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Rise in enforcement laws turn all attention to Supreme Court

by Zoe Ryan

Immigration and the Church

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Protesters rally for immigration reform at a national march organized by faith groups and immigrant advocates in Washington in 2010. (CNS file photo/Nancy Phelan Wiechec)

On April 25, the U.S. Supreme Court is scheduled to look at Arizona's 2010 immigration law, which created a strict enforcement of immigration papers by the state and spawned similar legislation in five other states. The courts' decision, expected to come in June, will affect both immigrants dodging hostile behavior caused by strict enforcement laws as well as other states battling to keep their immigration enforcement legislation.

The Southern Poverty Law Center, the Montgomery, Ala.-based nonprofit civil rights organization, released a report at the end of February with stories that claim increased hostility toward Latinos in Alabama since that state's immigration enforcement law took effect. The center is suing the state over the law.

Alabama's law (HB56) has been touted as the nation's toughest enforcement law, surpassing Arizona's (SB1070).

But it, like other states' enforcement laws, also has the reputation of being difficult to implement. Simple matters like renewing car tags became a little bit more time-consuming for citizens than before (residents needed to show a birth certificate, but that part of the law has since been blocked). It also led, due to

misunderstanding of the law, to some immigrant families having their water turned off. Two provisions of the law, including the provision that would have banned illegal immigrants in the U.S. from having certain transactions with the state, such as renewing car tags, have been blocked by a federal court.

A new bill to revise HB56 currently is being reviewed by the state legislature.

Stories in the report from the Southern Poverty Law Center are from illegal immigrants, in-process citizens, and American citizens who are of Hispanic/Latino descent, and many describe situations of government employees not knowing how to respond according to the law.

For example, a woman born in Puerto Rico and living in Alabama went to renew her car tags, and a birth certificate was required. The clerk viewed the Puerto Rican birth certificate and asked for an American birth certificate. When the woman tried to explain to the clerk that Puerto Ricans are residents of the United States and have been so since 1917 (through the Jones-Shafroth Act), the clerk still did not understand.

"It's like they've passed the law but they haven't taught people how to implement it and they don't know what they're doing," the woman said in the report.

The law allows Alabama citizens to sue government officials who do not enforce the law.

"I think the biggest thing I've noticed is fear," said Fr. John Kane, director of Hispanic ministry for the Mobile diocese. Immigrants he sees at church have the same routine, he said: go to work, go home, go to church, go home. They are afraid to go out in public, so now church is their social life, he said.

Arizona's 2010 law also brought changes in behavior to the state.

"Nothing happens overnight," said Isabel Garcia, a lawyer and the founder of Coalición de Derechos Humanos, a civil rights organization that advocates for humane treatment of immigrants. Mistreatment of immigrants was going on before the law, and since its passage, treatment has grown worse, she said.

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Garcia, a fourth-generation Mexican-American, said she's waiting for the Supreme Court decision, hoping that the law is overturned.

José Robles, director of Hispanic Ministry for the Phoenix diocese, is also waiting for the decision.

"I'm remaining optimistic about that because we did a lot of work" fighting against SB1070, he said. The atmosphere is pretty calm in Arizona, he said, probably because most people are waiting for the Supreme Court decision.

There has been some confusion over implementing the law and some racial profiling, he said, but it's not consistent over the state: some areas are more problematic than others.

But Phoenix parishes are still full, he said, so overall immigrants continue to attend parishes.

Initially, after the bill was signed into law, Arizona was bombarded with boycotts from U.S. cities, counties and organizations, which resulted in monetary loss for the state's conference and convention industry, according to news reports.

Fifteen religious leaders, including the U.S. Catholic bishops, sent a letter April 24, on the eve of *Arizona v. United States*, urging President Obama and Congress to "reassert your authority" and move to enact comprehensive immigration reform legislation "as soon as possible."

"Instead of one federal immigration system applicable to all, we now have many states and an untold number of localities attempting to create their own immigration policies. This only will lead to a patchwork of laws which would cause family separation, economic disruption, and divided communities," the letter said.

Most stories in the Southern Poverty Law Center's Alabama report came from the center's hotline that was set-up after the district court ruling on preliminary injunctions at the end of September 2011, said Mary Bauer, legal director at the center. The hotline, which Alabama residents and immigrants called to say how the law affected them, received about 6,000 phone calls since that time, often regarding how to set up a safe place for a child, she said.

The increase in hostility came after the enforcement law was enacted, the report claims.

"Separating which comes first, anti-immigrant sentiment, or anti-immigrant policies, can be difficult, but in general, scholars have found that public opinion on immigration follows the lead of political entrepreneurs," said David Fitzgerald, associate director at the Center for Comparative Immigration Studies at the University of California, San Diego.

"Politicians running for reelection, and prominent media commentators, often use an anti-immigrant stance to whip up a latent hostility that otherwise would not have been nearly as strong," he said. "There are many examples of state and local politicians making their political careers based on anti-immigrant measures. They tend to do less well when they take their message to the national level, given the great diversity of the national population and the fact that immigration is a much more politically salient issue in certain parts of the country than others."

The report is a "small slice" of what's happening, Bauer said, and the center hopes it shows the public "the devastating effects" the law has had on people in the state.

Five other states -- Indiana, South Carolina, Georgia, Utah and Arizona -- had enforcement laws in 2011.

"Hostility has risen with the rise in the unauthorized population, which grew dramatically from the 1980s to early 2000s," Fitzgerald said. "There has been a dramatic rise in the number of unauthorized immigrants in places that have historically seen very little immigration from any sources -- namely the U.S. South. Some of the harshest measures against unauthorized immigrants at the state level are in the South -- namely Alabama, South Carolina, and Georgia."

More hostility toward immigrants tends to appear during times of falling wages and unemployment, Fitzgerald said. "However, for decades, through economic booms and busts, a majority of Americans consistently have told pollsters that they want less immigration -- so the swings in public opinion are not dramatic. If employment levels and wages rose, we would expect to see marginally greater tolerance of immigrants."

Throughout history, public opinion toward immigrants tends to become more negative during economic crisis or perceptions of a national security crisis, but other events can factor in, Fitzgerald said.

"Most prominently, in the late 19th and early 20th centuries, many mainstream U.S. Protestants sought to restrict Catholics because they were believed to be 'Papists' who would follow the will of Rome, and were

thus unfit to participate in American democracy," he said in an email. "The eugenics movement and the KKK in the early 20th century sought to restrict the immigration of Southern Europeans, Jews, and Asians, based on the notion that they would genetically 'pollute' the U.S. population."

In 2010 in Alabama, unauthorized immigrants numbered about 120,000 which is about roughly twice the number recorded in 2005, according to a Pew Hispanic Center report released in 2011. However, the report notes that it is difficult to get an accurate number of unauthorized immigrants.

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