**FACTSHEET**

**H. 125, An Act Ensuring Equal Access to Services for All Residents of the Commonwealth**

**Lead Sponsor: Representative Byron Rushing**

**Legislative Session: 2015-16**

**What this bill would do:**

This bill seeks to put into law the Commonwealth's support of immigration and willingness to help residents obtain legal immigration status and citizenship.  It would also prevent actions or regulations by the Commonwealth that would present barriers to these goals.

Specifically, H. 147 would add a new section to Chapter 30 of the Massachusetts General Laws that would:

* State that it is the policy of the Commonwealth to "support and encourage any residents in their attempt to obtain legal immigration status and, if they choose, citizenship."
* Prevent regulations or requirements denying assistance or participation in state programs on the basis of immigration status, except as required by federal or state statute or by court decision.
* Prohibit agencies and employees of the Commonwealth from inquiring into an individual’s immigration status or sharing such information with others, unless required by federal or state law or court decision.

Nothing in the bill would prohibit agencies or employees of the Commonwealth from requesting information regarding alienage or immigration status in order to secure federal reimbursement for a specific program or to assist an individual in resolving an immigration-related question.

The bill would establish in statute the protections of Governor Dukakis’ Executive Order #257 (1985), which stated:

*No employee, agent or agency of the Commonwealth shall request information about, investigate, or assist in the investigation of the citizenship or residency status of any person unless such inquiry or investigation is required by federal statute, regulation, or court decision; nor shall any such employee, agent or agency disseminate information regarding the citizenship or residency status of any person unless similarly required to do so. No employee, agent or agency shall condition the provision of benefits, opportunities or services on matters related to citizenship or residency status, unless required to do so by federal statute, regulation, or court decision.*

This order was revoked by Governor Weld’s Executive Order #361 (1993) on the basis that the Office for Refugees and Immigrants created in 1992 had the authority to “administer a transitional program for refugees and recent immigrants,” and Executive Order #257 was no longer necessary.

In Governor Patrick’s Executive Order #503 (2008), the only language which comes close to re-establishing this policy is:

*Section 1*: *The Commonwealth of Massachusetts shall develop a New Americans Agenda, a comprehensive and strategic statewide approach to successfully integrate our immigrant and refugee populations that builds upon the strengths of immigrants and refugees in the Commonwealth. The* *New Americans Agenda will help to ensure that these populations become self-sufficient and integrated members of our economy and communities as quickly as possible.*

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