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Ala. Businesses Riled By State's New Immigration Law

by Debbie Elliott

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The dispute over immigration policy is being fought in an Alabama federal court Wednesday.

The state's Republican leaders say they passed the toughest immigration bill in the country to preserve jobs for Alabamians. But critics say the law goes too far, criminalizing all kinds of contact with undocumented residents and putting an extra burden on small business.

A Birmingham federal judge is hearing arguments from a host of litigants - the U.S. Justice Department, civil rights groups and even some churches. They are trying to block Alabama's immigration crackdown from going into effect on Sept. 1.

The uncertainty surrounding the new law has the state's businesses scrambling to prepare. Business owners filled a Montgomery auditorium last week to hear what could soon be required of them.

"Employers should not expect those lawsuits to block the provisions that are most relevant to you," said attorney Ted Hosp, who wants businesses to be ready no matter what the court does.

That means knowing how to fill out an I-9 employment eligibility form, and being able to check all new hires through the federal government's E-Verify system.

"Even if you hire your mother," one lawyer advised, "E-Verify."

"Unfortunately, it is an HR nightmare," said Jay Reed, the president of Associated Builders and Contractors of Alabama and co-chairman of a coalition of business groups putting on the compliance workshops. He said if his members aren't up on the complicated new requirements, it could cost them thousands of dollars in fines.

"It is the most comprehensive and strict piece of immigration legislation that's been passed anywhere in the U.S., and it's right here in Alabama," Reed said.

Coming out of the session, Glen Leuenberger of Auburn, who works in the timber industry, said he's afraid the immigration law will end up driving up costs.

"I think in a down economy, this is just really bad timing, because the last thing we need to do is put more burden on businesses," Leuenberger said.

But Republican state Sen. Bryan Taylor said it isn't an added burden - it's simply state enforcement of what's already on the books.

"Alabama didn't create the law making it illegal to hire undocumented workers," Taylor said. "That's federal law. Alabama just now requires a certain method of compliance."

The immigration bill was part of a Republican legislative agenda called the "Handshake with Alabama." It's aimed at protecting jobs for Alabamians.

"Maybe not at the depressed, low wages that illegal immigrants have been willing to do them," Taylor said, "and that's kind of the point. So there may be an adjustment period where we begin to have to re-evaluate how much we pay for certain jobs."

Even before the law goes into effect, that wage pressure is being felt at A & P Farms in Gallant. Andy Kemp and his wife, Paula, farm about 15 acres, growing fresh fruits and vegetables they sell at seven farmers markets in the Birmingham area.

"It's a mess right now," Andy Kemp said.

Weeds are overtaking their sweet potato crop, and tomato vines are falling to the ground. In July, their two part-time farm workers, who were legal immigrants, left for higher wages at a larger tomato farm.

"It just put us out of business overnight," Kemp said. "Thursday we were farming. Friday we were out of farming. That quick."

They've since let go of five other employees. Paula Kemp said no matter what happens with the law, she doesn't see how they can get back in business.

"The workers are gone," she said. "They may come back. They may not come back. But we can't plan for 2012 in January starting to start seeds and that sort of thing with the hope that we can get farm help."

For a small farm like theirs, she said, paying higher wages is not an option. And at middle age, she added, they can't do the work alone.