

Bill as Introduced

HB 644-FN - AS INTRODUCED

2011 SESSION

11-0689
08/03

HOUSE BILL **644-FN**

AN ACT relative to various state laws pertaining to unlawfully present aliens.

SPONSORS: Rep. Huxley, Hills 3; Rep. M. Reed, Hills 26

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Allows the state police to enter into a memorandum of understanding with the federal Departments of Justice and Homeland Security regarding the training of state police to enforce immigration laws.

II. Prohibits unlawfully present aliens from being eligible for public benefits or drivers' licenses.

III. Mandates reporting by employers on the immigration status of their employees and penalizes employers for false reporting.

IV. Disallows bail for persons in custody until their lawful presence can be verified.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears ~~(in brackets and struck through)~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 II. The state shall have the burden of proving that the employer knowingly misclassified the
2 worker. An employer shall be subject to a civil penalty of \$50 per day per knowingly misclassified
3 worker up to a maximum of \$50,000 for violations.

4 III.(a) Forty percent of fines collected shall be distributed to the police standards and
5 training council training fund established in RSA 188-F:30 for the purposes of offsetting any cost of
6 training to enforce this chapter.

7 (b) Forty percent of fines collected shall be distributed to the general fund for purposes of
8 funding the public defenders program.

9 (c) Twenty percent of fines collected shall be distributed to the general fund.

10 283-A:6 Employment of Unlawfully Present Aliens.

11 I. Employers shall not knowingly employ unlawfully present aliens. Contractors shall
12 ensure that all subcontractors employed by the contractor shall not knowingly employ unlawfully
13 present aliens. Violators shall be subject to the suspension of all state and municipality issued
14 business permits, licenses, and tax exemptions. In order to correct the violation and have permits,
15 licenses, and exemptions reinstated, the employer shall:

16 (a) Terminate the employment of the alien;

17 (b) Request a second verification from the federal government;

18 (c) Sign a sworn affidavit stating that the violation has ended; and

19 (d) Submit documentation confirming the entity is enrolled in a federal work
20 authorization program.

21 II. Violators under contract with the state may have their contracts voided and shall be
22 barred from contracting with the state for one year. A second violation shall result in the voiding of
23 the contract with the state and the contractor shall be barred from contracting with the state for 5
24 years. Subsequent violations shall result in a void contract and a permanent bar from contracting
25 with the state.

26 III. All employers shall participate in a federal work authorization program in order to be
27 eligible for state contracts. All employers shall have an affirmative defense that they are not in
28 violation of paragraph I if they participate in the program.

29 IV. Contractors shall not be liable for unlawfully present aliens hired by their
30 subcontractors if the contract binding the 2 parties affirmatively states that the subcontractor does
31 not knowingly hire unlawfully present aliens and that the subcontractor is enrolled in a federal work
32 authorization program or the contractor receives an affidavit attesting to the fact that the
33 subcontractor's employees are lawfully present in the United States.

34 2 New Paragraph; Drivers' Licenses; Unlawfully Present Aliens. Amend RSA 263:39-a by
35 inserting after paragraph IV the following new paragraph:

36 V. The director shall not issue any driver's license to an unlawfully present alien or to a
37 person who is unable to prove his or her lawful presence.

1 VI. All written tests for drivers' licenses shall be administered in English.

2 3 New Section; Unlawfully Present Aliens; Bail. Amend RSA 597 by inserting after section 1-d
3 the following new section:

4 597:1-e Unlawfully Present Aliens; Bail. If the judge reasonably believes the person to be an
5 unlawfully present alien, the person shall be jailed until he or she provides verification of his or her
6 lawful presence in the United States. If the person adequately proves his or her lawful presence, the
7 judge shall review the issue of release again. If the person cannot prove his or her lawful presence,
8 the person shall continue to be jailed until discharged in accordance with the law. If the person has
9 been jailed for 30 days and the person still cannot prove his or her lawful presence, he or she shall be
10 handed over to the United States Immigration and Customs Enforcement.

11 4 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-0689
01/19/11

HB 644-FN - FISCAL NOTE

AN ACT relative to various state laws pertaining to unlawfully present aliens.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

to 2:45 pm

Bill # HB 644 - FN Date 2/17/11

Committee Criminal Justice & Public Safety

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep. Andrew J. Manise	3 Hilda Ave, Derry, NH	703-8857	Rockingham 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garret Ean	Concord	568-8032	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Marjorie Pinter		Hills. 1		<input type="checkbox"/>	<input checked="" type="checkbox"/>
SARBARA C. FRENCH	HEUNKER 428	-5360		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Donna Schlachman			Rock. Dist # 13	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen Mann	Deerfield			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Robert W. Mann	Deerfield			<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Schisch	Greenland			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Julia M. Vidmar	Concord			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ed Miller (Ed Pinter)			Hants Location	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Melissa Bernardin	20 Fayette St	Concord NH 03301	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Timothy Horrigan			Stratford 7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Thato Ramo@Ozi			Plymouth NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah Mattson	117 N. State St.	Concord NH	Legal Assist.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OLIVIA ZINK	15 Heartwood Lane	Penacook NH	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elizabeth Quiroga	4 Park St,	Concord	NH Citizens Alliance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROBERT QUINN	33 HAZEN DRIVE	Concord, NH		<input type="checkbox"/>	<input checked="" type="checkbox"/>
MO BAXLEY	96 WINTER ST		WACONIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Susan Bruce	422 Muzzy Hill Rd,		Milan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Robinson				<input type="checkbox"/>	<input checked="" type="checkbox"/>
ADOLPHE BERNOTAS	24 Dunklee	Concord	856-7065	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Barbara Kesten	18 Low Ave,	Concord	NH Civil Liberties	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jon Bresler	30 Longview Dr.	Bow, NH		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maggie Fogarty	16 Florence St.	Dover NH	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/11
Committee Criminal Justice

I support the bill _____
I oppose the bill X
I have written testimony _____
(Number of copies) _____

Time needed to speak: 5 min

Name Stelvia Gabe
Address 41 Perry Circle
Manchester
Phone 603 662 95
Representing DMV - NH - SC

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/11
Committee Criminal Justice

I support the bill _____
I oppose the bill X
I have written testimony _____
(Number of copies) _____

Time needed to speak: 5

Name JUDITH ELLIOTT
Address 1 MUDGETT HILL RD
CANTERSUREY NH
Phone 603-783-856 03224
Representing NH Coalition For
Occupational Safety
& Health

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/11
Committee Criminal Justice

I support the bill _____
I oppose the bill X
I have written testimony _____
(Number of copies) _____

Time needed to speak: 5 min

Name EVIL CASMILO
Address 733 Bryant Rd
Manchester NH
Phone 603 287 3
Representing NH AIR

Fill in ONLY if SPEAKING on Bill

Bill # 644 Date 2/17/11
Committee Criminal Justice

I support the bill 5
I oppose the bill X
I have written testimony _____
(Number of copies) _____

Time needed to speak: 3 min

Name RIK BAILEY
Address 23 Hanson Dr
Concord NH
Phone 235-4050
Representing NH DMV

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/11
Committee Justice

I support the bill _____
I oppose the bill
I have written testimony _____
(Number of copies) _____

Time needed to speak: 2 min

Name Alexandro Vazquez
Address 9 Campbell St
Hudson NH 03051
Phone 603 321-1291
Representing Wagon Repair

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/2011
Committee Criminal Justice

I support the bill _____
I oppose the bill
I have written testimony _____
(Number of copies) _____

Time needed to speak: 3 minutes

Name David Juvet
Address 122 N Main
Concord, NH
Phone 224-5885
Representing STAR

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/11
Committee Crim Just

I support the bill _____
I oppose the bill
I have written testimony
(Number of copies) 20

Time needed to speak: 3 min

Name ARNOLD ALPERT
Address 4 Park St, #209
Concord NH
Phone 221-2407
Representing American Friends
Media Comm. H.O.

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date Feb 17 2011
Committee CJ Police Safety

I support the bill _____
I oppose the bill
I have written testimony _____
(Number of copies) _____

Time needed to speak: 3:00 min

Name Gerret Ead
Address 296 Pleasant St.
Concord, NH
Phone (603) 568-8032
Representing Self

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/0

Committee CRIMINAL JUSTICE

I support the bill _____

I oppose the bill _____

I have written testimony _____

(Number of copies) _____

NO TESTIMONY - BUT AVAILABLE TO PROVIDE INFORMATION IF NEEDED

Time needed to speak: _____

Name JENNIFER JONES

Address 129 PEARSON ST
CONCORD NH 03301

Phone 271-3013

Representing DNAS

Fill in ONLY if SPEAKING on Bill

Bill # HB 644 Date 2/17/2011

Committee CJ & PS

I support the bill _____

I oppose the bill X

I have written testimony _____

(Number of copies) _____

Time needed to speak: 3 minutes

Name Michael Williams

Address 25 Triangle Park Dr
Concord 03301

Phone 224-7447

Representing NH Municipal Assoc

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 644-FN

BILL TITLE: relative to various state laws pertaining to unlawfully present aliens.

DATE: February 17, 2011

LOB ROOM: 204 **Time Public Hearing Called to Order:** 3:40 p.m.

Time Adjourned: 4:40 p.m.

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch, Fields, Fesk, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg

Bill Sponsors: Rep. Huxley, Hills 3; Rep. M Reed, Hills 26

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Bob Huxley - Sponsor - Representative.

Rep. David Watters - Questions the driver oppose license part of the bill.

Col. Robert Quinn - Director of State Police - Opposed.

Rev. Thomas Woodward - Opposes bill.

***Rev. Mary Westfall, New Hampshire Conference UCC - Opposes - Testimony provided.**

***Katherine Cooper - Defense Atty. - Opposed - Provided written testimony.**

***Rev. Mary Westfall - Opposed - Provided written testimony.**

Anna Herrero - Opposed - Provided written testimony and spoke about her husband's experience.

FR Joseph Gordak - St. Augustine Parish, Manchester, NH - Opposed. No written testimony.

***Fred Robinson - Granite State Organizing Project - Testimony.**

HB 644-FN Page Two Continued

Motion made to exec this bill by Rep. David A. Welch and seconded by Rep. L. Pantelakos.

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Gene P. Charron", with a long horizontal flourish extending to the right.

Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 644-FN

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DATE:

2/17/11

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204

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Bill Sponsors: Rep. Huxley, Hills 3; Rep. M Reed, Hills 26

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Consent
Move
To

172

H B 644 - FN
State Laws pertaining to
unlawfully present alien

- ① 3:40 ROB HUXLEY = sponsor Representative -
- ② 3:55 Rep - DAVID WATERS - Questions the driver
oppose license part of the bill -
- ③ 4:00 COL. ROBERT QUIND DIR of SP.
opposed.
- ④ 4:10 Rev - Thomas Woodward - opposes Bill.
4:11 Rev Mary Westfall New Hampshire conference
opposes. UCC. testimony provided.
4:20 Katherine Cooper - defense Atty. Provided
opposed on sister testimony -
opposed. Rev Mary WEST FALL. provided - Written
testimony.
7. Anna Herrero - provided testimony.
opposed. written. ~~not~~ spoke about her husbands -
experience.
- 4:30 8 FR Joseph GORDON - St Augustin Parish
opposed. Manchester NH no written.

HB-644 FN-

9

4:30 FRED ROBINSON - GRAVITE STATE
Organizing Project - Testimony

9 4:40 - Moham made to EXEC THIS BILL
Motion Rep. Welch
Rep. Pantolatos -
moved

Testimony

Testimony on HB 644

The Rev. Dr. Mary E. Westfall, Chair
Commission on Witness and Action
New Hampshire Conference, United Church of Christ

Thank you for this opportunity to speak in opposition to HB 644 and the increasing potential of exclusion and mistreatment of immigrants in our State. I speak today as an ordained clergyperson who serves a NH congregation and as Chair of the Commission on Witness and Action of the NH Conference United Church of Christ. That Conference, representing 150 congregations, voted overwhelmingly to adopt a resolution of solidarity with immigrants at its NH Annual Meeting in October 2010. That resolution arises out of the United Church of Christ's long-standing commitment to advocate for the rights of immigrants, aid the undocumented in attaining legal status, aiding and assisting immigrants with social welfare needs and also seeking to fully include immigrants in the life of the church. The resolution that was soundly adopted in October is now before the congregations of this state to see how best to study, understand and advocate on behalf of immigrant rights. It is with that commitment that I now come before you.

A quote from scripture, Leviticus 19:33-34

When the alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens once. I am the Lord your God.

In a world becoming increasingly globalized, more people are leaving their homelands to seek better lives and opportunities in new countries. Their reasons for leaving are diverse and complex: economic necessity, war, persecution. The U.S. has long been a nation of immigrants and we have consistently been conflicted about this. We gratefully welcome immigrants and their contributions, and we exclude them, discriminate against them and, at times, inflict grave harm upon them. As Christians we believe we are called to love our neighbors. The Bible is unambiguous in calling us to welcome aliens and strangers in our land and to love them as we love ourselves. In the midst of growing sentiment against immigrants many Christians are seeking to bring their biblical faith to bear witness upon this crucial social justice issue. Many UCC churches in our State will be looking at this issue with renewed interest and intensity over the coming months. They will be looking to their legislators to see what tone is being set, and how our laws help or hurt our state's immigrant population.

House Bill 644 seems like, yet, another attempt to move toward harsher and harsher policies in regard to immigrants, and potentially creates a climate that is not only detrimental to immigrants but to our entire state. As a pastor and spiritual leader, who will be working with hundreds of fellow Christians around the state, I ask you to seriously consider the potential impact of this bill on the lives of those who, even now, are part of this great state. Most of us in this room are from families that came to this country due to varied circumstances. Some of our own ancestors were terribly mistreated because of laws that often led to increased bigotry and hostility toward one group or another. But what would our state be today without those very immigrants? What legacy will you, today's legislators, leave in regard to this issue? Many prayers will be with you as you seek to act wisely and justly.

**WRITTEN TESTIMONY OF
Katherine Cooper**

on behalf of
THE NEW HAMPSHIRE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

before
**THE NEW HAMPSHIRE HOUSE OF REPRESENTATIVES,
CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**

**HB 644
February 17, 2011**

I. INTRODUCTION

The New Hampshire Association of Criminal Defense Lawyers (NHACDL) consists of approximately 300 Granite State lawyers whose practices include a significant amount of criminal defense work. Our membership includes private practitioners, and state and federal public defenders. NHACDL is the local affiliate of the National Association of Criminal Defense Lawyers and shares its mission to ensure due process and fairness in the administration of the criminal justice system. NHACDL provides its membership with significant continuing legal education opportunities in the field of criminal defense. Additionally, NHACDL facilitates communication amongst the members of our organization on the issues which confront criminal defense practitioners on a daily basis. NHACDL will also, from time to time, take public positions with respect to important cases before the courts, or proposed legislation that affects fairness, individual rights and due process in the administration of the criminal justice system.

NHACDL opposes HB 644, which poses numerous problems involving federal jurisdiction and constitutional rights. NHACDL's input will be limited to the

impact in the criminal justice realm.

First, 283:A-2 calls for a verification of immigration status of individuals in custody. To verify the immigration status of all citizens taken into custody would be impossible for New Hampshire's local law enforcement agencies. Small police departments have no way to do this. In addition, there is no BASIS provided to guide law enforcement in a narrowing of their investigation into immigration status. Are we to assume that the police are to inquire only of people of color and those with speaking accents? Such lack of specificity in making this kind of inquiry will of necessity lead to racial profiling. "Racial profiling of any kind is anathema to our criminal justice system because it eviscerates the core integrity that is necessary to operate that system effectively in our diverse democracy." Martinez v. Village of Mt. Prospect, 92 F. Supp. 2d 780 (N.D. Ill. 2000). The New Hampshire Supreme Court has also expressed concern over racial profiling in State v. Hight, 146 N.H. 746, 751 (2001). Making inquiries of all citizens who "look like" they might be foreigners is a violation of equal protection. Equal protection under the law is required for all citizens in the application of the law as well as on the face of written statutes. U.S. Const. Amend. 14.

Second, such a verification is not a state function. Article 1, Section 8 of the United States Constitution provides that the FEDERAL Congress shall have the authority to establish a "uniform rule of Naturalization." "We live under a unique concept of federalism and divided sovereignty between the nation and the fifty states." State v. Ball, 124 N.H. 226, 231 (1983). The power and authority to

enforce immigration law is reserved to the federal government. Chy Lung v. Freeman, 92 U.S. 275,280 (1875).

Third, the proposed 597:1-e provides a cornucopia of problems. These provisions create a presumption AGAINST bail, which is contrary to New Hampshire's bail statute. New Hampshire's criminal bail law allows for bail under most circumstances. RSA 597:1 states: "All persons arrested for an offense shall be eligible to be released pending judicial proceedings upon compliance with the provisions of this chapter." This bill proposed to lock people up indefinitely who may be accused of only a minor crime or even no crime at all. That is not sound policy from either a fiscal or fairness perspective.

Fourth, the first five words of the proposed 597:1-e - "a judge reasonably believes" - do not establish a burden of proof that is legally recognized in criminal law. We have as standards "beyond a reasonable doubt" and "clear and convincing evidence" and "preponderance of the evidence." We do not have the "reasonable belief of a judge."

Fifth, this provision calls for an indefinite period of incarceration if a person cannot "adequately prove" his or her legal presence. Again, "adequate proof" is not a legal standard. Even more problematic is that this creates an unconstitutional shifting of the burden of proof from the State to the defendant. If the State wants to incarcerate someone or have them held without bail, it is the STATE'S burden to establish the necessary proof to override the presumption of bail. Any reasonable statute would at the very least require the state to establish a set of criteria that are race neutral and that would actually lead to a reliable

factual finding that a person is not of legal immigration status. This bill makes no such effort.

Finally, this proposed law attempts to make the state of New Hampshire pay for immigration holds, where there is already a federal mechanism to accomplish such holds when needed. If a person meets the criteria under federal law, they may be held by Immigration and Customs Enforcement (ICE). There is nothing to prevent the courts or local law enforcement from contacting ICE if they believe there is an immigration issue. Such issues are within that agency's purview, not in the realm of local New Hampshire law enforcement.

From a practical perspective, this is a waste of money since most immigrants routinely show up in court to face allegations against them. The fact is, from this practitioner's experience, they WANT to be here. They have no intention of absconding or failing to answer to the courts. Thousands of dollars in unnecessary incarceration costs for people who aren't going anywhere is the last thing this state needs to pay for.

Contact Information

**Katherine Cooper, Esq., Executive Director
New Hampshire Association of Criminal Defense Lawyers
764 Chestnut Street
Manchester, N.H. 03104
(603) 624-7777-o (603)674-4885 -c
Katherine@nhacd.org
www.nhacd.org**

The New Hampshire Association of Criminal Defense Lawyers (NHACDL) is a voluntary bar association consisting of more than three hundred New Hampshire lawyers who devote a significant part of their practice to representing the criminally accused. NHACDL members include state and federal public defenders and private practitioners. NHACDL is an affiliate of the National Association of Criminal Defense Lawyers and shares its mission to ensure justice and due process and promote the proper and fair administration of criminal justice.

December 12, 2002

ANA FORD HERRERO
PO BOX 437
CONCORD, NH 03302-0437

Dear Petitioner:

The State Department's National Visa Center has recently received an approved I-129F petition filed on behalf of your spouse. This letter is to let you know that the petition has been forwarded to the visa-issuing post overseas that is responsible for processing visa cases originating in the country where you were married.

Our records show that you filed the I-129F petition for:

Name of Spouse: ERNESTO HERRERO GALAN

Case Number: MNG2002844001



The case must be processed at:

Post: MANAGUA

Your spouse will soon receive a packet with instructions from the consular section at this post on how to apply for the K3 visa at that post and what documents will be required. For further information on the K3 visa process, please consult our Website at: <http://travel.state.gov>.

Sincerely,

Bureau of Consular Affairs

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

File Number: [REDACTED]

Date: 2-17-04

Ernesto HERRERO-GALAN

P.O. Box 437

Concord, NH 03302

COA:

CR6

DOA:

2-6-04

Pursuant to section 216 of the Immigration and Nationality Act, you have been granted conditional residence in the United States as of the date you were admitted or adjusted to such status by an officer of the Immigration and Naturalization Service. You and your spouse MUST file a joint petition to have the conditional basis of your status removed. The petition MUST be filed within a ninety (90) day period immediately preceding the second anniversary of the date you were granted conditional permanent resident status. If a petition to remove conditional basis of your status is not filed within this period, your conditional permanent residence status will be terminated automatically and you will be subject to deportation from the United States.

Denis C. Riordan
Denis C. Riordan,

Steven J. Farquharson
District Director

Note:

Your alien registration card will be mailed to you within six to eight months.

* Copies will NOT BE ACCEPTED.

Attorney: _____



Notice of Action	RECEIPT NUMBER EAC-06-067-00100	NOTICE DATE December 07, 2005	PAGE 1 of 1
CASE TYPE I751 Application to remove conditional residential status.	RECEIPT DATE December 02, 2005		FILE NUMBER [REDACTED]
PETITIONER ERNESTO HERRERO GALAN		FILE NUMBER [REDACTED]	
BENEFICIARY		FILE NUMBER	
E. HERRERO GALAN PO BOX 437 CONCORD NH 03302		Receipt Notice RECEIVED \$205.00 IN THE FORM OF A MONEY ORDER AND	

***** The above receipt number MUST accompany all inquiries! *****

RECEIVED \$205.00 IN THE FORM OF MONEY ORDER AND
FROM: ERNESTO GALAN

Your alien card is extended 1 year-employment & travel authorized. Processing Your form will require a minimum of 30 days. If you have not heard from us within 12 months, then may contact this office.

You will be notified separately about other applications or petitions you file. Please save this notice for your records. Please enclose a copy of it if you have to write to us about this case, or if you file another application based on this decision. If you have any questions concerning your case, please call at: (800) 375-5283. Our address is:

U.S. CITIZENSHIP & IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN ST.
ST. ALBANS, VT 05479-0001

**

**

EMBAJADA DE LOS ESTADOS UNIDOS, VISA UNIT
KM 4-1/2, CARRETERA SUR
MANAGUA
NICARAGUA

March 5, 2006



ERNESTO HERRERO GALAN
LECHEAGRIA 50 M S
MANAGUA
NICARAGUA

Dear ERNESTO HERRERO GALAN:

Case Number: MNG2003552001

The Department of State's National Visa Center (NVC) advised you of the necessary steps to prepare for an appointment to file a formal application for an immigrant visa. Our records indicate that to date you have not contacted the NVC in more than a year. If our records are in error and you have, in fact, contacted NVC within the last year, or if you have not yet contacted NVC but still wish to pursue your immigrant visa application, **please follow the instructions below immediately.** Completion of these steps is mandatory for the filing of an application at the time of interview. **No visa can be issued unless these steps have been completed.**

Section 203(g) of the Immigration and Nationality Act requires the Secretary of State to terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification of the availability of a visa number. **THIS LETTER SHALL SERVE AS YOUR NOTIFICATION THAT A VISA NUMBER IS CURRENTLY AVAILABLE. FAILURE TO PURSUE YOUR VISA APPLICATION BY COMPLYING WITH THE INSTRUCTIONS BELOW WILL COMMENCE PROCEEDINGS TO TERMINATE YOUR IMMIGRANT VISA REGISTRATION ONE YEAR FROM THE DATE OF THIS LETTER.**

To pursue your immigrant visa application and avoid termination of your registration, you must immediately notify the **NATIONAL VISA CENTER AT THE ADDRESS ON THE NEXT PAGE.** Upon receipt of your letter, the National Visa Center will send you information on applying for your immigrant visa. If you do not request information on applying for your immigrant visa within one year of the date of this letter, your immigrant visa registration will be terminated.

If you are no longer interested in pursuing your immigrant visa application for any reason, please complete the attached sheet and return it to the National Visa Center at the address given.

If you have any questions or are experiencing difficulty in complying with the above instructions, please contact the **NATIONAL VISA CENTER AT THE ADDRESS ON THE NEXT PAGE** or call (603) 334-0700 between the hours of 7:30am to midnight Eastern Time.

Sincerely,

Consul of the United States of America

(Rev. 03-2006)

Case Number: MNG2003552001
Applicant Name: HERRERO GALAN, ERNESTO
Last Contact Date: March 3, 2003

(Please check one:)

Yes, I wish to pursue my immigrant visa application, please send me information on applying for my immigrant visa. I understand I will have to resubmit all required fees and documents in order to continue the immigrant visa process.

No, I do not want to pursue my immigrant visa application for one of the following reasons:

I have adjusted status. (Please send a copy of both sides of your alien registration card.)

I have received an immigrant visa through another petition and am now a permanent resident. (Please send us a copy of both sides of your alien registration card.)

I am no longer interested in immigrating to the U.S.

Other. (Please explain.)

(Signature)

Please inform us by returning this page to the address below:

United States Department of State
National Visa Center
Attn: WC/MFL
32 Rochester Avenue
Portsmouth, NH 03801-2909
U.S.A.

**National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909
Phone: (603) 334-0700
E-mail: NVCInquiry@state.gov**

July 20, 2006

ERNESTO HERRERO GALAN
PO BOX 437
CONCORD, NH 03302-0437

DEAR ERNESTO HERRERO GALAN:

The National Visa Center (NVC) is currently reviewing your visa petition. At this time we are requesting additional documents to complete this review.

The NVC received notification that the beneficiary was previously granted legal permanent residency in the United States; however, the notification was unclear as to whether or not the applicant still is a legal permanent resident of the United States. If the beneficiary is still a legal permanent resident of the United States, please provide us with a copy of both sides of the beneficiary's alien registration card ("green card") so that we may update this file.

Case Number: MNG2003552001
Petitioner's Name: HERRERO, ANA FORD
Beneficiary's Name: HERRERO GALAN, ERNESTO
Preference Category: CR1 - CONDITIONAL SPOUSE OF U.S. CITIZEN
Your Priority Date: 28JUL2002
Foreign State Chargeability: CUBA
U.S. Embassy/Consulate: MANAGUA

Traveling Applicants:	NAME	DOB	POB
	HERRERO GALAN, ERNESTO	17FEB1976	CUBA

July 27, 2006

National Visa Center
32 Rochester Avenue
Portsmouth, New Hampshire 03801-2909

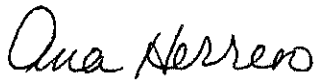
RE: MNG2003552001 – Ernesto Herrero Galan

My husband is still a legal permanent resident of the United States. He was issued his "green card" on February 6, 2004 for 2 years (conditional – through marriage to a U.S. citizen) (enclosed).

He submitted an I 751 – Application to remove condition - to the Service Center in St. Albans, VT. Because of their backlog, the St. Albans Service Center granted him a 1-year extension of his alien registration card (enclosed).

If you have any further questions please feel free to call me at (603) 219-8534.

Sincerely,



Ana Herrero



Ernesto Herrero

UNITED STATES OF AMERICA

Notice of Action	RECEIPT NUMBER EAC-06-067-00100	NOTICE DATE December 07, 2005	PAGE 1 of 1
CASE TYPE I751 Application to remove conditional residential status	RECEIPT DATE December 02, 2005		FILE NUMBER [REDACTED]
PETITIONER ERNESTO HERRERO GALAN	BENEFICIARY		FILE NUMBER
E HERRERO GALAN PO BOX 437 CONCORD NH 03302		Receipt Notice RECEIVED \$205.00 IN THE FORM OF A MONEY ORDER AND	

***** The above receipt number MUST accompany all inquiries! *****

RECEIVED \$205.00 IN THE FORM OF MONEY ORDER AND
FROM: ERNESTO GALAN

Your alien card is extended 1 year employment & travel authorized. Processing your form will require a minimum of 30 days. If you have not heard from us within 12 months, then may contact this office.

You will be notified separately about other applications or petitions you file.
Please save this notice for your records.
Please enclose a copy of it if you have to write to us about this case or if you file another application based on this decision.
If you have any questions concerning your case, please call at: (800) 375-5283
Our address is:

U.S. CITIZENSHIP & IMMIGRATION SERVICES
VERMONT SERVICE CENTER
175 LOWER WELDEN ST.
ST. ALBANS, VT 05479-0001

**National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909
Phone: (603) 334-0700
E-mail: NVCInquiry@state.gov**

August 8, 2006

ANA FORD HERRERO
PO BOX 437
CONCORD, NH 03302-0437

DEAR ERNESTO HERRERO GALAN:

Your inquiry has been received at the National Visa Center (NVC).

The NVC received notification that the beneficiary is now a legal permanent resident or citizen of the United States. We will be returning this petition to U.S. Citizenship and Immigration Services (CIS- formerly known as INS).

Case Number: MNG2003552001
Petitioner's Name: HERRERO, ANA FORD
Beneficiary's Name: HERRERO GALAN, ERNESTO
Preference Category: CR1 - CONDITIONAL SPOUSE OF U.S. CITIZEN
Your Priority Date: 28JUL2002
Foreign State Chargeability: CUBA
U.S. Embassy/Consulate: EMBAJADA DE LOS ESTADOS UNIDOS, VISA UNIT
KM 4-1/2, CARRETERA SUR
MANAGUA
NICARAGUA

Traveling Applicants:

NAME	DOB	POB
HERRERO GALAN, ERNESTO	17FEB1976	CUBA

**National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909
Phone: (603) 334-0700
E-mail: NVCInquiry@state.gov**

August 10, 2006



ANA FORD HERRERO
PO BOX 437
CONCORD, NH 03302-0437

DEAR ERNESTO HERRERO GALAN:

Your inquiry has been received at the National Visa Center (NVC).

The petition has been returned to the U.S. Citizenship and Immigration Services (CIS-formerly known as INS). Any further inquiries should be directed to CIS.

Case Number: MNG2003552001
Petitioner's Name: HERRERO, ANA FORD
Beneficiary's Name: HERRERO GALAN, ERNESTO
Preference Category: CR1 - CONDITIONAL SPOUSE OF U.S. CITIZEN
Your Priority Date: 28JUL2002
Foreign State Chargeability: CUBA
U.S. Embassy/Consulate: EMBAJADA DE LOS ESTADOS UNIDOS, VISA UNIT
KM 4-1/2, CARRETERA SUR
MANAGUA
NICARAGUA

Traveling Applicants:

NAME	DOB	POB
HERRERO GALAN, ERNESTO	17FEB1976	CUBA



U.S. Citizenship
and Immigration
Services

October 11, 2006

ANA FORD HERRERO
P O BOX 437
CONCORD NH 03302-0437

A Number: [REDACTED]
File Receipt Number: EAC0223052690
Beneficiary: HERRERO, ERNESTO

Dear Sir/Madam:

This refers to the Petition for Alien Relative (Form I-130) filed by you in behalf of Ernesto Herrero on July 28, 2002. The petition was approved by the United States Citizenship and Immigration Services on February 5, 2003 and sent to the American Embassy at Managua. The petition has been returned to this office because the beneficiary has already gained status as a lawful permanent resident of the United States. The returned petition will now be stored at this office.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Novak, Jr.".

Paul E. Novak, Jr.
Center Director



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[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **EB08 3028 358U S**
Status: **Delivered**

Your item was delivered at 12:01 PM on December 9, 2006 in SAINT ALBANS, VT 05479 to INS . The item was signed for by P NOVAK.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)

[Return to USPS.com Home >](#)

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



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9

F A C S I M I L E

Judd Gregg



United States Senator • New Hampshire
125 North Main Street, Concord, NH 03301
(603) 225-7115 • (603) 224-0198 (fax)

TO:

Ana Yussow

OF:

FAX NUMBER:

221-4128

FROM:

Costie

DATE:

1/18/07

PAGES TO FOLLOW:

1

NOTE:

[Empty rectangular box for notes]

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICESNOTICE OF REMOVAL OF CONDITIONAL BASIS
OF LAWFUL PERMANENT RESIDENCEERNESTO HERRERO GALAN
P O BOX 437
CONCORD NH 03302

File Number: [REDACTED]

Date of Decision: January 17, 2007

New Classification Symbol: IR6

Admission Date: February 6, 2004

Your request for the removal of the conditional basis of your permanent resident status has been approved. You are deemed to be a lawful permanent resident of the United States as of the date of your original admission or adjustment of status.

You must obtain a new alien registration receipt card (Form I-551). You will receive a separate notice regarding the date and place of your appointment at your local Application Support Center to take your photograph and collect other data needed to produce your new Alien Registration Receipt Card (Form I-551). Please be sure to bring this notice, as well as your appointment notice, your current card and passport to the appointment. Your new alien registration card will be mailed to you within six months.

You should not travel outside the United States before receiving your new card unless you have first received a passport endorsement from this Service indicating that your new card is being processed.

Sincerely,

Paul E. Novak, Jr.
Center Director

TO: House Criminal Justice and Public Safety Committee
Representative Elaine Swinford, Chairman
RE: HB644
DATE: February 17, 2011

Good afternoon. My name is Fred Robinson. I am a life long resident of New Hampshire a former Sgt on the Nashua Police Department and recently retired as Executive Director of New Horizons for New Hampshire, the largest Homeless Shelter, Soup Kitchen and Food Pantry in the state. I currently volunteer as President of the Granite State Organizing Project.

I thank the committee for the opportunity to speak in opposition to HB644. I am concerned that this bill will add unnecessary enforcement responsibilities on state and local law enforcement agencies. Enforcement responsibilities that have already been delegated to Federal Agencies who already have systems in place to enforce immigration law. Local agencies need to use their finite resources to enforce existing state statutes and local ordinances rather than have new and unfamiliar laws promulgated for which they will be responsible and for which the taxpayers will have to fund costs associated with training and whatever new systems will have to be developed at the state and level. As I understand the proposed legislation the DMV would be prohibited from issuing driving licenses to any individual who is unable to verify their legal presence in New Hampshire. What is needed to verify ones legal presence in NH ? When a license is renewed will it be necessary to take some document to DMV in Concord to verify that I have a legal presence? Is a legal presence different than a legal residence ? How does HB 644 effect foreign students in our colleges and universities and exchange students in our high schools.? If any of them should violate a local ordinance or a motor vehicle law or be involved in an accident that requires a police response they could be placed in police custody, and according to Section 283-A-2 be jailed for at least 48hrs at which time Homeland Security is notified. Will they be released or held in jail for an unspecified time until Homeland Security responds in some manner ? Will educational institutions be required to inform prospective students of this law prior to enrollment? HB 644 does not state what will be considered proof of lawful presence in the state.

Some local police departments are making successful efforts to gain the trust and cooperation of immigrants and new Americans in their communities. Trust that takes a long time to develop because of the oppressive and brutal practices of the police in countries the immigrants have left behind. HB 644 could quickly undo all the work that police departments have done working with immigrants and new Americans.

When working with homeless veterans it was frustrating to see the difficulty they had in obtaining the documents they needed to qualify for Veterans benefits and the weeks or months it took to actually receive the documents that were required. This proposed legislation could add another obstacle before them and other homeless persons.

The voters of New Hampshire want solutions. elected officials and policy-makers in New Hampshire must navigate the hot-button issue of immigration away from costly, divisive and controversial proposals and toward solutions that focus on the state's pressing needs. I do not believe HB 644 addresses these needs. Meanwhile, New Hampshire is facing a budget gap of nearly \$900 million.

Governor Lynch has proposed a fiscal plan that cuts nearly every agency and greatly changes the operation of some vital services. **If New Hampshire has to cut such vital programs, it cannot afford an anti-immigration law like Arizona's that has enormous social and fiscal costs in the form fractured communities, legal fees and implementation costs.** The Center for American Progress estimates that Arizona has already lost over \$9 million in tax revenues and \$253 million in lost business alone. If fully implemented the impact on Arizona's state budget is estimated to cost between \$150 million to \$215 million dollars, without the millions in legal fees required to defend the legislation from federal and other lawsuits. The National Immigration Forum has found that anti-immigrant measures at the state level cost millions of tax dollars, chase away business and limit public safety.

New Hampshire can avoid following in the dangerous footsteps of Arizona by passing fiscally responsible legislation that fixes the economy and creates jobs. Although the Office of Legislative Budget Assistance has not provided a fiscal note on HB644, I think that it is probable that its passage will create an unavoidable and unnecessary increase in costs to New Hampshire taxpayers

Legislation like the Arizona anti-immigration law risk further exacerbating budgets woes, and divert attention from away from more pressing issues facing state legislatures like the economy, jobs and education. It is probable however, that states will continue to have these costly debates until immigration reform is passed on the federal level.

Thank you for listening to our concerns.

NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971



www.nhla.org

Claremont Office

24 Opera House Square
Suite 206
Claremont, NH 03743
603-542-8795
1-800-562-3994
Fax: 603-542-3826

Concord Office

117 North State Street
Concord, NH 03301
603-223-9750
1-800-921-1115
Fax: 603-223-9794

Littleton Office

271 Main Street
Littleton, NH 03561
603-444-8000
1-800-548-1886
Fax: 603-444-8804

Manchester Office

1361 Elm Street
Suite 307
Manchester, NH 03101
603-668-2900
1-800-562-3174
Fax: 603-625-1840

Nashua Office

21 East Pearl Street
Suite 2
Nashua, NH 03060
603-598-3800
1-800-517-0577
Fax: 603-598-3870

Portsmouth Office

154 High Street
Portsmouth, NH 03801
603-431-7411
1-800-334-3135
Fax: 603-431-8025

Berlin Satellite Office

1131 Main Street
Berlin, NH 03570
603-752-1102
1-800-698-8969
Fax: 603-752-2248

Administration

117 North State Street
Concord, NH 03301
603-224-4107
Fax: 603-224-2053

February 17, 2011

Chair Elaine Swinford
Criminal Justice and Public Safety Committee
N.H. House of Representatives
107 North Main Street
Concord, NH 03301

VIA HAND DELIVERY

RE: HB 644

Dear Chair Swinford and Members of the Committee:

This written testimony is submitted by New Hampshire Legal Assistance (NHLA) in opposition to HB 644. NHLA is a statewide non-profit law firm. NHLA represents low-income and elderly clients in civil cases involving basic needs, such as access to quality housing and safety from domestic violence. We are writing today to address the portion of HB 644 pertaining to driver's licenses, however the absence of comments relating to other provisions should not be construed as support for them.¹

Section 2 of HB 644 amends RSA 263:39-a to require that the Department of Motor Vehicles (DMV) administer the written test for temporary driver's licenses in English only. This provision most likely violates federal anti-discrimination law and as a result could put DMV at risk of losing federal funds.

Many people lawfully residing in New Hampshire have primarily languages other than English. Although plenty of Granite Staters whose first language is not English have achieved fluency in the language, some have not yet learned to speak, understand, read, and/or write English. These people are referred to as limited English proficient (LEP). NHLA represents LEP clients and has worked with state agencies and community groups to ensure that LEP persons have meaningful access to our government and understand their rights and responsibilities.

Federal law dictates that state agencies receiving federal funds, like the DMV, must reduce language barriers that prevent LEP persons from accessing important government benefits, services, programs, information, and activities. Although

¹ Similarly, this written testimony should not be construed to limit the positions of any current or future NHLA clients in current or future litigation.

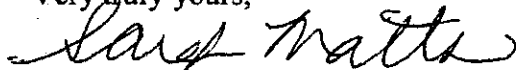
state agencies have flexibility to determine which language assistance services make sense in their communities, failure to provide meaningful access for LEP persons can in certain circumstances violate the prohibition against national origin discrimination contained in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations. If a state agency fails to comply with its obligations under Title VI, the federal government can terminate its federal funding.

HB 644 would prohibit the DMV from offering any language assistance services for LEP persons applying for temporary driver's licenses. By taking away the DMV's ability to comply with its obligations under Title VI, HB 644 essentially directs DMV to violate federal law. If enacted, HB 644 could expose DMV to litigation based on national origin discrimination. Perhaps most important at this difficult juncture for the state budget, HB 644 could ultimately result in the DMV losing some of its federal funds.

English-only driver's license testing does not promote public safety. NHLA is unaware of any evidence that LEP persons cause a disproportionately high number of traffic accidents. RSA 263:39-a, IV, already authorizes the DMV to deny a driver's license to a person if his or her licensure is "contrary to the public safety," for example if the person cannot understand road signs. Based on the lack of any demonstrated public safety benefit and the potential loss of much-needed federal funds, NHLA respectfully asks the Committee to recommend ITL for HB 644.

Thank you for your consideration of this written testimony.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sarah Mattson".

Sarah Mattson, Esq.
(603) 223-9750, ext. 2803

HB 644.FU

NH Coalition for Occupational Health and Safety
Testimony in Opposition to HB 644
Presented by Judith Elliott

I am here on behalf of the NH Coalition for Occupational Safety and Health to speak in opposition to HB 644. We would like to draw your attention to the section on employment. Prohibition of employment of undocumented immigrants is already enforced by the federal government. For the State of New Hampshire to duplicate this effort would increase the burden on the State budget and on businesses. It would also lead to hardship for all New Hampshire citizens and legally-present immigrants and refugees.

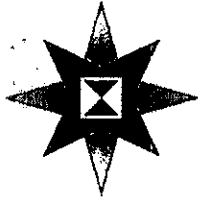
Under the federal I-9 system, businesses already are required to check documentation of new hires. There already are federal sanctions for failure to comply. The NH Department of Labor already checks I-9 files during workplace inspections and imposes fines for failure to comply. This should be sufficient. But HB 644 imposes additional burdens by adding two types of punishment for employers judged to knowingly misclassify employees as lawful aliens. First, such employers would be subject to fines of up to \$50,000. Second, employers could lose State contracts, permits and licenses.

Clearly, these measures could drive businesses into bankruptcy, especially the small businesses so cherished in New Hampshire. Is this a hazard to which we want to subject our businesses, when many already are struggling for survival?

Individual citizens and legally-documented immigrants and refugees living in New Hampshire also will suffer. If the bill passes, some businesses, to avoid the risk of penalties and loss of State contracts and permit, inevitably will react by avoiding hiring *anyone* who appears to be foreign-born. The result will be discrimination against many New Hampshire workers who are legal residents or citizens.

Some would counter that it's easy for businesses to be sure they are not hiring undocumented immigrants. All they have to do is participate in "a federal work authorization program" as specified in the bill. In fact, the HB 644 *requires* participation by businesses with state contracts. But let me tell you about the "federal work authorization program." This phrase refers to the E-Verify system, by which employers submit information about new employees to the federal government for confirmation of legal status. The problem is that E-Verify has a documented history of erroneously rejecting many workers. This has included many US citizens. It could happen to you or me or anyone in the room. Based on a recent Government Accounting Office report, we can estimate that E-Verify would erroneously bar over 750 New Hampshire workers per year from employment if implemented throughout the state. Consider the impact on these workers and their families if they lose the ability to earn a living. But can't such mistakes be cleared up? Sure, in theory. But we all know how hard it is to do so. According to the GAO report, workers may need to file multiple Privacy Act inquiries with the Department of Homeland Security. Responses to such queries take an average of 104 days. That's a long time to be without an income, and no employer is going to hold a job open for such a long period.

Members of the Committee, HB 644 will be expensive for the State to implement, put extra burdens on our businesses, encourage discrimination, and bar citizens and legally-present immigrants from employment due to government error. Immigration law is the responsibility of the federal government. Let's not put this extra burden on the State and its people.



American Friends Service Committee

Arnie Alpert
New Hampshire Program Coordinator
4 Park Street, Suite 209, Concord NH 03301
(603) 224-2407 aalpert@afsc.org

Statement of Arnie Alpert on HB 644

Criminal Justice and Public Safety Committee, Feb. 17, 2011

I am Arnie Alpert, New Hampshire Program Coordinator for the American Friends Service Committee, an organization that has worked with immigrants and refugees since it was founded in 1917. We were awarded the Nobel Peace Prize for our work with European refugees in 1947. Issues related to migration, worldwide, are high on our agenda.

I appear today to explain several reasons why HB 644 should be rejected.

First, as you will hear from other witnesses, HB 644 duplicates policies that are already present in federal and state laws governing employment, driver licenses, and access to public benefits.

Second, numerous provisions of this bill as written are vague, and therefore are confusing. For example, if "public benefits" applies to what we think of as welfare, it is already well covered in existing laws which deny access to food stamps, TANF, Medicaid, and other benefits to people who cannot prove they are in the country lawfully. If "public benefits" is defined more broadly to include access to services such as emergency shelter, library cards, and the right to use the city swimming pool, this bill opens many cans of worms. Imagine if you were required to prove you were in the country legally before the fire department would come to your home or before the police would come to your assistance after a car accident. Imagine if a woman who has fled an abusive husband has to produce her birth certificate or passport before she is allowed in the domestic violence shelter with her two-year-old. The requirement that we prove we are in the country legally would apply to everyone, you and me included. If we go that route, we will have to change our state motto from "Live Free or Die" to "Show Us Your Papers."

My most important point is that passage of a bill like this would lead to increased levels of fear and suspicion. Employers would be less likely to hire people who looked or sounded "foreign." Business managers would avoid relationships with other businesses that are owned by immigrants or which are known to employ immigrants. New Hampshire, which has been a place where generations of immigrants have found a home, would instead become a place that immigrants, children of immigrants, friends and family of immigrants would feel threatened. If that is not your intention, please recommend this bill inexpedient to legislate.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 644-FN

BILL TITLE: relative to various state laws pertaining to unlawfully present aliens.

DATE: February 17, 2011

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. David A. Welch

Seconded by Rep. Larry G. Gagne

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 664-FN

BILL TITLE: relative to various state laws pertaining to unlawfully present aliens.

DATE: 2-17-2011

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. *Welch*

Seconded by Rep. *Sagne*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Consent

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk

Gene P. Charron

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 644-FN Title: Relative to Various state laws pertaining to unlawfully present aliens.

PH Date: 02 / 17 / 11

Exec Session Date: 2 / 17 / 2011

Motion: IT2

Amendment #: _____

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	✓	
Gagne, Larry G, V Chairman	✓	
Welch, David A	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Charron, Gene P	✓	
Villeneuve, Moe	✓	
Antosz, Jason P	✓	
Greazzo, Phil J	—	—
Kreis, Kenneth	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	—
Warden, Mark	✓	
Pantelakos, Laura C	✓	
Berube, Roger R		
Shurtleff, Stephen J	—	—
Ginsburg, Philip E	✓	
	13-0.	

TOTAL VOTE:

Printed: 1/4/2011

Committee Report

CONSENT CALENDAR

March 2, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB644-FN,

AN ACT relative to various state laws pertaining to unlawfully present aliens. Having considered the same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. David A Welch

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB644-FN
Title:	relative to various state laws pertaining to unlawfully present aliens.
Date:	February 17, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have the NH State Police trained to enforce federal immigration laws. It allows the state police to gather and share information about known illegally present aliens. It further suggests that if the lawful immigration status of a person in the custody of the police cannot be determined the department of homeland security can do it within 48 hours. It further states that any applicant for public benefits must provide proof of citizenship, residency or lawful presence in order to receive benefits. Employers will have responsibility to classify their employees as lawful aliens. The last part of the bill violates habeas corpus stating that once incarcerated he or she cannot get out until the lawful presence is determined. During the public hearing only the sponsor spoke in favor of this bill. The committee agrees with all the rest of those who opposed this bill.

Vote 13-0.

Rep. David A Welch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB644-FN, relative to various state laws pertaining to unlawfully present aliens. **INEXPEDIENT TO LEGISLATE.**

Rep. David A Welch for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill would have the NH State Police trained to enforce federal immigration laws. It allows the state police to gather and share information about known illegally present aliens. It further suggests that if the lawful immigration status of a person in the custody of the police cannot be determined the department of homeland security can do it within 48 hours. It further states that any applicant for public benefits must provide proof of citizenship, residency or lawful presence in order to receive benefits.

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Original: House Clerk

Cc: Committee Bill File

HB 644-FN relative to various state laws pertaining to unlawfully present aliens.

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**Rep. David Welch
For the Committee
13-0 ITL CC**

Rep. Elaine Swenson

I.T.L.

Vote 13-0

HB 644 an act relative to various state laws pertaining to unlawfully present aliens.

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D. Welch for the committee

COMMITTEE REPORT

Rep. Welch

COMMITTEE: Criminal Justice Public Safety

BILL NUMBER: HB 644-FN

TITLE: Relative to various state laws pertaining to unlawfully present aliens.

DATE: 2-17-11 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

See Attached

COMMITTEE VOTE: 13-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. David A. Welch
For the Committee (DW)