



REFUGEE  
ADVOCACY **LAB**

# WELCOMING STATES, WELCOMING REFUGEES: A POLICY MANUAL FOR THE 2022 STATE LEGISLATIVE SESSION





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## Introduction

In just a few years, the International Rescue Committee and the Refugee Advocacy Lab's state-level advocacy work has yielded opportunities to advance positive legislation which make communities across the country more inclusive of refugees. These measures not only help to welcome refugees in our communities, but also help refugees achieve self-sufficiency and integrate more smoothly.

As we reflect on where we have had successes, we also look to new, innovative opportunities that reflect the expansion of resettlement programming. This handbook has thus been designed to present opportunities for proactive policy action that considers diverse political environments. Recommendations provided in this manual are informed by a combination of: landscaping impacted communities, service provision needs, and strategic assessments.

## How to Use This Manual

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This manual is for resettlement agencies and their local affiliates. Advocates and supporters 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. Issue area recommendations in this guidebook include strategic goals for different political environments, often reflected with a layering approach for states where we continue to build support for refugees and resettlement.

We encourage you to review our suggestions for proactive legislation and consider:

- Are you aware of how these issue areas are impacting clients 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 manual:

- Landscaping  
Meet with clients and refugee leaders in the community and around the state to learn about the struggles and challenges they are experiencing. This can be done through 1:1 meetings with leaders, focus group discussions, or as broader listening sessions - or a combination thereof.
- Applicability for Clients  
As you review the policy issues, you may feel that some are more closely related to client services than others. The impact of a policy option on clients and the broader immigrant community should be clear.



- Political Environment  
Elections can change a number of our expectations for an upcoming state session. The proactive options listed below may have varying levels of support in different environments.
- 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.

## Professional Re-Credentialing (International Medical Professionals in Focus)

As new arrivals to the United States, refugees and immigrants bring their skills, education, and professional experiences with them. Often though, the process of re-credentialing in the U.S. is not just onerous, but in many cases impossible. There is no<sup>4</sup> metric for international degrees and training, forcing many with a career track to begin again with basic college education. While this impacts all professions and trades, we have seen a pronounced focus over the last two years on the medical industry. As hospitals struggled to find and retain staff throughout the pandemic, international medical professionals again and again cited their inability to acquire licensure despite extensive education and training in their country of origin. Following are a series of examples of ways that advocates have responded to this particular need. What becomes clear is that reviewing the credentialing requirements and barriers to entry faced exclusively by immigrants in other professions and trades will reveal a necessary policy response.

The ongoing COVID-19 pandemic has exacerbated healthcare shortages throughout the country and highlighted a continued need for diverse providers. In 2020, seven states including Colorado, New York, New Jersey, Nevada, Michigan, and Massachusetts responded by issuing executive orders that allow internationally trained medical professionals to obtain time-limited licenses to help with the pandemic response. These short-term adjustments have demonstrated that existing licensing rules have created unnecessary barriers for refugees and immigrants, and that there is an appetite to make meaningful long-term state-level changes. [A review is available here](#), assessing both the implementation and effectiveness of these temporary policies.

Progress toward long-term solutions to these issues often starts with an assessment of state licensure policies and practices. These assessments can be established through legislation, like in Washington, where [SB-5846](#) created a workgroup to study the barriers faced by international medical graduates (IMGs). Additionally, studies can be commissioned through existing task forces or workgroups at the governor's or legislators' request without legislation, as done in Colorado in 2021. The state's governor and 11 legislators requested that the [Colorado Nurse-Physician Advisory Task Force for Colorado Healthcare \(NPATCH\)](#) study the barriers faced by IMGs in the state and put forth recommendations for improving processes.

The benefit of commissioning a study through an existing task force is that many of the stakeholders and experts that need to be engaged around solutions (medical boards, employers, practitioners) are already involved in studying healthcare workforce-related issues and can help propose solutions. However, it is crucial to ensure that existing task forces bring in subject matter experts to focus on specific populations (like IMGs) and specific processes they might not be familiar with (like credential verification for foreign-trained healthcare professionals). Likewise, legislation that creates a study should include individuals who can speak to the unique obstacles immigrants face. Suggested workgroup/task force members include: individuals from hospitals that have a medical residency in internal medicine, family medicine, or primary care; a representative from a statewide association representing physicians; representatives from statewide associations representing family medicine, internal medicine, pediatrics, and primary care, respectively; a representative from the state department that regulates professional licenses; representatives from medical providers in unreserved urban and rural areas; a representative from a malpractice insurance provider; a licensed physician working with IMGs or other internationally trained healthcare professionals; a representative from an organization directly serving refugees and immigrants and specializing in refugee advocacy in Colorado; a representative from an organization offering counseling and educational programs to internationally trained health professionals; a representative from a community-based refugee and immigrant healthcare provider; a representative from an organization representing community-based healthcare providers serving refugee; and several impacted community members.

For a first step in addressing challenges that immigrants and refugees face in accessing professional re-licensure, consider the example of Virginia, where Budget Amendment [HB-1800](#) directed the chief workforce officer to “convene a workgroup to study and offer recommendations to improve the participation of recent refugees in Virginia's workforce,” or [Georgia's HR11](#), which creates the House Study Committee on Innovative Ways to Maximize Global Talent in Georgia.

The work of assessing how we value and evaluate the skills and experience of internationally trained professionals is not exclusive to the state-level. Recently, Congressman John Katko (NY-24) and Congressman Jason Crow (CO-6) introduced [H.R. 4179: Improving Opportunities for New Americans Act of 2021](#). This bipartisan bill directs the "Secretary of Labor, in coordination with other agencies, to conduct a study on the factors affecting the employment opportunities in the United States of immigrants and refugees who have professional credentials obtained in foreign countries, and for other purposes." This bill was ultimately included in the FY 2022 NDAA.

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<sup>1</sup> Introduced in the House on June 25, 2021.

## Potential Solutions

Type	Details
<p><b>State Legislation:</b> -New or Alternative Pathways</p>	<p>State legislators pass a law to change licensing rules or to create new pathways. Bills that open existing licenses (Medical Doctor or Physician Assistant) to IMGs typically do not require a fiscal note because existing state professional licensing structures can absorb the additional work of granting licenses to IMGs. However, there can be an associated fiscal note when the state offers grants and contributes to residency sports specifically for IMGs. For example, in Minnesota, the state provided a one-time appropriation of \$500,000 for FY2016 and \$500,000 FY2017 to establish an IMG graduate assistance program (including grants to nonprofits to provide career counseling and funds to create medical residency slots specifically for IMGs). It was then authorized to use \$133,000 per year for administrative duties. Example: <a href="#">Missouri</a>, <a href="#">Virginia</a>, <a href="#">Minnesota</a>, <a href="#">Washington</a></p>
<p><b>State Legislation:</b> -Working Group/Study</p>	<p>Option 1: Career Specific The legislation creates and directs a working group to investigate IMG licensure processes and provides recommendations that assist eligible IMGs to overcome barriers to obtain pre-residency training and residency positions. This path will likely include a small fiscal note to oversee the coordination of the workgroup. For example, in Washington, the state appropriated \$22,000 to cover the administrative costs of organizing an IMG working group. Example: <a href="#">Washington</a></p> <p>Option 2: Broad Review An existing state entity or newly established group is tasked with studying occupational barriers facing immigrants more broadly. In Georgia, for example, <a href="#">HR-11</a> was passed to create a House study committee to "review best practices for maximizing global talent, with a focus on education, training, occupational licensing, and small business development." Example: <a href="#">Georgia</a></p>
<p><b>Administrative:</b> Working Group/Study</p>	<p>The governor or legislators (through a formal request or letter) direct an existing entity to study obstacles facing IMGs (or a broader group) and put forth recommendations. Additionally, a governor can request that a state department <a href="#">survey</a> immigrants to understand better the barriers to professional licensure they experience. Example: <a href="#">Colorado</a>, <a href="#">Pennsylvania</a></p>

## Best Practices & Challenges

It will be necessary to address how communities with limited access to healthcare, especially primary care, are impacted; the [brain waste](#) that is experienced in communities when internationally trained professionals are unable to utilize their skills in their new home; and how employing physicians in rural areas creates [additional jobs and generates secondary revenue](#).

Some of the best practices include [appropriations of state funds](#) to support IMG workforce integration, [tracking and publication](#) of IMG program outcomes and contributions, and in places where working groups are created, having a [clear outline](#) of positions that should be part of the group.

## Checklist

- Understand current licensing rules that have citizenship or residency requirements or that address, include, or exclude individuals who received their training outside of the U.S.
- Review any [past or pending legislation](#) in your state
- Find residency match rates for IMGs in your [state](#)
- Check to see if your state has a [Welcome Back](#) program or other providers working on recertification with immigrant communities

## Universal Representation and Legal Defense Funds

U.S. law does not guarantee immigrants the right to government-funded legal representation when facing immigration proceedings, including removal hearings. However, studies show that immigrants are ten times more likely<sup>2</sup> to establish their right to remain in the U.S. if provided legal counsel. Practically, this means that immigrants are unfairly and wrongfully deported due to nothing other than a lack of resources.<sup>3</sup>

When community members are deported, detained, or subject to immigration proceedings, it impacts not only the individual and their family but the community at large.<sup>4</sup> A detained or deported individual cannot work and continue to contribute to the local economy and workforce; furthermore, they and their family often must divert discretionary funds to legal fees and representation.

A legal defense fund can also aid communities in addressing racism in the immigration system. Currently, Black immigrants and immigrants of color are at increased risk of deportation.<sup>5 6</sup>

The Safety & Fairness for Everyone Network (SAFE), spearheaded and overseen by the Vera Institute of Justice, is working to provide publicly funded, universal legal representation to individuals facing deportation. Vera provides technical support and matching funds to local governments who allocate monies towards a legal defense fund. So far, they have established funds alongside 22 communities in 11 states.

In most states and cities, working towards universal representation is a multi-year approach marked by public-private partnerships. Locations usually work within already-established Offices of New Americans/Immigrant Affairs or Welcoming Committees to make appropriate policy and funding recommendations (in the form of strategic plans, reports, or memos to local or state government).

New programs have been established and funded by private donors, proposed mayoral budgets, executive orders, and city council legislation. At the state level, programs are most likely to be established and/or allocated funding via a governor's executive budget or state legislation.

In exploring funding opportunities, advocacy groups should consider the American Rescue Plan Act (ARPA), a COVID relief bill that delivers \$350 billion in aid to states and localities. States and local governments have significant autonomy in allocating ARPA funds towards localised needs, and several jurisdictions have already done so. More details are available here.

<sup>2</sup> Access to Counsel in Immigration Court: <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

<sup>3</sup> Vera Institute of Justice, <https://www.vera.org/projects/safe-network?selectmap=48:28460>

<sup>4</sup> Center for American Progress, "The Economic Impacts of Removing Unauthorized Immigrant Workers." <https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/>

<sup>5</sup> Vera Institute of Justice, "Immigrants Facing Deportation Do Not Have the Right to a Publicly Funded Attorney. Here's How to Change That." <https://www.vera.org/blog/immigrants-facing-deportation-do-not-have-the-right-to-a-publicly-funded-attorney-heres-how-to-change-that>

<sup>6</sup> NYU Law, Immigrant Rights Clinic and Black Alliance for Just Immigration, "The State of Black Immigrants," <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>



Potential Solutions

Type	Details	Example
Working Group Recommendations	Work within your city or state's immigration task force, welcoming committee, or appropriate department (such as an Office of New Americans) to advocate for the inclusion of universal representation programs in a study or strategy action plan to be delivered to the city council, mayor, state legislature, or governor.	<p>the Office of Welcoming Communities and Immigrant Affairs to <u>submit the request for 100k in funding for the city's pilot program</u>.</p> <p>In 2021, Illinois advanced a <u>measure</u> that would have established a task force charged with making recommendations to the state legislature to implement universal representation. While it was unsuccessful, it remains a sturdy example that could be adapted to a state environment more politically prepared for such a step.<sup>7</sup></p>
Administrative	A state legislature, city council or an executive, like a mayor or governor, can establish a program and/or allocate funds—usually through their proposed budget that is then approved by the city council or the legislature respectively—to an existing fund, organization, or coalition doing defense work.	<p><u>Denver Mayor Michael Hancock's Executive Order 142</u> established a legal defense fund in August 2017, alongside instructions for overseeing its initial development.</p> <p><u>Portland granted \$500,000</u> to an organization to hire attorneys and paralegals to provide legal services to individuals in deportation proceedings.</p> <p>New York City launched the pilot <u>New York Immigrant Family Unity Project</u> in FY14 with \$500,000 in funds from the city council. In FY15, the New York City Council built on the pilot by funding the project by \$4.9 million distributed among four community partners.<sup>8</sup> (It has culminated in a fully funded, \$20 million fund between the city and the state in 2020).<sup>9</sup></p> <p>Led by the mayor of LA, the <u>LA Justice Fund</u> is a public-private partnership between the county, city, and private foundations providing a collective \$10 million towards legal defense.<sup>10</sup> In 2016, LA County <u>voted to approve a \$3 million</u> contribution to the defense fund; in 2017, the LA City Council <u>voted to allocate \$2 million</u> towards the fund.</p> <p>In FY22, Governor Phil Murphy of New Jersey allocated \$8.2 million in his proposed state budget towards legal defense<sup>11</sup> – an allocation confirmed in the state legislature's ensuing Appropriations Act.<sup>12</sup> This builds on previous appropriations that have been growing since FY18: in FY18, Governor Murphy allocated \$2.1 million in his proposed state budget.<sup>13</sup> In FY19, he allocated \$3.1 million, which the state legislature expanded to \$6.2 million in the FY22 Appropriations Act<sup>14</sup></p> <p>Governor Cuomo of New York established the <u>Liberty Defense Project</u> in 2017, a state-led, public-private partnership administered by the Office for New Americans. <u>The 2020 budget enacted a \$10 million expansion</u> of the Liberty Defense Project for deportation defense.</p>

<sup>7</sup> State of Illinois HB 5502: <https://www.ilga.gov/legislation/101/HB/10100HB5502.htm>

<sup>8</sup> New York City Adopted FY15 Budget, p. 52-53, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2014/07/fy2015-FY15-Schedule-C-Template-Final.pdf>

<sup>9</sup> Vera Institute of Justice, <https://www.vera.org/advancing-universal-representation-toolkit/building-the-movement>

<sup>10</sup> Local Progress: The National Municipal Policy Network, <https://localprogress.org/wp-content/uploads/2019/01/Universal-Representation.pdf>

<sup>11</sup> Page D-225, <https://www.nj.gov/treasury/omb/publications/22budget/pdf/FY22GBM.pdf>

<sup>12</sup> Page 130, [https://www.njleg.state.nj.us/2020/Bills/A9999/5870\\_11.pdf](https://www.njleg.state.nj.us/2020/Bills/A9999/5870_11.pdf)

<sup>13</sup> Page 130, [https://www.njleg.state.nj.us/2020/Bills/A9999/5870\\_11.pdf](https://www.njleg.state.nj.us/2020/Bills/A9999/5870_11.pdf)

<sup>14</sup> Vera Institute of Justice, <https://www.vera.org/advancing-universal-representation-toolkit/building-the-movement>



City or State Legislation

Note - don't forget to look up the specific budget process for your city or state!

At the city or state level, legislation can be used to create and fund a legal defense fund. Council members can introduce a bill or propose adoptions or amendments to the mayor's proposed budgets at the city level and often present their own priorities. For state legislators, they can choose to run a bill to establish a fund.

Both options require creating or identifying a city or state agency to allocate funds to and establishing parameters by which the identified agency grants out funds to legal service providers to support immigration legal defense.

In California, the "[Expanding Due Process Act](#)"\* directed the Department of Social Services to contract directly with nonprofit legal organizations. It also allocated \$12 million from the general fund for this purpose.

Colorado's [2021 bill](#) created a state-wide legal defense fund with an initial appropriation of \$100,000. Funds will be granted out to qualifying organizations to provide free legal (for all legal matters necessary for protection from removal and detention) to indigent clients.

Nevada's 2021 bill ([AB376](#)) allocated \$500,000 to the Immigration Clinic at the [William S. Boyd School of Law at the University of Nevada, LV](#) to provide pro bono legal services. The primary focus of the clinic is to provide pro bono deportation defense.

*\*Note: this legislation does place parameters on who is eligible for funds based on criminal history that is not recommended as best practice.*

Private Funding

Private funders or donors can and have chosen to fund pilot programs. These efforts aim to demonstrate the effectiveness of universal representation to state and local governments in hopes that they will support and contribute to funds.

In New Jersey in 2015, the American Friends Service Committee privately funded a pilot program that ultimately led to the publicly funded model Governor Murphy established in 2018.

## Challenges & Best Practices

Even in very progressive states, legislators and city council members have preferred programming which restricts eligibility based on residency, criminal background, or various immigration statuses. However, adhering to universal representation's principles of equity and justice requires programs that restrict eligibility only based on income, ensuring those in the most need have priority access to programs.

Additionally, though the Vera Institute can provide matching funds to interested governments, it may be challenging to encourage cash-strapped localities to prioritize contributing \$100k or more to establish a legal defense fund amongst other competing needs. However, offices can begin by pursuing any of the non-funding options listed above.

## Checklist

- Assess the need: Is the need in your community high, and has the community demonstrated a commitment to welcoming refugees and immigrants?
- Do you have established relationships with community partners providing legal defense or support to immigrants facing deportation (if your office is not the provider of such services)?
- Are there established working groups such as Offices of New Americans or Immigrant Affairs, welcoming committees, or governments that have been "Certified as Welcoming?" If so, have they identified or discussed legal defense as a policy of interest or priority?

- 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?
- Has your state or local already taken action on this issue area (or attempted to take action but was unsuccessful)? If so, what is the next step to strengthen the legal defense program (i.e.: Establishing a central fund; allocating more funding; finding legal professional support, etc.)
- Conduct research on the economic impact of unauthorized workers in your community and the anticipated loss of taxes and workers when individuals are deported or detained.

## Ensuring Digital Equity & Inclusion

Digital inclusion (DI) is a new and evolving concept—one turned “hot topic” due to COVID-19’s glaring spotlight on the broader digital divide. Only a handful of U.S. states have digital inclusion policies; even the structure of those laws (deliberative bodies; generic grant programs encouraging ideation) exhibits the nascent translation of theory into practice.

The National Digital Inclusion Alliance (NDIA) defines DI as ensuring all individuals have access to:

1. Affordable, robust broadband internet service;
2. Internet-enabled devices that meet the needs of the user;
3. Access to digital literacy training;
4. Quality technical support; and
5. Applications and online content designed to enable and encourage self-sufficiency, participation and collaboration.

Microsoft’s report on a “human-centered approach to connectivity” uses a similar framing. While all 50 states have a body charged with increasing broadband access and some regulation of broadband infrastructure—addressing the first component of digital inclusion—most of these bodies focus solely on infrastructure expansion in rural areas. An infrastructure-only approach fails to consider the other barriers to connection (subscription access, device access, literacy training, usage opportunities, content availability, privacy protections, technical support) rural regions face and excludes the needs of urban communities (particularly, low income communities of color) from policy formulation entirely.

The needs of refugee communities are particularly acute. Because some refugees arrive in the U.S with very little experience with technology, effective programming must address all elements of connection. However, the unique challenges some refugees face provides a unique political opportunity; centering refugees in digital inclusion policy discussions necessitates a reframing of traditional infrastructure-only access policies to policies of digital inclusion.



A 2019 program in partnership with Microsoft successfully piloted a digital literacy curriculum for refugees in five states. Some field offices house digital inclusion efforts that expand beyond digital literacy efforts such as 1:1 technology mentorship programs and a series of digital literacy workshops, coordination of device donations and home broadband support, and participation in community-based digital inclusion coalitions. If your organization hosts a digital inclusion program, you may be well-positioned to participate in digital inclusion policy discussions.

The legislative options below provide several mechanisms for reframing statewide online access approaches and increasing funding available for digital inclusion programming. Residents without home WiFi, devices, or literacy skills are largely unable to access updated health guidelines, public services, online employment, online education, or information needed to participate in the democratic processes. By investing in digital equity, policymakers ensure the efficacy of all other investments.

**Potential Solutions**

Type	Details	Example
<b>State Coordination &amp; Funding</b> <ul style="list-style-type: none"> <li>• New Program/Grants</li> <li>• New Office</li> <li>• New Coordinator</li> <li>• Working Group</li> </ul>	Establish a full-time DI coordinator or reorient a member of the Broadband Office or State Libraries Division to: <ul style="list-style-type: none"> <li>-Develop a statewide Digital Equity Strategic Plan or repurpose the existing Broadband Plan (see “Broadband Reframing”)</li> <li>-Chair a coordinating body that provides expertise and input on DI planning and informs grant program funding priorities. The membership of this body should be expansive, including all impacted communities and relevant stakeholders.</li> <li>-Administer a public-private matching grant program available to state agencies, local governments, and community-based organizations. Technical assistance, best practice sharing, identification of public-private partnerships, and connections to other grant programs should be provided to all applicants to create a sustainable DI ecosystem.</li> </ul>	<a href="#"><u>WA</u></a> <a href="#"><u>MO</u></a> <a href="#"><u>IL</u></a>
<b>Broadband Reframing</b> <ul style="list-style-type: none"> <li>• Working Group</li> <li>• Reframe Mandate</li> <li>• Informal Participation in Planning Process</li> </ul>	Alter broadband mapping and planning process to include: <ul style="list-style-type: none"> <li>-Broadband subscription rates and prices</li> <li>-Device accessibility</li> <li>-Literacy and digital skill evaluations</li> <li>-Usage patterns</li> <li>-Community resources/anchor institutions</li> <li>-Socioeconomic factors</li> <li>-Non-infrastructure components in point systems for infrastructure grants</li> </ul>	<a href="#"><u>Purdue DDI</u></a> <a href="#"><u>NTIA Map</u></a> <a href="#"><u>NDIA State Digital Equity Scorecard</u></a> <a href="#"><u>IL</u></a> <a href="#"><u>NM</u></a>
<b>Workforce Development Integration</b> <ul style="list-style-type: none"> <li>• New Workforce Development Program</li> <li>• New Requirement for all Workforce Development Programs</li> <li>• Funding Application</li> </ul>	Integrate digital inclusion efforts into state-run workforce development programming or secure Workforce Innovation and Opportunity Act (WIOA) funding directly for DI programming. <ul style="list-style-type: none"> <li>-Should require teaching of industry-specific digital literacy skills</li> <li>-Should require a “managed technology solution” (see CA bill)</li> </ul>	<a href="#"><u>CA (state-run)</u></a> <a href="#"><u>CA (WIOA)</u></a>

Advocates with access to established digital inclusion programming, or relationships with key digital inclusion players (broadband office, public library system, private technological partners, and digital inclusion coalitions) should consider advancing one of the above policies. States with high willingness (traditionally, blue states) and states with low willingness or capacity to invest in additional programming (purple or red states) should consider establishing a legislative working group to explore reframing broadband expansion efforts, a public-private grant pilot program with a high private match rate, or submitting a request for Workforce Innovation and Opportunity Act (WIOA) funding. Oftentimes, framing or tailoring digital inclusion efforts around “the homework gap” can effectively garner bipartisan legislative support ([NC EO](#); [NC Grant](#)). If legislative success seems unlikely, information on informally participating in statewide broadband planning can be found in the annex. [City-level](#) digital inclusion policy can also be explored.

## Considerations

Care should be taken to ensure efforts, particularly funding prioritization mechanisms, are inclusive of all impacted communities (refugees, immigrants, disabled individuals, low-income community members, elderly individuals, etc.). Gender parity in technological access should also be considered, particularly for households where only one device is accessible. Finally, coordinating capacity should be unique—establishing a committee without appointing an individual whose time and resources can be allocated to coordination will result in slow progress.

States without existing programming or relationships should consider connecting with an Office that does in-house programming to discuss the challenges of implementation. Successful programmatic implementation requires developing a broader digital inclusion ecosystem, also a prerequisite for policy development. The American Rescue Plan also includes funds specifically for broadband access and digital literacy which states can access.

## Checklist

- Programming:** Does your organization offer digital inclusion programming? Can your Office demonstrate successful outcomes for clients?
- Relationships:** Does your Office have relationships with key private (service/device providers) and public (library systems, broadband office, multicultural division, workforce development board) partners? Does your Office participate in an existing digital inclusion coalition or is in a position to establish one?
- Political Will:** Is your state legislature or municipality open to expanding state bureaucracy (red/purple/blue) and state-funded programming for underserved communities? Could support for rural broadband expansion be leveraged for digital inclusion programming?
- Budgetary Capacity:** Are there ways existing broadband, library, or COVID-19 relief funds could be repurposed for digital inclusion purposes? Is your state at a point where investments in new programming may be considered?



## Language Access in K-12 Education

The civil rights of refugee and immigrant students include equitable access to public education—regardless of their language of origin. Title IV of *The Civil Rights Act of 1964* prohibits discrimination based upon “race, color, religion, or national origin” in public education systems. While this statute does not specifically mandate the existence of robust services for English Learners (ELs),<sup>15</sup> the 1974 Supreme Court Case *Lau v. Nichols* ruled that school districts must “take affirmative steps to rectify the language deficiency in order to open its instructional program to” those on the road to English proficiency.

The civil rights obligations of public schools to ELs include: the identification of EL proficiencies; the placement of ELs into language programs that enable them to participate in standard English programming within a “reasonable period of time;” high quality instruction, including staff and materials; “meaningful access” to extracurricular activities; fair evaluation for both gifted and special education services; and communications to their parents or guardians in their native languages, including during parent-teacher conferences, disciplinary hearings, report cards, Parent Teacher Association (PTA) or school board meetings, enrollment services, and college and career readiness plans. A more comprehensive summary of EL’s civil rights obligations can be found [here](#).

There are several barriers that inhibit refugee and immigrant students from receiving equitable education. The burden of ensuring civil rights obligations are fulfilled often falls on service providers that are already working beyond their capacity. While the Department of Education’s Office of Civil Rights provides ample guidance on securing the rights of ELs, often educators, school administrators, and office staff are unable, unaware, or unwilling to fulfil their obligations.

Further, EL programs are frequently under-resourced. The needs of ELs are often disproportionately represented in both state and local education budgets. In-person interpreters and translators, particularly for minority languages, may be hard to come by—and legal or administrative barriers may prevent ease of access to remote interpretation services. Failure to communicate with parents in their home language leaves individual students without filial advocates or opportunities for redress. The increase in federal COVID funding to State or Local Education Agencies (SEAs/LEAs) enables districts to address their obligations to ELs. In fact, the ways in which Elementary and Secondary School Emergency Relief funds can be used to support ELs can be viewed on page 30 of this [Frequently Asked Questions](#) document provided by the Department of Education. Encouraging your district to use Elementary and Secondary School Emergency Relief (ESSR) funds to support the needs of local ELs and their families is one method of obtaining additional support.

The legislation below highlights several examples of state-level interventions purposed towards ensuring educational equity for ELs. When considering legislative options, offices should take note of their state’s emphasis on “locally controlled” education: are there opportunities for state-wide policies, or should policies allow for local discretion?

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<sup>15</sup> You may also see ELs referred to as “English Language Learners (ELLs)” or “Multilingual Learners (MLs).” “ELs” is used throughout this document as it is the most common abbreviation used in updated educational resources.

The structure of your state’s education fund should be studied: what distinct revenue streams fund education? What procedures govern allocation? The integration of resources into teacher’s daily workflow should be a top priority; oftentimes, changes made at the administrative level fail to reach classrooms uniformly. Finally, the status of your EL population should be considered; data on your district’s progress towards providing equitable access to education for ELs can be found [here](#).

Regardless of your state’s political geography or unique barriers to access, there are opportunities to ensure clients receive equitable educational opportunities—and impact their socioeconomic mobility for generations to come.

**Potential Solutions**

Type	Details	Example
<p><b>State-wide Technical Assistance</b></p> <ul style="list-style-type: none"> <li>Working Group</li> <li>Statutory Requirement</li> <li>Administrative Rule</li> <li>New Position</li> </ul>	<p>Provides guidance to instructional, administrative, front office, interpretive staff on language access requirements and procedures. This may include:</p> <ul style="list-style-type: none"> <li>-Revisions of statute throughout code with the considerations of ELs</li> <li>-Creation of a model Language Access Policy or Plan (LAP)</li> <li>-Evaluation of state, district, or school LAPs at regular intervals (typically, 2-5 years)</li> <li>-Integrate language access trainings for all staff into professional development or “back-to-school” activities</li> <li>-Creation of toolkits and videos, on topics running from engaging with families, accessing interpreters, or requesting document translation</li> <li>-Creation of a translated document repository for coordination across districts/schools</li> </ul>	<p><a href="#">MN LEAPS Act</a></p> <p>WA (<a href="#">HB 1130</a>)</p> <p>WA (<a href="#">HB 1815</a>)</p> <p>DC (<a href="#">B22-0075</a>)</p>
<p><b>State-wide Mandates</b></p> <ul style="list-style-type: none"> <li>Working Group</li> <li>Statutory Requirement</li> <li>Administrative Rule</li> </ul>	<p>Defines clearly what must be translated/interpreted utilizing guidance from the DOE’s OCR and clarifies compliance mechanisms. This may include:</p> <ul style="list-style-type: none"> <li>-Establishment of a compliant resolution process and timeline (i.e., 30 days)</li> <li>-Establishment of a statewide complaint hotline</li> <li>-Establishment of fines to be paid to complainants if a language-access violation occurs</li> </ul> <p>*Note: This may be specific to education or apply to all state agencies</p>	<p>DC (<a href="#">B22-0075</a>)</p> <p>NY (<a href="#">A2068</a>)</p> <p>WA (<a href="#">HB 1815</a>)</p>
<p><b>District Collaboratives</b></p> <ul style="list-style-type: none"> <li>Resolution</li> <li>Temporary Position for Relevant Administrator</li> </ul>	<p>If a district has successfully implemented language access policies, they can serve as a state-designated expert for the provision of technical assistance. In this model, educators are guiding educators; assistance may be more applicable to the classroom environment and networks more efficiently utilized, resulting in greater efficacy and collaboration. In the example bill, two districts were designated as “lighthouse districts,” to assist with implementing a state-wide language access improvement plan. One district was from the east side of the state; one was from the west side of the state.</p>	<p>WA (<a href="#">HB 1451</a>)</p>
<p><b>Community Consultation</b></p> <ul style="list-style-type: none"> <li>Statutory Requirement</li> <li>Administrative Rule</li> </ul>	<p>Requires districts to offer EL programs as requested by a critical mass of parents (i.e., parents of 20 students speaking Spanish in a single grade or 30 across the entire school can request a Spanish EL program). A less aggressive iteration of this policies mandates the inclusion of parents and CBOs in LAP development.</p>	<p>CA (<a href="#">Prop 58</a>)</p> <p>WA (<a href="#">HB 1130</a>)</p>



<p><b>Interpreter/Translator Certification and Contracting</b></p> <ul style="list-style-type: none"> <li>• Statutory Requirement</li> <li>• Administrative Rule</li> <li>• Licensing</li> <li>• New Program</li> <li>• Contracting with outside bodies</li> </ul>	<p>Creates certification requirements, body, and/or program for interpreters and/or translators. Depending on the availability of interpreters, some states have a tiered system of certification (i.e., Tier 3 necessary for disciplinary procedures, Tier 1 for PTA meetings). Legislation on this subject also:</p> <ul style="list-style-type: none"> <li>-Establishes mechanisms for identifying skilled interpreters</li> <li>-Establishes deadlines for contracting “remote interpreter services”</li> <li>-Creates a partnership with Health Dept. to utilize Medicaid funding for interpreters</li> </ul>	<p>MA (<a href="#">H 417</a>)</p> <p>MA (<a href="#">H 4428</a>)</p> <p>WA (<a href="#">HB 1451</a>)</p> <p>WA (<a href="#">HB 1130</a>)</p>
<p><b>Testing Accessibility</b></p> <ul style="list-style-type: none"> <li>• Statutory Requirement</li> <li>• Administrative Rule</li> </ul>	<p>Allows ELLs to take state or end-of-course assessments in their native language upon request. At a minimum, legislation should allow for disabilities/gifted testing in student’s home languages.</p>	<p>FL (<a href="#">SB 1590</a>)</p>
<p><b>School Staff &amp; Classroom Aides</b></p> <ul style="list-style-type: none"> <li>• Statutory Requirement</li> <li>• Administrative Rule</li> <li>• New Program</li> <li>• Licensing</li> </ul>	<p>Funds and/or requires the presence of school language access liaisons, which ensure parent access, student access, and that curriculum is culturally-responsive.</p> <p>Alternatively, funds and/or requires refugee paraprofessionals in classrooms where assistance is needed.</p>	<p>DC (<a href="#">B22-0075</a>)</p> <p><a href="#">ID</a></p> <p><a href="#">WI</a></p>
<p><b>Data-Gathering; English Learner Bill of Rights; English-Plus Resolutions; Bi-literacy Seals</b></p> <ul style="list-style-type: none"> <li>• Statutory Requirement</li> <li>• New Program</li> <li>• Resolutions</li> </ul>	<p>Publicly states the importance and contributions of bilingual students to the state. Response to “English-Only” laws or state constitutional clauses. Reinforces existing Title III or Title VI obligations through state code.</p>	<p><a href="#">NM</a></p> <p><a href="#">NV (AB 195)</a></p> <p><a href="#">NCSL</a></p>

While the above policies address both enforcement and resource gaps, educational equity is primarily achieved through just resource allocation. If at all possible, interventions that increase the quality or quantity of resources directly available for ELs in the classroom—such as funding for refugee paraprofessionals—should be prioritized. These interventions can either be implemented or expanded in every state, regardless of the state’s other policies. However, if a large fiscal note is prohibitive, enforcement-oriented policies can serve as a step towards monitoring and ensuring equity.

If considering enforcement-oriented policies, begin by examining your state and district school board’s language access policies. If your state and/or district school board’s language access policies are non-existent, provide minimal guidance, or are widely disparate, the “Statewide Technical Assistance,” “Statewide Mandates,” or “Interpreter Certification and Contracting” interventions may assist in standardizing procedures across geographies. If there is an outstanding district in your area, the “District Collaboratives” intervention may shed a positive light on successful practices and result in educator-driven implementation. The “Community Consultations” policy may be successful in bluer states with robust grassroots engagement from multicultural communities and service providers. “English-Plus Resolutions” should only be pursued in states where no other policy intervention is possible.

## Checklist

- Barriers:** What barriers to language access are caseworkers/youth programming staff encountering? Does that barrier result from a lack of administrative policy, a lack of implementation/enforcement in the classroom, or a lack of resources?
- Relationships:** Does your Office have positive relationships with educators and administrators? What consultations are required to ensure those relationships remain positive or can be strengthened throughout the policy process?
- Political Will:** What values does your state prioritize in education (i.e. local control, parental rights, multicultural equity, student achievement, graduation rates)? What is the relationship between your state’s board of education, district boards of education, and the legislature?
- Budgetary Capacity:** What distinct revenue streams fund education and what procedures govern the allocation of that funding? Is your state projecting further budget cuts for FY22 due to the COVID-19 pandemic? Are there ways existing education funds could be repurposed to increase educational equity for ELs?

## Codification of State Participation in the U.S. Refugee Admissions Program

In recent years, the increased politicization of refugee resettlement, negative rhetoric regarding refugee populations, and unfounded fear about security vetting has led to certain states withdrawing from the federal resettlement program. In 2019, we saw the introduction of [Executive Order \(EO\) 13888](#), which required that states and municipalities opt-in to initial resettlement within their jurisdiction. Codification affirms a state’s commitment to welcoming refugees and will preclude a state from withdrawing from the U.S. Refugee Admissions Program (USRAP) based on the politics of the state executive or actions taken in an attempt to exclude certain refugees from being resettled in that state. A codification bill prevents a governor from unilaterally withdrawing a state from participation in the USRAP in general.

### Potential Solutions

Type	Details
State Legislation	<ul style="list-style-type: none"> <li>• Participation in USRAP is put into state law</li> <li>• Withdrawal from the program would have to go through the state house and senate and be signed by the governor</li> <li>• Examples: <a href="#">Colorado</a></li> </ul>

### Best Practices & Challenges

This type of bill is an opportunity to highlight a state's longstanding commitment to welcoming refugees and for state legislators to weigh in on a federal program and make a commitment to their refugee community.



If your state has previously withdrawn from participation in USRAP, you can anticipate challenges to getting buy-in from legislators and your governor. However, there are always opportunities to build back bipartisan support for refugee resettlement, especially as new officials are elected.

## Checklist

- Review how the USRAP was put into effect in your state after the passage of the 1980 Refugee Act (i.e., executive order, state legislation)
- Reach out to your state coordinator's office for their support (letter to the legislature or governor; committee testimony)
- Compile state-level data on the economic impact of refugees and their contributions to your state and funds brought into the state and jobs created by resettlement agencies and other Community Based Organizations (CBOs) supporting refugees.

## State Office of New Americans

Currently, 11 states have some type of state-wide Office of New Americans (ONA)—sometimes referred to as an Office of Opportunity for New Americans or Office of Immigrant (and Refugee) Affairs. These offices serve as a central location where state-level programs and initiatives can be housed. They often also serve as drivers of state-wide integration plans, including workforce development, economic security, and civic engagement. The value of a state-wide office focused on new Americans comes from the offices' ability to convene other state agencies around immigrant issues, provide technical support and guidance to relevant state agencies on meeting the needs of diverse immigration populations, elevate impacted community voices, and make recommendations to the legislature and governor.

Common ONA responsibilities:

- State-level immigrant integration plan
- Addressing barriers to professional licensure
- Coordination of state refugee resettlement efforts
- Legal assistance
- Promotion of naturalization
- Access to driver's licenses
- Workforce development, job readiness, and upskilling
- Promotion of entrepreneurship
- English language acquisition
- Promotion of digital literacy
- Technical support for state agencies and CBOs working with immigrants



**Potential Solutions**

Type	Details
State Legislation	<ul style="list-style-type: none"> <li>Office is codified in state statute</li> <li>Examples: <a href="#">Colorado</a>, <a href="#">Virginia</a>, and Nevada</li> </ul>
Executive Order	<ul style="list-style-type: none"> <li>A governor can create an office by executive order and decide where in state government it will be housed</li> <li>Examples: <a href="#">New Jersey</a>, <a href="#">Ohio</a>, and <a href="#">Michigan</a></li> </ul>
Administrative	<ul style="list-style-type: none"> <li>Office is created administratively by a governor (may or may not then be codified by the state legislature)</li> <li>Office can be included in the governor’s state plan and budget</li> <li>Can include a governor-appointed council</li> <li>Examples: <a href="#">New York</a> and <a href="#">Maryland</a></li> </ul>

**Best Practices & Challenges**

Getting buy-in for an office that focuses on such a narrow population can be difficult. Therefore, it is important to talk about the economic impact and contributions of immigrants in your state. Likewise, it is important to discuss the underutilization of immigrant skills and how an ONA can help newcomers reach their full economic potential and how that can benefit the broader community (taxes, spending power, entrepreneurship). It is also advantageous to talk about integration and how it is about newcomers and the community as a whole. Immigrants and refugees support bustling industries, help revitalize communities, and contribute their skills to local economies.

As far as the structure of an office, best practices include:

- ONAs having the authority to convene state agencies, services providers, CBOs, and the business community to address intersecting immigrant-related issues.
- Direct reporting to or close coordination with the governor or the governor’s office.
- Ensuring an office is adequately staffed to meet needs laid out in legislation, an EO, or administrative rules.

**Checklist**

- Review any existing state-level new American initiatives (senior advisor to the governor, governor’s committee, etc.)
- Review any existing city or county-level new American initiatives to understand current obstacles, additional needs, and opportunities.
- Compile information about existing immigrant and refugee populations, their contributions, and where there are gaps in support that an ONA can fill.
- Engage stakeholders (CBOs, state agencies, businesses, and impacted communities) to understand their needs and how an ONA can play a role in addressing support gaps.
- Review another state ONAs to understand which types of structure and programming would be the best fit in your state.

## Conclusion

This guidebook 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.

With appreciation to the following colleagues for helping to construct this guide:

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- Victoria Francis, State Advocacy Officer with the IRC & Lab State Lead

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

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