

# Oklahoma In the Spotlight

As an Unprecedented Number of Migrants Leave the State, Oklahoma's HB 1804 Puts Tulsa on the National Stage

RAY TUTTLE

This year, Oklahoma placed itself at the forefront of an effort to crack down on illegal immigration.

Earlier this year, the state Legislature passed the Oklahoma Taxpayer and Citizen Protection Act of 2007, or House Bill 1804, which has been called "the toughest anti-illegal immigration measure in the nation." Starting Nov. 1, law enforcement officers will check the immigration status of suspected illegal aliens once they stray outside the law.

Anecdotal evidence indicates immigrants living in Tulsa illegally are fleeing the city before HB 1804 becomes law, said Campbell Cooke, a Tulsa-based immigration attorney at 8145 E. 17th St.

## Tension

Passage of HB 1804 has sparked political battles and spread fear among Hispanics, Cooke said. Since Gov. Brad Henry signed the legislation, face-offs between demonstrators on either side of the divide have been very public.

The debate, simmering for months, was reignited this past spring when an immigration reform package launched in the U.S. Senate. That measure went down in defeat but the argument moved from the federal to the state and local levels.

HB 1804 prevents illegal immigrants from obtaining state identification and requires all state and local agencies to

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verify citizenship status of applicants before authorizing benefits. The bill also requires public employers to enter job applicants into an electronic immigration database to verify legal status and repeals a 2003 law that permits illegal immigrants to attend state colleges at in-state tuition levels. The bill becomes law Nov. 1.

HB 1804 will likely be challenged in the courts, said Kevin Doyle, an employment and immigration attorney with Pray, Walker, Jackman, Williamson and Marlar, 900 Oneok Plaza.

"It is clear that one argument will be that immigration is an issue that the federal government has complete authority to legislate and that Oklahoma has overstepped its constitutional authority," he said. "Oklahoma did a good job writing the bill because the statute is thorough. It deals with a lot of issues and it may not be easy to challenge. But, word on the street is it will be challenged."

If so, the statute will eventually wind its way through the judicial system to the U.S. Supreme Court.

## Packing Bags

"Tulsa will lose its Hispanics. It has lost 30 percent — both illegal and legal — already."

Cooke said informal surveys of differ-

ent community groups like the Hispanic newspaper, Hispano de Tulsa, and relief organizations like Catholic Charities, shows that Hispanics "are slowly packing their bags."

Cooke has heard "hundreds of stories." "There is the perception which is based on a couple of instances," he said. "People are talking. Perception is reality."

Cooke predicts the state's economy will begin to suffer, with construction companies feeling a labor pinch "by the end of this year."

"And, good luck getting anything done in the food service sector," he said. "Or, any service like roofing, hospital cleanup, manufacturing, agriculture."

The driver of the migration is the fear among Hispanics — even Hispanic U.S. citizens — that they could be pulled over for something like a minor traffic violation and be deported, Cooke said.

"They feel that they (law enforcement) will find reasons to pull you over and ask 'where are your papers?'" Cooke said.

However, law enforcement officers are not randomly conducting searches for illegals, said Tulsa County Sheriff Chief Deputy Tim Albin.

"I only have five deputies to patrol more than 500 square miles," he said, denying reports that the sheriff's deputies are "looking" for illegal immigrants.

failing to match employees' names.

"Before, employers had little incentive, to fix that problem. If they received one of those 'do not match' letters, they hoped to work it and verify the number. Now, new regulations require they go through that process. Employers and employees have 90 days to work it out."

The net effect, Doyle said, "will lead to more employees being filtered out. The federal government is coming down with more and more ways to verify these num-

## Burden on Employers

As Nov. 1 approaches, more employees are leaving work sites, Doyle said.

"I am getting calls from people who have domestic help that are illegal, asking me, 'What do I do?' I think there is a certain amount of fear out there from what I am hearing."

Not only do Oklahomans have the state law, but also federal rules going into effect this month are tightening regulations dealing with Social Security Numbers

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bers and ID forms."

The "big picture" on immigration started at the national level. HB 1804 arose because of frustration with the federal government, Doyle said.

At the federal level is the Immigrant Reform and Control Act of 1986, or IRCA. It requires alien employees to complete an I-9 document, Doyle said,

"I remain committed at the federal level to securing our borders, increasing interior immigration enforcement and bringing federal immigration resources to Tulsa," he said in an e-mail.

In August, 31 Tulsa County Sheriff deputies entered the immigration law enforcement program of the U.S.



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Kevin Doyle of Pray, Walker, Jackman, Williamson & Marlar

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which verifies the employment authorization of each new hire.

"Employers are the first line of defense in illegal immigration," Doyle said. "Employers have to have the I-9 form completed. The burden is really on them."

Another avenue employers can use to verify employment authorization, called the "Basic Pilot Program," provides a method for employers to verify the new hires' eligibility within seconds.

If there is a match between a name and a Social Security number, the employer is immediately sent a message. If there is no match, or there is a match but the government cannot verify that the employee is authorized to work in the U.S., the agency has three days to search records. If there still is no match, the employer is expected to have the employee contact the U.S. Department of Homeland Security directly to fix the problem.

## Moving Employers Out of Line of Fire

First District Congressman John Sullivan, a long-time proponent of tougher laws against illegal immigration, applauded Gov. Brad Henry and the state legislature for taking the "important step of bringing positive immigration reform to Oklahoma."

Immigration and Customs Enforcement, or ICE, as permitted by Section 287(g) of the Immigration and Nationality Act.

"The program will allow us to finally crack down on the criminal illegal alien population," Sullivan said. "Trained deputies from the Tulsa County Sheriff's Office will focus on identifying and processing criminal illegal aliens for removal and investigating criminal immigration violations they otherwise could not if they were not involved in the 287(g) program. By working together at the federal, state and local levels, we can protect our communities from criminal illegal aliens."

The 287(g) program has identified more than 22,000 people nationwide for possible immigration violations in less than two years. Tulsa County joined 24 other municipal, county and state agencies and 416 officers from across the country in the training program.

Doyle has faith that many employees in Tulsa are here legally. Measures like HB 1804 are short-term solutions and fail to solve the issue, Doyle said.

"They are not good for anybody," he said. "Until a long-term solution to illegal immigration is resolved, employers will be used as enforcement (to limit illegal immigration)." «