SPONSOR: Sen. Brown & Rep. Ortega & Rep. Wilson-Anton
Sens. Buckson, Cruce, Hansen, Hocker, Hoffner, Huxtable, Lawson, Lockman, Mantzavinos, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Seigfried, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Berry, Gorman, Griffith, Lambert, Romer

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 27
AS AMENDED BY
SENATE AMENDMENT NO. 2
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICE OF NEW AMERICANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 87, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter I-A. Office of New Americans.

§ 8751. Legislative findings.

The General Assembly finds and declares as follows:

(1) In 2023, Delaware was home to 115,129 foreign-born individuals, which comprised 11.6% percent of the State’s population.

(2) Throughout this State's history, immigrants have played a critical role in this State's economic, cultural, and political growth and success.

(3) Policies that promote the attraction, retention, and inclusion of immigrants and refugees will help enhance this State’s economy and diversity, thereby improving the lives of all residents and helping to remove barriers that may undermine immigrants’ full potential.

(4) Immigrants currently fill skilled and unskilled positions throughout this State’s economy and are a vital part of this State’s economy and tax base. In 2022, the American Immigration Council noted that immigrant business owners in this State generated more than $1.1 billion in federal and state tax revenue and immigrant spending power was $3.6 billion.

(5) 42.6% of immigrants in this State have a bachelor of arts, bachelor of science, or graduate degree, compared to 36% of United-States-born Delawareans.

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(6) Organizations are providing leadership in this State's immigrant integration efforts through programs and services that connect newcomers and longtime Delawareans to economic opportunity.

(7) It is essential for this State's future that skilled, energetic, and entrepreneurial immigrants are attracted, retained, and integrated. Immigrants help to bolster this State's economy and strengthen the social, civic, and cultural fabric.

(8) This State provides for many services, licenses, and educational and economic opportunities, which makes it imperative to coordinate the work of state agencies, leverage relationships with partner and nonprofit organizations, and recommend policies and programs that support immigrant inclusion. Immigrants on the path to full civic and economic participation will benefit from a welcoming environment and policies that do all of the following:

a. Increase immigrant access to English language instruction and workforce development and employment.

b. Reduce exploitation and fraud against immigrants.

c. Connect immigrants to legal services and assist on the path to naturalization.

d. Provide individuals with meaningful access to State resources and opportunities regardless of English proficiency.

(9) In recognition of these facts and in promotion of the stated goals, the creation of the Office of New Americans will help improve the lives and economic prosperity of immigrants and of Delawareans generally.

§ 8752. Definitions.

As used in this subchapter:

(1) "Advisory Committee" means the Advisory Committee to the Office.

(2) "Department" means the Department of State.

(3) "Director" means the Director of the Office.

(4) "Office" means the Office of New Americans.

(5) "Secretary" means the Secretary of the Department.

§ 8753. Office of New Americans; establishment and purpose; director.

(a) The Office of New Americans is established within the Department to help improve the lives and economic prosperity of immigrants and Delawareans generally.

(b) The Secretary shall appoint and fix the salary of a Director to lead the Office. The Director serves at the pleasure of the Secretary and is exempt from the classified service or state service, as defined under Chapter 59 of this title.

§ 8754. Office of New Americans; powers and duties; records.

(a) The Office shall do all of the following:

(1) Respond to inquiries from State agencies, the media, immigrant-serving organizations, and the public about immigration issues in this State.

(2) Serve as an information clearinghouse for State agencies on immigration-related policy.

(3) Analyze economic, demographic, and other trends impacting immigrants in this State and make policy recommendations.

(4) Disseminate information to new and prospective immigrant residents of this State who wish to invest capital, launch businesses, or apply their skills in this State.

(5) Disseminate information about available services to assist new and prospective immigrant residents of this State on the path to naturalization.

(6) Disseminate information about English language instruction and resources available to immigrant residents of this State.

(7) Disseminate information about legal services available to immigrant residents in civil legal matters, including housing, family, and integration into the community.

(8) Convene college and university officials to foster strategies for immigrant and international student retention.

(9) Convene stakeholders in State agencies, immigrant-serving organizations, and the public to identify and reduce exploitation and fraud against immigrants.

(10) Develop strategies to provide immigrants with meaningful access to State resources and opportunities regardless of their level of English proficiency.

(11) Evaluate the success of activities and adjust activities as appropriate.

(12) Advise executive and legislative bodies on the effect of proposed legislation on immigrants.

(13) Coordinate as necessary with the Office of Immigration Assistance within the Department of Justice.

(14) Coordinate as necessary with the State Refugee Coordinator within the Department of Health and Social Services.

(b) The Office may do all of the following:

(1) Receive, administer, and disburse federal, state, local or private funds, including grants and gifts.

(2) Subject to other law of this State, enter into memoranda of understanding, contracts, or other agreements to carry out the purposes of this subchapter.

(c) A record owned, made, used, retained, received, produced, composed, drafted, or otherwise compiled or collected by the Office, including an electronic communication sent or received by the Director or other individual employed or contracted by the Office is not a "public record", as defined under § 10002 of this title, if the record contains information provided by or otherwise related to an individual who has sought services from or resources provided by the Office.

§ 8755. Advisory Committee; establishment and staffing.

(a) The Advisory Committee to the Office of New Americans is established within the Office and shall serve in an advisory capacity to the Office in matters regarding immigrants in this State.

(b) The Office shall staff and administer the Advisory Committee.

§ 8756. Advisory Committee; membership, terms, designees.

(a) The Advisory Committee consists of the following members, or a designee selected by a member serving by virtue of position:

(1) The Director of the Office of New Americans.

(2) The Director of the Delaware State Housing Authority.

(3) The Secretary of the Department of Labor.

(4) The Secretary of the Department of Education.

(5) The Secretary of the Department of Health and Social Services.

(6) A member of the Human and Civil Rights Commission, appointed by the Commission.

(7) The Secretary of State.

(8) The Attorney General.

(9) One member of the public, appointed by the Governor.

(10) One member of the public, appointed by the Speaker of the House of Representatives.

(11) One member of the public, appointed by the President Pro Tempore of the Senate.

(b) A member appointed by the Governor serves at the pleasure of the Governor.

(c) A member of the Advisory Committee with the ability to designate another individual to attend an Advisory Committee meeting shall provide the designation in writing to the chair. An individual attending a meeting for a member as a designee has the same duties and rights as the member.

§ 8757. Advisory Committee; procedures.

(a) The Director is the chair of the Advisory Committee. As chair, the Director shall do all of the following:

(1) Set the date, time, and place for meetings of the Advisory Committee.

(2) Supervise the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Advisory Committee.

(3) Preside over meetings of the Advisory Committee.

(4) Maintain order during a meeting of the Advisory Committee and decide all questions of order.

(b) A quorum of the Advisory Committee is a majority of the members of the Advisory Committee.

(c) The Advisory Committee acts by a vote of the majority of the members of the Advisory Committee.

(d) The Advisory Committee may adopt rules to carry out the purpose and duties of the Advisory Committee.

§ 8758. Advisory Committee; power and duties.

(a) The Advisory Committee shall do all of the following:

(1) Make recommendations to the Governor, Secretary, and Director on policies, procedures, regulations, and legislation to attract, retain, and integrate immigrants into this State's society.

(2) Serve as the Office's liaison to immigrants on policies, procedures, regulations, and legislation that affect immigrants, in order to ensure that State government is accessible, accountable, and responsive to the needs of immigrants.

(3) Serve as a resource to all departments, commissions, and agencies under the Governor's jurisdiction to ensure that government entities are cognizant of the needs of immigrants and that the entities' respective services and programs are accessible to immigrants.

(4) Perform other duties as the Governor and Secretary may assign in planning for services and programs for immigrants.

(b) The Advisory Committee may conduct studies and issue reports on request and as necessary on issues affecting immigrants in this State.

Section 2. This Act expires 3 years after its enactment into law, unless otherwise provided by a subsequent act of the General Assembly.