

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER NO. 1299

WHEREAS, the United States Department of Homeland Security (DHS) and United States Citizenship and Immigration Services (USCIS) plan to grant "deferred action" status and issue employment documents to a broad class of aliens unlawfully present in the United States; and

WHEREAS, DHS has acknowledged that its decision not to enforce federal immigration law with respect to this broad class "confers no substantive right, immigration status or pathway to citizenship" because "[o]nly the Congress, acting through its legislative authority, can confer these rights"; and

WHEREAS, federal law generally provides that aliens unlawfully present in the United States are not eligible for any state and local public benefits, 8 U.S.C. §§ 1621, 1623; and

WHEREAS, federal law specifically authorizes states to deny state public benefits to additional classes of aliens, including unlawfully present aliens who have been granted "deferred action" status, 8 U.S.C. § 1622; and

WHEREAS, consistent with all applicable federal laws, Mississippi law generally limits access to public benefits to persons who are able to demonstrate that they are lawfully present in the United States, see, e.g., Miss. Code Ann. § 71-5-511 (unemployment benefits); Miss. Admin. Code § 18-5-4:C (Supplemental Nutritional Assistance Program); Miss. Admin. Code § 18-5-6:C-10 (Temporary Assistance for Needy Families); Miss. Admin. Code §§ 23-102:3.3, 23-102:3.5 (non-emergency Medicaid services); and

WHEREAS, the federal executive branch's grant of "deferred action" status to a broad class of illegal aliens and issuance of related paperwork could create confusion in the administration of these and other laws and result in some unlawfully present aliens gaining access to public benefits in violation of Mississippi law;

WHEREAS, allowing aliens not lawfully present in the United States to obtain public benefits in violation of Mississippi law would have a significant negative impact on Mississippi's budget and taxpayers;

NOW THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order as follows:

1. As DHS acknowledges, a grant of "deferred action" status or related employment documents pursuant to the DHS policy memorandum of June 15, 2012, as implemented, "confers no substantive right" or "immigration status" on the recipient. Therefore, such action by DHS shall not entitle any person to any additional public benefit.
2. This Executive Order does not change or modify Mississippi law. Rather, this Executive Order merely reaffirms existing state law. However, to the extent necessary, executive agencies that provide public benefits as defined in 8 U.S.C. § 1621 shall update their policies and procedures to prevent any person from obtaining public benefits solely because the person has been granted "deferred action" status or received employment documents as a result of the DHS policy memorandum of June 15, 2012, as implemented.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE at the Capitol, in the City of Jackson, this the 22nd day of August, in the year of our Lord two thousand and twelve, and of the two hundred and thirty-seventh year of the United States of America.

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE