Arizona’s recent anti-immigration legislation legitimately deserves rebuke. Government, supporters and media consistently misreport the content of the legislation the immigration facts used to rationalize the legislation. To dispel this confusion, what follows is an even-handed statement of the major provisions of the new law, with the actual text of the statutes appearing at the end. Also provided are well-documented statistics from a variety of sources that refute many of the common erroneous assumptions about immigrants and immigration.

The Arizona law attempts to accomplish many things, but key among them are:

- Law enforcement officers, pursuant to any lawful stop, detention or arrest, and upon reasonable suspicion that a person is unlawfully present in the US, must determine the immigration status of the person. New A.R.S. § 11-1050.
- A law enforcement officer may search and arrest a person without a warrant if the officer has probable cause to believe the person has committed any offense that makes the person removable from the US. New A.R.S. § 11-1050. Criminal trespass under new A.R.S. § 13-1509 presumably is sufficient to justify a warrantless search. That is, if an officer has “probable cause” to believe a person is undocumentated, the officer may conduct a warrantless search and arrest of that person without any further justification.
- Makes “smuggling” of undocumented immigrants a crime. “Smuggling” is defined as “transportation, procurement of transportation or use of property or real property by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not United States citizens, permanent resident aliens or persons otherwise lawfully in this state or have attempted to enter, entered or remained in the United States in violation of law.” Thus, in addition to transporting a person, allowing a person to sleep in your house, or attend a church, is “smuggling” and therefore criminal. New A.R.S. § 13-2319.
- Peace officer may stop anyone operating a motor vehicle if the officer has “reasonable suspicion” the person has violated the smuggling statute and is in violation of any civil traffic law (e.g., the proverbial tail light). New A.R.S. § 13-2319.
- Makes it a crime for a motor vehicle occupant to hire or attempt to hire workers if doing so will impede traffic. Makes it a crime for an undocumented immigrant to solicit employment in Arizona. “Solicit” means “verbal or nonverbal communication by a gesture or a nod.” New A.R.S. § 13-2928.

The sweeping breadth of the new statutes violates the civil rights of everyone. Designed to appear facially neutral, the statues plainly target Latinos. Proponents offer up a raft of myths about immigration and its effect on the US to rationalize racial profiling and civil rights violations. Numerous independent organizations have refuted these common myths, yet the myths persist.

Here are some examples of immigration myths and the actual, documented facts:

- **Myth:** Immigrants don’t pay taxes.
- **Facts:** All immigrants pay taxes — income tax, social security tax, sales taxes, etc. — and their uncollected refunds produce a net gain to the public fisk. More than $586 billion has accumulated in the earned suspense file of Social Security Administration (SSA) in contributions not matched to a lawful taxpayer. The earned suspense file is growing by about $66 billion a year, largely from taxes paid by undocumented immigrants. Removing this subsidy from Social Security will bankrupt the system. On the state level, Arizona alone nets approximately $500 million dollars of taxes over social service expenditures from immigrants. The average immigrant generates more than $80,000 in tax revenue net of public expenditures while in the US.


- **Myth:** Immigrants take American jobs.
- **Facts:** Immigrants fuel economic growth and increased wages for native-born Americans. Immigrants typically have different skills and take different jobs than native-born. Generally higher skilled native-born workers therefore are more productive and earn more. Moreover, there is a consistently positive correlation between higher percentage of foreign-born population and higher wages among native-born in all states with significant immigrant population.


- **Myth:** Latino immigrants do not learn English like past generations of immigrants.
- **Facts:** This charge has been lodged against every immigrant group. In fact, Latino’s English language acquisition mirrors prior generations of immigrants. Many first generation Latino immigrants struggle with English, but 88 percent of US-born adult children speak English very well, and by the third generation, English language skills are complete.

• **Myth:** Immigrants bring increased crime.
• **Facts:** Immigrant communities consistently have lower crime rates than the rest of the population. Incarceration rates are lower among immigrants than the rest of society – one-fifth the rate of native born. In fact, despite common reports of a crime wave sweeping Arizona’s border, crime in Nogales, Douglas and Yuma actually has **decreased** significantly in past years.


Reading materials:

1) Immigration Myths and the Facts Behind the Fallacies, U.S. Chamber of Commerce, November 2008, link at [http://www.uschamber.com/issues/index/immigration/default](http://www.uschamber.com/issues/index/immigration/default);

Text of key provisions of the new Arizona statutes:

• **A.R.S. § 13-2929.**
  A. It is unlawful for a person who is in violation of a criminal offense to:
  1. Transport or move or attempt to transport or move an alien in this state in a means of transportation if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
  2. Conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
  3. Encourage or induce an alien to come to or reside in this state if the person knows or recklessly disregards the fact that such coming to, entering or residing in this state is or will be in violation of law.
  B. A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization or impoundment pursuant to

• **A.R.S. § 11-1050**
  B. For any lawful stop, detention or arrest made by a law enforcement official or a law enforcement agency of this state or a law enforcement official or a law enforcement agency of a county, city, town or other political subdivision of this state in the enforcement of any other law or ordinance of a county, city or town or this state where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. Any person who is arrested shall have the person’s immigration status determined before the person is
released. The person’s immigration status shall be verified with the federal government pursuant to 8 United States code section 1373(c). A law enforcement official or agency of this state or a county, city, town or other political subdivision of this state may not consider race, color or national origin in implementing the requirements of this subsection except to the extent permitted by the United States or Arizona Constitution. A person is presumed to not be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer or agency any of the following:

1. A valid Arizona driver license.
2. A valid Arizona nonoperating identification license.
3. A valid tribal enrollment card or other form of tribal identification.
4. If the entity requires proof of legal presence in the United States before issuance, any valid United States federal, state or local government issued identification.

E. A law enforcement officer, without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed any public offense that makes the person removable from the United States. In the implementation of this section, an alien’s immigration status may be determined by:

1. A law enforcement officer who is authorized by the federal government to verify or ascertain an alien’s immigration status.
2. The United states immigration and customs enforcement or the United states customs and border protection pursuant to 8 United States code section 1373(c).

• A.R.S. § 13-1509 (in relevant part)
A. In addition to any violation of federal law, a person is guilty of trespassing if the person is both:

1. Present on any public or private land in this state.
2. In violation of 8 United States code section 1304(e) or 1306(a).

B. In the enforcement of this section, the final determination of an alien's immigration status shall be determined by either:

1. A law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.
2. A law enforcement officer or agency communicating with the United States immigration and customs enforcement or the United States customs and border protection pursuant to 8 United States code section 1373(c).

• A.R.S. § 13-2319 (in relevant part)
A. It is unlawful for a person to intentionally engage in the smuggling of human beings for profit or commercial purpose.

E. Notwithstanding any other law, a peace officer may lawfully stop any person who is operating a motor vehicle if the officer has reasonable suspicion to believe the person is in violation of any civil traffic law and this section.

F. 3. "Smuggling of human beings" means the transportation, procurement of transportation or use of property or real property by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not United States citizens, permanent resident aliens or persons otherwise lawfully in this state or have attempted to enter, entered or remained in the United States in violation of law.
• **A.R.S. § 13-2928.**
  A. It is unlawful for an occupant of a motor vehicle that is stopped on a street, roadway or highway to attempt to hire or hire and pick up passengers for work at a different location if the motor vehicle blocks or impedes the normal movement of traffic.
  B. It is unlawful for a person to enter a motor vehicle that is stopped on a street, roadway or highway in order to be hired by an occupant of the motor vehicle and to be transported to work at a different location if the motor vehicle blocks or impedes the normal movement of traffic.
  C. It is unlawful for a person who is unlawfully present in the United States and who is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state.
  G. For the purposes of this section:
     1. "Solicit" means verbal or nonverbal communication by a gesture or a nod that would indicate to a reasonable person that a person is willing to be employed.

• **A.R.S. § 13-2929.**
  A. It is unlawful for a person who is in violation of a criminal offense to:
     1. Transport or move or attempt to transport or move an alien in this state in a means of transportation if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
     2. Conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.
     3. Encourage or induce an alien to come to or reside in this state if the person knows or recklessly disregards the fact that such coming to, entering or residing in this state is or will be in violation of law.
  B. A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization or impoundment pursuant to