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FALL 2006 IMMIGRATION UPDATE 1

September 16, 2006

COLORADO GENERAL ASSEMBLY SPECIAL SESSION

This summer, when the Colorado Supreme Court ruled that the proposed ballot initiative preventing unauthorized migrants from receiving state benefits could not appear on the ballot, Governor Bill Owens called a special legislative session to deal with immigration issues. The special session resulted in the passage of several new laws:

- **House Bill 1023** requires all adults applying for nonemergency services to provide proof of citizenship or legal residence. This law, effective August 1, would stop unauthorized migrants from receiving retirement, welfare, disability, public housing, food assistance, unemployment, or similar payments. In addition, unauthorized migrants would not be able to get any grants, contracts, loans, or business licenses from state or local government. This law is the subject of a lesson in *The New Coloradans* high school unit.
- **House Bill 1017** requires businesses to swear that they have verified the legal status of their employees. Employers found to have "reckless disregard" for the law can be fined \$5,000 to \$25,000.
- **Senate Bill 90** prohibits local governments from enacting policies limiting officials from cooperating with federal immigration authorities.
- **Senate Bill 110** prohibits forging documents providing eligibility for employment.
- **Senate Bills 206 and 207** make smuggling of humans and trafficking in humans class 3 felonies.
- **Senate Bill 225** creates a special 24-person division of the Colorado State Patrol to deal with human smuggling.

The legislature also referred two measures to the voters:

- **House Bill 1020** prohibits employers from deducting wages of unauthorized migrants on their taxes.
- **House Bill 1022** authorizes a lawsuit against the federal government to demand federal enforcement of immigration laws.

We will provide more information on these measures in an upcoming *Immigration Update*.

NO ACTION IN CONGRESS

Meaningful action on immigration is not expected in Congress until after the mid-term elections. House Speaker Dennis Hastert, R-Ill., has said the House will try to pass a series of bills strengthening border security by the end of September and seek to persuade the Senate to go along by including the package in a spending bill for the Homeland Security Department. Indeed, the House of Representatives on Thursday, September 14, once again voted to build a fence along 700 miles of the U.S.-Mexico border. Democrats, however, claim that the Republicans' actions are posturing in advance of the election.

No apparent progress has been made on reconciling the Senate and House approaches over the summer. Hearings were heard across the country; two were held in Colorado—one in Aurora organized by Senator Allard, the other in Greeley organized by Representative Musgrave. Advocates with varying perspectives criticized the hearings because those allowed to testify were hand-picked, excluding many groups from presenting their views. Said Robert Copley, Jr., a member of the Minutemen, "It's kind of like one of those town hall meetings where the town's not invited."

At a press conference on Friday, September 15, President Bush was asked about the timeline for immigration reform, specifically whether Congress should have a lame duck session following the election to deal with the issue. He responded, "I don't know the timetable. My answer is as soon as possible." While the President's priority appears to be the bill regarding military tribunals, he did emphasize his belief that mass deportation cannot work: "In the long run to secure this border, we've got to have a rational work plan, and when Congress gets down to a comprehensive bill, I will remind them, it's virtually impossible to try and find 11 million folks who've been working hard, in some cases raising families, and kick them out. It's just not going to work."

NEW CENSUS FIGURES

In mid-August, 2005 census data was released, showing a 16 percent increase since 2000 in the number of immigrants living in U.S. households. While the largest numbers of immigrants live in six states that have traditionally attracted many newcomers—California, New York, Texas, Florida, New Jersey, and Illinois—many are now settling in states that previously had few immigrants. According to the Brookings Institution's Audrey Singer, "What's happening now is that immigrants are showing up in many more communities all across the country than they have ever been in...and a lot of these are communities that are not accustomed to seeing immigrants in their schools, at the workplace, in their hospitals." For example, Indiana experienced a 34 percent increase in the number of immigrants from 2000-2005, while South Dakota saw a 44 percent increase.

Overall, immigrants make up 12.4 percent of the U.S. population, increasing from 11.2 percent in 2000. Since 1990, the number of immigrants in the United States has increased from approximately 19.8 million to 35.7 million. In Colorado, the foreign-born population in 2005 is estimated to be 460,294, 10 percent of the total population of 4,562,244.