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SENATE JOINT RESOLUTION NO. 93

Offered January 9, 2008

Prefiled January 9, 2008

Memorializing the Congress of the United States to pursue solutions to illegal immigration.

Patron—Stolle

Referred to Committee on Rules

WHEREAS, illegal immigration is currently a topic that has generated considerable discussion and controversy in the Commonwealth of Virginia and across the nation; and

WHEREAS, the number of bills introduced for consideration by the General Assembly of Virginia that pertain to illegal immigration has steadily increased in recent years. Most recently, 49 bills and resolutions were introduced in the General Assembly's 2007 Session; and

WHEREAS, the increase in the number of bills related to illegal immigration in Virginia is part of a national trend, and a survey conducted by the National Conference on State Legislatures has determined that a total of more than 1,500 bills and resolutions on the subject were introduced before all 50 state legislatures in 2007, an increase from a total of 570 introduced in 2006; and

WHEREAS, the increase in the number of bills introduced for consideration by the General Assembly of Virginia, combined with the considerable uncertainty and differing opinions as to the legal authority of state legislation and enforcement related to illegal immigration, prompted the Virginia State Crime Commission to form an Illegal Immigration Task Force for the purpose of reviewing the impact of illegal immigration on Virginia's criminal justice system and what measures may legally and effectively be taken at the state level of government; and

WHEREAS, information presented to the Illegal Immigration Task Force revealed that regulation of immigration has been held by the United States Supreme Court to be exclusively a federal power and that most of the legislation recently considered by the General Assembly of Virginia is preempted pursuant to Article 7 of the United States Constitution; and

WHEREAS, despite the fact that existing federal immigration laws preempt most state measures aimed at addressing the issue, the existing federal laws have neither been enforced nor, as an alternative, amended or repealed, creating an unacceptable situation in which the federal government has the power to act but has neglected to do so while many states wish to act but cannot; and

WHEREAS, the Illegal Immigration Task Force has found that the few potential state measures that are not preempted by federal law will be of limited effect unless and until the dedicated employees of United States Immigration and Customs Enforcement are provided with the resources needed to do their jobs and that state and local cooperation with Immigration and Customs Enforcement in the enforcement of federal immigration law is pointless as long as Immigration and Customs Enforcement lacks the necessary resources to detain the resulting increase in the number of illegal immigrants apprehended pending possible deportation; now therefore, be it

RESOLVED, by the Senate, the House of Delegates concurring, That the Virginia General Assembly memorialize the Virginia representatives to the United States Senate and House of Representatives to demonstrate leadership on the matter of illegal immigration. Specifically, it is requested that since Congress has chosen to preempt the states from enacting or enforcing many of the laws that states have sought to enact, that Congress aggressively pursue solutions to the problem of illegal immigration by providing federal agencies with the necessary resources for the enforcement of existing federal immigration laws, or, should Congress choose not to lead on a subject that they have purposefully reserved for themselves, by enacting legislation granting the individual states the additional authority and funding to address the problem of illegal immigration; and

RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the Virginia Congressional Delegation and the Governor so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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