

Pa. city tries again to enact immigration rules

By Maryclaire Dale on August 15, 2012

PHILADELPHIA (AP) — A U.S. appeals judge asked Wednesday how far a city can go to force out illegal immigrants, in the latest chapter of a national ideological battle spawned by a former Pennsylvania coal-mining community.

The city of Hazleton enacted laws in 2006 that fine landlords who rent to illegal immigrants and deny business permits to companies that employ them. The ordinances also require prospective tenants to register with City Hall and pay for a rental permit.

In oral arguments, 3rd U.S. Circuit Chief Judge Theodore McKee asked rhetorically if Hazleton would next outlaw restaurants from feeding them.

Attorney and Kansas secretary of state Kris Kobach, arguing for the city, said food might be considered a medical or emergency need. But on the broader point, he said, "The city is definitely encouraging illegal aliens to leave." He argued that federal immigration law requires such a stance.

The American Civil Liberties Union is challenging the city ordinances, which haven't been enforced during six years of appeals. But several communities around the country followed in Hazleton's footsteps, setting up a federal-versus-state showdown over immigration policy.

A federal judge struck down the Hazleton ordinances, saying it usurped the federal government's exclusive power to set immigration law. An appeals court panel led by McKee affirmed the decision.

But the Supreme Court revived the issue in June with a mixed ruling in a related Arizona case. The high court upheld an element of an Arizona law allowing police to check the status of someone they suspect is not in the U.S. legally. On another aspect of the illegal immigration issue, the high court in May 2011 said employers could be sanctioned for hiring illegal workers.

In reconsidering the Hazleton ordinances, the appeals panel has no specific date for issuing a ruling.

McKee warned ACLU lawyer Omar Judwat that he was therefore "paddling upstream" on the issue of employment sanctions.

Undeterred, Judwat argued that the Hazleton ordinances deny due process to both landlords and businesses because there's no court appeal contemplated. Businesses, for instance, simply have three days to prove a suspect employee is legal before they have to fire them or face a fine, he said.

"You're working one day, you're fired the next. Maybe you know why, maybe you don't," Judwat said.

Kobach countered that employers simply have to follow federal law to be in good standing.

Kobach tangled with McKee over the practical effect of the rental ban. Since few illegal immigrants are in a position to buy homes — and it might be illegal for real estate companies to handle such a sale under the ordinances — McKee asked if Hazleton isn't effectively denying shelter to them.

Kobach suggested they could still buy trailer homes.

"That's almost facetious," McKee replied.

U.S. Rep. Lou Barletta — who championed the ordinances as Hazleton's mayor after two illegal immigrants were charged in a fatal shooting — attended the 75-minute oral arguments. He has argued that the growing population of illegal immigrants in the community of about 25,000 increased crime and overwhelmed police, schools and hospitals.

<http://www.businessweek.com/ap/2012-08-15/pa-dot-city-tries-again-to-enact-immigration-rules>