

## Memo

To: Board of Supervisors

From: Thomas C. Gates, County Administrator

Date: July 24, 2015

Subject: Immigration and Undocumented Persons



During the July 14, 2015 meeting of the Board of Supervisors, Mr. Bedrosian requested a staff briefing regarding the impact of undocumented persons receiving County services on Roanoke County government and its taxpayers. In anticipation of that briefing I am providing you with this memorandum for your information.

Mr. Bedrosian requested information from the Department of Social Services, the Police Department and the Roanoke County Public Schools regarding their experience with undocumented persons including the programmatic and fiscal impact realized by the departments. For completeness I have also included the Roanoke County Sheriff's Office in the review. This memo details departmental procedures in place for addressing undocumented individuals, discusses the County's experience with undocumented persons, and assesses the fiscal impact to the County that results.

### **Police Department**

Policing practices in the County are focused on prevention and response to criminal acts that risk the health and safety of the general public. Individuals who are accused of committing a criminal act are arrested. At the time of arrest, the person incarcerated is asked about their status as a United States citizen. The individual's response, if provided, is recorded on the arrest form. For any number of reasons (ie., refusal, mental condition, impairment) the arrest form may not include information regarding citizenship status.

Individuals who are detained for suspicion of a crime (including traffic infractions), are routinely checked for outstanding warrants. Open warrants, whether local, State or federal result in arrest.

The immigration status of a person arrested or detained, is reviewed only in those instances where the matter is pertinent to an investigation of crime. Statistics related to immigration status checks that occur as part of a criminal investigation are not collected.

The following data on U.S. citizenship reflects the declarations of individuals arrested by the Roanoke County police for the 12-month period of July 1, 2014 through June 30, 2015.

<b><u>Citizenship</u></b>	<b><u>Count</u></b>	<b><u>% of Total</u></b>
Yes	3092	76.92%
No	57	1.42%
Blank (No Response)	871	21.67%
<b>Total</b>	<b>4020</b>	

As noted, of the 4,020 arrested, 1.42% indicated non U.S. citizenship. A total of 871 persons (21.7%) offered no response. *It is important to note that a negative response or no response to the question of citizenship does not imply the immigration status of the individual.* Anecdotally, the Police Department indicates their experience with undocumented individuals is very limited and inconsequential to their operations.

### **Sheriff's Department**

The Roanoke County Sheriff's Office is required by federal statute to record both country of birth and citizenship status upon intake at the County jail. The information obtained is reported by the arrestee. The immigration status of any individual reporting non U.S. citizenship or foreign birth is queried via the Immigration Alien Query (IAQ) report which links to State and national Crime Information Center databases. IAQ results are entered into the federal Immigrations and Customs Enforcement (ICE) database. Individuals with outstanding warrants are detained pending resolution of the warrant. Per a legal opinion of the Commonwealth's Attorney General, the Sheriff's Office has no legal authority to detain an individual who is otherwise eligible for release solely to comply with a detention request of ICE.

Per federal law, IAQ queries may not be retained and therefore the Sheriff's Office does not possess specific documentation regarding the immigration status of individuals detained in the County jail. Information on those reporting foreign birth or non-U.S. citizenship is retained. For the period from July 1, 2014 through June 30, 2015, the Sheriff's Office recorded 2,052 bookings into the County jail. A total of 51 (.02%) of those incarcerated reported being a non-U.S. citizen or of foreign birth. For the reasons stated, the immigration status of those 51 individuals is unknown.

### **Social Services**

The Roanoke County Department of Social Services (DSS) observes both State and federal policy and law regarding services provided undocumented persons. Virginia has a State mandated, locally administered social service system. Through agreement with the Commonwealth, the County exercises limited local operational control of the Department primarily through administration of DSS personnel. Eligibility and record keeping

requirements for all programs and services of DSS are directed by the State. Likewise funding for DSS programs is garnered through the State with the exception of Children's Services Act (CSA) funds which are partially matched with monies provided by the County. DSS programs can be characterized as either Service or Benefit programs. Service programs consist of the following:

- Foster Care and Adoption Services
- Adult Services
- Adult Protective Services
- Child Protective Services
- Children's Services Act (CSA)
- Companion Services
- Child Care Services
- Prevention Services
- The Virginia Initiative for Employment Not Welfare

State requirements for service program eligibility do not generally consider an individual's immigration status as a determining factor for service. The Department therefore has no confirmed data regarding any individual's immigration status.

Anecdotal information from DSS staff indicate there is currently one child receiving foster care services who is presumed to be undocumented. In the prior fiscal year, Department staff identified five Child Protective Service cases (.005% of all cases) where the recipient of services was presumed to be undocumented. As noted since immigration status is not a determining factor in service delivery, actual status is not known.

One service program of DSS does require assertion of legal immigration status. As part of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child care services offered through DSS may only be received by citizens of the United States or qualified aliens.

Benefit Programs provided by DSS consist of the following:

- Medicaid
- General Relief Unattached Child
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Nutrition Assistance Program – Employment and Training (SNAPET)
- Temporary Assistance to Needy Families (TANF)
- Energy Assistance Program

Most benefit programs have policy precluding undocumented persons from receiving assistance. At application, the local agency must determine if each member of the family requesting benefits is a U.S. citizen. Certain legal immigrants including those with Afghan and Iraqi Special Immigrant visas, individuals who are victims of human trafficking, immigrants granted asylum under INA Section 208, a Cuban or Haitian entrant, Amerasian's as documented by the I-9 form, and Highland Laotians and Hmong tribe members lawfully residing in the U.S are eligible for benefits. Other legal exceptions may also apply. The Temporary Assistance for Needy Families program (TANF), for example, stipulates only U.S. citizens and qualified aliens are eligible to receive benefits. However, if there are children in

the home who are U.S citizens, they may receive services regardless of their parent(s) immigration status. Of 242 open TANF cases, there is currently one case of U.S. born children of an undocumented person receiving TANF benefits.

State and Federal policy does not allow Medicaid services for non-citizens except for in emergency situations. Emergency service approvals are determined by the Virginia Department of Medical Assistance Services (DMAS) and the service must be for life threatening conditions.

### **Roanoke County Public Schools**

The Roanoke County public schools abide by federal law as related to the immigration status of students. The U.S. Supreme Court has determined (*Plyler v. Doe*) that public schools have an obligation to educate a child regardless of their immigration status. As a result school systems are specifically precluded from inquiring as to the immigration status of any child or parent of that child in order to determine immigration status or to make inquiries that may expose an undocumented status. The school system has no data on undocumented children in the system and, given the preclusion regarding inquiry that may expose status, cannot speculate on the numbers.

### **Summary**

Although legal and policy restrictions related to the reporting of immigration status certainly limits access to data, it is reasonably clear from the data available and the experience of our staff that undocumented persons have a nominal impact on County services. From a law enforcement perspective, less than two percent of those persons involved in the system are known to be non-U.S. citizens and/or of foreign birth. By extension, the number of undocumented persons is less than two percent. The experience of our Department Social Services staff similarly suggests an extremely small portion of their caseload involves individuals who may be undocumented.

As a result of this review, it is safe to conclude that Roanoke County is not realizing a substantive impact, either operationally or fiscally from the presence of undocumented individuals in the community.

As always, I am pleased to answer any questions.