

House Concurrent Resolution No. 72

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FALLERT (Sponsor), FISCHER (107), MEADOWS,
SCHIEFFER, TILLEY, McDONALD, HODGES, WALSH, ATKINS, BIERMANN, STILL,
FRAME AND ROORDA (Co-sponsors).

5337L.011

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

10
11 **Whereas**, under the federal Immigration and Nationality Act (INA), a person
12 commits a federal felony when such person:

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

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

20
21 (3) Knowingly assisting illegal aliens due to personal convictions; and

22
23 **Whereas**, penalties upon conviction of this federal felony include criminal fines,
24 imprisonment, and forfeiture of vehicles and real property used to commit the crime. Any person
25 employing or contracting with an illegal alien without verifying his or her work authorization

26 status is guilty of a misdemeanor. Aliens and employers violating immigration laws are subject
27 to arrest, detention, and seizure of their vehicles or property; and

28

29 **Whereas**, it is unlawful to hire an alien, to recruit an alien, or to refer an alien for
30 a fee, knowing the alien is unauthorized for work in the United States. It is equally unlawful to
31 continue to employ an alien knowing that the alien is unauthorized to work; and

32

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

36

37 **Whereas**, it is illegal for nonprofit or religious organizations to knowingly assist
38 an employer to violate employment sanctions, regardless of claims that their convictions require
39 them to assist illegal aliens. Harboring or aiding illegal aliens is not protected by the First
40 Amendment; and

41

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

48

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

54

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

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

62

63 **Whereas**, however, there are problems with the federal enforcement of
64 immigration as well. The Obama Administration announced in 2009 its intention to abandon
65 Social Security No-Match, which would have enabled the Social Security Administration to take
66 action against employers who submitted 10 or more W-2s that could not be matched to SSA
67 records or who have no matches for more than one-half percent of their workforces. This
68 program would give the Department of Homeland Security the resources and authority to target
69 large-scale employers in the sectors of the economy with large numbers of undocumented
70 workers; and

71

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

77

78 **Whereas**, the right kind of immigration enforcement policies will be ones that
79 maintain national security and public safety, respect the rule of law and the right of state and
80 local law enforcement to stop illegal immigration in their communities, and make tangible
81 impact on the illegal immigration problem:

82

83 **Now, therefore, be it resolved** that the members of the House of
84 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate
85 concurring therein, hereby strongly urge the Department of Homeland Security and the United
86 States Congress to take the necessary steps to increase the level of enforcement of illegal
87 immigration, especially the enforcement of penalties on employers who hire unauthorized
88 workers; and

89

90 **Be it further resolved** that the Chief Clerk of the Missouri House of
91 Representatives be instructed to prepare properly inscribed copies of this resolution for Janet
92 Napolitano, Secretary of the Department of Homeland Security, the Majority and Minority
93 Leaders of the United States Senate and House of Representatives, and each member of the
94 Missouri Congressional delegation.

✓