

# **Prince William Law Seen As a Test; Board Considers What to Deny to Illegal Immigrants**

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## **Body**

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As soon as Prince William County announced its plan to deny services to undocumented immigrants, calls began coming in from as far as Arizona and Washington state, as local governments across the country look for new strategies to target people in the country illegally.

Crackdowns elsewhere in the nation have had limited success. Towns such as Riverside, N.J., Hazleton, Pa., and Escondido, Calif., have passed, then repealed, ordinances aimed at illegal immigrants -- or suffered costly legal setbacks in defending the policies.

The Prince William Board of County Supervisors says its approach is different. Unlike other jurisdictions' attempts to punish landlords who rent to illegal immigrants or employers who hire them, county officials crafted their strategy around increased police enforcement and service restrictions.

Supervisors are trying to put a final price tag on their plan and determine which services can be legally denied, all in advance of a crucial Oct. 16 vote.

Immigration law experts say the county's policy is legally untested.

"There is a long history in our jurisprudence that states cannot discriminate with respect to populations," said Muzaffar A. Chishti, director of the nonpartisan Migration Policy Institute's office at the New York University law school. "As a general principle, they probably will have a difficult time."

County staff members were ordered in July to determine which services and benefits could be withheld from illegal immigrants, and the result is the phone-book-size "Analysis of County Services" that was presented at this week's board meeting. The report suggested that checks for residency status would be permitted for such programs as homelessness prevention, senior care and business license applications. Supervisors deferred their vote on the report's recommendations.

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"It was a huge undertaking," said Assistant County Executive Melissa Peacor, the study's director. No other local government in the country has produced that type of analysis, she said.

"We knew that other jurisdictions here in Virginia and around the country would be looking at this," said Peacor, adding that **Prince William** staff members consulted with their counterparts in Loudoun County, where lawmakers are determining how to curb services to **illegal immigrants**.

Implementing the recommended service cuts would be complicated, though, as county staff members would have to be trained as immigration screeners.

Substance abuse counselors would need to be well-versed in the nuances of U.S. visa categories. Seniors who want to go sightseeing on county-subsidized "Bluebird" bus tours would have to prove they're legal. Homeless shelter staff members would need to know the difference between a C-1 "Alien in Transit" visa and Temporary Protected Status.

Aware that uneven enforcement would run afoul of equal-protection **laws**, Peacor said the residency checks would be mandatory. "We would ask everybody," she said.

The county's services report provides a comprehensive view of the workings of local government, dividing services into several categories. Some services already are **denied** to **illegal immigrants** under federal **law**, such as food stamps, Medicaid and welfare benefits, the report says.

Others, such as access to public schools, are federally protected. Then there are public facilities -- pools, golf courses and historic sites -- where access could be **denied** but at a high cost that is likely to draw legal challenges, the report says. Finally, access to features such as landfills, animal control and psychiatric services should not be **denied** because they benefit the community as a whole, the report says.

Those benefits and services that the county should restrict, in keeping with the **board's** stated goals, are not likely to incur significant costs, Peacor said. Some, such as adult day care and aging in-home care, have waiting lists and are being used by **illegal immigrants**, she said. Legal county residents would benefit from the decreased demand, she said.

Although supervisors have voted unanimously on their **illegal** immigration proposals, divisions are emerging over which services should be on the list. Vice Chairman Martin E. Nohe (R-Coles) said he was concerned about the effect of business license requirements for thousands of entrepreneurs who, under current county **law**, do not require a license if they gross less than \$100,000 annually.

"I'm not sure if it makes sense to add all that additional bureaucracy," said Nohe, estimating that thousands of business owners in the county would be affected. "And it would be difficult to inform all the legal business owners out there about the new ordinance."

Nohe said **Prince William** is bracing for court battles and moving into unknown legal territory.

"Is [the county's plan] more defensible than the Hazleton case? Is it less likely to be struck down? We think so," he said. "But it's a reason to proceed cautiously."

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