



COMMUNITY EXPLAINER

GOVERNOR LANDRY'S EXECUTIVE ORDER EXPLAINER

On January 16, 2024, Louisiana Governor Jeff Landry issued an executive order titled "Identifying, Quantifying, and Mitigating the Adverse Effects of Illegal Immigration of Louisiana." This community explainer will explain the memo and answer some frequently asked questions.

What does Gov. Landry's executive order do? A short summary:

- The EO requires executive state agencies to "consider" the effect of unauthorized immigration before making new policies, and to create ways to collect information on how the state spends money on all people who do not have visas or green cards.
- The EO also requires that agencies review their existing policies within 60 days and "consider" the effect of unauthorized immigration and ensure they permit data collection. However, state agencies **may change** their policies to try to reduce access to services for undocumented people.
- The EO orders executive branch state agencies to make reports to Governor Landry on how they spend money on immigrants who don't have visas or green cards, and recommend ways to collect data about the same thing.
- The EO requires further data collection and reporting on how often noncitizens are charged with and convicted of crimes, compared with citizens.
- The EO requires the state level law enforcement agencies to figure out how to create a website publishing whatever data they gather about noncitizens being charged with or convicted of crimes.
- The EO **does not** grant the government new or additional power to arrest, detain, or deport you and your family.
- The EO **does not** impact you or your family's ability to go to the doctor, hospital, or school.

Ok but collecting data still worries me – does the EO require my child's school or my doctor to report me to ICE?

No. The governor's executive order **cannot overcome state or federal laws.** Several such laws protect your and your child's personally identifying information (anything that would allow someone looking at data to figure out who you are) and hospitals and schools cannot share anything that could identify you, even if the governor had ordered it. He didn't – with the exception of the sections related to people charged with or convicted of crimes, the EO only requires state agencies to figure out ways to analyze how they spend state money.

It is possible that some state agencies not covered by such privacy laws will start requiring you to share more information. However, even if agencies start to require information about your status, it is likely that most agencies will collect and report aggregate (grouped together) data. So a report might say "Louisiana spends \$X on undocumented people" but will not say "Louisiana spends \$X on Mary, Jorge, and Kim, who are undocumented immigrants."

Some local governments, like New Orleans, offer additional protections. New Orleans's charter prohibits the collection of people's immigration status information except in a few limited circumstances. No one can share or report what is never collected in the first place.

What about those sections on people charged with or convicted of crimes? They seem bad.

They are. Governor Landry wants to blame immigrants for all of Louisiana's problems using racist and dehumanizing messages about immigrants and by associating immigrants with crimes in people's minds. He will use the data gathered and reported in these sections to spread hate. The section that potentially creates a public website is especially troubling. **However, they probably won't change how criminal or immigration laws are enforced in Louisiana.**

Should I do anything differently now that Gov. Landry has issued the EO?

Yes and No. The risk of the EO leading to ICE arresting any individual person – apart perhaps from people arrested by local law enforcement, who are already most at risk – is remote. Making sure you and your family continue to access essential services like health care and education is more important for your safety and well-being. However, this EO signals Gov. Landry's intent to target immigrants, to scapegoat them, and to sue the federal government in ways that could hurt immigrant communities in Louisiana. The agencies under his authority probably will change some of their policies to try to limit undocumented people's access to services. Now is the time to connect with your community groups and organize to make sure your local government and local agencies protect you as much as possible, and to make it clear that Gov. Landry's anti-immigrant, racist policies have no place in Louisiana. You should also ensure you have reliable sources of information from trusted partners who can help you understand and address any future state agency policy changes, as well as any other policies like this EO.

Gov. Landry's executive order section by section:

As governor, Gov. Landry has authority over the **executive branch** of the state, made up of several state agencies and Louisiana's many boards and commissions; he is also the state's top law enforcement officer. Governor Landry **does not** have legislative authority, or the ability to create permanent laws like the state

legislature does. This EO applies **only** to state-level executive agencies. The EO contains a lot of hateful rhetoric (all of the sections beginning with “WHEREAS”) that **do not have any legal force or effect**. Let’s go through the portions of the EO that *do* have an effect **section by section**:

SECTION 1: This section requires the head of every state agency (or department, board, commission etc.) to “consider” the effect of unauthorized immigration on their agency before creating any new policy and to create “policies, procedures, practices and methods **to collect and analyze data**” related to how their agency directly or indirectly provides services or spends state funds on people who do not have permission to live permanently in the United States – as defined by the EO itself. **No agency is required to make any changes to how it operates day-to-day or to whom it provides services.**

SECTION 2: The EO is poorly written, and this section requires agency heads to “review” their existing policies “to ensure they are consistent with Section 1” within 60 days of the EO. **Taken literally**, this section would then likewise require agency heads to “consider” the effect of unauthorized immigration, that is, to look over their old policies with an eye towards how they might potentially provide state resources to undocumented people, as defined by the EO (more on that below in Section 7) and also to ensure that they permit data collection.

Because the preamble makes clear that Gov. Landry believes that Louisiana is spending too much money on unauthorized immigrants – and spews inaccurate and harmful rhetoric while doing so – **it is possible that state agencies will read the EO to require them to change their policies to try to provide fewer services to any noncitizen who does not have either a visa or a green card** (see Section 7 below). Whether it requires anti-immigrant policy changes or not, Section 2 certainly invites them and, as Gov. Landry appoints many executive agency heads, some will probably try. However, the EO itself does not change any agency’s policy (apart from data collection) or require any specific policy changes.

SECTION 3: This section requires every head to create a report for the Governor telling him how that agency spends state money or provides services to undocumented people (as defined by the EO) and providing recommendations for collecting and analyzing further data like those in Section 1. The reports are due within 120 days (about four months) of January 12. **No agency is required to make any changes to how it operates or to whom it provides services.**

SECTION 4: This section requires the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police to create “policies, procedures, practices, and methods **to collect and analyze data, and report to the Office of the Governor**” how many noncitizens (regardless of status) are charged with or convicted of a crime in comparison with the total number of people charged or convicted. The reports must be made on a monthly basis and must include the status of every noncitizen charged with or convicted of a crime, and what they were charged or convicted of, as well as their criminal history, “known or suspected gang affiliation,” and where the charge or conviction took place. In order to determine a person’s immigration status, the agencies may request information from DHS. **However, Louisiana state police and DHS already share data about people who have been charged or convicted of a crime.**

SECTION 5: This section orders the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police to “develop a method to regularly publish” online the data gathered under Section 4 within 180 days (about 6 months) of the EO. The section notes that **privacy laws may apply** limiting what information they can publish.

SECTION 6: This section requires all executive branch agencies and employees of Louisiana to respond if the Attorney General of Louisiana asks them for information about unauthorized immigration if the state is or could become involved in a lawsuit about that information.

SECTION 7: This section defines the group of people the EO targets and makes the definition very broad, covering all people who are present in the United States without a visa or a green card. The definition **includes a lot of people who have permission to be in the United States** (like people with humanitarian parole; temporary protected status; and DACA).

SECTION 8-10: These sections define the term “unaccompanied alien child,” which does not appear in the binding sections of the EO, authorize state employees to comply with the EO, and makes the EO effective on the date it was issued (January 12).



QUESTIONS?

If you have any questions about this EO, please reach out to Yulie Landan at yulie@nipnl.org.