



# North Dakota House of Representatives

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## Representative Matt Heilman

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**COMMITTEES:**  
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Chairman Ruby and Members of the Transportation Committee,

I am Representative Matt Heilman from District 7 in Bismarck. House Bill 1493 is a bill that ensures drivers licenses are issued to lawful individuals. This bill is to prioritize fellow North Dakotans and lawful individuals. The bill also reinforces the notion that if someone wants to enter our country, they must do so through the legal port of entry. Another benefit of this bill is section four which goes into strengthening election security as well. Legislation like this will act as a deterrent for those who do not respect our borders or process to obtain lawful presence.

The border crisis is one of the biggest issues facing our country right now. The U.S. Customs and Border Patrol (CBP) reported that in December 2022 there were over 250,000 encounters. This is more than any other month in 2020, 2021, and 2022. CBP reported in Fiscal Year 2022, 165 individuals on the terrorist watch list were encountered on the southern border and 313 on our northern border. With this data, we must take appropriate measures to ensure that law and order is upheld.

Thank you for your consideration and I respectfully ask for a do pass recommendation.

Proposed Amendment on Page 9 Line 3:

"Lawful presence" or "lawfully present" means ~~legally living in the United States according to federal immigration laws~~ lawful presence or lawfully present as those terms are defined in federal law. The terms specifically do not include:

- a. An immigration parolee;
- b. An individual who is subject to deportation from the United States whose removal has been deferred, stayed, or withheld; or
- c. An individual who is not otherwise lawfully present who has applied for asylum but not been granted asylum.

The reason for this amendment is because it is a more tailored definition that is explicitly written in U.S. Code.

### **8 USC 1101: Definitions**

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under [section 1182\(d\)\(5\) of this title](#) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

- (i) has abandoned or relinquished that status,
- (ii) has been absent from the United States for a continuous period in excess of 180 days,
- (iii) has engaged in illegal activity after having departed the United States,
- (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,
- (v) has committed an offense identified in [section 1182\(a\)\(2\) of this title](#), unless since such offense the alien has been granted relief under [section 1182\(h\) or 1229b\(a\) of this title](#), or
- (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.