

**ACLU of Pennsylvania**  
**Comparison of Arizona, Pennsylvania and Hazleton anti-immigrant laws**

	<b>Arizona</b> (S.B. 1070, as amended by H.B. 2162)	<b>Pennsylvania</b> (H.B. 2479-proposed)	<b>Hazleton</b> (Ord. 2006-18, as amended, and 2006-35)
<b>Why was the law passed?</b>	<p>To “discourage and deter the unlawful entry and presence of aliens.” §1.</p> <p>To “make attrition [of undocumented immigrants] through enforcement the public policy of all state and local government agencies in Arizona.” §1.</p>	<p>“To discourage and deter the unlawful entry, presence and economic activity, by persons unlawfully present in the United States.”</p> <p>To “make attrition [of undocumented immigrants] through enforcement the public policy of all agencies of this Commonwealth and its political subdivisions.” §2(4)</p>	<p>“...to secure to those lawfully present in the United States and this City ... the right to live in peace free of the threat crime, to enjoy the public services provided by this city without being burdened by the cost of providing goods, support and services to aliens unlawfully present in the United States, and to be free of the debilitating effects on their economic and social well being imposed by the influx of illegal aliens” Ord. 2006-18 §2.F.</p>
<b>What does the law do?</b>	<p>It makes it a state-law crime not to follow requirements under federal immigration law, which then gives state and local police authority to investigate and arrest people who violate these federal immigration requirements.</p>	<p>It makes it a state-law crime not to follow requirements under federal immigration law, which then gives state and local police authority to investigate and arrest people who violate these federal immigration requirements.</p> <p>This law would also require <i>all</i> state, county and local government agencies to check immigration status prior to issuing any public benefits and requires all private employers in PA to sign up for E-Verify, a federal database to check potential employees’ status. Both requirements go further than federal law.</p>	<p>It makes it illegal to employ any worker who is not authorized to work in this country. The law goes beyond federal law and includes independent contractors.</p> <p>It makes it illegal to rent a house or apartment to anyone who is in this country “illegally.”</p> <p>It makes it illegal to for any tenant to rent a house or apartment without first registering with the city and providing proof of immigration status.</p>
<b>Who is affected?</b>	<p>Anyone the police encounter in the course of “any lawful stop, detention or arrest” under any law (including local ordinances) where the officer has “reasonable suspicion” to believe the person is in the country unlawfully. H.B. 2162 §3(B). Since “reasonable suspicion” is not defined people who look and/or sound foreign are likely to be targeted.</p>	<p>Anyone the police encounter in the course of enforcing any law (including local ordinances) where the officer has “reasonable suspicion” to believe the person is in the country unlawfully. §5(2). Since “reasonable suspicion” is not defined people who look and/or sound foreign are likely to be targeted.</p>	<p>All employees who look and/or sound foreign and all employers who hire such workers.</p> <p>All tenants who look and/or sound foreign who seek to rent housing in Hazleton and all landlords who rent to such tenants.</p>

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<b>How does the law work?</b>	It requires all police (state, county and local) to investigate and enforce federal immigration law, which means an officer must investigate any person they come in contact with that they suspect may be undocumented. H.B. 2162 §3.B. Anyone who does not have a certain government issued ID or documents showing proof of immigration status must be detained and if they turn out to be undocumented must be transferred to federal ICE custody.	It requires all police (state, county and local) to investigate and enforce federal immigration law, which means an officer must investigate any person they come in contact with that they suspect may be undocumented. §5(2). Anyone who does not have a certain government issued ID or documents showing proof of immigration status must be detained and if they turn out to be undocumented must be transferred to federal ICE custody.  Government agencies must verify a person's immigration status before providing any type of public benefit. §4.  District Attorneys must prosecute any employer who employs an unauthorized worker.	Any person hiring another person to do work for them must verify the person's immigration status.  All landlords must verify prospective tenants' immigration status before renting a house or apartment.  All renters/tenants must register with the city and show proof of immigration status.
<b>What happens if you are picked up under the law?</b>	You will be detained until your immigration status is confirmed. If convicted you must serve up to 20 days in jail, pay all jail costs plus \$100, and then be transferred to ICE custody. H.B. 2162 §4.	You will be detained until your immigration status is confirmed. You will be prosecuted for a third degree misdemeanor (up to 1 year in jail), §6(a), unless you are caught with drugs or weapon, in which case it is a first degree misdemeanor (up to 5 years in jail), §6(e), and upon completing sentence will be transferred to ICE custody. §5(3).	Employers who employ undocumented workers (including independent contractors) and landlords to rent to "illegal aliens" lose their license to do business in Hazleton.
<b>What if police fail or refuse to enforce the law?</b>	Police who fail to enforce the law "to the full extent permitted by Federal law" can be sued in court by any "legal resident" of the state and made to pay between \$500 and \$5,000 per violation. The suing party can get their attorneys' fees and costs paid. H.B. 2162 §3.	Police who fail to enforce the law "to the full extent permitted by Federal law" can be sued in court by any "person" and made to pay between \$1,000 and \$5,000 per violation. The suing party can get their attorneys' fees and costs paid. §5(7).	N/A.
<b>What is the status of the law?</b>	The laws have been signed by Governor Brewer but have not gone into effect. ACLU and other groups filed suit to block the law on May 17, 2010.	The law has been introduced in the Pennsylvania House of Representatives, but it has not been passed by either house or signed by the governor, who has vowed to veto it.	Hazleton's laws were declared unconstitutional by a U.S. District Judge in July 2007. The City's appeal is pending in the U.S. Court of Appeals.