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In Utah, a "kinder, gentler" approach to immigration?

by Anjana Sundaram by New American Media

Immigration and the Church

NAM Editor's Note: The battle over immigration is now being waged at the state level. Since Arizona's immigration law SB 1070 went into effect one year ago, five states -- Alabama, Georgia, Indiana, South Carolina and Utah -- have passed similar laws.

While some states have enacted enforcement-only measures, Utah has attempted to take a different approach. A group of community leaders in the state have signed onto the Utah Compact, a statement of five principles designed to promote a civil policy debate over immigration in Utah.

In March, Utah's state legislature enacted a package of four immigration bills. The most imminent and disputed of these, HB 497, is modeled after Arizona's immigration law, requiring police to ask for and examine the identification documents of anyone they stop, detain or arrest. A lawsuit has been filed by the American Civil Liberties Union (ACLU) and the National Immigration Law Center to stop this law from taking effect. It was scheduled to go into effect on May 10, 2011 but has been stayed by a federal judge. A hearing is scheduled in September to address a possible injunction.

The other three laws require the authorization of the federal government and would take effect in 2013. They establish a state guest worker program (HB 116), authorize a pilot program of work permits for residents of the Mexican state of Nuevo Leon to gain employment in Utah (HB 466), and allow Utah citizens to sponsor individuals outside the U.S. to live and work in Utah (HB 469).

According to the 2010 Census, the Latino population in Utah increased 78 percent in the last decade.

NAM interviewed community leaders and ethnic media journalists to learn the impact of these laws on the five states at the frontlines of immigration's new battlefield.

Candice Levie, Immigration Case Manager, Asian Association of Utah (Salt Lake City)

We've seen the immigration laws as mainly a Latino issue but it is causing a lot of anxiety that affects other communities as well. There are now visibly a lot of organizations coming together for lobbying, although the refugee community is pretty safe from these laws.

Part of our job is to alert the community that the laws haven't been passed yet because of the hold. There is a lot of false information circulating, such as the state of the guest worker program. So our next step is to start educating and empowering the community and working to dispel circulating rumors about the immigration laws.

Brandy Farmer, Board Member, Latin American Chamber of Commerce; Legal Observer, ACLU Utah (Salt Lake City)

We know that these bills are targeting Hispanic and, more specifically, Mexican immigrants. The war here is about the Southern border and who is crossing over the border from different countries.

We are going to different community organizations to educate about the new laws and their impact. We have heard of people charging as much as \$6,000 to be put on a guest worker waiting list. We are educating people to not pay, saying, "Do not pay anyone to get a work permit. That will only be an issue in 2013." In fact, the federal government giving a waiver to one state is very unlikely, but we'll see.

We have sensed that most of the law enforcement agencies are not happy about taking on that position [under HB 497] because it pits them against the neighborhood residents they are trying to patrol. They also say it is a huge drain on their resources.

Patricia Quijano Dark, Editor, El Observador de Utah (Salt Lake City)

The Latter Day Saints [LDS] and Catholic churches have talked about a humane and Christian approach to dealing with immigration. We are not in the same situation as Arizona; we are seen as a kinder and gentler state.

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There has been a significant amount of deportations, two of which received a lot of media attention because they were recognized members of the LDS community. Last November, one of them was deported to Argentina and has since moved to Chile. He is now a regular columnist for our paper, Claudio Correa, who does stained glass artwork for the LDS church.

Everything changed with the published list of undocumented workers by special workforces. It really changed the community and put immigration in the forefront. [Last July, two workers at the Department of Workforce Services published a list of 1,300 allegedly undocumented immigrants in the state.]

Our goal is to inform and educate readers to both sides of the story and let them make an informed decision.

We don't see the community really taking to the street. People are scared, but they don't necessarily want to fight back. They want more information about what to do and what these laws mean for them.

We have gotten a lot of letters from readers, asking about their privileges. Before this, I worked for Mundo Hispánico and early on here, I never got letters to the editor. Within the past eight months, I have gotten at least 30 letters.

The stricter enforcement of E-Verify [under HB 81, which passed in 2008] is something that will be

affecting immigrant employment. Although hotels have not talked to us about it, we have employees of these places who have said nearly 200 to 300 people will be let go. Usually, these immigrants are replaced by refugees whose papers are taken care of. But the problem is you can't replace that physical experience and knowledge that these immigrants who have done these jobs for 10 years have.

Josie Pereira, Editor, Ahora Utah (Salt Lake City)

Activists are out there in the community creating forums to discuss the laws. The good thing is that the community has become more aware of what is going on. The forums have begun to include not only activists but also immigration experts, attorneys, and police sergeants. They are held in Spanish most of the time.

There is still a hole in getting accurate information across, because the Latino community mostly hears one side of the story. Many community members don't search for [both sides] online; they are just listening to the radio shows or going to these community forums in person.

We frequently get calls from people?one such call was from a company owner of a temp agency who was worried about the laws and what it would mean for his business. He is scared that his employees will be forced to move.

I know some neighbors who didn't go to work on the day that HD 497 had a stay placed on it. They were worried they would get stopped, and feared being deported even though they didn't have a criminal record.

The undocumented workers' list published in July 12, 2010 was a turning point. Utah mandates five years of prison for breach of privacy, but the publishers of the list got just four months of community service and a \$400 fine. This really was a shock to the Latino community and put people on high alert. We got a lot of calls from people concerned whether they were on the list.

Walter Peñate, Anchor, Telemundo Utah (Murray, Utah)

People are very scared but the Salt Lake City Police Chief Chris Burbank has told us he won't impose 497 because it's on standby. People are staying here, waiting for resolutions. I went to a meeting last Saturday with community members, and there are people working here leading regular lives, doing their job and they are waiting to hear the federal decision before doing anything. They are not protesting. They are very peaceful and more watching quietly for what happens. My personal opinion is that the law won't pass.

I would say the community was pretty apathetic towards immigration concerns beforehand, but in the last two years it has become more and more important to people. It all depends on what happens in federal court.

Karen McCreary, Executive Director, ACLU Utah (Salt Lake City)

Since the Senate passing of HB 81 in 2008, which was modeled after Oklahoma, we have been engaging actively in these proposed laws. [HB 81 requires public employers to use the E-verify system and requires the state to verify the status of individuals applying for public benefits. It also makes it a crime to transport, conceal, harbor or shelter an unauthorized immigrant. The law was originally signed on March 13 2008, but was revised and delayed until July 1, 2009.]

In the last legislature, 16 immigrant laws were proposed of which four were passed.

We are filing a lawsuit regarding House Bill 497, the "Show me your papers" bill modeled after Arizona's 1070. It's an enforcement whose result will impact everyone. People do feel this is a difficult climate for families, with the continued strong rhetoric in the bills and instances of unlawful detainment.

What is frustrating is that Utah is perceived to have a kinder, gentler approach to immigration. But that is pretty illusionary. The translated effect of the bills has been harsher, just like Arizona where harsh enforcement-only measures are in place. This is not something particularly to Utah; it is transitive and going around many states. There is misinformation and fear.

When you impact one group, you impact all groups. Carrying your ID papers all the time is not normal. We've seen this in Arizona, where certain documentation has been demanded of legal residents and other American residents have been stopped more often. There have been reports here of people being more subject to being detained, stopped or followed because they look different or are of a particular ethnic group. The point is, depriving rights of a certain group has an impact on everyone and is un-American.

Juan Ruiz, President, Latin American Chamber of Commerce (Salt Lake City)

We are an underserved and growing population. We personally suffered losses from HB 497. LACC had more than 650 members and after the bill, we started to see a decline in business, growth and small business licensing. I would estimate this to be a 25 percent loss. Many of these owners I've talked to have no choice but to renounce their registration and go underground. All of a sudden our Chamber of Commerce started to refocus our energies on immigration.

Utah is welcoming to immigrants; it is one of only three states to offer driving privileges to undocumented immigrants. Also, it gives them in-state tuition. But there has been a steady exodus of Latino families, many of whom have returned to their country of origin.

Diversity has increased dramatically in the state in the past 10 years. There has been friction because of this, but there is always resistance to change.

When HB 497 came out, I felt a really strong reaction in the state. The Anglo-majority organizations came forward with powerful statements of humanity and compassion toward immigrations.

Every challenge is a great opportunity for growth. The ethnic groups are now working together, more networked and better connected as a result. We grew and that's a great thing. It brought to light what undocumented workers were going through in facing deportation and challenged the status quo.

Stephanie Pitcher, Program Coordinator, Enriching Utah Coalition, Comunidades Unidas (Salt Lake City)

Undocumented individuals are being approached by notarios, who offer them a spot on a "waiting list" for this guest worker permit in return for a sum of money -- some individuals have paid over \$2,000 to get on a waiting list for a permit that is unlikely to exist (because HB 116 is likely to be declared unconstitutional). Our coalition has also received calls from individuals in other states, such as California, asking about moving to Utah to try and qualify for the guest worker program.

Apart from this, changes to the driver's privilege card have caused many undocumented individuals to NOT renew their driver's privilege card. The new law calls for fingerprinting and criminal background checks -- and those individuals who have been deported before (they were fingerprinted upon deportation) and subsequently reentered the United States are hesitant to renew their privilege card for fear of deportation. Others simply feel uncomfortable with having their fingerprints on record without knowing exactly what will be done with their information. The consequence, of course, is that we have unlicensed, often uninsured drivers on the streets. It becomes a public safety issue.

While the attitude toward immigrants may be getting slightly better with recent statements from the LDS church, I would argue that, overall, the environment has gotten worse due to the large focus on curbing

illegal immigration at the state legislature. For a state that only has a population of 4 percent undocumented individuals, the policy focus has been quadrupled, and the negativity in this area has affected (or reignited) public perceptions and attitudes toward undocumented individuals. I am very concerned about the attitudes of the community in general as a result of the negativity these policies have helped create in our state. There is an attitude of "us" and "them."

Jeanetta Williams, President, NAACP Salt Lake Branch (Salt Lake City)

The Utah laws have little or no effect on legal United States citizens. The objective of the law is intended to put some boundaries on the problem of illegal immigration and the services that are supplied to those illegal immigrants. U.S. citizens will see little or no impact at all. There is no impact on African Americans in Utah. They are citizens of the U.S. and not the targeted group.

We've not had a lot of folks trying to protest or file complaints regarding this from the black community. The people who have informally talked to us about it from the community say the law is extended to put boundaries on illegal immigrants, who are getting services that citizens can't get. This is both black and white people saying that. Black folks, just like white folks, are citizens. The services these illegal immigrants may get include workforce services, food stamps for groceries (which they sometimes start selling back for profit), and housing placement.

The black community does not benefit from these laws whatsoever; it really does not affect us at all. We have not seen an increase in jobs or housing because of this. Black businesses have also not been affected by these bills.

The NAACP has not formed or joined any coalition groups in conjunction with the Utah immigration bills.

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