Costs of Providing Services to Unauthorized Aliens Can Be Estimated for Some Programs, but Overall Costs and Benefits Are Unknown

Research Report No. 359

Program Review and Investigations Committee

Prepared by
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Robert Sherman
Director

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Summary

At its October 2007 meeting, the Program Review and Investigations Committee directed staff to study the costs to Kentucky of unauthorized aliens. Unauthorized aliens are persons who entered the United States without authorization, stayed longer than allowed by their visas, or were admitted on the basis of fraudulent documents. An estimated 11.4 million to 12.4 million unauthorized aliens lived in the United States in 2008. It is estimated that 30,000 to 60,000 unauthorized aliens lived in Kentucky as of 2005.

Unauthorized aliens consume public services and pay taxes and fees to governments. However, unauthorized aliens’ net fiscal impact on state and local governments cannot be determined with reasonable accuracy. Unauthorized aliens generally do not want to be identified; and many public programs and services cannot or do not require, request, or validate a person’s immigration or citizenship status.

Although net fiscal impact cannot be determined, this report examines unauthorized aliens’ access to and use of four public programs and, when feasible, the direct, short-term costs incurred by state and local governments in providing those services. The four programs are primary and secondary public education, emergency medical assistance under Medicaid, public health, and correctional facilities. These programs were selected because federal provisions require, to some extent, that these services be provided to unauthorized aliens. They were also selected because examining a limited number of public programs enabled a detailed examination of the legal background and processes by which unauthorized aliens access services.

This report has two recommendations.

Federal and State Laws

Federal laws determine who can enter the United States, the legal rights of immigrants, and the process by which immigrants can become U.S. citizens. Only federal agents have the authority and ability to determine if a person is in the U.S. illegally. Only federal agencies can decide to criminally prosecute unauthorized aliens for entering the country without authorization or to use a civil process to deport such persons.

Since 2005, states have enacted more than 400 immigration-related laws, some specific to unauthorized aliens. Kentucky enacted three such laws during this period.

Primary and Secondary Education

In 1982, the U.S. Supreme Court ruled that children are eligible to attend public primary and secondary schools regardless of their immigration status or that of their parents. As generally understood, this has meant that schools cannot ask for documentation about a student’s immigration status. Schools may request, but cannot require, a Social Security number.
Under Kentucky law, to enroll in a public school, every student must provide 1) a copy of a birth certificate or other reliable proof of the student’s identity and age; 2) an immunization certificate; 3) a medical examination form; and 4) for certain ages, an eye examination form. Kentucky does not have a state-mandated enrollment form, so school districts develop their own. Some school districts appear to require information that the federal government prohibits, such as a Social Security number.

**Recommendation 3.1**
The Kentucky Department of Education should identify the information public schools may legally require or request of first-time enrollees. The department should facilitate and monitor compliance by all Kentucky school districts.

Because school districts cannot request information about a student’s immigration status, Legislative Research Commission staff estimated the number of students attending public schools who may have been unauthorized aliens. Students born in another country, who did not have a complete Social Security number, and who were not U.S. citizens were identified. Using this data, staff estimated that 2,534 students, 0.4 percent of all students, might have been unauthorized aliens in the 2007-2008 school year. State and local education costs attributable to those students were approximately $25 million.

**Emergency Medical Assistance Under Medicaid**

Under federal law, unauthorized aliens can receive Medicaid benefits only for certain emergency medical conditions. If eligible, Medicaid will pay for treatment of the emergency medical condition for as long as 2 months.

Although the number of unauthorized aliens accessing emergency medical assistance under Medicaid is not known, the Kentucky Department for Medicaid Services reported that in fiscal year 2007, 14,400 claims totaling $7.8 million were made by persons who were not able to document their citizenship or immigration status. Since Medicaid costs are shared with the federal government, Kentucky’s share of the total cost was approximately $2.3 million.

**Public Health Services**

Public health departments provide many services to local communities, but the number of unauthorized aliens accessing these services is not known. For public health programs funded by the federal government, local public health departments must comply with federal requirements. Generally, federal law prohibits asking patients about their immigration status whenever they seek immunizations, testing, or treatment of communicable diseases. For programs funded by the state, officials with the Department for Public Health stated that their general policy is not to ask patients about their immigration status unless federal requirements indicate otherwise. It is possible for health programs funded entirely by local or nongovernmental revenues to ask patients about their citizenship or immigration status.

The costs of providing public health services to unauthorized aliens could not be determined. The Department for Public Health provided available demographic and personal information for
recipients at local public health departments, but the data were insufficient to estimate the number of unauthorized alien recipients.

**Corrections**

Correctional facilities in Kentucky house approximately 37,000 inmates on any given day. An inmate’s immigration or citizenship status, however, is not a primary concern for correctional facilities according to officials contacted by staff. Officials described their primary function as following judicial orders to incarcerate individuals. Correctional facilities, which include local jails and state prisons, may check an inmate’s status, but criteria and methods used to identify suspected unauthorized alien inmates vary by facility.

Using information provided by the federal government and other sources, staff estimated the number of unauthorized alien inmates and the costs of their incarceration. Staff also estimated the amount of money Kentucky correctional facilities could receive from a federal program that reimburses facilities for a portion of their salary costs attributable to housing unauthorized alien inmates. For fiscal year 2008, an estimated 985 to 1,545 unauthorized aliens were incarcerated in Kentucky’s correctional facilities, at a total cost of $1.7 million to $2.8 million. These facilities were eligible for an estimated $310,000 to $547,000 in federal revenues.

**Recommendation 6.1**

The Kentucky Department of Corrections should support local correctional facilities that want to apply for funding from the federal State Criminal Alien Assistance Program.
Chapter 1

Overview and Background

Unauthorized aliens are persons who entered the United States without authorization, stayed longer than allowed by their visas, or were admitted on the basis of fraudulent documents. An estimated 11.4 million to 12.4 million unauthorized aliens lived in the United States in 2008, down slightly from the previous year. An estimated 30,000 to 60,000 lived in Kentucky as of 2005.

Unauthorized aliens use public services such as when they access emergency medical or public health services, when their children attend public schools, or when they are incarcerated in correctional facilities. These services may be funded wholly or part by state and local governments and school districts.

Unauthorized aliens, either directly or indirectly, pay income, property, sales, and other taxes and fees to governments. Determining the net costs of unauthorized aliens requires balancing these payments against the costs of services consumed.

In general, unauthorized aliens’ net fiscal impact in Kentucky, or the sum of all costs less the sum of all benefits, cannot be determined with reasonable accuracy. Unauthorized aliens generally do not want to be identified, so collecting reliable information may not be possible. Also, providers of government programs generally do not ask about a program recipient’s immigration status, often because they are prohibited by law from doing so.

Definition of Unauthorized Alien

This study follows some federal statutes and Congressional Research Service reports in using the term “unauthorized alien.” Examples of other terms that have been used to describe the population of people residing in the United States without legal authorization are “illegal immigrant,” “illegal alien,” and “undocumented immigrant.”
Description of This Study

At its October 2007 meeting, the Program Review and Investigations Committee directed staff to study the costs of unauthorized aliens to Kentucky. The first two objectives of this study were to describe the constitutional and legal framework related to unauthorized aliens and to review the literature related to unauthorized aliens. Data were unavailable to complete the third objective: estimate with reasonable accuracy unauthorized aliens’ net fiscal impact on state and local governments in Kentucky.

This report focuses on unauthorized aliens’ access to and use of four public programs and, when feasible, the direct, short-term costs incurred by state and local governments in providing those services. The four programs are primary and secondary public education, emergency medical assistance, public health, and corrections. These programs were selected because other studies considered similar sets of programs and because federal provisions require, to some extent, that these services be provided to unauthorized aliens. These programs were also selected because examining a limited number of public programs enabled a detailed examination of the legal background and processes by which services are accessed by unauthorized aliens.

Recommendations

This report does not make specific policy recommendations that would significantly affect whether and how services are provided to unauthorized aliens or whether and how information could be collected to better document the costs of providing services. Such decisions are policy judgments for the General Assembly. As discussed in the report, though, federal and case law prohibit some programs from asking recipients about their immigration status.

In the course of conducting the study, staff did learn of situations that warranted two recommendations. First, the handling of students’ initial enrollment process varies among local school districts. Additionally, some school districts’ enrollment processes may be inconsistent with federal or state provisions related to the types of student and guardian information that may be gathered. A recommendation is made in Chapter 3 that the Kentucky Department of Education provide guidance and monitoring.

Second, most local correctional facilities in Kentucky do not apply for funding from the federal State Criminal Alien Assistance Program, which reimburses state and local correctional facilities
for a portion of their salary costs attributable to housing unauthorized alien inmates. A recommendation is made in Chapter 6 that the Kentucky Department of Corrections support local correctional facilities that want to apply for funding from the program. Statewide, hundreds of thousands of dollars in federal money is potentially available.

**How This Study Was Conducted**

To complete this study, staff interviewed federal, state, and local government officials and staff; analyzed data describing the unauthorized alien population in the U.S. and Kentucky; analyzed data related to the provision of certain services to unauthorized aliens; and conducted a literature review.

Staff interviewed representatives of the U.S. Immigration and Customs Enforcement agency, the U.S. Department of Justice’s Bureau of Justice Statistics, and the U.S. Department of Health and Human Services. Staff also conducted interviews with personnel from the Kentucky Departments of Education, Medicaid Services, Public Health, and Corrections. Other interviews were conducted with staff from local correctional facilities, law enforcement agencies, school districts, and public health departments. Staff also contacted the National Conference of State Legislatures and the Kentucky State Data Center.

Staff analyzed data used by the Pew Hispanic Center and the U.S. Census Bureau to estimate and describe the unauthorized alien population in the U.S. and Kentucky. To estimate unauthorized aliens’ direct, short-term costs, staff analyzed emergency medical assistance, education, and correctional facility data provided by federal and state agencies.

Staff also conducted a review of other fiscal impact analyses related to immigration and unauthorized aliens. The results of these analyses varied significantly.

**Organization of the Report**

Chapter 1 provides an overview and background of this report and lists major conclusions. A framework for fiscal analysis is established, and other studies that examined unauthorized aliens’ fiscal impact are summarized. Summaries of important federal immigration laws and immigration-related laws enacted by states, including Kentucky, conclude the chapter.
Based on estimates, Chapter 2 describes unauthorized alien populations in the United States and Kentucky.

Chapters 3 through 6 describe four public programs accessed by unauthorized aliens: primary and secondary public education, emergency medical assistance, public health, and correctional facilities. Each chapter begins with a description of the legal background and process by which unauthorized aliens access those services. Descriptions of available data follow. If possible, staff estimated direct, short-term costs of providing public services to those who may be unauthorized aliens.

This report has eight appendices. Appendix A is the response to this report by the Kentucky Department of Education. Appendix B is the response of the Kentucky Department of Corrections. Appendix C summarizes examples of recent immigration-related laws enacted by other states. Appendix D describes the research methods used by the Pew Hispanic Center to estimate the unauthorized alien population in the United States and Kentucky. Appendix E shows the estimated number of primary and secondary education students who may be unauthorized aliens per Kentucky public school district. Appendix F details expenditures under the Medicaid emergency medical assistance program. Appendix G provides details about State Criminal Alien Assistance Program recipients in Kentucky. Appendix H considers why the number of unauthorized alien inmates at the Department of Corrections seems low compared to other states.
Major Conclusions

This report has five major conclusions.

1. Unauthorized aliens generally do not want to be identified, so the number of unauthorized aliens in Kentucky cannot be determined accurately. An estimate, based in part on U.S. Census Bureau data, indicated that 30,000 to 60,000 unauthorized aliens lived in Kentucky in 2005.

2. Unauthorized aliens can access a limited number of public programs, which include primary and secondary education, emergency medical assistance, and certain public health services.

3. State agency policy or federal provisions may limit or prohibit agencies from asking about an individual’s immigration status.

4. Correctional facilities may ask inmates about their immigration status but do not appear to consistently check their responses.

5. Unauthorized aliens’ net fiscal impact cannot be determined with reasonable accuracy due to a lack of reliable information. Cost-only estimates are made in this study of providing primary and secondary education, emergency medical assistance, and correctional facilities to those who may be unauthorized aliens.
Analyzing Fiscal Impact

Ideally, unauthorized aliens’ net fiscal impact on state and local governments would be calculated by subtracting costs from benefits. A positive difference would indicate that benefits outweigh costs; a negative difference would show that costs outweigh benefits. Calculating net fiscal impact is difficult because benefits and costs can be short term or long term, direct or indirect.

For example, educating a student requires direct expenditures by governments. This could be measured as a short-term cost by fiscal year or for a longer time period. Indirect costs are the impacts of how money spent educating a student comes at the expense of higher taxes or funding for other programs. Long-term benefits in the form of higher tax revenues and lower crime rates may also exist (Watts). The net fiscal effect of educating a student, therefore, would be the sum of all current and future benefits less the sum of all current and future costs.

Because reliable information specific to unauthorized aliens generally does not exist, estimating net fiscal impact cannot be accomplished with reasonable accuracy. Previous studies of unauthorized aliens’ fiscal impact encountered similar problems.

Previous Studies. A 1998 report concluded that fiscal analyses failed to consider long-term as well as indirect costs and benefits of immigration (Vernez). Staff’s review of more recent fiscal impact studies indicated that these shortcomings remain.

Staff reviewed 28 studies on the impact of immigration and unauthorized aliens. Studies of the unauthorized alien population were conducted by governmental agencies and nonprofit organizations. Peer-reviewed studies were rare.

Every study of unauthorized aliens’ fiscal impact estimated program-specific, short-term costs and benefits attributable to unauthorized aliens. Most selected a limited number of public programs, estimated the number of unauthorized aliens that accessed those programs, and then estimated the fiscal impact.

These studies generally concluded that unauthorized aliens imposed some costs and contributed some fiscal benefits, but estimates varied widely (Bolin; Camarota; Martin; State of Iowa; State of Minnesota; U.S. Congressional Budget Office). Whether long-term and indirect benefits, if considered, would outweigh costs was uncertain. No study quantitatively considered long-term
and indirect costs and benefits. As such, these studies may or may not accurately reflect the true fiscal impact that unauthorized aliens have on state and local governments.

**Relevant Laws, Regulations, and Case Law**

Federal laws determine who may enter the United States, the legal rights of immigrants, and the process by which immigrants can become U.S. citizens. Federal provisions prohibit unauthorized aliens from accessing many public benefits, such as nonemergency Medicaid and Temporary Assistance to Needy Families. Questions about a person’s immigration status, in some instances, may be prohibited by federal provisions. State and local government laws, regulations, and policies related to immigration policy cannot conflict with federal provisions or the U.S. Constitution.

**Federal**

Immigration law is a federal prerogative (8 USC 1103). The Immigration and Nationality Act (INA) is the basic body of immigration law (8 USC 1101 et seq).

There are three main categories of unauthorized aliens: 1) foreign nationals who overstay their nonimmigrant visas, 2) foreign nationals who enter the country without the federal government’s approval, and 3) foreign nationals who are admitted on the basis of fraudulent documents. All three categories violate the INA and are subject to removal (Wasem).

The U.S. Department of Homeland Security oversees enforcement of the INA. Within the department, the U.S. Immigration and Customs Enforcement agency investigates, identifies, apprehends, and removes unauthorized aliens from the United States.

**Criminal Violations.** Entering the country illegally is a misdemeanor for a first offense and a felony for subsequent offenses. Failing to leave the U.S., as ordered by an immigration court, is a felony. Reentering the country without permission after having been officially denied the right to reside in the U.S. is also a felony (8 USC 1325; 8 USC 1326; 8 USC 1253). Using false documents to enter the U.S. or obtain benefits falls under several federal laws. Some are criminal violations and others are civil.
Primary and Secondary Education. In 1982, the U.S. Supreme Court ruled that children are eligible to attend public primary and secondary schools regardless of their immigration status (*Plyler v. Doe*, 457 U.S. 202 (1982)). In general, only minimal information, such as name and age, can be required to enroll a child in school. Federal law prohibits schools from asking for documentation of immigration status. Schools may request a Social Security number but cannot require one.

Emergency Medical Assistance Under Medicaid. Under federal law, Medicaid must fund treatment of an emergency medical condition for unauthorized aliens as long as the person meets state Medicaid eligibility and other requirements (42 USC 1396b(v)(3)) as noted in 8 USC 1611 and 8 USC 1641).

Public Health Services. Local public health departments must comply with federal and state requirements related to asking for a patient’s immigration status. According to an official from the state Department for Public Health and staff from several local health departments, the federal government generally does not require information about immigration status for the kinds of health services offered by local health departments.

Corrections. Only federal agents can determine if a person is in the U.S. without proper authorization. Federal agencies decide whether to criminally prosecute unauthorized aliens or deport them. The federal government also decides whether a suspected unauthorized alien inmate is to be held for up to 48 hours past scheduled release time for federal officials to possibly take custody of the inmate (8 USC 1357; 8 CFR 287.7).
States

States have taken an increasingly active role in enacting immigration-related laws, including those specific to unauthorized aliens. According to the National Conference of State Legislatures, 39 immigration-related laws were enacted in 2005. In 2007, 190 laws were enacted (“A Review”; “2007”). Figure 1.A shows the number of immigration-related state laws that were enacted from 2005 to 2008.

Figure 1.A
Number of Immigration-related Laws Enacted by States
2005 to 2008

More than 400 laws related to immigration were enacted from 2005 to 2008, and each state enacted at least one such law. More than 400 laws related to immigration were enacted from 2005 to 2008. Each state enacted at least one such law in this period. Table 1.1 lists the number of enactments by each issue area. The most common types were identification and driver’s licensing (87 laws), employment (67 laws), and public benefits (57 laws). The 35 miscellaneous laws enacted in 2008 included 9 that established studies or commissions on immigration.

Table 1.1
Immigration-related Laws Enacted by States Per Issue Area
2005 to 2008

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Identification/Driver’s License</td>
<td>9</td>
<td>6</td>
<td>40</td>
<td>32</td>
<td>87</td>
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<td>Employment</td>
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<td>14</td>
<td>29</td>
<td>19</td>
<td>67</td>
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<td>Education</td>
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<td>Law Enforcement</td>
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<td>Total</td>
<td>39</td>
<td>72</td>
<td>190</td>
<td>141</td>
<td>442</td>
</tr>
</tbody>
</table>


Appendix C summarizes examples of enacted state laws related to the provision of certain services to immigrants, including unauthorized aliens.

Chapter 2

Unauthorized Alien Populations in the United States and Kentucky

This chapter describes the unauthorized alien populations in the United States and Kentucky. Unlike the authorized population, taking a census of the unauthorized alien population is not practical. Unauthorized aliens generally do not want to be recognized out of concern that they and their families may be deported, so the unauthorized alien population can only be estimated.

One commonly accepted method to estimate the unauthorized alien population is the “residual method.” It estimates the number of unauthorized aliens by subtracting the number of known legal immigrants from the total number of immigrants. U.S. Census Bureau, Immigration and Customs Enforcement, and Department for Homeland Security data are used.

Estimates of the Unauthorized Alien Population

The most recent estimates indicate that 11.4 million to 12.4 million unauthorized aliens lived in the United States in 2008, down slightly from the previous year (Camarato; Passel and Cohn 1). California and Texas accounted for nearly 37 percent of the estimated unauthorized alien population. Those states plus Florida and New York accounted for more than 50 percent of the total (Passel 25).

Appendix D describes the research methods used to develop estimates of the unauthorized alien population.

Figure 2.A shows the estimated number of unauthorized aliens in the United States from 2000 to 2008. For each year, the triangle indicates the estimate and the line indicates the margin of error above and below the estimate.
For Kentucky, the estimated unauthorized alien population was 30,000 to 60,000 based on the 2005 U.S. Current Population Survey (Pew). Figure 2.B shows estimates of the unauthorized alien populations for Kentucky and selected neighboring states for 2005.¹

¹ West Virginia is not included because its number of unauthorized aliens is too low to estimate without significant error.
Citizenship Status by Area Development District

Relative to the United States, Kentucky has a small percentage of noncitizens. Noncitizens include unauthorized aliens and refugees.

Table 2.1 shows the percentages of noncitizens in the United States and Kentucky, including by Kentucky area development district. Noncitizens are people from other countries who live in the United States and include unauthorized aliens and refugees.

Table 2.1  
Noncitizens as Percentage of Total Population for U.S., Kentucky, and Area Development Districts, 2007

<table>
<thead>
<tr>
<th>Noncitizen % of Population</th>
<th>United States</th>
<th>Kentucky</th>
<th>Area Development Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>7.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>1.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Development Districts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase</td>
<td>1.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pennyrile</td>
<td>0.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barren River</td>
<td>2.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Cumberland</td>
<td>0.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green River</td>
<td>0.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lincoln Trail</td>
<td>1.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KIPDA</td>
<td>3.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Kentucky</td>
<td>1.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo Trace/Gateway</td>
<td>0.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIVCO</td>
<td>0.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluegrass</td>
<td>2.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Big Sandy</td>
<td>0.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky River</td>
<td>0.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumberland Valley</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: KIPDA is the Kentuckiana Regional Planning and Development Agency.  
Source: Data compiled by LRC staff from the U.S. Census Bureau’s 2007 American Community Survey.

Relative to the United States, Kentucky has a small percentage of noncitizens. For 2007, Kentucky’s noncitizen population was 1.7 percent compared to 7.2 percent for the U.S.

2 Buffalo Trace and Gateway Area Development Districts were combined due to data limitations.
Of the area development districts, the Kentuckiana Regional Planning and Development Agency (KIPDA), Bluegrass, and Barren River had the highest percentages of noncitizens. KIPDA’s rate was the highest at 3.1 percent. The percentages of noncitizens living in these area development districts were still significantly smaller than the national percentage.

**Family Characteristics**

In the U.S., there are approximately 6.6 million unauthorized alien families. Such a family is defined as having a head of the family or spouse who is unauthorized.

Figure 2.C shows the estimated composition of unauthorized alien families in the U.S. in 2005. Fifty-nine percent of unauthorized alien families were singles or couples living without children, 23 percent only had children born in the U.S., 11 percent only had noncitizen children, and 7 percent had both U.S. citizen and noncitizen children.

**Figure 2.C**

*Estimated Composition of Unauthorized Alien Families in the United States, 2005*

- No Children, 59%
- With Only U.S. Citizen Children, 23%
- With Only Noncitizen Children, 11%
- With Both U.S. Citizen & Noncitizen Children, 7%

Source: Passel 15.

Detailed characteristics of the unauthorized alien population in Kentucky cannot be estimated because there were not enough state-level observations in the survey data. Consequently, family characteristics for unauthorized aliens living in Kentucky may be different than for the U.S.
Of those living in unauthorized alien households in the U.S. in 2005, it was estimated that approximately 4.9 million were children. Of this number, an estimated 3.1 million, or 64 percent, were born in the U.S.\textsuperscript{3} Approximately 1.6 million children were not U.S. citizens. This represented less than 3 percent of the school-age population. An estimated 17 percent of children of unauthorized alien parents were younger than 6 (Passel).

**Region of Origin**

Table 2.2 shows unauthorized aliens’ regions of birth for 2006. Fifty-seven percent of the estimated population was from Mexico (Passel 24). Characteristics of unauthorized aliens in Kentucky may differ from characteristics of the population at the national level.

<table>
<thead>
<tr>
<th>Region of Origin</th>
<th>% of U.S. Unauthorized Alien Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>57%</td>
</tr>
<tr>
<td>Central America</td>
<td>14%</td>
</tr>
<tr>
<td>Asia</td>
<td>10%</td>
</tr>
<tr>
<td>South America</td>
<td>7%</td>
</tr>
<tr>
<td>Caribbean</td>
<td>4%</td>
</tr>
<tr>
<td>All Other</td>
<td>3%</td>
</tr>
<tr>
<td>Europe and Canada</td>
<td>2%</td>
</tr>
<tr>
<td>Africa</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: Passel 24.

\textsuperscript{3} The 14.6 million individuals in unauthorized families included the 11.1 million unauthorized aliens. Unauthorized alien families can include U.S. citizens and legal residents as well as unauthorized aliens.
Table 2.3 presents selected social and economic characteristics of the native-born and unauthorized alien populations living in the U.S. in 2005. In general, unauthorized aliens were less educated, had lower incomes, and had high labor force participation rates for men and lower rates for women. More than one-half of unauthorized aliens were employed in the construction, leisure and hospitality, and manufacturing industries.

Table 2.3
Selected Social and Economic Characteristics of Native-born and Unauthorized Alien Populations in the U.S., 2005

<table>
<thead>
<tr>
<th></th>
<th>Native Population</th>
<th>Unauthorized Alien Population</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Educational Attainment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than high school graduate</td>
<td>9%</td>
<td>48%</td>
</tr>
<tr>
<td>High school graduate</td>
<td>32%</td>
<td>25%</td>
</tr>
<tr>
<td>Some college</td>
<td>29%</td>
<td>11%</td>
</tr>
<tr>
<td>Bachelor’s degree or more</td>
<td>30%</td>
<td>17%</td>
</tr>
<tr>
<td><strong>Average Family Income and Family Size</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Income</td>
<td>$48,700</td>
<td>$29,500</td>
</tr>
<tr>
<td>Family Size</td>
<td>1.97</td>
<td>2.29</td>
</tr>
<tr>
<td><strong>Below Federal Poverty Level (Adults)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>13.5%</td>
<td>25.2%</td>
</tr>
<tr>
<td><strong>Labor Force Participation Rate (Age 18-64)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>83%</td>
<td>94%</td>
</tr>
<tr>
<td>Females</td>
<td>72%</td>
<td>54%</td>
</tr>
<tr>
<td><strong>Major Industry</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, forestry, fisheries, hunting</td>
<td>1%</td>
<td>4%</td>
</tr>
<tr>
<td>Mining</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Construction</td>
<td>7%</td>
<td>20%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>11%</td>
<td>14%</td>
</tr>
<tr>
<td>Wholesale and retail trade</td>
<td>15%</td>
<td>11%</td>
</tr>
<tr>
<td>Transportation and utilities</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>Information</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Financial activities</td>
<td>7%</td>
<td>3%</td>
</tr>
<tr>
<td>Professional and business services</td>
<td>10%</td>
<td>13%</td>
</tr>
<tr>
<td>Education and health services</td>
<td>21%</td>
<td>6%</td>
</tr>
<tr>
<td>Leisure and hospitality</td>
<td>8%</td>
<td>17%</td>
</tr>
<tr>
<td>Other Services</td>
<td>5%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: Passel 26-27.
Criticisms of the Residual Estimating Method

The residual estimating method relies heavily on survey data taken from a population that has little incentive to answer the survey questions accurately. In response, researchers generally apply some form of error correction. The size of the error correction varies among authors’ estimates and is a function of the source of survey data. Estimates are also sensitive to the assumptions made about the rates of immigration.

Critics have some concern about the reliability of legal immigrants’ reported year of entry. Entry dates recorded by federal agencies are expressed as “administrative” dates, which must be converted to year-of-entry dates to be compatible with the U.S. Census and American Community Survey data. The result is an increased possibility of error.

The American Community Survey and the Current Population Survey are based on samples of the total U.S. population. Estimates of the total foreign-born population, therefore, are subject to sampling variability. For the 2006 American Community Survey, the margin of error for the foreign-born population was plus or minus 125,000 (Hoefer).

Because of these and other criticisms of the residual method, estimates of the unauthorized alien population are presented with margins of error, which are often large. These criticisms explain why different estimates using the same methodology can be notably different from one another and that estimates of the unauthorized alien population should be used cautiously.
Chapter 3

Primary and Secondary Public Education

In 1982, the U.S. Supreme Court established that public schools cannot deny students primary and secondary education based on their immigration status or that of their parents. As a result, every student in the United States, including unauthorized aliens, can access primary and secondary public education.

In general, only minimal information, such as name and age, can be required to enroll a child in school. For every student enrolling in a public school, Kentucky law requires a certified copy of the student’s birth certificate or other reliable proof of the student’s identity and age. Schools may request a Social Security number but cannot require one. Case law prohibits schools from asking for documentation of immigration status.

Because documentation of a student’s immigration status cannot be required, the number of students who may be unauthorized aliens and attending public schools in the United States can only be estimated. Some previous studies counted all students born to unauthorized alien parents as unauthorized alien students, even if the student was born in the United States. Other studies defined “unauthorized alien students” as those who were born in a foreign country and who lacked proper authorization to live in the United States. This study considers noncitizen students with a foreign birth country and a missing or incomplete Social Security number as a proxy for unauthorized aliens.

Staff estimated that annual state and local costs for educating students defined as unauthorized aliens in this report are approximately $25 million.

Relevant Laws, Regulations, and Case Law

Federal

The 1982 U.S. Supreme Court decision Plyler v. Doe (457 U.S. 202) established that public schools cannot deny access to primary and secondary education based on a student’s immigration status or that of the parents. The court held that a Texas law denying free public school education to children of unauthorized aliens violated the 14th Amendment, which prohibits
states from denying to any person within their jurisdiction equal protection of the laws. An unauthorized alien, the court ruled, is a “person” within the meaning of the amendment.

*Plyler v. Doe* has generally been interpreted to mean that a public primary or secondary school cannot engage in any practice that would inhibit or discourage an unauthorized alien child from attending. In general, only minimal information, such as name and age, can be required to enroll a child in school. A school district’s residency requirements must be the same regardless of a child’s immigration status or that of the parents.

Case law prohibits schools from asking for documentation of immigration status for enrollment. Schools may request a Social Security number but cannot require one.

**Kentucky**

Kentucky law indicates that every child satisfying the age requirements and residing within the state can attend a public elementary or secondary school (KRS 158.030). School districts often accept such items as a utility bill, a copy of a rental agreement, a property deed, or a property sale agreement as proof of residency in the district. Some Kentucky school districts require more than one document.

For any student enrolling in an elementary or secondary school, Kentucky law also requires

1. a) a certified copy of the student’s birth certificate, or
   b) other reliable proof of the student’s identity and age and an affidavit of the inability to produce a copy of the birth certificate (KRS 158.032(3));
2. a completed immunization certificate (KRS 158.035);
3. a completed school medical examination form (KRS 156.160(1)(g) and 704 KAR 4:020, Sec. 2); and
4. a completed Kentucky eye examination form (KRS 156.160(1)(h) and 704 KAR 4:020, Sec. 2).

Several local school officials contacted by staff indicated that students without a birth certificate or other reliable proof of identity and age at the time of enrollment could still attend school. If the appropriate documents were not provided after a certain period, a school district might eventually prohibit the student from attending. Foreign birth certificates meet the requirement for a birth certificate.
It is uncertain what constitutes “other reliable proof of a student’s identity and age.” Besides a birth certificate, some districts accept a passport or an I-94 immigration form, which is the form that documents an immigrant’s arrival and departure. At least one school district accepts transcripts from a foreign school.

**Enrollment**

Students enroll in a primary or secondary public school by providing required documents and completing a local enrollment form. Kentucky does not have a state-mandated enrollment form, so school districts develop their own. Each district collects similar information, but enrollment requirements occasionally vary. Some school districts’ enrollment forms state that student Social Security numbers are required, which is contrary to federal case law. Others indicate that Social Security numbers are optional, still others do not provide any guidance. Some school district enrollment forms state that only a birth certificate is required and do not note that other reliable proof of a student’s identity and age may be substituted per state law.

**Recommendation 3.1**

The Kentucky Department of Education should identify the information public schools may legally require or request of first-time enrollees. The department should facilitate and monitor compliance by all Kentucky school districts.

Appendix A is the department’s response to this recommendation.
Data and Estimated Costs

The Kentucky Department of Education collects student demographic details such as ethnicity; biographic information such as name, age, and birth country; and educational data such as whether the student has limited English proficiency. At no point are students identified by their immigration status. Consequently, there are limited means by which to estimate the number of students who are unauthorized aliens and the educational costs associated with those students.

Analysis

Without information specifically identifying unauthorized alien students attending primary and secondary public school in Kentucky, staff analyzed demographic and personal data for every student as of October 27, 2008. Students who were noncitizens, born in a foreign country, and who lacked a complete Social Security number were used as a proxy for unauthorized aliens.1

Based on these determinants, 2,534 students, or 0.4 percent of all students, might be unauthorized aliens. Applying district per-pupil expenditures for each student, the total state and local annual cost for those students is about $24.6 million. This represents approximately 0.4 percent of total district expenses.

Eighty-four school districts had students who were born in a foreign country, lacked a Social Security number, and were not citizens. The average number of such students in these districts was 30.

Appendix E shows the estimated number of students who may be unauthorized aliens for each school district having at least one such student.

---

1 By default, all students are initially identified as U.S. citizens. The Kentucky Department of Education provided the first three digits of each student’s Social Security number. Staff interpreted blanks and entries with fewer than three digits to indicate that a Social Security number was not present. A missing or incomplete Social Security number does not definitively indicate a student’s immigration status, but it is one method by which status can be inferred.
Seventy-four percent of students meeting the previously described three conditions attended one of five school districts in Kentucky. Table 3.1 lists those districts and the estimated number of students who may be unauthorized aliens.

<table>
<thead>
<tr>
<th>District</th>
<th>Estimated Number</th>
<th>Percent of State Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fayette County</td>
<td>830</td>
<td>32.8%</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>579</td>
<td>22.8%</td>
</tr>
<tr>
<td>Boone County</td>
<td>234</td>
<td>9.2%</td>
</tr>
<tr>
<td>Shelby County</td>
<td>164</td>
<td>6.5%</td>
</tr>
<tr>
<td>Warren County</td>
<td>67</td>
<td>2.6%</td>
</tr>
<tr>
<td>All Other Districts</td>
<td>660</td>
<td>26.0%</td>
</tr>
<tr>
<td>State Total</td>
<td>2,534</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: This study considers students who are not citizens with a foreign birth country and a missing or incomplete Social Security number as a proxy for unauthorized aliens. Percentages may not add to 100 due to rounding. Source: Staff’s analysis of data provided by the Kentucky Department of Education.

The Fayette County School District had the highest estimated number of students who may be unauthorized aliens as defined for this report. Jefferson County School District had the second-highest number, even though its total student population was more than twice as large as that of Fayette County.
Education costs correspond to the number of students who may be unauthorized aliens, so the five school districts with the highest estimated number of such students also had the highest estimated annual expenditures as shown in Table 3.2.

Table 3.2

<table>
<thead>
<tr>
<th>District</th>
<th>Estimated Expenditures</th>
<th>Percent of District Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fayette County</td>
<td>$8,200,000</td>
<td>2.5%</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>$6,300,000</td>
<td>0.7%</td>
</tr>
<tr>
<td>Boone County</td>
<td>$2,000,000</td>
<td>1.4%</td>
</tr>
<tr>
<td>Shelby County</td>
<td>$1,500,000</td>
<td>2.4%</td>
</tr>
<tr>
<td>Warren County</td>
<td>$600,000</td>
<td>0.5%</td>
</tr>
<tr>
<td>All Other Districts</td>
<td>$6,100,000</td>
<td>0.2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$24,600,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note: This study considers students who were not citizens with a foreign birth country and a missing or incomplete Social Security number as a proxy for unauthorized aliens.

Source: Staff’s analysis of data provided by the Kentucky Department of Education.

Table 3.2 also shows that these five districts accounted for most of the $24.6 million estimated cost attributable to students in Kentucky who may be unauthorized aliens. As a share of each district’s total expenditure for 2007-2008, impacts varied. Fayette County (2.5 percent) and Shelby County (2.4 percent) School Districts had the highest percentages. Warren County (0.5 percent) and Jefferson County (0.7 percent) School Districts had the lowest percentages.

Relative to total school district membership, the estimated percentages of students who may be unauthorized aliens is small: less than one-half of 1 percent of all students.
Table 3.3 lists the five school districts with the highest percentages of students who may be unauthorized aliens.

Table 3.3  
Five School Districts With the Highest Percentages of Students Who May Be Unauthorized Aliens, 2007-2008

<table>
<thead>
<tr>
<th>District</th>
<th>Percent of District’s Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelby County</td>
<td>2.7%</td>
</tr>
<tr>
<td>Fayette County</td>
<td>2.4%</td>
</tr>
<tr>
<td>Mayfield Independent</td>
<td>2.0%</td>
</tr>
<tr>
<td>Boone County</td>
<td>1.3%</td>
</tr>
<tr>
<td>Monticello Independent</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

Note: This study considers students who were not citizens with a foreign birth country and a missing or incomplete Social Security number as a proxy for unauthorized aliens.  
Source: Staff’s analysis of data provided by the Kentucky Department of Education.

Of all districts, Shelby County had the highest percentage of students who may be unauthorized aliens (2.7 percent). Mayfield Independent and Monticello Independent did not rank among the school districts with the highest numbers or costs of students who may be unauthorized aliens, but both have relatively large percentages of such students.

Limitations of the Cost Estimates

These cost estimates have several important limitations. First, using student birth country and U.S. residency status as a proxy for the number of students who may be unauthorized aliens could include some resident alien, nonresident alien, and immigrant students who lawfully reside in the U.S. In contrast, students who provide false Social Security numbers would not be counted as unauthorized aliens.

Second, school capacity is not considered. Educating one more student imposes an additional cost. Those costs may be relatively small, such as adding one more student to an existing teacher’s...

2According to Title IX, Part C, Section 3301 of the No Child Left Behind Act, immigrants are students who are between the ages of 3 and 21, were not born in the U.S., and have not been in school in the U.S. for more than 3 full academic years. Immigrant students may or may not be limited English proficient.
class. At some point, costs may be relatively large; adding additional students could result in hiring additional teachers or building more classroom space.

Third, education involves short-term costs and long-term benefits. Short-term education costs are government expenditures made in the present period. Long-term benefits include the gains derived from a well-educated labor force in some future period. This report only considers short-term costs.

Fourth, some unauthorized alien students may have limited English proficiency and may be more costly to educate. According to a staff person from the Jefferson County Public Schools, a recent study of that district estimated annual outlays per student with limited English proficiency to be about $3,000 more than for other students. This figure may or may not be representative of other school districts. Without additional details, the cost of educating students who may be unauthorized aliens is assumed to be consistent with each district’s per-pupil expenditure amount.
Chapter 4

Emergency Medical Assistance Under Medicaid

Under federal law, unauthorized aliens may be eligible for Medicaid benefits for certain emergency medical conditions if they meet state Medicaid eligibility requirements.¹

Under Kentucky’s Medicaid program, emergency medical assistance pays for a variety of services including inpatient acute care, physician services, primary care, and pharmacy benefits. Coverage is generally limited to 2 consecutive months (907 KAR 1:011, Sec. 5(12)(b)).

For fiscal year 2007, total Kentucky Medicaid expenditures for emergency medical assistance to recipients who were unable to prove their immigration status, which includes unauthorized aliens, were $2.3 million.

Relevant Laws and Regulations

Emergency medical conditions are generally defined as acute symptoms that, absent immediate medical attention, could reasonably be expected to place the patient’s health in serious jeopardy, seriously impair bodily functions, or cause serious bodily dysfunction (42 USC 1396b(v)). Emergency medical conditions include emergency labor and delivery but exclude organ transplant procedures (42 USC 1396b(v)); 8 USC 1611; 8 USC 1641).

Kentucky’s administrative regulations define “emergency medical condition” the same way as federal law. Administrative regulation limits Medicaid payment for an emergency medical condition to the month in which the medical emergency began and the following month. Under certain circumstances, the eligibility period may be extended (907 KAR 1:011, Sec. 5(12)(b)).

¹ This report uses the term “unauthorized alien.” Federal law uses the description “alien who is not lawfully admitted for permanent residence” in the U.S. (42 USC 1396b(v)).
Accessing Emergency Medical Assistance

Accessing emergency medical assistance under Medicaid is a multistep process. First, a person with a medical emergency seeks medical assistance. Typically, a person will visit a hospital, a physician’s office, or an acute care facility. Next, a medical provider treats the individual. After medical care has been provided, either the patient or, if the patient agrees, the provider on behalf of the patient applies for enrollment in the Medicaid emergency medical assistance program. Local offices of the Kentucky Department for Community Based Services process enrollment requests.

Upon department approval, payment for emergency medical care is available for up to 2 consecutive months: the month in which medical care was initially provided and the following month. During the coverage period, medical services are limited to those necessary for treatment of the original emergency medical condition. Treatment may include several categories of services, such as outpatient hospital, physician, and pharmacy.

Data and Cost Estimates

The Kentucky Department for Medicaid Services documents all emergency medical services provided to nonqualified aliens, including those who may be unauthorized aliens.

From FY 2001 to FY 2007, nonqualified aliens filed more than 59,000 claims for emergency medical assistance under Medicaid. The total cost of those claims was $28.7 million. The federal government pays part of this cost; Kentucky’s share was approximately $8.6 million.

Unauthorized aliens may access emergency medical services by visiting a hospital, physician’s office, or other medical provider. The patient applies to the local Department for Community Based Services office for payment of those services. If eligible, Medicaid will pay for treatment of the emergency medical condition for as long as 2 months.
Figure 4.A shows total federal and state expenditures and number of nonqualified alien enrollees from FY 2001 to FY 2007.

**Figure 4.A**
**Total Federal and State Expenditures and Number of Enrollees for Nonqualified Aliens Receiving Emergency Medical Assistance in Kentucky Fiscal Year 2001 to Fiscal Year 2007**

![Graph showing total federal and state expenditures and number of enrollees for nonqualified aliens receiving emergency medical assistance in Kentucky fiscal year 2001 to fiscal year 2007.](image)

Source: Staff analysis of data provided by the Kentucky Department for Medicaid Services.

The number of nonqualified aliens accessing emergency medical care is growing. In FY 2007, enrollment was 1,759, a 260 percent increase from 488 in FY 2001.\(^2\) Over this period, total expenditures rose from $490,000 to $2.4 million, a 390 percent increase. The average expenditure per enrollee went from $1,455 in FY 2001 to $1,520 in FY 2007.

\(^2\) These numbers include PASSPORT recipients. PASSPORT is the managed care network for the Louisville Metro area. According to a staff person from the Kentucky Department for Medicaid Services, PASSPORT recipients should not be enrolled in the time-limited emergency medical care program. The department is working to correct this.
Claims. Emergency care frequently resulted in multiple claims. Between FY 2001 and FY 2007, each nonqualified alien enrollee, on average, had between seven and eight claims. More than 3,400 nonqualified alien emergency medical assistance claims were paid in FY 2001. That figure rose to 14,400 in FY 2007, a 322 percent increase.

Forty-three percent of all claims were for physician services. Inpatient hospital acute care (14 percent) and pharmacy services (11 percent) were the next most frequent types of claims.

Categories of Spending. Despite the high proportion of claims, physician services represented only 17 percent of total federal-state expenditures. Inpatient hospital acute care accounted for 70 percent of spending from FY 2001 to FY 2007. In FY 2001, the average inpatient hospital acute care expenditure was $2,400, compared with $425 spent, on average, on all other services. For FY 2007, the average inpatient hospital acute care expenditure was $2,800 compared with $300, on average, for all other services.

Table 4.1 shows expenditure and claim figures for inpatient hospital acute care, outpatient hospital, and physician services.

<table>
<thead>
<tr>
<th>Category of Service</th>
<th>Federal and State Expenditures</th>
<th>% of Total Expenditures</th>
<th>Claims</th>
<th>% of Total Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inpatient Hospital Acute Care</td>
<td>$20,029,317</td>
<td>69.8%</td>
<td>8,371</td>
<td>14.2%</td>
</tr>
<tr>
<td>Physician</td>
<td>$4,972,789</td>
<td>17.3%</td>
<td>25,525</td>
<td>43.2%</td>
</tr>
<tr>
<td>Outpatient Hospital</td>
<td>$1,483,963</td>
<td>5.2%</td>
<td>5,444</td>
<td>9.2%</td>
</tr>
<tr>
<td>All Other Services</td>
<td>$2,193,946</td>
<td>7.6%</td>
<td>19,744</td>
<td>33.4%</td>
</tr>
<tr>
<td>Total</td>
<td>$28,680,015</td>
<td>100.0%</td>
<td>59,084</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: Percentages may not add to 100 due to rounding.
Source: Staff analysis of data provided by the Kentucky Department for Medicaid Services.

Emergency Room Visits. Emergency room visits are a relatively small proportion of total claims and expenditures for nonqualified aliens. From FY 2001 to FY 2007, more than 1,000 emergency room claims cost more than $228,000. The number of claims for nonqualified aliens increased for all years except one.
Table 4.2 shows the number of emergency room visits from FY 2001 to FY 2007.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Federal and State Expenditures</th>
<th>Average Cost Per Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$43,663</td>
<td>$195</td>
</tr>
<tr>
<td>2006</td>
<td>$42,339</td>
<td>$233</td>
</tr>
<tr>
<td>2005</td>
<td>$35,799</td>
<td>$208</td>
</tr>
<tr>
<td>2004</td>
<td>$33,684</td>
<td>$234</td>
</tr>
<tr>
<td>2003</td>
<td>$16,847</td>
<td>$150</td>
</tr>
<tr>
<td>2002</td>
<td>$36,787</td>
<td>$317</td>
</tr>
<tr>
<td>2001</td>
<td>$19,044</td>
<td>$268</td>
</tr>
<tr>
<td>Total</td>
<td>$228,162</td>
<td>$223</td>
</tr>
</tbody>
</table>

Source: Staff analysis of data provided by the Kentucky Department for Medicaid Services.

Appendix F lists all expenditures made under the emergency medical assistance program by category of service.

Limitations

For at least two reasons, the number of unauthorized aliens that access emergency medical assistance services is not known. First, unauthorized aliens are not specifically identified when they receive emergency medical treatment. They are categorized as nonqualified alien recipients, which may include legal residents who were unable to prove their immigration status. Second, unauthorized aliens may access emergency medical care without enrolling in the Medicaid emergency medical assistance program. By enrolling in the Medicaid program, however, expenses related to their treatment and care may be paid by federal and state governments. As a result, the figures included in this report may not represent all emergency medical services provided to unauthorized aliens in Kentucky.

These data also do not permit estimates of uncompensated care costs attributable to unauthorized aliens. Uncompensated care costs are medical bills that a recipient or third party does not pay. Medical providers generally end up bearing these costs.
Chapter 5

Public Health

Public health departments provide many services to local communities but generally do not ask recipients to prove their citizenship or provide documentation of their immigration status. Federal and state laws and policies may prevent public health departments from asking for this information.

Anecdotal evidence from public health department officials suggests that the number of unauthorized aliens accessing services varies widely. Some health departments, particularly those in rural, nonagricultural areas, appear to have few unauthorized alien patients. In agricultural and urban areas, it is likely that unauthorized aliens consume a larger proportion of public health department services because unauthorized aliens appear to represent a larger share of these local populations.

This report does not estimate the costs of providing public health services to unauthorized aliens. The Department for Public Health provided available demographic and personal information for recipients at each local public health department. The data were insufficient, however, to estimate the number of unauthorized aliens who access services from local public health departments.

Public Health Departments

The primary mission of public health departments is to improve the health and well-being of the entire community, particularly through preventive care. Public health departments provide clinical and nonclinical services. Clinical services include immunizations, prenatal care, tuberculosis screening, treatment for sexually transmitted diseases, adult preventive care, and well-child pediatrics. Nonclinical services include septic tank inspections, food inspections, and home infestation examinations.

Governance

Fifty-six local public health departments, some covering multiple counties, serve Kentucky’s 120 counties. A board of directors governs each local public health department. Board members are appointed by the secretary of the Cabinet for Health and Family Services. The exceptions are the Jefferson County, Lexington-
Fayette, and Northern Kentucky Health Departments, which have locally appointed boards of directors.

All public health departments are staffed by county, not state, employees. Although the Cabinet for Health and Family Services does not have direct authority over local health department employees, it does have statutory oversight authority related to the provision of public health in Kentucky. Through the Kentucky Department for Public Health, the cabinet establishes policies governing the activities and practices of local health departments; supervises their financial, personnel, and other administrative functions; establishes their standards of operation; evaluates their organization and activities; and allocates, modifies, or cancels allotments of state funds to local health departments (KRS 211.170).

**Funding**

Local health department funding comes from federal, state, and local governments and service fees. Table 5.1 identifies revenue sources by category for Kentucky’s public health departments.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Revenues</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$55,586,924</td>
<td>17.7%</td>
</tr>
<tr>
<td>State</td>
<td>$46,823,094</td>
<td>14.9%</td>
</tr>
<tr>
<td>Local</td>
<td>$60,225,586</td>
<td>19.2%</td>
</tr>
<tr>
<td>Service Fees</td>
<td>$133,187,735</td>
<td>42.5%</td>
</tr>
<tr>
<td>Other</td>
<td>$17,816,585</td>
<td>5.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$313,639,924</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Source: Staff’s analysis of data provided by the Kentucky Department for Public Health.

State funds are either mandated by Kentucky law or appropriated by the General Assembly to the Department for Public Health, which then allocates funds to local health departments. Local governments may also fund local health departments by imposing a public health tax or appropriating funds.
Legal Requirements

For each program, local public health departments must comply with requirements established by each funding source. If a federal statute or grant, for example, requires verification of a person’s citizenship status, local public health departments must comply with that requirement.

According to an official from the Department for Public Health and staff from several local health departments, the federal government generally does not require information about recipients’ immigration status. LRC staff consulted with staff at the U.S. Department of Health and Human Services, Commonwealth of Kentucky agencies, and public health agencies in other states to identify specific health programs that prohibited questions about recipients’ immigration status. These officials agreed that federal law prohibits asking patients about their immigration status whenever they seek immunizations, testing, or treatment for communicable diseases. Interpretations differed about other public health programs.

For programs funded in whole or part by the state, local public health departments follow policies established by the Kentucky Department for Public Health. Unless otherwise required, the department’s policy is to provide health services without asking about a recipient’s immigration or citizenship status. According to department officials, asking patients to prove their immigration status could deter them from seeking services that may provide wide-ranging public health benefits. Officials from local public health departments made similar comments.

Public health programs funded entirely by local government and nongovernmental grants, it appears, have the ability to prohibit or grant access to unauthorized aliens. According to public health officials interviewed by LRC staff, these types of programs are uncommon.
Accessing Clinical Public Health Services

For clinical services, every visit follows a similar pattern. The encounter begins with a person making an appointment or walking in to a public health department. Registration and billing information is collected. The person’s name, date of birth, address, gender, and ethnicity are required, but a Social Security number or documentation of a person’s immigration or citizenship status is not.

A nurse, nurse practitioner, or physician examines the person and provides appropriate care or refers the individual to another provider if the health department does not provide the type of service the patient needs. A patient encounter form identifies the services provided by the public health department. A health department employee enters this information into the state’s public health records database. Making follow-up appointments, if necessary, concludes the visit. The same process applies to a citizen, legal resident, or unauthorized alien patient.

According to Department for Public Health officials, local public health departments document each service provided to each patient. Local health departments record demographic details, such as name, address, gender, and race. All information is entered into a public health records database maintained and managed by Custom Data Processing, the Department for Public Health’s third-party software vendor. Each public health department has access to its own data via a limited set of Custom Data Processing reports. At the state level, the Department for Public Health has access to dozens of standard reports, including reports that summarize local health department information.

According to Department for Public Health officials, each year approximately 1 million people receive clinical and nonclinical services from Kentucky’s public health departments. On average, each person utilizes these services three times a year, so the total annual number of encounters is about 3 million.

Approximately 80 percent to 90 percent of all clinical service recipients are women and children, according to officials with the Department for Public Health. Prenatal and child well-being services are among the most common services.

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1 For example, some public health departments do not provide prenatal care but may contract with a third party to provide those services.
Chapter 6

Correctional Facilities

Determining exact total costs for incarcerating unauthorized aliens requires knowing how many unauthorized alien inmates there are and the cost per inmate, which varies among jails (Commonwealth). This cannot be done because Kentucky correctional facilities do not always identify or document which inmates are unauthorized aliens. Each local jail also maintains its own inmate database, so retrieving detailed information about the entire jail population would require gathering data from 74 separate jail databases.

Some information about unauthorized alien inmates does exist. Several local jails and the Kentucky Department of Corrections apply for and receive federal reimbursement for a portion of their salary costs related to housing unauthorized alien inmates identified by federal authorities. Using these and other data, staff estimated the approximate total cost of incarcerating unauthorized aliens in Kentucky’s correctional facilities to be $1.7 million to $2.8 million and potential federal reimbursement revenues to be $310,000 to $547,000 in FY 2008.

Legal Authority

Only federal agents have the authority and ability to determine if a person is in the U.S. illegally. Only federal agencies decide whether to criminally prosecute unauthorized aliens for entering the country without authorization or to use a civil process to deport such persons. Entering the country illegally is a misdemeanor for a first offense and a felony for subsequent offenses. Failing to leave the U.S. when ordered by an immigration court is a felony. Reentering the country without permission after having been denied the right to reside in the U.S. is also a felony. Using false documents to enter the U.S. or to qualify for certain benefits falls under several federal laws. Some violations are criminal and others are civil. The federal government also decides whether and when it will take custody of unauthorized alien inmates housed at local jails and state prisons.
Incarceration

Correctional facilities in Kentucky house approximately 37,000 inmates on any given day. An inmate’s immigration or citizenship status is not a primary concern for correctional facilities, according to officials contacted by LRC staff. Officials described their primary function as following judicial orders to incarcerate individuals. Correctional facilities, which include local jails and state prisons, may check an inmate’s status, but criteria and methods used to identify suspected unauthorized alien inmates vary by facility.

Booking

Each inmate is booked into a correctional facility after an encounter with law enforcement or on a judge’s order. General information about the individual is requested, including name, birth date, Social Security number, and address. Every inmate is fingerprinted.

Depending on a variety of factors, including the length of time an individual might be incarcerated and the individual’s mental state, correctional facility staff may conduct more extensive interviews. Staff may also request federal determination of an inmate’s immigration or citizenship status.

Checking Immigration Status

An inmate’s immigration or citizenship status may be checked if staff at a local jail or state prison suspect that an inmate is an unauthorized alien, but criteria vary. LRC staff found correctional facilities using different combinations of a missing Social Security number, a foreign birth country, limited English proficiency, or limited knowledge about local or national facts to identify suspected unauthorized aliens. In one instance, officials indicated that they check a person’s immigration status if they believe that the inmate is providing false immigration information.

Once correctional facility staff determine that an inmate’s immigration status should be checked, staff use different verification methods. One method is to contact one of three U.S. Immigration and Customs Enforcement (ICE) offices in Kentucky and provide relevant personal and biographic information about the suspected unauthorized alien inmate. ICE officials then attempt to verify the inmate’s immigration status.
Some correctional facilities check an inmate’s immigration or citizenship status by running the inmate’s name through the National Crime Information Center. This is a Federal Bureau of Investigation database used primarily by state and local law enforcement officials to determine whether an individual has outstanding arrest warrants, including for some types of immigration violations.

At least one Kentucky correctional facility uses the Integrated Automated Fingerprint Identification System to check an inmate’s immigration status. This is another Federal Bureau of Investigation database that relies on fingerprint information to check a person’s criminal history.

Some correctional facilities submit an electronic query to the Law Enforcement Support Center, which is operated by ICE. This information center searches multiple federal databases to help state and local law enforcement officials identify unauthorized aliens. Response times depend on the crime committed and vary from a matter of hours to several days. An ICE official said that an electronic query to the center is the preferred way to verify the status of an unauthorized alien inmate.

**Detaining Unauthorized Aliens**

The federal government decides whether and when to take custody of unauthorized alien inmates housed at local jails and state prisons. Generally, the federal government will not take custody until the inmate’s prison term has expired. In those situations, federal immigration officials will place a detainer on an inmate. Detainers require correctional facilities to hold inmates for up to 48 hours past their scheduled release times. Should ICE officials not take custody within 48 hours, the inmate is supposed to be released.¹

¹ Requests to local ICE offices are generally informal and, according to an ICE official, not tallied or otherwise recorded. Likewise, correctional facilities do not keep track of these requests. According to correctional facility staff, ICE verification responses may be nearly instantaneous or could take several days.
ICE Does Not Detain Every Unauthorized Alien. According to staff from several Kentucky correctional facilities, ICE officials are primarily interested in detaining unauthorized aliens who have committed serious crimes or who have been previously deported. Individuals alleged to have committed relatively minor offenses, such as shoplifting, will generally not be of interest. An ICE official explained that ICE has limited resources and must prioritize which individuals to detain.

Data and Estimated Costs and Revenues

Staff estimated the number and costs of unauthorized alien inmates incarcerated in Kentucky correctional facilities, but the actual number of such inmates is unknown. First, correctional facilities do not consistently request federal confirmation of suspected unauthorized alien inmates. They also follow different procedures for how such requests are made. Second, even if confirmation is requested, federal officials do not always inform correctional facilities about an inmate’s immigration or citizenship status. Third, correctional facility inmate management databases do not specifically identify unauthorized aliens, and each jail maintains its own inmate database. Anecdotal evidence suggests that those databases may be able to identify inmates with detainers, but detainers can be placed on inmates for reasons not related to immigration, and the ability to access that information varies by local jail. Fourth, a statewide database identifying important personal and demographic characteristics of jail inmates, including detainer information, does not exist.

State Criminal Alien Assistance Program

Staff were able to estimate the total number of unauthorized aliens incarcerated in Kentucky correctional facilities using information specific to the State Criminal Alien Assistance Program (SCAAP). This is a federal program managed by the U.S. Department of Justice’s Bureau of Justice Assistance in partnership with the U.S. Department of Homeland Security. SCAAP reimburses state and local correctional facilities for a portion of their salary costs attributable to housing unauthorized alien inmates.

SCAAP funding is not automatic. Each year correctional facilities must request reimbursement for inmates suspected of being unauthorized aliens. ICE reviews those requests and determines each inmate’s immigration status. Federal reimbursements only apply to known or suspected unauthorized aliens who were incarcerated for more than 3 consecutive days in a state or local
correctional facility and who were convicted of at least one felony or two misdemeanors.

Appendix G provides details about Kentucky correctional facilities that received SCAAP funds for FY 2000 to FY 2008.

Analysis

Determining the costs of incarcerating unauthorized aliens is dependent on knowing how many unauthorized aliens are incarcerated during a given period and the cost of incarcerating each of them. Information for both is incomplete. Kentucky correctional facilities do not universally identify or record which inmates are unauthorized aliens. Per-inmate cost figures also vary by correctional facility and may not consistently measure the same costs.

The most reliable available measures of the number and cost of incarcerated unauthorized aliens come from SCAAP data. Unfortunately, SCAAP data are limited to a few local jails and the state prison system in Kentucky. As a result, the number and cost of unauthorized alien inmates for facilities that do not receive SCAAP funds must be estimated.

The following section describes the reported number and cost of unauthorized alien inmates at Kentucky correctional facilities receiving SCAAP funds. The subsequent section estimates the numbers and costs of unauthorized alien inmates at facilities that did not apply for SCAAP funds.

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2 Local Kentucky jails that received SCAAP funds represented about 12 percent of Kentucky’s total inmate population in FY 2008.
Facilities Receiving SCAAP Funds. Table 6.1 shows the number of unauthorized alien inmates, number of days incarcerated, average length of stay, salary costs, and SCAAP revenues for each Kentucky correctional facility that received SCAAP funds in FY 2008.

According to U.S. Bureau of Justice Statistics information, Carroll County, Lexington-Fayette, Nelson County, and Shelby County Jails incarcerated 589 unauthorized alien inmates for 22,000 days in FY 2008. These jails incurred $484,054 in salary costs and received $149,958 in SCAAP funds.

The Kentucky Department of Corrections received reimbursement for 46 unauthorized alien inmates who were incarcerated for a collective 5,847 days in FY 2008. Total salary costs were $46,621, and the department received $12,122 in SCAAP funds.

Table 6.1
Kentucky Correctional Facilities Receiving SCAAP Funds, Fiscal Year 2008

<table>
<thead>
<tr>
<th>Facility</th>
<th>Number of Unauthorized Alien Inmates</th>
<th>Number of Days Incarcerated</th>
<th>Average Length of Stay (Days)</th>
<th>Salary Costs</th>
<th>Federal SCAAP Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carroll County</td>
<td>5</td>
<td>143</td>
<td>28.6</td>
<td>$2,039</td>
<td>$614</td>
</tr>
<tr>
<td>Lexington-Fayette</td>
<td>384</td>
<td>15,560</td>
<td>40.5</td>
<td>$384,522</td>
<td>$119,587</td>
</tr>
<tr>
<td>Nelson County</td>
<td>21</td>
<td>915</td>
<td>43.6</td>
<td>$11,499</td>
<td>$3,463</td>
</tr>
<tr>
<td>Shelby County</td>
<td>167</td>
<td>5,292</td>
<td>31.7</td>
<td>$85,994</td>
<td>$26,294</td>
</tr>
<tr>
<td>Jail Total</td>
<td>589</td>
<td>22,000</td>
<td></td>
<td>$484,054</td>
<td>$149,958</td>
</tr>
<tr>
<td>Dept. of Corrections</td>
<td>46</td>
<td>5,847</td>
<td>127.1</td>
<td>$46,621</td>
<td>$12,122</td>
</tr>
<tr>
<td>Total</td>
<td>635</td>
<td>27,847</td>
<td>43.9</td>
<td>$530,675</td>
<td>$162,080</td>
</tr>
</tbody>
</table>

Source: Staff’s analysis of data provided by the U.S. Bureau of Justice Statistics.

Generally, local inmates are incarcerated for misdemeanors and state inmates for felonies. Misdemeanors typically carry shorter sentences than felonies, so unauthorized aliens were incarcerated, on average, for fewer days at local jails than at state facilities.

Based on figures from the Department of Corrections, staff estimated total incarceration costs were $750,000 for the four county jails that received SCAAP funds and $300,000 for the Department of Corrections in FY 2008.

To estimate total incarceration costs attributable to unauthorized aliens, staff used average cost figures published by the Kentucky Department of Corrections for FY 2007. For local jails, the average daily incarceration cost was $34.06, and for the Department of Corrections it was $50.99. Based on these figures, total incarceration costs were estimated to be $750,000 for the four jails and $300,000 for the Department of Corrections.
Appendix H considers why the number of unauthorized alien inmates at the Department of Corrections seems low compared to local jails in Kentucky and correction departments in other states.

**Louisville.** Using data provided by the Louisville Metro Corrections Department and data for selected SCAAP recipients, staff estimated Louisville’s potential annual cost of incarcerating unauthorized aliens. Staff also estimated the department’s potential SCAAP revenue.\(^3\)

Staff’s cost estimate had two parts. First, staff estimated total costs for the 29 Louisville Metro Corrections Department inmates with an ICE detainer between September 2007 and September 2008. Those inmates, according to data provided by the department, were incarcerated for a collective 1,510 days.

Since ICE does not place a detainer on every unauthorized alien inmate and correctional facility staff may not always identify unauthorized aliens, staff estimated the number of other inmates that might have been unauthorized aliens. Staff used data provided by the Louisville Metro Corrections Department to identify inmates without a documented Social Security number and who were incarcerated for more than 3 days. Those inmates were considered possible unauthorized aliens. Staff also considered the number of unauthorized alien inmates at other correctional facilities to establish a range of costs.

Based on these methods, staff estimated that 100 to 310 unauthorized alien inmates were incarcerated for 4,700 to 14,400 days at the Louisville Metro Corrections Department between September 2007 and September 2008. Estimated total incarceration costs ranged from $270,000 to $840,000.

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3 Based on estimates by the Pew Hispanic Trust, staff identified states with similar estimated unauthorized alien populations: Alabama, Arkansas, Kansas, Missouri, Mississippi, Nebraska, and South Carolina. Staff calculated the median percentage of total inmate days that were suspected unauthorized alien inmate days (1.9 percent) using SCAAP data.
The Louisville Metro Corrections Department did not apply for SCAAP funds in recent years, but LRC staff estimated SCAAP revenues as if it had. The department provided some data required by the SCAAP application and LRC staff estimated the other components. Based on these conditions, the department might have received $48,000 to $144,000 in SCAAP funds for FY 2008 had it applied.

Other Facilities Not Applying for SCAAP Funds. Anecdotal evidence suggests that the number of unauthorized alien inmates at other facilities that did not apply for SCAAP funds varies. For example, Franklin County Regional Jail staff indicated that 7 of its 280 inmates as of September 29, 2008, had ICE detainers. Boone County Jail reported that 2 or 3 of its 450 inmates had ICE detainers as of October 3, 2008. Staff at these facilities did not know how many other inmates might be unauthorized aliens.

Staff used average values from other SCAAP correctional facilities in Kentucky to estimate the number of unauthorized aliens incarcerated at jails that did not apply for SCAAP funds, other than Louisville Metro. Staff also determined weighted values from Kentucky SCAAP recipients to calculate an alternative estimate.

Based on these conditions, 250 to 600 unauthorized alien inmates might have been incarcerated for 11,500 to 27,800 days in jails, other than Louisville Metro, that did not apply for SCAAP funding during FY 2008. Using an average incarceration cost, staff estimated total incarceration costs attributable to unauthorized aliens ranged from $390,000 to $950,000 in FY 2008 for these facilities. Had these local correctional facilities applied for SCAAP funds, they might have received $100,000 to $241,000 in federal funds.

To arrive at a SCAAP estimate, staff entered all data into SCAAP’s 2007 funding formula. Reimbursements are affected by federal appropriations to SCAAP and, in general, the number of state and local SCAAP applicants. As the number of eligible inmate days increases, all else equal, the reimbursement rate and the dollar amount for each recipient agency falls. To accommodate changes to these inputs, staff would have had to assume changes to previously awarded reimbursements, so staff held them constant. Finally, all inmates listed by SCAAP applicants are reviewed by ICE to determine if they qualify for reimbursement.

A problem of using data from SCAAP participants to estimate figures for other facilities is that facilities with relatively high numbers of unauthorized alien inmates may be more likely to apply for SCAAP funding than other facilities, all else being the same. Applying these figures to other facilities could overestimate the numbers and costs of unauthorized alien inmates.
SCAAP Participation. Most correctional facilities in Kentucky do not apply for SCAAP funding. Local jail officials provided different explanations for their lack of participation. Some indicated that the costs of applying were expected to exceed the financial award. Others stated that their staff was overburdened with routine jail operational duties, leaving little or no time to complete SCAAP application forms. One person cited turnover in jail management.

Staff asked two of the four 2008 Kentucky SCAAP recipients to estimate how much time it took them to complete the SCAAP application. Their responses did not provide specific timeframes, but they suggested that time and effort could vary according to the ability of local jail staff to search their own inmate management database. Detailed information about each suspected unauthorized alien inmate is required in the SCAAP application.

State Summary. Table 6.2 summarizes the findings for FY 2008 for facilities that received SCAAP funding, the Louisville Metro Corrections Department, and all other correctional facilities. The estimated statewide total cost for housing unauthorized alien inmates ranged from $1.7 million to $2.8 million. The estimated statewide SCAAP reimbursement total ranged from approximately $310,000 to approximately $547,000.

### Table 6.2
Estimated Costs and SCAAP Revenues for Unauthorized Alien Inmates in Kentucky Correctional Facilities, Fiscal Year 2008

<table>
<thead>
<tr>
<th>Facility</th>
<th>Unauthorized Alien Inmates</th>
<th>Estimated Total Cost</th>
<th>Actual SCAAP Revenues</th>
<th>Estimated Potential SCAAP Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Corrections</td>
<td>46</td>
<td>$300,000</td>
<td>$12,122</td>
<td>-----</td>
</tr>
<tr>
<td>Carroll County, Lexington-Fayette, Nelson County, and Shelby County Jails</td>
<td>589</td>
<td>$750,000</td>
<td>$149,958</td>
<td>-----</td>
</tr>
<tr>
<td>Louisville Metro Corrections</td>
<td>100 to 310</td>
<td>$270,000 to $840,000</td>
<td>-----</td>
<td>$48,000 to $144,000</td>
</tr>
<tr>
<td>All Other Facilities</td>
<td>250 to 600</td>
<td>$390,000 to $950,000</td>
<td>-----</td>
<td>$100,000 to $241,000</td>
</tr>
<tr>
<td>Total</td>
<td>985 to 1,545</td>
<td>$1,710,000 to $2,840,000</td>
<td>$162,080</td>
<td>$148,000 to $385,000</td>
</tr>
</tbody>
</table>

Source: Staff’s estimates and analysis of data provided by the U.S. Bureau of Justice Statistics and the Louisville Metro Corrections Department.
It is recognized that applying for SCAAP funding is a decision to be made by officials of local jails and that they would have to use their own information to determine the number of inmates they suspect are unauthorized aliens. However, anything feasible that the Department of Corrections could do to help local facilities successfully apply for SCAAP funding would be helpful. One reason is the availability of potentially hundreds of thousands of dollars in federal revenue. In addition, local facilities applying for SCAAP reimbursement would likely produce more accurate information about the number of unauthorized alien inmates in local correctional facilities.

**Recommendation 6.1**

The Kentucky Department of Corrections should support local correctional facilities that want to apply for funding from the federal State Criminal Alien Assistance Program.

Appendix B is the department’s response to the recommendation.
Works Cited


Appendix A

Response From the Kentucky Department of Education

KDE is having discussions about creating a document that combines the federal case laws and Kentucky law regarding information schools may/may not require for enrollment. Some examples of “other reliable proof” would be included in order to assist schools with compliance. This document will be considered a “clarification” provided to superintendents in the usual ways, so it can be distributed to schools for all staff that complete the forms. It will also be shared with KDE personnel in appropriate offices to distribute in the field since several federal programs work with populations related to the issues identified by the LRC study, which include Migrant Education, Title III, McKinney-Vento Education for Homeless and others.
Appendix B

Response From the Kentucky Department of Corrections

May 12, 2009

Gregory L. Hager, Committee Staff Administrator
Program Review and Investigations Committee
700 Capital Avenue
Frankfort, KY 40601

Dear Mr. Hager:

Based on findings in the April 30, 2009 draft report, “Costs of Providing Services to Unauthorized Aliens Can Be Estimated for Some Programs but Overall Costs and Benefits are Unknown,” the Department of Corrections has implemented steps to provide a variety of assistance to local jail facilities in applying for funding through the State Criminal Alien Assistance Program as recommended in Chapter 6 of the report.

First, the Department is scheduled to provide information about the SCAAP FFY10 application process at the Local Jailer’s Conference planned for June, 2009. This short informational session will explain the costs and benefits of application, as well as walkthrough the necessary components of a successful application.

Secondly, the Department plans to provide small group training sessions in February, 2010 in anticipation of an April solicitation release. The small group training session will assist specific jail staff in preparing the application, with an emphasis on data gathering and application submission.

Lastly, the Department is planning the computer-based training module specifically to address the State Criminal Alien Assistance funding opportunity and application processes. This training module will be available to assist local jail staff in preparing a successful application.
The Department routinely offers support to local jail facilities that request assistance in securing grant funding. It is understandable that while many local jail facilities do not have the staff to support a full time grants administrator, their local governments often employ individuals in this function.

I hope this information will be of assistance to the jailers in Kentucky as they attempt to secure additional funds to support the operation of their facilities.

Sincerely,

LaDonna H. Thompson
Commissioner

Cc:  J. Michael Brown, Secretary
     Charles Geveden, Deputy Secretary
     Carol Beth Martin, Chief of Staff
     Mark Mangeot, Legislative Liaison
     Rick Graycerek, Committee Project Staff
     Colleen Kennedy, Committee Project Staff
     Jon Roenker, Committee Project Staff
Appendix C

Selected State Laws Related to Immigration Enacted in 2007 and 2008

In 2007 and 2008, states enacted numerous laws related to the provision of services to immigrants, including unauthorized aliens. LRC staff used information compiled by the National Conference of State Legislatures to identify examples of laws related to the program areas examined in this study (National. “2007”; National. “State Laws”). Sixteen laws are summarized below: four related to primary and secondary education, four related to health care, and eight related to corrections.

Primary and Secondary Public Education

North Dakota S.B. 2200 (2007) requires schools to report the number of “new immigrant English language learners” in the school and provides for extra compensation for serving them. A “new immigrant English language learner” is defined as an English language learner who was not born in the U.S. and has not attended school in the U.S. for more than 3 school years.


Pennsylvania H.B. 1295 (2007) authorizes the State Department of Education to establish a receipt account for emergency immigration education assistance.

Virginia H.B. 2631 (2007) establishes that the name and address of a pupil, the record of a pupil’s daily attendance, a pupil’s scholastic record, the names of a pupil’s parents, a pupil’s date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States government seeking this information in the course of official duty when the pupil is an alien.

Health Care

Colorado H.B. 1199 (2008) removes a 1-year residency requirement before a person is able to receive hospitalization assistance for the treatment of tuberculosis. This means treatment is available immediately, regardless of immigration status. This treatment is in addition to the tuberculosis-related services that were already available regardless of immigration status.

South Carolina H.B. 4400 (2008) establishes that every state agency or political subdivision must verify the lawful presence of any alien 18 years of age or older who has applied for federal, state, or local public benefits except

- public health assistance for immunizations and testing of and treatment for symptoms of communicable diseases;
- delivery of in-kind services at the community level;
• services unrelated to an individual recipient’s income or resources;
• services necessary for the protection of life or safety; or
• prenatal care.

Missouri H.B. 1549 (2008) establishes that no alien unlawfully present in the U.S. shall receive any state or local public benefit, except
• public health assistance for immunizations and for testing of and treatment for symptoms of communicable diseases;
• delivery of in-kind services at the community level;
• services unrelated to an individual recipient’s income or resources;
• services necessary for the protection of life or safety; or
• prenatal care.

Oklahoma H.B. 1804 (2007) establishes that verification of lawful presence in the U.S. shall not be required
• for any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;
• for assistance for health care items and services that are necessary for the treatment of an emergency medical condition of the alien involved, as defined in 42 USC 1396b(v)(3), and are not related to an organ transplant procedure;
• for short-term, noncash, in-kind emergency disaster relief;
• for public health assistance for immunizations with respect to diseases and for testing of and treatment for symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease; or
• for programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified and authorized by the U.S. attorney general, after consultation with appropriate federal agencies and departments, that
  • deliver in-kind services at the community level, including those through public or private nonprofit agencies,
  • do not place conditions on the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient, and
  • are necessary for the protection of life or safety.

Corrections

Colorado S.B. 134 (2008) establishes that bonds and fees recovered from persons illegally in the country who were charged with crimes related to dangerous drugs are divided equally between the Capital Construction Fund that is used for prison construction and operations and the County Jail Assistance Fund that is used to maintain and operate county jails.
New York A. B. 3286 (2007) establishes that if an inmate is eligible for deportation, the Board of Parole is allowed to

- grant parole, so that the inmate will be immediately deported if the inmate’s sentence is indeterminate (an indeterminate sentence is not fixed but falls within a range based on the prisoner’s conduct and rehabilitation) or
- release an inmate early from a determinate sentence, so that he or she can be deported (a determinate sentence is for a fixed length of time).

North Carolina S.B. 229 (2007) requires the administrator of a jail or other confinement facility to determine if confined persons under felony or impaired driving charges are lawfully present in the U.S.

Oklahoma H.B. 1804 (2007) establishes that no local government shall enact any ordinance or policy that limits or prohibits a law enforcement officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of any person within the state.

The law also specifies that when a person charged with a felony or driving under the influence is confined in a county, municipal, or regional jail authority, a reasonable effort must be made to determine the person’s citizenship status. If the person is a foreign national, the jail must make a reasonable effort to verify that the person has been lawfully admitted to the United States. If verification cannot be determined from documents in the person’s possession, verification must be made within 48 hours through a query to the Law Enforcement Support Center. If the lawful immigration status of the prisoner cannot be verified, the jail must notify the United States Department of Homeland Security.

Texas S.B. 1470 (2007) establishes that if a person is convicted of a misdemeanor involving family violence and the defendant is not a U.S. citizen, a guilty plea may result in deportation, exclusion from admission to the U.S., or the denial of naturalization under federal law.

Virginia H.B. 820/S.B. 609 (2008) requires jails and correctional facilities to check an inmate’s immigration status by querying the federal Law Enforcement Support Center if

- the person was born in a country other than the U.S.,
- the person is a citizen of a country other than the U.S., or
- the answer to those questions is unknown for the person.

Jails must communicate the results of their queries to the state’s Local Inmate Data System. Each month, information identifying persons illegally present in the U.S. is sent to the Central Criminal Records Exchange of the Department of State Police. Correctional facilities must communicate directly to the Central Criminal Records Exchange about inmates who are confirmed to be illegally present in the U.S. A person’s immigration status must be recorded in the person’s criminal history record.

Virginia H.B. 30 (2008) establishes that all State Criminal Alien Assistance Program payments received by the Department of Corrections must be deposited directly into the general fund.
South Carolina H.B. 4400 (2008) authorizes and directs the South Carolina Law Enforcement Division to create a memorandum of understanding between South Carolina and the U.S. Department of Justice or Department of Homeland Security to enforce federal immigration laws using state and local law enforcement personnel. The law specifically mentions the federal 287(g) program or other applicable federal program designed for the purpose of state enforcement of federal immigration laws.

The director of the South Carolina Department of Corrections, the sheriff of a county, and the governing body of a municipality that maintains a paid police department may join this memorandum of understanding. They may also, subject to the availability of funds, send corrections officers and local law enforcement officers to training.

The law also requires that a reasonable effort must be made to determine if a person charged with a criminal offense and confined in a state, county, or municipality jail is unlawfully present in the U.S. No state officer shall attempt to make an independent judgment of an alien’s immigration status. State officials must verify an alien’s status with the federal government in accordance with 8 USC 1373(c).

If a prisoner is an alien, the jail must make a reasonable effort to verify whether the prisoner is unlawfully present in the U.S. Verification must be made within 72 hours by querying the Law Enforcement Support Center. If the prisoner is determined to be unlawfully present, the jail must notify the U.S. Department of Homeland Security.

The jail must account for daily expenses incurred for the housing, maintenance, and care of prisoners who are aliens unlawfully present in the U.S. The law states that these jails must invoice the Department of Homeland Security for those expenses.
Appendix D

Research Methods for Estimating the Unauthorized Alien Population

Unlike the authorized population in the United States, taking a census of the unauthorized alien population is not practical. Unauthorized aliens generally do not want to be identified, so it is difficult to accurately and reliably count this population.

To estimate the unauthorized alien population, the Pew Hispanic Center and others use a “residual method.” The basic principle is that the number of unauthorized aliens residing in the United States is equal to the total number of all immigrants in the country minus the total number of legal immigrants living in the country.

Among other sources, researchers have used data from the U.S. Census Current Population Survey, the Department for Homeland Security, and the Immigration and Naturalization Service.

The unauthorized alien population is, therefore,

\[ UA_{\text{total}} = A_{\text{total}} - L_{\text{total}} \]  

(equation 1)

where \( UA_{\text{total}} \) = Total unauthorized aliens
\( A_{\text{total}} \) = All immigrants (legal and unauthorized)
\( L_{\text{total}} \) = Total legal immigrants.

Some unauthorized aliens will be counted but others will not. To account for this, equations 2 through 5 describe how the number of uncounted unauthorized aliens is estimated.

\[ UA_{\text{counted}} = A_{\text{counted}} - L_{\text{counted}} \]  

(equation 2)

where \( UA_{\text{counted}} \) = Counted unauthorized aliens
\( A_{\text{counted}} \) = All counted immigrants (legal and unauthorized)
\( L_{\text{counted}} \) = Total counted legal immigrants.

The two different groups in equation 2 come from different sources of data. The counted legal immigrant population, \( L_{\text{counted}} \), generally comes from census data. This count must be adjusted for the undercount problem discussed in the criticisms section. So, the legal immigrant count is

\[ L_{\text{counted}} = L_{\text{total}} - L_{\text{uncounted}} = L_{\text{total}} * (1 - u_{\text{legal}}) \]  

(equation 3)

where \( L_{\text{uncounted}} \) = Legal immigrants not counted in the survey
\( u_{\text{legal}} \) = Census undercount rate of legal immigrants.
The second piece of data in equation 2, the total of all counted immigrants both legal and illegal, is also typically estimated from the census. This estimate includes all immigrants excluding those foreign born who are not really considered immigrants. In other words,

\[ A_{\text{counted}} = F_{\text{Bcounted}} - N_{\text{Icounted}} \]  

(equation 4)

where \( F_{\text{Bcounted}} \) = Foreign-born population counted in the census

\( N_{\text{Icounted}} \) = Nonmigrants counted in the census.

Now, if equations 3 and 4 are substituted into equation 2, the result is

\[ U_{A_{\text{total}}} = \frac{U_{A_{\text{counted}}}}{(1-u_{\text{unauthorized}})} = \frac{(A_{\text{counted}}-L_{\text{counted}})}{(1-u_{\text{unauthorized}})} \]  

(equation 5)

where \( U_{A_{\text{total}}} \) = All counted and uncounted unauthorized aliens

\( u_{\text{unauthorized}} \) = The undercount rate for unauthorized aliens.

The undercount rate for unauthorized aliens is developed by looking at specialized survey data, data from Mexico, and other data sources.

Methodology and equations are the work of Jeffrey Passel of the Pew Hispanic Center and can be found in similar form in Passel. Equations were modified slightly in notation to reflect differences in terminology. For a detailed explanation of the residual method, see Passel.
## Appendix E

### Estimated Numbers of Public School Students Who May Be Unauthorized Aliens Per Kentucky Public School District, 2008

For this report, the proxy for an unauthorized alien student is a student who is not a citizen, who was born in a foreign country, and who lacks a complete Social Security number. The table below excludes districts that did not have students who met these criteria.

<table>
<thead>
<tr>
<th>District</th>
<th>Estimated Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fayette County</td>
<td>830</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>579</td>
</tr>
<tr>
<td>Boone County</td>
<td>234</td>
</tr>
<tr>
<td>Shelby County</td>
<td>164</td>
</tr>
<tr>
<td>Warren County</td>
<td>67</td>
</tr>
<tr>
<td>Oldham County</td>
<td>51</td>
</tr>
<tr>
<td>Jessamine County</td>
<td>46</td>
</tr>
<tr>
<td>Bowling Green Independent</td>
<td>46</td>
</tr>
<tr>
<td>Scott County</td>
<td>37</td>
</tr>
<tr>
<td>Woodford County</td>
<td>35</td>
</tr>
<tr>
<td>Mayfield Independent</td>
<td>29</td>
</tr>
<tr>
<td>Kenton County</td>
<td>20</td>
</tr>
<tr>
<td>Montgomery County</td>
<td>19</td>
</tr>
<tr>
<td>Franklin County</td>
<td>17</td>
</tr>
</tbody>
</table>

### Districts With 11 to 15 Students Who May Be Unauthorized Aliens

Carroll County, Christian County, Elizabethtown Independent, Glasgow Independent, Hardin County, Madison County, Marion County, Monticello Independent, Webster County

### Districts With 6 to 10 Students Who May Be Unauthorized Aliens

Ashland Independent, Casey County, Covington Independent, Danville Independent, Daviess County, Henderson County, Laurel County, Logan County, McLean County, Monroe County, Muhlenberg County, Murray Independent, Powell County, Pulaski County, Russell County, Simpson County, Todd County
### Districts With 1 to 5 Students Who May Be Unauthorized Aliens

<table>
<thead>
<tr>
<th>Districts</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adair County, Barren County, Beechwood Independent, Berea Independent, Bourbon County, Boyd County, Boyle County, Bullitt County, Butler County, Calloway County, Campbell County, Carter County, Corbin Independent, Edmonson County, Eminence Independent, Erlanger-Elsmere Independent, Fleming County, Fort Thomas Independent, Gallatin County, Grant County, Greenup County, Hancock County, Harrison County, Hart County, Hopkins County, LaRue County, Letcher County, Lincoln County, Livingston County, McCracken County, Mercer County, Newport Independent, Ohio County, Owen County, Owensboro Independent, Paducah Independent, Raceland-Worthington Independent, Rowan County, Russell Independent, Russellville Independent, Silver Grove Independent, Somerset Independent, Taylor County, Williamstown Independent</td>
<td>2,534</td>
</tr>
</tbody>
</table>

**Total** 2,534

**Median** 5
## Appendix F

### Expenditures for Emergency Medical Assistance Under Medicaid for Nonqualified Aliens by Category of Service, Fiscal Year 2007

<table>
<thead>
<tr>
<th>Category of Service</th>
<th>Total Federal and State Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inpatient Hospital Acute Care</td>
<td>$5,759,965</td>
</tr>
<tr>
<td>Physician</td>
<td>$1,218,629</td>
</tr>
<tr>
<td>Outpatient Hospital</td>
<td>$440,114</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>$79,473</td>
</tr>
<tr>
<td>Health Access Nurturing Development Services</td>
<td>$75,300</td>
</tr>
<tr>
<td>Primary Care</td>
<td>$54,729</td>
</tr>
<tr>
<td>Nurse Anesthetist</td>
<td>$34,646</td>
</tr>
<tr>
<td>Hospice</td>
<td>$25,350</td>
</tr>
<tr>
<td>Preventive Care</td>
<td>$24,385</td>
</tr>
<tr>
<td>Certified Nurse Practitioner</td>
<td>$19,065</td>
</tr>
<tr>
<td>Early Periodic Screening, Diagnosis, and Treatment (EPSDT)</td>
<td>$17,077</td>
</tr>
<tr>
<td>Dental</td>
<td>$15,432</td>
</tr>
<tr>
<td>Transportation</td>
<td>$13,750</td>
</tr>
<tr>
<td>Durable Medical Equipment Supplier</td>
<td>$11,702</td>
</tr>
<tr>
<td>EPSDT-Related Services</td>
<td>$10,841</td>
</tr>
<tr>
<td>Independent Lab</td>
<td>$8,162</td>
</tr>
<tr>
<td>Rural Health Clinic</td>
<td>$4,633</td>
</tr>
<tr>
<td>Case Mix-Nursing Facility</td>
<td>$4,015</td>
</tr>
<tr>
<td>Home Health</td>
<td>$3,771</td>
</tr>
<tr>
<td>First Steps/Early Intervention</td>
<td>$3,049</td>
</tr>
<tr>
<td>Vision</td>
<td>$988</td>
</tr>
<tr>
<td>Nonemergency Transportation</td>
<td>$961</td>
</tr>
<tr>
<td>Commission for Children with Special Health Care Needs</td>
<td>$610</td>
</tr>
<tr>
<td>Ambulatory Surgery</td>
<td>$410</td>
</tr>
<tr>
<td>Chiropractor</td>
<td>$181</td>
</tr>
<tr>
<td>Renal Dialysis Clinic</td>
<td>$158</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,827,396</strong></td>
</tr>
</tbody>
</table>

Source: Kentucky Department for Medicaid Services.
Appendix G

Kentucky Recipients of the State Criminal Alien Assistance Program

Six correctional facilities, plus the Commonwealth of Kentucky, received State Criminal Alien Assistance Program (SCAAP) funds in the past 9 fiscal years.

The first table lists the number of inmates in facilities eligible for reimbursement under SCAAP per correctional facility for fiscal years 2000 to 2008. The second table summarizes SCAAP awards to Kentucky correctional facilities by fiscal year.

Of Kentucky SCAAP recipients, the Lexington-Fayette County Jail and the Shelby County Jail had the highest numbers of eligible unauthorized alien inmates. The Kentucky Department of Corrections had fewer eligible inmates but frequently received more SCAAP funding because each eligible inmate was incarcerated, on average, for a longer period and because per-day costs were generally higher. SCAAP funding is based, in part, on length of incarceration. State correctional facilities house inmates convicted of felonies; local jails primarily house individuals accused or convicted of misdemeanors. Felony sentences are generally longer than misdemeanor sentences.
Inmates in Facilities Eligible for Reimbursement Per Jurisdiction Under SCAAP  
Fiscal Year 2000 to Fiscal Year 2008

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Fiscal Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carroll County</td>
<td></td>
<td>16</td>
<td>23</td>
<td>31</td>
<td>28</td>
<td>43</td>
<td>9</td>
<td>10</td>
<td>15</td>
<td>5</td>
<td>180</td>
</tr>
<tr>
<td>Kenton County</td>
<td></td>
<td>-</td>
<td>-</td>
<td>12</td>
<td>48</td>
<td>83</td>
<td>28</td>
<td>58</td>
<td>60</td>
<td>-</td>
<td>289</td>
</tr>
<tr>
<td>Lexington-Fayette County</td>
<td></td>
<td>66</td>
<td>176</td>
<td>228</td>
<td>208</td>
<td>404</td>
<td>399</td>
<td>338</td>
<td>392</td>
<td>384</td>
<td>2,595</td>
</tr>
<tr>
<td>Louisville Metro</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Nelson County</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Shelby County</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>110</td>
<td>96</td>
<td>131</td>
<td>193</td>
<td>131</td>
<td>167</td>
</tr>
<tr>
<td>Dept. of Corrections</td>
<td></td>
<td>37</td>
<td>40</td>
<td>45</td>
<td>24</td>
<td>54</td>
<td>85</td>
<td>93</td>
<td>28</td>
<td>46</td>
<td>452</td>
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<tr>
<td>Total</td>
<td></td>
<td>119</td>
<td>239</td>
<td>316</td>
<td>418</td>
<td>681</td>
<td>652</td>
<td>692</td>
<td>626</td>
<td>623</td>
<td>4,366</td>
</tr>
</tbody>
</table>

Note: - indicates that the correctional facility did not apply for SCAAP funding.
Source: Staff’s analysis of data provided by the U.S. Bureau of Justice Statistics and the Kentucky Department of Corrections.

Summary of SCAAP Funds Per Jurisdiction, Fiscal Year 2000 to Fiscal Year 2008

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carroll County</td>
<td>$3,412</td>
<td>$4,738</td>
<td>$13,386</td>
<td>$2,851</td>
<td>$4,531</td>
<td>$1,041</td>
<td>$3,396</td>
<td>$3,321</td>
<td>$614</td>
<td>$37,290</td>
</tr>
<tr>
<td>Kenton County</td>
<td>$0</td>
<td>$0</td>
<td>$3,874</td>
<td>$10,015</td>
<td>$12,875</td>
<td>$1,605</td>
<td>$11,729</td>
<td>$7,382</td>
<td>$0</td>
<td>$47,480</td>
</tr>
<tr>
<td>Lexington-Fayette County</td>
<td>$21,471</td>
<td>$115,792</td>
<td>$73,421</td>
<td>$34,123</td>
<td>$54,531</td>
<td>$69,269</td>
<td>$88,257</td>
<td>$125,561</td>
<td>$119,587</td>
<td>$702,012</td>
</tr>
<tr>
<td>Louisville Metro</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$35</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$35</td>
</tr>
<tr>
<td>Nelson County</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$3,463</td>
<td>$3,463</td>
</tr>
<tr>
<td>Shelby County</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$6,140</td>
<td>$100,320</td>
<td>$113,902</td>
<td>$45,911</td>
<td>$20,217</td>
<td>$26,294</td>
<td>$312,784</td>
</tr>
<tr>
<td>Dept. of Corrections</td>
<td>$142,464</td>
<td>$123,249</td>
<td>$104,838</td>
<td>$13,249</td>
<td>$60,005</td>
<td>$51,142</td>
<td>$66,463</td>
<td>$28,516</td>
<td>$12,122</td>
<td>$602,048</td>
</tr>
<tr>
<td>Total</td>
<td>$167,347</td>
<td>$243,779</td>
<td>$195,519</td>
<td>$66,378</td>
<td>$232,297</td>
<td>$236,959</td>
<td>$215,756</td>
<td>$184,997</td>
<td>$162,080</td>
<td>$1,705,112</td>
</tr>
</tbody>
</table>

Source: Staff’s analysis of data provided by the U.S. Bureau of Justice Statistics and the Kentucky Department of Corrections.
Appendix H

Analysis and Comparison of Kentucky Department of Corrections Unauthorized Alien Inmate Population

According to State Criminal Alien Assistance Program (SCAAP) data, the Kentucky Department of Corrections consistently housed fewer unauthorized alien inmates than did Lexington-Fayette and Shelby County jails. For certain fiscal years, other Kentucky county jails also had more unauthorized alien inmates. This might indicate that the Department of Corrections has omitted potential unauthorized alien inmates from their SCAAP application.¹

Staff examined the numbers and percentages of unauthorized alien inmates at 48 other state correctional departments that received SCAAP funds. Relative to these states, Kentucky had one of the lowest numbers and percentages of unauthorized alien inmates. So staff requested inmate data from the Kentucky Department of Corrections to determine whether additional inmates could have been included in the SCAAP application.² At the end of fiscal year 2007, 141 inmates were identified by the Department of Corrections as having an “unknown” birth country. An additional 133 had a foreign birth country.

The table below presents selected details about state correctional departments that received SCAAP funds in fiscal year 2006, the most recent year for which complete information was available. Only Alaska’s state correctional facility did not receive SCAAP funds.

For fiscal year 2006, the Kentucky Department of Corrections received SCAAP funding for 93 known and suspected unauthorized aliens. Thirty-eight state correctional departments had a higher number. Kentucky’s unauthorized alien inmates were incarcerated for 26,343 days, giving it a similar ranking.

As a percentage of inmate days reimbursed, unauthorized alien inmate days represented 0.38 percent of total inmate days at the Kentucky Department of Corrections. Forty-three state correction departments had a higher rate.

For state correctional departments with a lower percentage of unauthorized alien inmate days, each one had more unauthorized alien inmates than any local correctional facility receiving SCAAP funds within their state. In Kentucky, several local jails had more unauthorized alien inmates than the Kentucky Department of Corrections.³

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¹ According to a staff person from the Kentucky Department of Corrections, the state checks the background of every inmate not born in the U.S. and who was incarcerated for 4 or more consecutive days. Those that cannot be identified as U.S. citizens are included in the SCAAP application.

² Based on data provided by the U.S. Bureau of Justice Statistics, nearly all inmate names submitted by the Kentucky Department of Corrections were deemed eligible for reimbursement.

³ It is unclear whether the difference in number of unauthorized alien inmates between some local jails and the state prison is due to the types of crimes committed (felonies versus misdemeanors) or deficiencies in the process by which the state identified inmates to include in its SCAAP application.
## State Criminal Alien Assistance Program Data for State Departments of Corrections
### Fiscal Year 2006

<table>
<thead>
<tr>
<th>State</th>
<th>% Inmate Days Reimbursed</th>
<th>Rank (1= highest)</th>
<th>Eligible Inmates</th>
<th>Rank (1= highest)</th>
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Source: Staff analysis of data provided by the U.S. Bureau of Justice Statistics.