

Immigration Bills Invite Violations, Abuse of Protection Laws

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The immigration bills that have been introduced in this session of the Alabama Legislature are fraught with inflammatory language and factual misconceptions.

Moreover, they would result in discriminatory enforcement, and -- perhaps most important -- overstepped the authority of the Legislature.

In addition, one of the overriding concerns with state and local police involvement in the enforcement of immigration law is the potential for civil rights violations. A person is afforded certain civil rights under the Fifth Amendment, which guarantees that "no person shall ... be deprived of life, liberty, or property, without the due process of law," and the Fourteenth Amendment, which prohibits a state from denying to "any person within its jurisdiction the equal protection of the laws."

These constitutional protections are applicable to undocumented immigrants living in this country.

When we propose such laws that discourage immigrants' integration and community involvement, we are missing the boat.

Sadly, doom-and-gloom predictions that the flow of undocumented immigrants will bring about the demise of U.S. culture and society are not new in American politics. Benjamin Franklin warned that German immigrants entering the United States "are usually the most stupid of their nation" and that, unless they were turned away, "they will soon outnumber us so that we will not be able to save our language or our government."

Many in Alabama appear to hold similar opinions today.

Although these sorts of predictions invariably have proven to be unfounded, opponents of immigration still find political advantage in contributing to the sentiment that native-born Americans soon will become strangers in their own land in the face of mass immigration.

Fear is definitely a part of the immigration debate. Using statistics that are rife with errors and based on unrealistic assumptions, these projections play to the fears of the American public rather than contributing to an informed debate on how best to reform the U.S. immigration system.

What we need now more than ever is an honest and objective analysis of the many immigration issues and reform proposals currently under discussion, not scare tactics.

Unfortunately, much of what fuels the anti-immigrant debate is founded on misconceptions. As

with any issue in public debate, opening public dialogue would be useful in dispelling erroneous myths.

First and foremost, one must understand that because of restrictions in the U.S. Constitution, states are limited in the types of laws they may enact with respect to immigration. The issue of immigration and its panacea rests wholly in the powers and authority of the federal government.

Given that, even in spite of frustration resulting from the lack of federal action, states are not authorized to usurp federal authority.

Another flawed notion is that undocumented persons bring demise to culture and communities, while offering nothing in return.

We cannot mistake or underestimate the economic contributions made by the immigrant community. They boost local economies by shopping in our stores. They buy gas here, eat here, and purchase goods and services here. All of which feeds money into our local economy.

They are fruitful and faithful laborers -- and there is no shortage of employers willing to employ this segment of our population. Their labor is indispensable.

They also worship in many of our churches.

An additional popular mistaken belief is that immigrants drain public benefits, using more public assistance than they contribute.

The Social Security Administration estimated that undocumented immigrants contribute approximately \$8.5 billion in Social Security and Medicare funds each year -- an investment on which they will see no return, as they are ineligible.

The IRS determined that undocumented immigrants paid almost \$50 billion in federal taxes from 1996 to 2003. Almost all undocumented workers pay taxes. Many file income taxes using tax ID numbers and have money withheld from their paychecks.

This means the taxes they are paying are going into the system but will never go back to those workers when they retire or are disabled. Even the people using tax ID numbers will not collect that money when they retire.

The average immigrant utilizes less than half the dollar amount of health care services as the average native-born citizen. U.S.-born persons receive about \$2,500 per capita in health care, compared to only \$1,100 for immigrants.

Children in low-income immigrant families are far less likely to receive public benefits than are children in low-income citizen families. Private insurers pay for more than half of health care expenditures for immigrants; only about one-fourth of health care expenditures for immigrants are reimbursed by governmental programs.

Harsh restrictions prohibit immigrants' eligibility for various public benefits.

Other erroneous myths concerning voter fraud and the chance that illegal immigrants are taking advantage of taxpayer-funded public services also have prompted a surge in stiffer identification requirements, from voting booths to Medicaid applications to the REAL ID Act.

To weed out the few, all Americans need a paper trail to qualify for some of the perks of citizenship.

Anti-immigrant bills have been introduced this legislative session in Alabama including ones that would:

- Authorize the impoundment of vehicles if the driver is unable to show proof of citizenship.
- Authorize the forfeiture of property for violating immigration laws.
- Deny public benefits to anyone who cannot prove legal presence in the United States.
- Require employers to certify that they employ no illegal immigrants before they can receive any governmental contracts and/or financial assistance.

Given the lack of evidence showing demonstrable harm caused by immigration, the recent surge of "get tough" immigration law proposals on the state level appear to be rooted in politically-driven motivation and misguided assumptions of the constituency.

If one has concerns about the number of Latino immigrants living in Alabama and elsewhere in our country, the answer lies in comprehensive national immigration reform.

The foundation for an effective national immigration policy is to recognize the major forces perpetuating the unauthorized flow of newcomers to our land. Then we must find ways to authorize and regulate the flow in a manner that promotes growth in both U.S. economic and social policies.

It is unrealistic to expect any immigration effort, whether national, state or local, to drive all of the undocumented persons currently present in the United States out of the shadows, much less across the border. Our senators and representatives in Washington need to pay immediate attention to immigration reform.

This country was founded on the principles of tolerance and equality, and we must treat immigrants with respect and dignity. We want the rest of the world to think of us as a moral champion of human rights, yet some want to treat millions of our own inhabitants like criminals.

These people are living and working here and contributing to our economy, and yet they have to live in constant fear of being exploited and deported.

This is not the American way.