-congress/house-bill/6715/all-info>

¹⁴ Adam Smith, Reps. Smith and Roybal-Allard Introduce Legislation to Help Immigrants Enter the Health Care Workforce, <https://adamsmith.house.gov/press-releases?id=B5A580CF-8AA0-4A32-9AA8-3A86D87A2ADD>

¹⁵ House Bill 21-1054 passed in the Colorado State Assembly in FY2021, and created a state-wide immigration legal defense fund to the tune of \$100,000 to provide free legal services for all matters necessary to prevent protection from removal and detention.

¹⁶ California's "Expanding Due Process Act" directed the Department of Social Services to contract directly with non-profit legal organizations. In FY22, \$35.2 million funded 90 organizations operating in the state to provide various Immigration services.

Select State Examples

Policy Area	State(s)	Details
State funded universal representation	New Jersey (2021) Executive Budget	Governor Murphy resourced legal service provision with \$6.2 million in-state budget funds.
California Legal Fellowship Program	California Executive Budget & Revision (2021)	\$10 million to resource a third year of the Legal Fellowship Program to enable host organizations to apply for deportation defense legal services funding from the state.

Advocacy Checklist

- Assess the need: is the need for legal representation in your community high, and has the community demonstrated a commitment to welcoming refugees and immigrants?
- Do you have established relationships with organizations or community partners providing legal defense or support to immigrants facing deportation (if your office is not the provider of such services)?
- Have you mapped the strength of your relationships with city council members, mayors, state legislators, and governors to identify which level may be receptive to this ask?
- Have you researched the budget proposal and allocations processes at the city or state level, as well as the primary actors involved in those processes?
- Have you made note of the budget deadlines in your city or state?
- Has your state or locality already taken action on this issue area (or attempted to take action but was unsuccessful)? If so, what is the next step to strengthen immigration legal services funding (i.e.: Establishing a central fund; allocating more funding; finding legal professional support, etc.)?
- Have you identified any federal funding streams that may be viable?

Options for Targeted Political Environments

- **Red States:** Consider pursuit of municipal or private funding opportunities to strengthen access to legal assistance in your community. Partner with local organizations, businesses, or community partners that may be interested in providing these services, or supplementary financial assistance – build community support!
- **Purple States:** Advocate for legislation that can create and direct monies toward a legal defense fund. This can occur at the city or state level. City Council members can introduce a bill, or propose an adoption or an amendment to the mayor’s budget proposal; state legislators can choose to introduce a bill that establishes a fund itself. Both of these options require the identification of a city or state agency to which the funds will be allocated, and establishing the parameters by which the agency grants out those funds.
- **Blue States:** Work with your Office of New Americans/Immigrant to advocate for the allocation of grants specifically through RFPs from grassroots, diaspora, and immigrant justice organizations.

Legislative Committee Targets

Health and Human Services; Judiciary; Budget; Appropriations; Finance.

Coalition Building and Partner Targets

The Vera Institute of Justice has been a national coalition leader on this issue in-state and municipalities; local alliances for justice and immigrants' rights organization; state and local bar associations and legal service providers; Welcome.US.

Federal Addendum**

Federal budget allocations are also available to fund legal representation. In FY22, Congress authorized the Office of Refugee Resettlement (ORR) to obligate supplemental appropriations funding for the provision of [immigration-related legal assistance to eligible Afghan populations](#).¹⁷ This population-specific funding was allocated to states and organizational grantees to be used for activities that ranged from legal orientations to direct representation in an asylum interview – states and grantees were able to determine how it would be used within set parameters. In Idaho, for example, the State Refugee Coordinator directed funding to partner with a local law firm in the capital city of Boise that would be contracted to represent a certain amount of Afghan cases for asylum.

¹⁷ This authorization was made through the Afghanistan Supplemental Appropriations Act and the Additional Afghanistan Supplemental Appropriations Act of 2022.

Conclusion and Acknowledgements

This guide was written and designed to not just share impactful policy ideas but to also help you initiate activity to advance a piece of legislation. Implementing new advocacy policies can take time and requires strong relationships with legislators. While this manual offers options to consider, work closely with your networks and your elected partners to find the right fit for your state.

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For more information about the work of the Refugee Advocacy Lab please visit our website: refugeeadvocacylab.org. If you have specific questions or would like support in designing a new policy and advocacy strategy, please contact:

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