

House Concurrent Resolution No. 22

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FALLERT (Sponsor), BLACK,
MEADOWS AND ATKINS (Co-sponsors).

1108L.01I

2 **WHEREAS**, effective worksite enforcement plays an important role in the fight against
3 illegal immigration and in protecting our homeland, especially the serious threats posed by
4 unauthorized workers employed at sensitive and critical infrastructure facilities such as airports,
5 seaports, nuclear plants, chemical plants, and defense facilities; and

6 **WHEREAS**, the United States Immigration and Customs Enforcement (ICE), is
7 responsible for enforcing federal immigration laws as part of its homeland security mission,
8 including entering into partnerships with state and local law enforcement agencies to train
9 officers to assist in identifying those individuals who are in the country illegally; and

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11 **WHEREAS**, under the federal Immigration and Nationality Act (INA), a person commits
12 a federal felony when such person:

13 (1) Assists an alien whom he or she should reasonably know is illegally in the United
14 States or who lacks employment authorization, by transporting, sheltering, or assisting him or
15 her to obtain employment;

16 (2) Encourages the alien to remain in the United States, by referring him or her to an
17 employer, by acting as employer or agent for an employer in any way; or

18 (3) Knowingly assisting illegal aliens due to personal convictions; and

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20 **WHEREAS**, penalties upon conviction of this federal felony include criminal fines,
21 imprisonment, and forfeiture of vehicles and real property used to commit the crime. Any person
22 employing or contracting with an illegal alien without verifying his or her work authorization
23 status is guilty of a misdemeanor. Aliens and employers violating immigration laws are subject
24 to arrest, detention, and seizure of their vehicles or property; and

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26 **WHEREAS**, it is unlawful to hire an alien, to recruit an alien, or to refer an alien for a
27 fee, knowing the alien is unauthorized for work in the United States. It is equally unlawful to
28 continue to employ an alien knowing that the alien is unauthorized to work; and

29 **WHEREAS**, it is unlawful to hire any individual for employment in the United States
30 without complying with employment eligibility verification requirements, including examination
31 of identity documents and completion of Form I-9 for every employee hired; and

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33 **WHEREAS**, it is illegal for nonprofit or religious organizations to knowingly assist an
34 employer to violate employment sanctions, regardless of claims that their convictions require
35 them to assist illegal aliens. Harboring or aiding illegal aliens is not protected by the First
36 Amendment; and

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38 **WHEREAS**, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996
39 added Section 287(g) to the Immigration and Nationality Act which authorizes the Secretary of
40 the Department of Homeland Security to enter into agreements with state and local law
41 enforcement agencies for enforcement of immigration laws, provided that the local law
42 enforcement officers receive appropriate training and function under the supervision of ICE
43 officers; and

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45 **WHEREAS**, the 1996 immigration control legislation passed by Congress was intended
46 to encourage states and local agencies to participate in the process of enforcing federal
47 immigration laws, including allowing law enforcement officers to detain an individual for a brief
48 warrantless interrogation where circumstances create a reasonable suspicion the individual is
49 illegally present in the United States; and

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51 **WHEREAS**, the State of Missouri entered into a 287(g) agreement with the ICE on June
52 25, 2008, with the Missouri State Highway Patrol designated as Missouri's immigration
53 enforcement law enforcement agency under the agreement; and

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55 **WHEREAS**, in addition, the Secure Communities program created in 2008 seeks to
56 identify criminal aliens through the use of biometric fingerprint matching, prioritizes detention
57 and deportation through a series of risk factors, and facilitates interoperability between on-the-
58 ground state and local law enforcement and the federal ICE; and

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60 **WHEREAS**, however, there are problems with the federal enforcement of immigration
61 as well. The Obama Administration announced in 2009 its intention to abandon Social Security
62 No-Match, which would have enabled the Social Security Administration to take action against
63 employers who submitted 10 or more W-2s that could not be matched to SSA records or who
64 have no matches for more than one-half percent of their workforces. This program would give

65 the Department of Homeland Security the resources and authority to target large-scale employers
66 in the sectors of the economy with large numbers of undocumented workers; and

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68 **WHEREAS**, the Secure Communities program needs to be expanded and continued, the
69 287(g) program should be strengthened by reinstating the memorandum of understanding that
70 would allow local law enforcement to check immigration status regardless of whether the offense
71 is considered "serious", and Congress should enact legislation giving permission for the Social
72 Security No-Match program; and

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74 **WHEREAS**, the right kind of immigration enforcement policies will be ones that
75 maintain national security and public safety, respect the rule of law and the right of state and
76 local law enforcement to stop illegal immigration in their communities, and make tangible
77 impact on the illegal immigration problem:

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79 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
80 Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate
81 concurring therein, hereby strongly urge the Department of Homeland Security and the United
82 States Congress to take the necessary steps to increase the level of enforcement of illegal
83 immigration, especially the enforcement of penalties on employers who hire unauthorized
84 workers; and

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86 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
87 Representatives be instructed to prepare a properly inscribed copy of this resolution for Janet
88 Napolitano, Secretary of the Department of Homeland Security, the Majority and Minority
89 Leaders of the United States Senate and House of Representatives, and each member of the
90 Missouri Congressional delegation.

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