

2007-2008 IMMIGRATION UPDATE 1

October 18, 2007

FEW IRAQI REFUGEES ADMITTED TO THE UNITED STATES

According to a recent article in *Time* (October 8, 2007), 60,000 Iraqis each month flee the country. Since the war started, more than 2.5 million have left the country (and another 2.2 million have been displaced within the country). Syria and Jordan, which have taken in many of the refugees, have recently made it more difficult for Iraqis to enter. Many of the refugees in Middle Eastern countries face serious problems meeting their basic needs.

The United States accepted 535 Iraqis in 2006, bringing the total number of Iraqis resettled in the United States since the war began to about 1,700, less than half the number admitted in 2000. U.S. Ambassador Ryan Crocker has asked the State Department and the Department of Homeland Security to speed up the processing of Iraqi refugee application.

A number of articles on the topic of Iraqi refugees can be accessed from http://www.humanrightsfirst.org/asylum/asylum_13_iraqi_refugees.asp.

APPLICATIONS FOR ASYLEE STATUS SLOWED

Applications for asylee status are currently being subjected to more rigorous scrutiny due to passage of new anti-terrorism documents. Many of the new requirements are difficult for asylees and refugees to meet and make cases more complicated; government officials often send newly required documents to forensic labs for analysis. The result is a large backlog of requests. According to Department of Justice figures quoted in the *Denver Post*, there are 166,200 cases pending in immigration courts nationally. In Denver, where one in three requests is granted, the backlog is 3,370 cases.

In Denver, the leading countries from which asylees come are Indonesia, Guatemala, and El Salvador. Nationally, the leading countries are China, El Salvador, and Haiti.

An article on the problems in processing asylee applications can be found at http://www.denverpost.com/news/ci_7113667.

FEDERAL COURT STRIKES DOWN LOCAL IMMIGRATION ORDINANCE

In July, a federal court found a Hazleton, Pennsylvania, ordinance aimed at immigrants unconstitutional. The ordinance established fines for landlords who rented to unauthorized immigrants and employers who hired them. City leaders claimed that the law was necessary because of the rising crime rate fueled, they argued, by unauthorized

migrants. At trial, the plaintiffs argued that the data did not support the claims related to crime and the ordinance was unconstitutional.

The federal court agreed, saying “We cannot say clearly enough that persons who enter this country without legal authorization are not stripped immediately of all their rights because of this single act . . . The United States Supreme Court has consistently interpreted [the 14th Amendment] to apply to all people present in the United States, whether they were born here, immigrated here through legal means, or violated federal law to enter the country.” The court also found that a local government had no authority to regulate immigration policy for the nation and the policy was based on flawed assumptions about the effect of unauthorized immigrants on the locality.

The ACLU, which represented the plaintiffs, called the decision “an unmistakable message to local officials across the nation that these types of ordinances are a waste of taxpayer money, anathema to American values and a violation of the Constitution.” The city in August filed a notice of appeal.

STATE PATROL LAUNCHES IMMIGRATION UNIT

In July, the Colorado State Patrol launched a 24-member unit specially trained by the U.S. Immigration and Customs Enforcement. While the members of the unit spend most of their time in typical patrol duties, the training they have received will enable them to arrest unauthorized migrants when found in vehicles pulled over for traffic violations. The goal is to reduce human smuggling and trafficking as well as address the larger issue of illegal immigration. The officers will not take place in ICE workplace raids or other ICE activities.

Colorado is one of about a dozen states with similar units given immigration enforcement authority by ICE.

ATTORNEY GENERAL ISSUES OPINION ON IN-STATE TUITION

In response to a request from the Department of Higher Education, Colorado Attorney General John Suthers issued a formal opinion regarding whether a student qualifies for in-state tuition if he/she is a U.S. citizen whose parents are unauthorized immigrants who have lived in Colorado for 12 months. Suthers’ opinion indicated that U.S. citizens whose parents are unauthorized migrants are indeed entitled to in-state tuition at Colorado’s public colleges and universities. The opinion is available at http://www.ago.state.co.us/agopinions/AGO_PDFs/AGO07-3.pdf.

IMMIGRATION FILM SERIES

This fall, the University of Colorado program Dialogues on Immigrant Integration and the Dennis Small Cultural Center have been presenting Crossing Borders: Film and Discussion Series. While we are late getting out the word on the series and two films

have already been screened, there is still time to see *Uprooted Refugees of a Global Economy*, which focuses on how the global economy has forced people to leave their home countries. The film will be shown on October 24 at 5:30. The screening is free to all and followed by facilitated discussion. Light refreshments will be provided. Contact: DSCC, dsc@colorado.edu or 303-492-7109 for more information.

LEGISLATIVE UPDATE (FROM THE NEW COLORADANS LESSON ANNOTATIONS—KEEP READING IF YOU HAVEN'T CHECKED THEM OUT AT [HTTP://WWW.LAWANDEMOCRACY.ORG/IMMIGRATION.HTML](http://www.lawanddemocracy.org/immigration.html))

Despite a strong call from President Bush to enact comprehensive reform and considerable effort and debate in the Senate, the proposed bill fell 14 votes short of the 60 needed to limit debate and clear the way for a vote. The bill had supporters and critics in both parties; among its major provisions were providing a pathway to legal status for those who are currently in the country without authorization, tightening requirements for employers to ensure that all employees are legally in the United States and providing improved tools for checking employees' and job applicants' status, toughening border security, and establishing a guest worker program. While some reform advocates express optimism about enacting some provisions of the bill as individual pieces of legislation, most observers expect little to happen nationally before the 2008 presidential election.

State legislatures, in contrast, enacted a large number of new laws aimed at addressing perceived immigration-related problems. At its annual meeting in early August, the National Conference of State Legislatures released a report indicating that all 50 state legislatures had debated immigration bills in the first six months of 2007 and 41 states had passed a total of 171 immigration bills in the same time period. That number was more than double the 84 laws passed in the entire previous year. According to Sheri Steisel, NCSL immigration policy director, "Given the absence of federal consensus of national immigration reform, state legislators are stepping into the void and doing their best....They have to deal with the reality of how immigrants impact their communities."

States passed legislation related to education, employment, health, identification/driver's licenses, law enforcement, public benefits, and human trafficking. A full report from the NCSL is available at <http://www.ncsl.org/programs/immig/2007Immigration831.htm>.

Colorado did not have as many new laws related to immigration as it did in 2006, but the legislature did act on several immigration bills. A number of bills were also considered and not passed. Three bills passed in 2007 are:

- **House Bill 1040 - Warrants and Bonds for Illegal Immigrants:** This law requires courts to issue a warrant for anyone turned over to the federal Immigration and Customs Enforcement (ICE) who has posted bond on a criminal charge. It also prohibits courts from dismissing charges upon deportation;

charges can only be dismissed by the district attorney. Bond agents or others posting bonds must forfeit premiums or fees paid for deported defendants.

- **House Bill 1255 – Child Abduction Prevention:** This law allows a court acting on child custody issues to consider the probability that a party will abduct a child to another state or foreign jurisdiction. The law enables the court to issue an abduction prevention order if it finds evidence of a credible risk of abduction if the petitioner or respondent is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally.
- **House Bill 1314 - Permanent Rules Relating to Identification Requirements:** Requires the director of the Department of Revenue to issue rules regarding additional forms of identification that are acceptable to prove lawful presence to apply for public benefits. This new law relates to implementation of 2006's HB 1023, which required all adults applying for nonemergency services to provide proof of citizenship or legal residence. Related to that law, the legislature also passed House Bill 1313, which defined what type of identification was acceptable in applying for a Colorado identification card or driver's license. Governor Ritter vetoed the bill because he felt it impinged on the executive branch's rule-making authority.