

# CRITIQUE OF ALABAMA'S REVISED IMMIGRATION LAW (HB658)\*

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## SUMMARY:

- ◆ Changes to HB56 are premature.

The Legislature should wait until the U.S. Supreme Court rules in June on the Arizona law – just as the 11th Circuit Court decided to delay action on the Alabama lawsuit until then.

- ◆ Changes in HB658 that weaken current law include:

1. Contractors are no longer required to ensure their workers are legal residents.
2. Citizens can no longer sue to compel state officials who refuse to enforce immigration law.
3. Employers who fire workers to hire illegal aliens get virtual immunity since the bar of proof has been raised prohibitively high.
4. Public schools can no longer collect data on children of illegal aliens to help the state budget for their fiscal impact.
5. Landlords can knowingly rent to illegal aliens.

*Problems each of the above points represent are discussed in detail in a back-up document, available upon request*

*In essence, the above changes nullify the intent of the law to reduce illegal immigration through attrition.*

*(See Ways to Strengthen HB658 on second page)*

\* I am not a lawyer but I have done my best to critique changes in the extremely short timeframe given to citizens, over Easter weekend, and without the benefit of a public hearing, and facing a committee vote in three days.

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### WAYS TO STRENGTHEN HB658:

- ◆ Incorporate *current* Alabama Tax Codes into the bill that make it a felony for employers who commit tax fraud by hiring illegal aliens, and increase penalties to those in the tax code to remove the economic incentive to break the law.

(It makes no sense to be lenient on employers who hire illegal aliens and exempt them from penalties set out in AL tax codes; while the tax code exacts much harsher penalties on other employers. Laws should apply equally to all.)

- ◆ Make the refusal of employers to enroll in E-Verify a misdemeanor, as Arizona does, to remove the economic incentive to break the law.

(It makes no sense to mandate that all employers enroll in E-Verify, yet not penalize those who don't and give unlawful employers an unfair economic advantage over lawful employers.)

- ◆ Restore the requirement that contractors shall be liable for hiring only legal workers.

(Contractors should not be given a pass if they use subcontractors who hire illegal aliens for jobs on their projects. (1) Reinstate the affidavit requirement in the existing law. (2) Make it easy for contractors to check whether subcontractors use E-Verify by the following:

- ◆ Require appropriate state website to list names of businesses enrolled in E-Verify.

- ◆ Strip all revisions that weaken the existing law so that:

(1) citizens can sue state official who are responsible for but refuse to enforce immigration law;

(2) public schools can compile data needed to budget costs of educating children of illegal immigrants – and thus treating all parents the same;

(3) landlords will be liable for knowingly renting to illegal aliens; and

(4) wronged employees can sue employers who fire them to hire illegal aliens.

*There is a lack of enforcement tools and lax to non-existent penalties against unlawful employers.*

***This makes a mockery of the law.***

*These recommendations strengthen HB658 and make the intent of the law enforceable.*