



Immigration

During the 2021 legislative session, the General Assembly considered several measures concerning immigration and immigrants. The bills addressed immigration services, benefits, and protections, as well as health care, child welfare, employment matters, personal identifying information, and criminal justice.

Immigration Services

House Bill 21-1150 creates the Office of New Americans (ONA) in the Department of Labor and Employment as a state resource for Colorado immigrant communities. The ONA serves as the point of contact for immigrant-serving state agencies, private sector organizations, and the public about immigrant issues in Colorado. The ONA duties include:

- convening stakeholders and state agencies to develop a recommendation about where the Colorado Refugee Services Program should be located;
- coordinating with the Colorado Refugee Services Program to align it with the goals of the ONA; and
- implementing a statewide strategy to facilitate economic stability and promote successful economic, social, linguistic, and cultural integration by investing in the success of immigrants in Colorado.

House Bill 21-1194 creates the Immigration Legal Defense Cash Fund administered by the Department of Labor and Employment. These

grant funds are made available to organizations representing indigent individuals appearing before an immigration court in Colorado who do not have a private attorney.

State and Local Benefits

Federal law prohibits unlawfully present individuals from receiving any state and local benefits unless a state enacts a law granting eligibility to these individuals. Upon passage of *Senate Bill 21-199*, verification of lawful presence in the United States is not required for any purposes where lawful presence is not required by law, ordinance, or rule pursuant to a federal stimulus law or rule. Starting on July 1, 2022, lawful presence is no longer an eligibility requirement for state and local benefits. Additionally, specific requirements that individuals must be lawfully present when applying for professional licenses, public works contracts, and local business licenses are repealed.

Health Care

Beginning January 1, 2022, *Senate Bill 21-009* directs the Department of Health Care Policy and Financing to administer a reproductive health care program to certain individuals who are not eligible for coverage under Medicaid only because of their citizenship or immigration status. The program allows eligible individuals to receive certain reproductive health services, upon request and at no cost.

Immigration (cont'd)

Child Welfare

House Bill 21-1313 allows the Office of the Child Protection Ombudsman to investigate the safety and well-being of unaccompanied immigrant children residing in a state-licensed residential child care facility and who are in the custody of the federal Office of Refugee Resettlement. A residential child care facility must notify the office and the Department of Human Services within three days after the arrival of an unaccompanied immigrant child.

Employment Matters

Similar to some of the provisions of Senate Bill 21-199 discussed previously, *Senate Bill 21-077* repeals requirements for the verification of the lawful presence of an applicant for a regulated professional license, certificate, or registration.

Senate Bill 21-233 requires the Department of Labor and Employment to conduct a feasibility study on a wage replacement program for individuals who are unemployed through no fault of their own and who are ineligible for regular unemployment benefits due to their immigration status. The study must include potential sources of money to fund a wage replacement program, legal compliance with the U.S. Department of Labor's regular unemployment insurance programs, data sharing and privacy, and stakeholder input.

Personal Identifying Information

Senate Bill 21-131 creates protections for personal identifying information (PII) collected and maintained by the state that is not publicly available. Specifically, state employees are prohibited from disclosing PII for the purpose of federal immigration enforcement, except as required by federal or state law or to comply with subpoenas, warrants, or court orders. Beginning January 1, 2022, state employees

cannot request information or documents to determine a person's immigration status or compliance with federal immigration laws, except in certain circumstances. Also, beginning January 1, 2022, state agencies are prohibited from collecting certain information from individuals, except as required by state or federal law or as necessary to perform the agency's duties, or to verify eligibility for certain government funded programs. The bill provides exceptions for responding to certain types of information requests.

Criminal Justice

Under current Colorado law, it is a crime to threaten to report someone's immigration status to law enforcement in order to obtain something of value. It was not illegal, however, to make such a threat to cover up or not report a crime. This form of extortion is most commonly used by perpetrators of domestic violence, child abuse, sex trafficking, and labor and wage theft. *House Bill 21-1057* expands the definition of extortion to provide protection for these other scenarios. The bill specifically includes threats that are intended to coerce another person against their will to engage in, or refrain from, performing an otherwise legal act, such as reporting a crime.

The U non-immigrant status (U visa) was created by the U.S. Congress for certain crime victims who have experienced mental or physical abuse and are being helpful to law enforcement. Certain state or local law enforcement agencies must confirm, by submitting a form to the federal government, that the qualifying crime occurred, and that the victim is being helpful in the detection, investigation, or prosecution of the qualifying criminal activity. *House Bill 21-1060* addresses the certification process for U visa applications. Under the bill, agencies are prohibited from making certain disclosures to immigration authorities and must provide crime victims with information about the U visa.