



SPONSOR: Sen. Marshall & Rep. Miro & Rep. Keeley

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 35

URGING THE FEDERAL GOVERNMENT TO ENACT COMPREHENSIVE IMMIGRATION REFORM AND TO MORE FULLY ASSERT ITS CONSTITUTIONAL AUTHORITY TO ENFORCE LAWS GOVERNING IMMIGRATION AND NATURALIZATION.

1 WHEREAS, for at least 135 years, the courts have found that immigration was a clear federal responsibility, based
2 on an 1875 U. S. Supreme Court ruling in the wake of actions by a number of the states to pass their own immigration laws;
3 and

4 WHEREAS, the federal responsibility was further clarified by the Immigration Act of 1891 and by a host of
5 subsequent legislation over the next century; and

6 WHEREAS, largely because of the practices and procedures put in place by these federal laws, the immigration
7 and naturalization process in the United States was both orderly and effective for many years, with the result that the
8 history, culture and economy of Delaware and other states has been immeasurably enriched by those who have come to
9 America from other parts of the world; and

10 WHEREAS, this rich history of the arrival of immigrant populations on American shores and their subsequent
11 incorporation into the fabric of American life and culture has become a central feature of what it has meant to be an
12 American; and

13 WHEREAS, for a variety of economic, cultural and political reasons, large numbers of undocumented or illegal
14 immigrants have come to Delaware and other states in recent decades to live and work; and

15 WHEREAS, those federal agencies with jurisdiction over immigration laws have in many instances failed to deal
16 effectively with this influx of undocumented persons, either because of shortcomings in often out-dated laws and
17 regulations or because of under-staffing caused by funding shortages, a fact that has caused increasing problems for state
18 and local government; and

19 WHEREAS, for too many years, the lack of an up-to-date, comprehensive national immigration policy properly
20 designed to deal effectively with the situation which now confronts Delaware and other states has led to great difficulties
21 and to enormous costs, both human and financial; and

22 WHEREAS, the absence of such a policy has led to the breaking up of families, to the deaths of hundreds of
23 undocumented or illegal immigrants along the U. S.—Mexico border, to the exploitation of undocumented workers by
24 some employers, and to the often ill-considered deportation of workers who may have great potential to make meaningful
25 positive contributions to our society; and

26 WHEREAS, outmoded immigration quota systems and other archaic provisions of the law have greatly reduced
27 the ability of U. S. companies to bring persons with technical specialties and other skills in short supply in this country into
28 the U. S. from overseas, which has had the unintended consequence of further adding to the movement of high-quality jobs
29 from this country to other nations who are more flexible in this regard; and

30 WHEREAS, the lack of progress in arriving at a comprehensive national immigration policy has had a major
31 negative effect on relations between law enforcement agencies and immigrant communities, both within Delaware and
32 across the U. S., which has in turn led to an increase in crime, and a reduction in the reporting of domestic crimes and
33 crimes involving the victimization of immigrants; and

34 WHEREAS, the continued failure to deal effectively with this situation at the federal level has led to added
35 financial burdens upon Delaware law enforcement agencies, the Delaware Department of Justice and the Delaware
36 Department of Correction for the apprehension, prosecution and incarceration of persons relating to crimes connected to
37 illegal immigration, without adequate federal reimbursement; and

38 WHEREAS, the lack of a comprehensive national immigration policy has led to increased division among our
39 citizens and to the enactment by a number of states of laws designed to deal with the problems which have been created for
40 the states by the continued absence of an effective national policy; and

41 WHEREAS, this trend, if left unchecked, will almost certainly lead to a fragmented and dangerous mishmash of
42 legal conflicts between the laws of the various states, together with a whole new series of problems resulting therefrom;

43 NOW, THEREFORE:

44 BE IT RESOLVED by the Senate of the 145th General Assembly of the State of Delaware, the House of
45 Representatives concurring therein, that the members do hereby urge the President and the Congress to act urgently to enact
46 comprehensive national immigration reform legislation.

47 BE IT FURTHER RESOLVED that the members respectfully request that the said immigration reform legislation
48 include the following provisions:

49 1. there should be a “zero tolerance” policy in dealing with undocumented immigrants who commit violent
50 crimes and dangerous felonies while residing in the United States;

51 2. the said legislation should respect the human and civil rights of both citizens and non-citizens being
52 detained, with a special emphasis on not separating families;

53 3. penalties should be strengthened, and strictly enforced, against employers who knowingly employ
54 undocumented workers, and particularly against employers who exploit undocumented workers;

55 4. the legislation should provide for a program for the admission into the U. S. of temporary workers based
56 on the needs of the economy, and for a process whereby such workers could over time qualify for legal permanent
57 residency;

58 5. more financial assistance should be provided by the federal government to state and local governments
59 that incur costs relating to undocumented or illegal immigrants;

60 6. the legislation should include a pathway to citizenship for the estimated 11 to 12 million undocumented
61 immigrants now believed to be in the U. S., which would require a full criminal background check, the payment of
62 any and all fines and/or back taxes and related expenses, and learning the English language;

63 7. The legislation should incorporate provisions of the 2009 “Development, Relief and Education for Alien
64 Minors Act” (known as the "DREAM Act”) which would provide certain undocumented or illegal immigrant
65 students who graduate from U. S. high schools, who are of [good moral character](#), who arrived in the U.S. as
66 minors, and have been in the country continuously for at least five years prior to the bill's enactment, with an
67 opportunity to earn conditional permanent residency.

68 BE IT FURTHER RESOLVED that suitable copies of this Senate Concurrent Resolution be provided to members
69 of Delaware’s U. S. Congressional delegation, and to the President and Vice-President of the U. S., upon its passage.

SYNOPSIS

This Senate Concurrent Resolution requests that the U. S. Congress and the President take urgent action to enact comprehensive national immigration reform legislation. For at least 135 years, the courts have found immigration to be a clear federal responsibility, based on an 1875 U. S. Supreme Court ruling in the wake of actions by a number of the states to pass their own immigration laws. Because of a failure by the Congress and by successive administrations in Washington to update and modernize U. S. immigration policy, because of an increasing incidence of undocumented and/or illegal immigrants in recent decades and other factors, U. S. immigration policy is now in critical need of revision. Individual states, frustrated by continued federal inaction, are now beginning to enact what could quickly become a patchwork of state laws, often with conflicting provisions, that could further complicate an already confusing situation.

Author: Senator Marshall