



**STATEMENT**  
**April 11, 2012**

**CONTACT Steven Weiss**  
**(202) 480-2076 or [sweiss@immigrationworksusa.org](mailto:sweiss@immigrationworksusa.org)**

## PRAGMATISM IN ALABAMA

What a difference a year makes. Just ten months after passage of Alabama HB 56, considered by many to be the nation's toughest immigration enforcement law, lawmakers in Alabama are rethinking. House Bill 658, introduced last week and poised to pass, would make extensive changes to last year's statute.

The new law too is tough and sweeping. It requires E-Verify for all employers in Alabama, authorizes local police to enforce immigration law and mandates severe penalties for an array of immigration violations. But Alabama lawmakers have thought better of many provisions that overreached, damaging the state economy and undermining its reputation among potential investors and visitors.

Among the improvements that would affect Alabama employers and the Alabama economy:

- Not all businesses found to have knowingly hired unauthorized workers will have their licenses automatically suspended or revoked. Penalties will be left to a judge's discretion, first-time offenders will be treated differently than employers with prior violations, and some employers will experience no suspension, merely a probation period.
- Companies that sell products and services in Alabama but have no employees there will no longer be subject to Alabama immigration law or its penalties.
- The new law eliminates the provision in HB 56 that makes it a crime to knowingly rent housing to unauthorized immigrants – an important fix not just for landlords but also for construction contractors, growers and other employers who provide temporary housing for workers.
- The new law toughens the standards for terminated U.S. employees suing employers who they believe have replaced them with unauthorized workers, as permitted under HB 56. The new standards are designed to discourage frivolous lawsuits.
- The new law narrows HB 56's sweeping prohibition of "business transactions" between state and local government and unauthorized immigrants – a prohibition that was threatening to bring some government agencies to a halt as extra paperwork and long lines slowed routine processing and services. Under the new law, business transactions would be limited to the issuing of ID cards, business licenses, driver's licenses and license plates.
- The new law eliminates HB 56's controversial school census, which required public school K-12 teachers to inquire about students' immigration status. It also revises a provision that limited the foreigners who could attend public college in Alabama. Under HB 658, only unauthorized immigrants will be barred – not refugees.

Not all the proposed changes are improvements. The new law sensibly revises the provision in HB 56 that required police to inquire about the immigration status of people they stopped for other reasons who they suspected were in the country illegally. Under HB 658, officers may not ask about immigration status unless they have issued a traffic citation or made an arrest. But once they have done so, they would be authorized to verify the status of not just the driver who has committed a violation but also of anyone in the vehicle who they suspect may be unauthorized. Surely, this is an invitation for profiling and harassment of people who have committed no crime at all.

The overwhelming majority of employers in Alabama and elsewhere support immigration enforcement – compliance with the law is their duty as citizens and it makes good business sense. The problem arises when states go beyond implementing the law and try to use the enforcement tools at their disposal to drive unauthorized immigrants out of the state. Lawmakers in Alabama found out the hard way just what can happen when tens of thousands of workers, legal and illegal, pack up and go and the state acquires a reputation as inhospitable to foreigners and foreign investment.

ImmigrationWorks is pleased to see Alabama lawmakers reconsidering enforcement provisions that are doing the state more harm than good, undermining Alabama businesses and endangering the state economy.

**IW USA president Tamar Jacoby can be reached for comment at  
202 506-4541.**

*ImmigrationWorks USA is a national federation of employers working to advance better immigration law. The network links major corporations, national trade associations and 25 state-based coalitions of small to medium-sized business owners concerned that the broken immigration system is holding back the growth of the U.S. economy. Their shared aim: legislation that brings America's annual legal intake of foreign workers more realistically into line with the country's labor needs.*