



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Catholic Legal Immigration Network, Inc

CLINIC

Justice for Immigrants National Convening

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Organization

Topics For Discussion

- CLINIC's State and Local Project
- Overview of Legislative Activity in the States
- Arizona's SB 1070 and Copy-Cat Legislation

CLINIC's State and Local Project

In recent years, immigration debate has shifted to the local level. State/localities have attempted to impose their own solutions.

CLINIC's has a staff attorney that provides legal support on state and local legislation affecting immigrants. Karen Herrling: kherrling@cliniclegal.org.

Assistance provided on a regular basis to CLINIC member agencies, State Catholic Conferences and Diocesan Communication Directors.

CLINIC Can Assist By:

- Providing legal analysis of proposed state legislation.
- Providing data and statistics to challenge anti-immigrant and promote pro-immigrant bills.
- Helping Catholic entities collaborate with one another on local and state bills/initiatives.
- Providing regular updates on immigration-related issues and legislation, such as:
 - 287(g), CAP, Secure Communities;
 - U.S. Supreme Court cases or Circuit Court Cases;
 - Government reports and findings;
 - Strategies and messages to challenge anti-immigrant legislation or support pro-immigrant legislation.

State Activity in 2010

Busy Year for State Legislatures

First Half of 2010:

- 1,374 bills and resolutions relating to immigrants were introduced in 46 states
- 191 bills were passed by state legislatures (5 vetoed by governors)
- 128 resolutions were adopted

Total: 314 Laws and Resolutions Enacted Relating to Immigrants and/or Immigration.

This is a 21% increase over the same period last year.

The Tenor/Tone of 2010 Legislation

Generally, states employ a range of enforcement and restriction-related bills.

That said, an increasing number of states passed legislation that sought to incorporate immigrants into their communities through integration measures such as:

- language access,
- assistance to refugees and asylees,
- promotion of cultural events, and
- protection from exploitation (trafficking).

Topics of Enacted Legislation

Education (13 laws enacted): Generally restrict in-state tuition and financial aid eligibility to those individuals with legal status. However, also include English language access.

Employment (27 laws enacted): Generally provide for employer sanctions related to the hiring of unauthorized workers and mandatory use of the E-Verify program.

Health (15 laws enacted): Generally address eligibility for health care benefits and the licensing of health care professionals.

Topics of Enacted Legislation

Human Trafficking (7 laws enacted): Generally add definitions relating to human trafficking, human smuggling and forced labor. Some create new state penalties and offer assistance to victims.

Identification/Driver's Licenses and other Licenses (23 laws enacted): Generally relate to the documentation and eligibility requirements for ID cards and driver's licenses, as well as professional licenses and firearms licenses.

Law Enforcement (33 laws enacted): Generally involve collaboration with Immigration and Customs Enforcement (ICE), detention of immigrants, requirements for bail, and the checking of immigration status.

Topics of Enacted Legislation

Large Comprehensive Legislation: (2 enacted): Two laws, SB 1070 and HB 2162 were enacted in Arizona. Note: HB 2162 amended some of the provisions of SB 1070. In general, SB 1070 is a comprehensive anti-immigrant law.

Resolutions

128 resolutions were passed in 26 states.

Many of these resolutions celebrate America's ethnic heritage. Others applaud programs or individuals that serve refugees or immigrants. Some urge Congress to pass humane immigration reform.

What Might We Expect in 2011?

Likely to see these same topic areas dominate in 2011.

Bills about identification cards/licenses, education, health care, and law enforcement.

Garnering most of the attention will be bills that involve enforcement measures and impose restrictions on individuals without status.

Expect some legislators to introduce SB 1070 type bills.

Expect that some legislators will quietly try to pass measures that **integrate** immigrants into communities.

Integration Measures

Consider asking your state legislators to introduce pro-immigrant integration-type measures.

Two reasons for this:

(1) Integration measures build rather than destroy communities by including immigrants rather than excluding them.

(2) They have strategic importance because they can counteract and neutralize bad bills and give legislators positive bills to support.

Possible Integration Measures: language access, human trafficking, and using the budget process to support immigrants.

SB 1070

Arizona's Comprehensive Immigration Law

13 Sections, including provisions that relate to:

- immigration enforcement,
- harboring/transporting of illegal immigrants,
- alien registration documents,
- employer sanctions, and
- human smuggling.

SB 1070 Time Line

- April 19, 2010: Arizona legislature passed SB 1070.
- April 23, 2010: Arizona Governor signed SB 1070.
- April 23, 2010: Arizona legislature passed HB 2162 (amending parts of SB 1070) and Arizona Governor signed HB 2162 into law.
- May 17, 2010 A coalition of organizations filed a class action lawsuit against Arizona counties seeking a permanent injunction.
- July 6, 2010 U.S. Department of Justice filed a lawsuit seeking a permanent injunction.

SB 1070 Time Line

- July 22, 2010 U.S. District Judge Susan Bolton heard arguments on DOJ's request for a preliminary injunction.
- July 28, 2010 Judge Bolton of the U.S. District Court for the District of Arizona issued a partial injunction, blocking portions of SB 1070.
- July 29, 2010 State of Arizona filed a motion to expedite Ninth Circuit briefing/hearing schedule on the preliminary injunction appeal – denied the next day.
- Nov. 1, 2010 A three-judge panel of Ninth Circuit heard oral arguments.

SB 1070

Enforcement of Immigration Law (Portions of Section 2):

Requires that an officer make a reasonable attempt to determine the immigration status of a person stopped, detained or arrested if there is a reasonable suspicion that the person is unlawfully present in the U.S.

This provision of S.B. 1070 has been blocked from going into effect at the present time, as it is likely preempted by federal law.

It also requires that any person arrested have his/her immigration status determined before release.

This provision of S.B. 1070 has been blocked from going into effect at the present time as it is likely preempted by federal law.

SB 1070

Also:

- prohibits Arizona from limiting enforcement of federal immigration laws;
- requires that state officials work with federal officials with regard to unlawfully present aliens;
- requires that all arrested individuals have their immigration status determined before they are released from custody;
- allows legal residents of Arizona to sue any state official, agency, or political subdivision for adopting a policy of restricting enforcement of federal immigration laws to less than the full extent permitted by federal law.

SB 1070

Willful Failure to Complete or Carry an Alien Registration Card

Section 3, creates a state violation (comparable to a federal law) that makes it a state crime to fail to apply for or carry alien registration papers.

This provision of S.B. 1070 has been blocked from going into effect at the present time as it is likely preempted by federal law.

SB 1070

Unlawfully Stopping to Hire and Pick Up Passengers for Work

Portion of Section 5, makes it a crime for an unauthorized alien to solicit, apply for, or perform work.

This provision of S.B. 1070 has been blocked from going into effect at the present time as it is likely preempted by federal law.

Portion of Section 5, making it a crime to stop a motor vehicle to pick up day laborers and for day laborers to get in a motor vehicle if it impedes the normal movement of traffic.

SB 1070

Arrest by Officer without a Warrant

Section 6, authorizes the warrantless arrest of a person where there is probable cause to believe the person has committed a public offense that makes the person removable from the United States.

This provision of S.B. 1070 has been blocked from going into effect at the present time as it is likely preempted by federal law.

Major Concerns with SB 1070

Public Safety: Turns every law enforcement officer into an immigration officer. Will affect community policing – victims may be less likely to seek assistance and witnesses may be less likely to come forward.

Racial Profiling: SB 1070 allows law enforcement officers in the course of a stop or arrest to check the immigration status of an individual based simply on reasonable suspicion that the individual is in the country without proper documentation. This law opens the door to racial profiling of individuals that look or sound foreign.

Major Concerns with SB 1070

Economic Impact:

Litigation Fees associated with the legal defense of SB 1070 are more than \$1 million (through July).

Loss of hotel and convention center business over the next 5 years is estimated at \$90 million.

Public relations costs with trying to restore tarnished image of the state.

Loss of tax dollars, purchasing power, and businesses as immigrants leave the state.

Major Concerns with SB 1070

Harm to Families and Communities: US has been a nation of immigrants grounded in the firm belief that newcomers offer energy, innovation, hope and cultural diversity. Laws like SB 1070 contribute to an inhospitable environment by isolating and marginalizing immigrants and tearing down communities rather than building and strengthening them.

SB 1070 demonstrates the overwhelming need for comprehensive immigration reform. There is no doubt that local communities are frustrated by the current state of federal immigration policy. However, the solution lies with bipartisan efforts by Congress and the Administration to enact comprehensive, fair, humane immigration reform legislation.

Copy-Cat Legislation

Bills Similar to SB 1070 Introduced In Six State Legislatures

South Carolina

Pennsylvania

Minnesota

Rhode Island

Michigan

Mississippi

None have been enacted thus far.

Notable State Actions

In **Nevada**, a petition to bring Arizona-style legislation to the legislature was halted when several lawsuits were brought against the measure.

In **Kansas**, an immigration bill was raised as an amendment to the budget bill, but was ultimately ruled out of order.

Legislators Publicly Stating that They Intend to Introduce Similar Legislation

At least 18 legislators (not including the states listed above) have publicly stated that they intend to introduce Arizona-type legislation.

Other State Actions

Delegations from **Utah**, **Tennessee**, and **Colorado** have traveled to Phoenix to get advice on drafting their own laws.

Resolutions Introduced in State Legislatures

As of June 30, 2010, **six states** have introduced resolutions that address Arizona's immigration law.

Tennessee enacted a resolution *supporting* the Arizona law.

The **California Senate**, **Illinois House**, and **New York Senate** introduced resolutions *opposing* the Arizona law.

Resolutions *both* supporting and opposing Arizona's law were introduced in the **Michigan** House.

Other Resolutions

The National Immigration Forum reported that over 50 localities have passed resolutions opposing SB 1070.

Questions?



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