

Denying Professional and Commercial Licenses to People Who are Unlawfully Present in the United States

Subject to exemptions and definitions found in federal law, this Act requires local governments and divisions, boards, and agencies of the department of regulatory agencies to issue and renew licenses, permits, registrations, certificates, charters, memberships, or similar authorizations to a person only if the person is lawfully present in the United States and to deny any such authorization, including a renewal thereof, upon determining that the person is unlawfully present in the United States. It also requires a person to prove his or her identity with a secure and verifiable document.

Submitted as:

Colorado

HB 1009

Status: Enacted into law in 2006.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Deny State Licenses and
2 Certain Benefits to People Who are Unlawfully Present in the United States.”
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4 Section 2. [*Applications for Licenses - Authority to Suspend Licenses - Rules.*]

5 (a) Every application by an individual for a license issued pursuant to the authority set
6 forth in [insert citation] by any division, board, or agency of this state shall require the applicant’s
7 name, address, and social security number. Subject to the exemptions found in 8 U.S.C. Sec. 1621
8 (c) (2), to the extent that any such license constitutes a professional license or commercial license
9 regulated by 8 U.S.C. Sec. 1621, such division, board, or agency may issue or renew any such
10 license to an individual only if the individual is lawfully present in the United States, and shall
11 immediately deny any such license or renewal thereof upon determining that the individual is
12 unlawfully present in the United States. The individual shall prove his or her identity with a
13 secure and verifiable document, as that term is defined in [insert citation]. The division, board, or
14 agency shall not sell or use for any purpose other than those specified in law the information
15 contained in the secure and verifiable document, and shall keep such information confidential
16 unless disclosure is required by law; except that nothing in this paragraph (a) shall be construed to
17 limit public access to records that are available for public inspection pursuant to [insert citation].

18 (b) For purposes of this section, an individual is unlawfully present in the United States if
19 the individual is an alien who is not:

20 (i) a qualified alien as defined in 8 U.S.C. Sec. 1641;

21 (ii) a nonimmigrant under the “Immigration and Nationality Act,” Federal Public
22 Law 82-414, as amended; or

23 (iii) an alien who is paroled into the United States under 8 U.S.C. Sec. 1182 (d) (5)
24 for less than one year.

25 (c) This section shall be enforced without regard to race, religion, gender, ethnicity, or
26 national origin.

27 Section 3. [*General Regulations.*]
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29 (a) Subject to the exemptions found in 8 U.S.C. Sec. 1621 (c) (2), to the extent that a
30 license, permit, certificate, or other authorization to conduct business issued by a county
31 constitutes a professional license or commercial license regulated by 8 U.S.C. Sec. 1621, a county
32 may issue such authorization to an individual only if the individual is lawfully present in the
33 United States, and shall immediately deny any such authorization or renewal thereof upon
34 determining that the individual is unlawfully present in the United States. The individual shall
35 prove his or her identity with a secure and verifiable document, as that term is defined in [insert
36 citation]. A county shall not sell or utilize for any purpose other than those specified in law the
37 information contained in the secure and verifiable document, and shall keep such information
38 confidential unless disclosure is required by law; except that nothing in this paragraph (a) shall be
39 construed to limit public access to records that are available for public inspection pursuant to
40 [insert citation].

41 (b) For purposes of this section, an individual is unlawfully present in the United States if
42 the individual is an alien who is not:

43 (i) a qualified alien as defined in 8 U.S.C. Sec. 1641;

44 (ii) a nonimmigrant under the “Immigration and Nationality Act,” Federal Public
45 Law 82-414, as amended; or

46 (iii) an alien who is paroled into the United States under 8 U.S.C. Sec. 1182 (d) (5)
47 for less than one year.

48 (c) This section shall be enforced without regard to race, religion, gender, ethnicity, or
49 national origin.
50

51 Section 4. [*Powers to Regulate Businesses.*]

52 (a) Subject to the exemption as found in 8 U.S.C. Sec. 1621 (c) (2), to the extent that any
53 license, permit, certificate, or other authorization to conduct business issued by a municipality
54 constitutes a professional license or commercial license regulated by 8 U.S.C. Sec. 1621, the
55 governing body of a municipality may issue such authorization to an individual only if the
56 individual is lawfully present in the United States, and shall immediately deny any such
57 authorization or renewal thereof upon determining that the individual is unlawfully present in the
58 United States. The individual shall prove his or her identity with a secure and verifiable
59 document, as that term is defined in [insert citation]. A municipality shall not sell or utilize for
60 any purpose other than those specified in law the information contained in the secure and
61 verifiable document, and shall keep such information confidential unless disclosure is required by
62 law; except that nothing in this paragraph (a) shall be construed to limit public access to records
63 that are available for public inspection pursuant to [insert citation].

64 (b) For purposes of this subsection, an individual is unlawfully present in the United
65 States if the individual is an alien who is not:

66 (i) a qualified alien as defined in 8 U.S.C. Sec. 1641;

67 (ii) a nonimmigrant under the “Immigration and Nationality Act,” Federal Public
68 Law 82-414, as amended; or

69 (iii) an alien who is paroled into the United States under 8 U.S.C. Sec. 1182 (d) (5)
70 for less than one year.

71 (c) This section shall be enforced without regard to race, religion, gender, ethnicity, or
72 national origin.
73

74 Section 5. [*Severability.*] [Insert severability clause.]

75 Section 6. [*Repealer.*] [Insert repealer clause.]

76 Section 7. [*Effective Date.*] [Insert effective date.]
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