

How 6 States Address the Immigration Issue

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Updated: June 21, 2012 | 9:28 a.m.

June 20, 2012 | 1:00 p.m.

Six states have enacted omnibus immigration bills between January and March though 30 states have considered a total of 53 omnibus bills, according to the NCSL.

As the nation grapples with its tug-of-war over immigration reform, many states have been working to exert their own powers over the issue, leading to a patchwork of various bills aimed at addressing the problem that many say the federal government has failed to fix. Even with President Obama's recent announcement that he would stop deporting young illegal immigrants, the hot-button issue wages on.

In the first three months of 2012, 865 bills and resolutions related to immigration have been introduced in 45 state legislatures and the District of Columbia, according to the National Conference of State Legislatures.

The number of immigration-related bills and resolutions introduced declined compared to the same period last year, when 1,538 bills were introduced.

Several states have also introduced comprehensive bills addressing immigration issues in 2011. Thirty states have considered a total of 53 omnibus bills, according to the NCSL. Of these, six have been enacted: Arizona, Alabama, Georgia, Indiana, South Carolina and Utah. Twenty-one other bills are pending and 26 have failed.

The impact of these bills on members of the immigrant and greater communities in these states is difficult to quantify.

The number of deportations in Arizona, whose controversial immigration bill sparked a legal battle currently awaiting resolution by the Supreme Court, dropped from 23,065 in 2009 to 19,478 in 2011, according to [data](#) from the Transactional Records Access Clearinghouse at Syracuse University.

The bill was designed to encourage illegal immigrants to leave the state. Although some of the most controversial provisions were enjoined pending a ruling by the court, some say that the legislation has caused some illegal immigrants and their families to do just that--possibly explaining the decrease in deportations.

It's difficult to know what the impact the legislation, known as SB-1070, has been on the number of Hispanics living in Arizona. The Census does not release population estimates annually.

In 2010, Hispanics represented 29.5 percent of Arizona's population, according to the [Census](#) - up from 25.3 percent a decade [earlier](#).

That year, 70 percent of the more than 1.9 million Hispanics living in the state were born there, [according](#) to the Pew Hispanic Center, a nonpartisan think tank in Washington D.C.

Although most of the state's Hispanic residents are citizens by birth, the majority of those deported from the state were Hispanic, TRAC data shows.

Mexicans represented 78.1 percent of the 23,065 people deported from Arizona in 2009. Two years later, Mexicans accounted for a 74.3 percent share of those removed.

Here's a rundown of the state immigration enforcement legislation and their statuses, according to the NCSL.

Arizona

SB-1070 and HB-2162 were passed as part of an effort to beef up the Arizona's immigration enforcement laws. Parts of the legislation have been enjoined when the Justice Department filed a lawsuit asking for an injunction, citing the unconstitutionality of some provisions. The Supreme Court will be making a decision this week on the legislation.

The provisions add state penalties for trespassing, harboring and transporting illegal immigrants, as well provisions pertaining to alien registration documents, employer sanctions and human smuggling.

The parts of the legislation up for debate in court and are currently barred include:

- Authorizing state law officers to determine immigration status during any lawful stop;
- Making it a misdemeanor for an immigrant to be in the state without alien registration documents;
- Allowing warrantless arrests if authorities have probable cause that the person is an illegal immigrant; and
- Prohibiting unauthorized immigrants to apply for or perform work in the state.

Provisions of the legislation that have not been barred are related to prohibiting human smuggling and unlawfully transporting or harboring illegal immigrants.

Alabama

In Alabama, HB56 passed in June 2011 and addressed several elements: law enforcement, employment, education, public benefits, transportation/rental housing and voting. In September 2011, the federal government filed a lawsuit asking for an injunction on several of the provisions, questioning the constitutionality of the legislation.

Alabama's immigration law is arguably the strictest passed in the nation so far.

Several lawsuits have led to the courts to blocking major parts of the legislation, including:
Making it a misdemeanor for immigrants who fail to carry alien registration documents;

- Making it a misdemeanor for illegal immigrants to apply for or perform work;
- Making it a violation for people to conceal, harbor or transport illegal immigrants;
- Allowing U.S. citizens and legal immigrants to bring a civil suit against employers if they lose a job to an illegal immigrant
- Barring courts from enforcing contracts with illegal immigrants
- Requiring public schools to determine the legal status of a student upon enrollment and to report it to the state board of education; and
- Making it a felony for illegal immigrant to enter into a “business transaction” with the government, including driver’s licenses or business licenses.

Provisions of the law that are currently still enacted include:

- Authorizing police officers to attempt to determine the immigration status of a person during a lawful stop and detain or arrest a person if they are suspected to be an illegal immigrant; and
- Requiring law enforcement to check the immigration status of persons who are arrested for driving without a license.

Georgia

Georgia’s HB87 was signed in May 2011 and includes provisions regarding employment, law enforcement and public benefits.

Portions of Georgia’s immigration laws currently enjoined include:

- Prohibiting citizens from transporting, harboring or concealing an illegal immigrant; and
- Authorizing authorities to check the immigration status of an individual if the officer has probable cause.

Other provisions in the state’s bill that are enacted include:

- Stricter provisions for employers, prohibiting the hiring of illegal immigrants and requiring public employers to verify that all contractors use E-Verify; and
- Requiring applicants of public benefits to provide documentation confirming their lawful presence in the U.S. (provision comes into effect on July 1, 2012).

Indiana

Indiana's immigration bill, signed in May 2011, addresses several elements including: law enforcement, E-Verify, public benefits and authorizing studies related to immigration.

Later that year, a District Court judge blocked two parts of the state's law including:

- Authorizing authorities to arrest people on suspicion of their legal status in the country; and
- Prohibiting the use of identification cards issued by foreign consulates as valid proof of ID.

Other sections of the state's legislation that are still enacted include:

- Penalties for employers who knowingly hire illegal immigrants
- Requiring state and public employers to use E-Verify for contractors
- Requiring state and local agencies to verify legal status of those receiving public benefits; and
- Requiring the office of management and budget to calculate the cost of illegal immigrants in the state and request reimbursement from the federal government.

South Carolina

South Carolina's S20 was signed into law in June 2011. It was later challenged in a lawsuit by several federal agencies, including the Justice Department.

Current provisions that have been enjoined due to the lawsuit include:

- Prohibiting the transportation or harboring of illegal immigrants
- Making it a violation for immigrants who fail to carry their registration documents; and
- Requiring authorities to determine the legal status of a person if there is reasonable suspicion they are an illegal immigrant.

Portions of the legislation that are still currently enacted include:

- Restricting employers from knowingly hiring an illegal immigrant and requiring all public contractors to use E-Verify; and
- Prohibiting illegal immigrants from receiving state or local benefits, except in the case of emergencies.

Utah

Utah is the first state to pass a comprehensive package addressing immigration reform, the foundation of which starts with the “Utah Compact.” Several elements of the law are addressed in Utah including: enforcement, immigrant integration, employment, a temporary visa program, identification, human trafficking and more. The comprehensive law was enacted in March 2011.

The bill requiring authorities to verify the immigration status of a person who has been arrested has been blocked by a District Court judge since May 2011. Later in November, the Justice Department filed a complaint against the same law.

Other bills that had been enacted include:

- H116: Establishes a temporary guest worker program; prohibits private employers from knowingly hiring an illegal immigrant; authorizes the Attorney General to combat crimes associated with illegal immigration and human trafficking and makes it a violation for individuals who do not carry valid proof of identification.
- H466: Creates an advisory Utah Commission on Immigration and Migration to review the economic, legal, cultural and educational effects stemming from illegal immigration
- H469: Creates the Pilot Sponsored Resident Immigration Program Act, allowing resident lawful immigrants to reside and work in the state

<http://www.nationaljournal.com/thenextamerica/immigration/how-6-states-address-the-immigration-issue-20120620>