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State of Rhode Island and Providence Plantations

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JJ

Donald L. Carcieri
Governor

EXECUTIVE ORDER

08-01

March 27, 2008

ILLEGAL IMMIGRATION CONTROL ORDER

WHEREAS, most Rhode Islanders and most Americans are descendants of immigrants from all regions of the world and Rhode Island continues to welcome new immigrants who legally seek the opportunities that the state, its economy, and its resources offer; and

WHEREAS, Congress and the President have been unable to resolve the problem of illegal immigration, leaving the states to deal with the consequences of 11 to 20 million illegal immigrants residing in the United States, the number in Rhode Island being between 20,000 and 40,000, more than the population of 32 of Rhode Island's 39 cities and towns; and

WHEREAS, the presence of significant numbers of people illegally residing in the State of Rhode Island creates a burden on the resources of state and local human services, law enforcement agencies, educational institutions and other governmental institutions and diminishes opportunities for citizens and legal immigrants in Rhode Island; and

WHEREAS, in 1996 Congress amended the Immigration and Nationality Act, 8 U.S.C. §1373(c), to allow government entities or officials to send to or receive from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual and the federal government established the E-Verify program to help employers electronically verify the employment eligibility of new hires and the validity of their Social Security numbers; and

WHEREAS, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA), and authorizes the Secretary of the U.S. Department of Homeland Security to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions pursuant to a Memorandum of Agreement (MOA), provided that the local law enforcement officers received appropriate training and function under the supervision of sworn U.S. Immigration and Customs Enforcement (ICE) officers; and

WHEREAS, law enforcement can more effectively combat criminal activity related to illegal immigration if federal, state and local authorities work on a cooperative basis.

NOW, THEREFORE, I, DONALD L. CARCIERI, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations do hereby order as follows:

1. The Department of Administration shall register and use the federal government's E-Verify program to electronically verify the employment eligibility of new hires in the Executive Branch and the validity of their Social Security numbers to ensure that all employees of the Executive Branch are legally eligible to be employed in the United States and take appropriate action against those that are not eligible for employment, consistent with federal and state law. For purposes of this Order, the Executive Branch of government is considered to be all agencies and departments in the Executive Branch, excluding the offices of general officers, said officers being the Department of Attorney General, Lieutenant Governor, Secretary of State, and General Treasurer.
2. The Department of Administration shall require that all persons and businesses, including grantees, contractors and their subcontractors and vendors doing business with the State of Rhode Island also register with and utilize the services of the E-Verify program to ensure compliance with federal and state law.
3. The Directors of each department and state agency in the Executive Branch shall attempt to notify any person whose identity was stolen or otherwise improperly used by any person in order to receive any benefit, including but not limited to child care, health care, any government issued identification card, including driver's license and non-driver's license identification, welfare or employment.

4. The Rhode Island State Police, pursuant to the authority set forth in Section 287(g) of IIRAIRA and INA, shall work to secure a MOA with ICE to receive training necessary to enable them to assist ICE personnel in the enforcement of federal immigration laws.
5. The Department of Corrections shall also work with ICE officials to secure an MOA that will define the scope of state correctional personnel authority to perform certain immigration law enforcement functions which shall be subject to the cross-supervision of ICE and permit certain correctional personnel to complete appropriate training and function under the supervision of sworn ICE officers to combat illegal immigration issues at the Adult Correctional Institution, consistent with federal and state law.
6. It is urged that all law enforcement officials, including state and local law enforcement agencies take steps to support the enforcement of federal immigration laws by investigating and determining the immigration status of all non-citizens taken into custody, incarcerated, or under investigation for any crime and notifying federal authorities of all illegal immigrants discovered as a result of such investigations.
7. The Parole Board and the Department of Corrections shall work cooperatively with ICE personnel to provide for the parole and deportation of criminal aliens.
8. Nothing in this Executive Order shall be construed to supersede, contravene or conflict with any federal or state law or regulation or deny a person's rights under the Rhode Island or United States Constitution and to this extent employees of the Executive Branch may act independently of this Executive Order in order to avoid such conflict or violation.

So Ordered:



Donald L. Carcieri

Dated: 3/27/08