

IN ALABAMA, A HARSH BILL FOR RESIDENTS HERE ILLEGALLY

By Julia Preston
June 3, 2011

Alabama has passed a sweeping bill to crack down on illegal immigrants that both supporters and opponents call the toughest of its kind in the country, going well beyond a law Arizona passed last year that caused a furor there.

The measure was passed by large margins in the Alabama Senate and the House, both Republican-controlled, in votes on Thursday. Governor Robert Bentley, a Republican, is expected to sign the bill into law.

"Alabama is now the new No. 1 state for immigration enforcement," said Kris Kobach, a constitutional lawyer who is secretary of state in Kansas. He has helped write many state bills to curtail illegal immigration, including Alabama's.

"This bill invites discrimination into every aspect of the lives of people in Alabama," said Cecillia Wang, director of the immigrants' rights project of the American Civil Liberties Union, which has brought legal challenges against several state immigration-control laws. Calling Alabama's bill "outrageous and blatantly unconstitutional," Ms. Wang said, "We will take action if the governor signs it."

The Alabama bill includes a provision similar to one that stirred controversy in Arizona, authorizing state and local police officers to ask about the immigration status of anyone they stop based on a "reasonable suspicion" the person is an illegal immigrant. Federal courts have suspended most of that Arizona law.

Alabama's bill goes beyond Arizona's. It bars illegal immigrants from enrolling in any public college after high school. It obliges public schools to determine the immigration status of all students, requiring parents of foreign-born students to report the immigration status of their children.

The bill requires Alabama's public schools to publish figures on the number of immigrants — both legal and illegal — who are enrolled and on any costs associated with the education of illegal immigrant children.

The bill, known as H.B. 56, also makes it a crime to knowingly rent housing to an illegal immigrant. It bars businesses from taking tax deductions on wages paid to unauthorized immigrants.

"This is a jobs-creation bill for Americans," said Representative Micky Hammon, a Republican who was a chief sponsor of the bill. "We really want to prevent illegal immigrants

from coming to Alabama and to prevent those who are here from putting down roots," he said.

The Alabama bill comes at the end of a legislative season when many states wrestled with immigration crackdown proposals. Measures focusing only on enforcement failed in 16 states, according to a tally by the National Immigration Forum in Washington, a group opposing such laws.

In May, Georgia adopted a tough enforcement law, which civil rights groups filed a lawsuit on Thursday seeking to stop. Proponents of state immigration enforcement laws won a major victory last week when the Supreme Court upheld a 2007 law in Arizona imposing penalties on employers who hire illegal immigrants.

Alabama's law includes some provisions similar to the Arizona statute that courts rejected as incursions on legal terrain reserved for the federal government. But Michael Hethmon, general counsel of the Immigration Reform Law Institute in Washington, said the Alabama bill was a compendium of measures against illegal immigrants that his group had tested in other states. Mr. Hethmon's group is the legal arm of the Federation for American Immigration Reform, which seeks to reduce immigration.

The bill requires all Alabama employers to use a federal system, E-Verify, to confirm the legal status of all workers. The measure also makes it a state crime for an immigrant to fail to carry a document proving legal status, and makes it a crime for anyone to transport an illegal immigrant.