

The Protect NC Workers Act Signed into Law 10/28/2015

Identification Documents

The Protect NC Workers Act prohibits use of Matricula Consular and other consulate documents as well as documents created by any person, organization, county, city, or local authority to determine a person's identity or residency by a justice, judge, clerk, magistrate, or other government official. The Protect NC Workers Act does not limit the use of passports.

Under current law, local governments determine identification requirements for various government services. No state agency (DMV, DHHS-Vital Records) currently accepts either the Matricula Consular or documents created by an organization, county, city, etc. **Local governments that previously accepted either the Matricula Consular or other documents will continue to have authority to determine other acceptable forms of identification** for the purposes determined by the local government.

Law enforcement officers may continue to use documents created by any person, organization, county, city, or other local authority to determine identity and residency if it is the only form of identification available at the time.

Reasonably Reliable indicators of residency include: Paystubs with the payee's address, utility bill showing the address of the applicant-payor, contract for an apartment, house, modular unit, or manufactured home with a NC address signed by the applicant, receipt for personal property taxes paid, receipt for real property taxes paid to a NC locality, a current automobile insurance policy issued to the applicant and showing applicant's address, a monthly or quarterly financial statement from a NC regulated financial institution.

The insurer and its agent must verify that the information provided by an applicant regarding the applicant's address and the place the motor vehicle is garaged is correct. The agent may obtain proof of NC residency from reliable proof of residency listed previously.

Sanctuary Cities

The Protect NC Workers Act prohibits any city or county from having in effect any policy, ordinance, or procedure that would restrict the enforcement of federal immigration law. The Protect NC Workers Act is specific to the nature of the policy, ordinance, or procedure prohibited.

No city or county shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:

1. Prohibit law enforcement officials or agencies from gathering such information.
2. Direct law enforcement officials or agencies not to gather such information.
3. Prohibit the communication of such information to federal law enforcement agencies.

The Protect NC Workers Act does not require law enforcement to collect this information, nor does it obligate participation with the federal 287(g) program. Law enforcement retains ability to use their own discretion in making decision to ask for status from someone they believe to be undocumented.

E-Verify

Any company that does business with a public entity in North Carolina will be required to ensure their employees are in this country legally through the federal E-Verify program. HB 786 (2014) required that city and county government contractors and subcontractors use E-Verify. The Protect NC Workers Act expands that requirement to cover a greater number of public contracts in North Carolina. The bill requires the Commissioner of Labor to prepare a form to accept complaints, investigate whether a violation has occurred and post violations online.

Re-Implements Work Requirement for Food Stamps

The Protect NC Workers Act provides for reinstatement of the historic federal bipartisan welfare reforms that provide a path out of poverty to millions of Americans.

The Protect NC Workers Act will continue the phase-in of employment and training programs for unemployment able-bodied adults without dependents (ABAWDs) receiving benefits.

To be eligible for benefits, able bodied adults without dependents (ABAWDs) are required to work or volunteer at least 20 hours a week, participate in qualifying education and training activities, or comply with a workfare program.