Arizona law won't stop debate on immigration

Judge stays provisions as each side urges final resolution

By ESTEBAN PARRA • The News Journal • July 29, 2010

A federal judge's decision to delay implementation of parts of Arizona's controversial immigration-enforcement law Wednesday will prolong the debate and make it more heated, say Delaware residents close to the issue.

"We're still in the same limbo," said Alicia Dominguez, a Bear resident who has been calling for a federal proposal to provide a pathway to citizenship for undocumented students. "People on either side of the spectrum are not happy because they want to see something done and nothing is being done."

U.S. District Court Judge Susan Bolton in Phoenix issued a preliminary injunction to give the courts a better chance to hear the case. Key parts of the law that will not go into effect today include:

• Requiring police to try to determine the immigration status of any person stopped, detained or arrested if there's a reasonable suspicion that he's in the country illegally.

• Making it a crime to not apply for or carry "alien registration papers."

• Making it a crime for illegal immigrants to apply for jobs or to work.

• Allowing a warrantless arrest when there is probable cause to believe the person has committed a crime that makes him or her subject to deportation.

Bolton did not halt the part of the law that makes it a misdemeanor to harbor or transport illegal immigrants.

"I look at it as a little bump in the road," Arizona Gov. Jan Brewer said of the ruling.

Her spokesman Paul Senseman said the state will appeal Bolton's ruling to the 9th U.S. Circuit Court of Appeals in San Francisco today, asking the appellate court to lift the injunction and allow the blocked provisions to take effect.

Whatever way that court rules, Bolton will eventually hold a trial and issue a final ruling.

"The fact of the matter is this is just an injunction," Brewer said. "We need to go through the court process so the merits of the bill can be debated. I am sure as we go through the process, we'll get a fair hearing."

Protests, rallies

Since Brewer signed the bill in April, camps on both sides have been rallying.

Opponents held protests across the country, called for boycotts of Arizona businesses and are trying to move Major League Baseball's 2011 All-Star Game out of the state.

Those in favor of the law also have held rallies. Some -- including the 9-12 Delaware Patriots -- have raised money to help pay Arizona's legal defense bill after the federal government announced
it had filed suit.

While the groups are on opposite sides of the issue, they agree that the unresolved matter will cause more division.

"It just puts it on a longer path of going back and forth through the courts and whatnot," said Russ Murphy, head of the 9-12 Delaware Patriots, a conservative group pushing for immigration-enforcement laws in Delaware. "It's a reasonable game plan for the [Obama] administration to follow.

"It keeps things stirred up."

While some of the anger toward illegal immigration has to do with jobs, it also has to do with the dangers of having people in the country illegally, Murphy said.

"It's even more compounded and more serious right now because a lot of people are looking at it and saying, 'We don't know who a lot of these people are who are coming in,' " Murphy said. "We feel like our national security is being put out at risk because the failure of the federal government to be able to control the immigration issue and our borders."

Maria Matos, executive director of Wilmington's Latin American Community Center, said the federal government needs to take up immigration reform to solve the matter once and for all.

'Do the right thing'

"Congress needs to get off their laurels and get the damn thing passed," said Matos, who opposed the Arizona law because it could create a patchwork of immigration laws. "Secure our borders. Pass comprehensive immigration reform. Do the right thing. Everyone knows what the right thing is -- do it."

Without a resolution at the national level, Matos said, the divisiveness will continue and "it's going to get even worse."

Groups on each side of the issue released studies of the costs and benefits of illegal immigration on a state-by-state level in recent days.

The Federation for American Immigration Reform -- a group advocating lower immigration numbers overall -- said the cost to Delaware's state and local governments comes to $305 million a year. The Immigration Policy Center -- a group pushing for comprehensive immigration reform -- cited a study that said undocumented immigrants bring $949 million in economic activity to Delaware.

George Sharpley, a senior economist at the Delaware Department of Labor, looked at both reports and found problems.

The FAIR report overstates the cost of education, Sharpley said. That's because the report included U.S.-born children of illegal immigrants in its calculations. The report's use of average cost per student as the cost measure also is wrong, he said.

"This is inappropriate because adding a few students to a school does not increase these fixed costs," Sharpley said. "They should only factor in when capacity is reached and adding students requires more buildings. For a school that is not at capacity, the cost of educating one more student is a very small fraction of the average cost per student."

Less demand

The Immigration Policy Center's conclusion that the long-term effects of removing all illegal immigrants would decrease the state's overall economy and eliminate 6,300 jobs is meaningless, he said, because if you lose that many people you also lose
the demands by those people.

"It's somewhat like saying Delaware has lower GDP [gross domestic product] and fewer jobs than [Pennsylvania]," he said. "Yes, we also have fewer people. So what?"

Because no one actually knows how many undocumented people there are in Delaware or the U.S., many figures have to be estimated, said Ed Ratledge, director of the Center for Applied Demography and Survey Research at the University of Delaware.

"I don't know that any of these numbers are credible because everybody who puts numbers out are advocates for one side or the other," Ratledge said.

Information from the Arizona Republic and the Associated Press was used in this story. Contact Esteban Parra at 324-2299 or eparra@delawareonline.com.

Alicia Dominguez says both sides remain "in the same limbo."

Maria Uribe (center) and other opponents of Arizona's new immigration law celebrate Wednesday outside the capitol in Phoenix as they hear the news that U.S. District Judge Susan Bolton blocked some of its key provisions. (AP, Houston Chronicle/NICK DE LA TORRE)

Maria Matos says Congress should "get off their laurels" and pass reform.
TAKING EFFECT

Portions of the law that still take effect today include:
• A new addition to Arizona's nearly 5-year-old ban on immigrant smuggling that lets officers pull over drivers if officers have reasonable suspicion they have broken traffic laws.
• A ban on blocking traffic when people seek or offer day-labor services on streets.
• A prohibition on driving or harboring illegal immigrants in furtherance of their illegal presence.
• The creation of a new state fund for the state police's immigrant squad and for reimbursing county jails for the costs of incarcerating illegal immigrants.