**Final Immigration Provisions Included in the Conference Report**

**MassHealth and Commonwealth Care Immigration Verification**

* Benefits for individuals 19 and older accessing any program established under MassHealth or Commonwealth Care are limited to the following persons:
  + eligible adults who provide satisfactory documentation that they are lawfully present in the United States, including
  + persons permanently residing in the United States under color of law, or
  + to individuals who meet applicable federal requirements to qualify for reimbursable benefits.

**DTA Immigration Verification**

* This section would codify current regulations that that require citizen applicants for transitional assistance to declare that they are citizens under penalty of perjury. Further documentation would be required only if the information is questionable.
* This section would require noncitizens to provide documentation acceptable under Federal law to show required immigration status – it expands what was in the Senate by allowing certain persons such as victims of trafficking and domestic violence victims who are eligible for benefits to show documentation pursuant to the SAVE system.
* This section would allow a period of presumptive eligibility until citizenship or required immigration status can be verified.
* This section requires the use of the Systematic Alien Verification for Entitlements system in certain cases.
* This section would codify DTA’s current practice of cross-checking Social Security numbers, data-matching with other Commonwealth agencies, and cooperating with USDA fraud investigations.
* This section would require DTA to report on the amount of money recovered from fraudulent recipients and the number of disqualifications issued.

**MassHealth Immigration Verification**

* Requires MassHealth to implement an expedited process for verifying U.S. citizenship through a data match program with the Social Security Administration.
* Requires HHS to register for the Systematic Alien Verification for Entitlements (SAVE) system and use it to verify the immigration status of certain applicants.
* However HHS is exempt from the SAVE requirement if it reports that the system would not be cost effective by January 1, 2011.
* Require HHS to file an annual report on the amount of money recovered from recipients, providers and vendors who fraudulently received benefits.

**Unemployment Immigration Verification**

This section requires the Division of Unemployment Assistance to:

* Maintain interagency agreements with the US Social Security Administration and the US Department of Homeland Security to utilize a primary verification system to determine citizenship or work authorization at the time new claims are filed;
* Require non-citizen claimants to provide their alien registration number;
* Require non-citizen claimants who cannot provide an alien registration number to send copies to the Division of official documents that authorize them to work in the US;
* Institute a secondary verification process for non-citizen claimants who do not have an alien registration number or if the primary verification does not establish satisfactory status, using Division staff to review documents and transmit documents for verification to the Department of Homeland Security;
* In cases where secondary verification is required, issue no payment after the first payment until the claim is verified by the secondary verification process;
* Flag expiration dates of work authorizations; and
* Annually report to Senate and House Ways and Means and A&F on the amount of money recovered by the Division from those who received benefits fraudulently and on the number of recipients who were issued disqualifications.

**MassGrant Immigration Verification**

* Requires an applicant for the MassGrant scholarship program at state colleges and universities to complete a Free Application for Federal Student Aid or other federal loan program that verifies both financial and citizenship eligibility.
* This is the current practice

**Public Housing Immigration Verification**

* This section codifies current practices in DHDC’s regulations.
* It requires the department of housing and economic development to direct local housing authorities to
  + require an applicant to provide access to reliable and reasonably obtainable documentation to verify application information,
  + require information relating to an applicant’s landlords and references for the preceding 5 years, and
  + obtain criminal offender records for each applicant, credit reports and conduct home visits.
* Non-receipt of requested documentation, without good cause, shall be cause for ineligibility.
* Requires local housing authorities to determine financial eligibility.
* Requires the department to file an annual report on the amount of money recovered from recipients of fraudulent assistance and the number of those recipients who received partial or lifetime disqualifications.

**Immigration provisions that were not adopted**

**Emergency Housing Assistance (S 25)**

Amends MGL 23B:30 by limiting the provision of emergency housing assistance to U.S. citizens and permanent resident aliens only.

**Public Contract Integrity and Worker Documentation Certification Program (S 42, 370)**

Requires the Inspector General to ensure that a person receiving funds from a public works contract is in compliance with Federal immigration laws, by requiring verification of immigration status through a work authorization program and prohibiting awarding a contract absent compliance.

**Vehicle Registration and False Identification (S 109-115)**

Requires a person to provide a Massachusetts issued driver’s license or identification card in order to register a motor vehicle and sets out penalties for anyone who falsely makes, steals, forges or otherwise falsifies a learner’s permit, driver’s license or identification with the intent to distribute.

**Housing Immigration Verification (S 164)**

Amends MGL 121B:32 to prohibit priority being given to an applicant for assisted housing who is not eligible for Federal assisted housing or who is not a person residing in the United States under color of law.

**Illegal Immigration Tipline (S 173A)**

Requires the Attorney General to make available a 24 hour toll free hotline to report suspected violations of chapter 149, including immigration status and the unlawful employment of unauthorized aliens. All complaints received must be recorded, documented and investigated by the Attorney General, who must report suspected violations of federal law to the US Attorney General.

**Work Authorization Program Immigration Verification (S 174)**

Requires that the regulations promulgated by the Director of the Department of Labor to ensure that employers do not employ illegal aliens include ascertaining and verifying immigration and citizenship status utilizing a work authorization program.

**False Identification for Public Employment (S 175)**

Increases the penalties for knowingly employing illegal aliens to include the possibility of imprisonment in a house of correction for not more than 1 year and includes penalties for knowingly utilizing false identification for the purpose of securing or maintaining employment from a public employer.

**AG Immigration MOU (S 288)**

Requires the Attorney General to enter into a memorandum of understanding with the US Attorney General for the purpose of enforcing state and federal laws pertaining to immigration and citizenship.

**Criminal Immigration Status Verification (S 289)**

Requires the immigration status of every defendant to be confirmed at the arraignment stage of a criminal court proceeding.

**Tuition Verification (S 290)**

Allows a person to be considered a Massachusetts resident for college tuition purposes only if the person is a lawful immigrant, permanent resident of the United States, eligible to apply and has applied for such status, or eligible to apply and has applied for refugee or asylum status, and meets the same requirements for Massachusetts residency as are required of a United States citizen.

**Status Verification Study (S 296)**

Requires the auditor to study the cost of implementing Senate budget amendment 52, relating to immigration verification, and any cost savings likely to result of that implementation, including consideration of similar Colorado legislation and the 2007 implementation of Medicaid verification requirements in the Commonwealth by income levels, by December 31, 2010.

**Debarment of Employers (H 10A)**

Provides that the Secretary of Administration and Finance shall (rather than may) debar employers from public contracting upon conviction for certain offenses.