



Immigration Reform in Louisiana

On April 23, 2010, Arizona Governor Jan Brewer signed into law, S.B. 1070, the *Support Our Law Enforcement and Safe Neighborhoods Act*. The law focuses on immigration enforcement to combat what supporters say the state has become - *"the superhighway for illegal border crossings and drug trafficking in the United States."* [Governor Brewer said](#) the legislation was needed *"to solve a crisis we did not create and the federal government has refused to fix."* President Barack Obama called the law *"misguided"* and the Department of Justice filed suit against Arizona. [A federal judge blocked key parts of the law](#) on the eve of its implementation.

Despite objections from civil liberties groups that say it encourages racial profiling, by June 24th, [eighteen other states](#) had shown interest or introduced bills similar to Arizona's enforcement bill. The Louisiana Attorney General's Office has joined Michigan's Amicus brief filed in the U.S. 9th Circuit Court of Appeals in support of Arizona *"due to an important issue relating to state's sovereignty."*

State Senator Troy Hebert, D- New Iberia has directed his staff to begin drafting an immigration bill for the 2011 session similar to Arizona's. *"The impact of illegal immigrants on our citizens and our businesses is far-reaching,"* Hebert said in a press release. *"Requiring these individuals to obey the law is not too much to ask given that we as American citizens must do the same."* State Rep. "Joe" Harrison, R-Houma, will be introducing, for a fourth time, legislation to aid businesses in identifying employees not legally in the country and doubling penalties for illegals. Harrison says, *"The priority right now is protecting the rights and sovereignty of our state and the citizens that live in it."*

So, how much of a problem is illegal immigration in our state? And are current laws not doing enough to address the situation?

DEFINITIONS

"Illegal Immigrant" and "Undocumented Alien" are just two of a number of terms used to identify a non-citizen who has entered the United States without government permission or stayed beyond the termination date of a visa. There are two types of visas under U.S. law: non-immigrant and immigrant. Non-immigrant visas allow foreigners to travel or work temporarily in the U.S. Immigrant visas allow for a path to immigrate to the U.S. permanently. The Department of Homeland Security estimates that 40 percent of illegal immigrants are here due to overstaying the duration of their temporary visa or have done something that violated their status.

IMMIGRATION STATISTICS

United States Best estimates suggest that 28% of the country's foreign-born population could be unauthorized. The Pew Hispanic Center estimates there were [11.1 million unauthorized immigrants](#) living in the United States in March 2009 - down from a peak of 12 million in March of 2007. Roughly 60% of these unauthorized immigrants are from Mexico. However, unauthorized immigrants make up only about 21% of U.S. residents of Mexican heritage.

According to the [National Center on Immigrant Integration Policy](#), *"A key difference between current and past waves of immigration is the large proportion of the foreign-born population that lives and works in the United States without a valid visa status. One-third of the immigrant population is undocumented, as compared to 15 percent one decade ago."*

Louisiana U.S. Census figures show immigrants – naturalized citizens and noncitizens – account for 3.1% of the state’s 4.3 million residents. In Louisiana, [the Pew Center estimates](#) there are 65,000 unauthorized immigrants or 1.5% of the state’s population. The same report projects that unauthorized immigrants comprised 2.1% of the state’s workforce (or 40,000 workers) in 2009.

Before the 1990s, Louisiana had not been a traditional destination for immigrants. The foreign-born population represented about 2% of the total population in 1980. Hondurans, one of the main immigrant groups in the state, had settled in New Orleans since the 1940s as workers for the United Fruit Company. A relatively small number of Cubans, Costa Ricans, Guatemalans, Mexicans, and Nicaraguans also lived in New Orleans. However, in the 1990s, as the demand for labor grew in shipbuilding yards and in the oil industry, Mexican immigrants began to arrive in larger numbers to Louisiana.

Many Hondurans, Nicaraguans and migrants from other countries in Central America arrived in 1998 after the devastation left by Hurricane Mitch. After Hurricanes Katrina and Rita, Hispanic immigrants flocked to the state, drawn by the demand for labor to rebuild.

Hurricane Rebuilding Former Tulane University Sociology Assistant Professor Elizabeth Fussell said in 2006, *“In the aftermath of Katrina, immigrants were an invaluable resource to New Orleans, because they were here to work, and no one else was willing to do the work, or simply weren’t present to do it.”*

The number of Latino workers in New Orleans’ reconstruction zone (Jefferson and Orleans Parishes) more than doubled from 60,000 in 2006 to 150,000 in 2008, according to estimates in a [study](#) by the Americas Society and Council of the Americas.

The *Davis-Bacon Act*, which guarantees construction workers the prevailing local wage when paid with federal money, was suspended temporarily after the hurricane. This gave employers the possibility to hire more workers. Immigration-enforcement sanctions were also suspended, which facilitated access to jobs for undocumented immigrants. Estimates at the time indicated that 25% of construction workers were undocumented.

Lucas Diaz, Executive Director of *Puentes New Orleans*, an organization that assists Latinos with economic and social development notes the number of Hispanic workers has been declining since Hurricane Katrina, *“Five years later, the number of people that are here are not as large as they were 2006 and 2007 but about 40 to 50 percent of those people who came are still here.”*

Despite the growth of Hispanics moving into the state, Louisiana trails most other Southern states in the number of foreign-born immigrants. From 2000 to 2009, Louisiana gained about 33,000 international immigrants according to a report by LSU demographer Troy Blanchard. Florida gained about 851,000 during the same time frame. Economists say it’s because Louisiana hasn’t generated the jobs needed to attract a greater number of immigrants.

WHY NOT DO THINGS LEGALLY?

Kathleen Gasparian, with David Ware and Associates immigration law firm says *“Our immigration law system is very vast and it can be very complicated to come to the U.S. with permission.”* Gasparian notes that the waits for visas can be as long as 17 years or more which can be discouraging to immigrants wanting to work or unify with family. *“It can be very difficult,”* Gasparian also says, *“if you are of low economic background or low educational background to come to the United States legally.”*

Rep. Harrison says such attitudes undermine the rule of law. *“We welcome all immigrants but we have a process to do that,”* he says, *“and if we don’t have laws; what is legal and what isn’t legal?”*

The Pew Hispanic Center indicates that the increase in the population of illegal immigrants has sparked more illegal immigrants to cross the borders to join relatives already in the U.S.

IMMIGRATION ISSUES

Crime According to Governor Jan Brewer, the Arizona law was prompted because of drug trafficking, border crossings as well as kidnapping problems the state has been facing. How does Louisiana compare?

Philip Miller is the Regional Field Office Director for Immigration and Customs Enforcement (ICE) in New Orleans. His office is responsible for people who are foreign born and are incarcerated. His region covers Louisiana, Mississippi, Alabama, Tennessee and Arkansas. While his office does not break down data by state, Miller notes that as of the end of August, *"We've removed (deported) approximately 14,000 people from our area of responsibility. It's an increase over fiscal year 2009 when we removed approximately 13,000."* Nationwide ICE set a record for overall removals of illegal aliens in fiscal year 2010, with more than 392,000 removals nationwide. Half of those removed—more than 195,000—were convicted criminals. Non-criminal aliens removed include recent border entrants and immigration fugitives.

Miller says he has also seen an increase in the number of ICE detainees who claim to be members of some of the larger transnational gangs. Last month, twenty-eight individuals with ties to the MS-13 and Latin Kings transnational violent street gangs were arrested in New Orleans and are facing criminal charges or deportation. Of those arrested, 18 are from Mexico, six are from Honduras, three are from El Salvador and one is from Guatemala.

Rep. Harrison, whose brother is Assistant Special Agent in Charge of the New Orleans Division of the U.S. Drug Enforcement Administration says, *"The drug trafficking has increased substantially in our state; and it is through the illegals coming into our state."* The Gulf Coast High Intensity Drug Trafficking Area (GC HIDTA) 2010 Drug Threat Assessment report notes *"Mexican Drug Trafficking Organizations, in addition to other local and regional organized groups, have established themselves in the transportation and distribution of illicit drugs."* The HIDTA covers Alabama, Arkansas, Louisiana and Mississippi.

According to [a report by the Brookings Institution](#), a nonprofit public policy organization based in Washington, D.C., *"Immigrants are institutionalized at substantially lower rates than U.S.-born citizens. Looking at Census data covering correctional facilities and mental hospitals, U.S.-born citizens are more than five times more likely than immigrants to be institutionalized."*

Diaz with *Puentes New Orleans* says *"It doesn't matter if they're coming from Europe or Africa or Latin America; all immigrants typically 90 percent of them are law abiding people with the exception of those who came without paperwork, but they come for one thing, that is to raise a family and work."*

Louisiana is one of the few states in which immigrants are less likely to be poor than natives. 17.6 % of the foreign-born households were below the poverty level in 2007, compared to 18.6% of native households.

Social Services Many supporters of immigration reform cite a strain that illegal immigrants put on social services. But illegal immigrants are disqualified from nearly all means-tested government programs including food stamps, housing assistance, Medicaid and Medicare-funded hospitalization. The only services that illegals can still get are emergency medical care and K-12 education. A Tulane University-UC Berkeley survey released after

Hurricane Katrina found that among Hispanic construction workers reporting health problems, 27% sought medical treatment. Of documented workers, 33% sought treatment for a medical problem while only 10% of undocumented workers did.

An unintended but *"significant result of immigration policies"* according to LSU Sociology Professor Edward Shihadeh is the displacement of blacks from low-skill labor markets which in turn led to more violence in urban black communities.

Greater border security, Shihadeh notes in his study *Latino Employment and Black Violence*, has led to Latino immigrants staying in the U.S. rather than risk being able to return after a trip home.

"This is not a blame game," Shihadeh [told the Advocate recently](#), *"Our study simply describes how immigration policy opened a new chapter in the history of the U.S. labor market and how that harmed black communities."*

The Brookings Institution report, [Ten Economic Facts about Immigration](#) notes in regards to the federal budget, "Taxes paid by immigrants and their children—both legal and unauthorized—exceed the costs of the services they use." But many government expenses related to immigrants are associated with their children such as education and health services which are generally state liabilities.

[A Pew Hispanic Center analysis](#) finds that because they are relatively young and have high birthrates, unauthorized immigrants account for a much larger share of both America's newborn population (8%) and the child population (7% of those younger than age 18). The report also indicates that nearly four-in-five (79%) of the 5.1 million children (younger than age 18) of unauthorized immigrants were born in this country and therefore are U.S. citizens entitled to state and federal services.

Jobs Many critics of immigration contend that immigration harms the American workforce through displacement, that is, when natives lose their jobs to recent immigrants who will work for substandard wages. The Brookings Institution indicates that "The most recent academic research suggests that, on average, immigrants raise the overall standard of living of American workers by boosting wages and lowering prices." But Audrey Singer, Senior Fellow with the Brookings Institution recently told LPB that is not true for all levels. "The workers most affected are likely to be lower skilled-low waged U.S.-born workers," Singer says, "and that's where a lot of the tension comes from."

But sixty-five percent of the respondents to a [2006 Pew Research Poll](#) reported that the jobs immigrants are taking are ones Americans don't want. Elizabeth Liuzza is the office administrator of *Liuzza Produce Farms* in Independence. The farm raises two million strawberry plants a year and supplies stores all over Louisiana. Liuzza advertises for local workers in a four state area before employing migrant workers legally through the federal government's H2A program. She notes, "We can't get enough local people around here to stay and help us get our crops harvested." Liuzza says, "Without migrant workers we couldn't get our crop harvested; we couldn't get our crops picked and planted in the ground."

The demand for these type of migrant workers is high in the state. According to [Homeland Security](#) for 2009, there were over 23,000 non-immigrant visa's granted for people to travel to Louisiana. Of these 5,054 were temporary agriculture workers compared to 1,496 for Mississippi. Many farmers are not as scrupulous as Liuzza. Estimates of the number of illegal migrant workers in Louisiana's agricultural sector range from 50% to 90%. Immigration attorney Gasparian says situations such as these demonstrate the need for U.S. immigration reform, "The system we have is not very responsive to the immediate economic needs of employers especially for low skilled jobs and jobs that do not require Bachelor's degrees," Gasparian says.

An estimated three-quarters of undocumented immigrants pay payroll taxes through the use of false Social Security numbers.

An increasing number of undocumented workers are also filing income taxes in the hopes that if immigration reform comes, back taxes won't hurt their chances at becoming legal.

The Immigration Policy Center notes in "[New Americans in the Pelican State](#)": that "If all unauthorized immigrants were removed from Louisiana, the state would lose \$947million in economic activity, \$421 million in gross state product, and approximately 6,660 jobs."



[Comedian Stephen Colbert's testimony](#) on immigration reform to a House subcommittee, criticized by many as inappropriate, managed to overshadow the "Take our Jobs" project that initiated it.

Launched by the United Farm Workers the "Take Our Jobs" program was designed to help connect unemployed Americans with farm employers and highlight the need for migrant agricultural workers. Of more than three million people who have visited the [program's website](#), only seven have accepted jobs.

IMMIGRATION REFORM

Arizona Bill While Arizona's *Support Our Law Enforcement and Safe Neighborhoods Act*, S.B. 1070 has spurred legal action from the Obama administration, a [May 2010 Pew Center Survey](#) indicates broad support among the American public for key provisions of the enforcement law. Of those surveyed, 73% approve of requiring people to produce documents verifying their legal status; 67% approve of allowing police to detain anyone unable to verify their legal status and 62% approve of allowing police to question anyone they think may be in the country illegally.

Oponents say that S.B. 1070 is unconstitutional because only the federal government has the authority to enforce federal immigration laws. Attorney Gasparian says, "*Immigration is a federal law. The law is written by Congress and it is supposed to be enforced by the Executive branch – in this case, the Department of Homeland Security.*" Supporters state that it is settled case law that states and local police may enforce criminal provisions of federal immigration law.

While S.B. 1070 expressly prohibits racial profiling, Gasparian feels "... *there is an inherent difficulty in spotting the immigrant that leads to racial profiling and a lot of that has to do with our ideas of who we think immigrants are, who we think the undocumented are.*"

Louisiana Law The only immigration law that Louisiana has on the books is criminal statute [RS 14:100.13](#) *Operating a vehicle without lawful presence in the United States*. The law makes it a felony if a nonresident driver cannot produce documentation indicating they are legally in the United States. Gasparian says the potential for racial profiling exists with the statute. "*How do you determine from the side of the road that that driver is one who may not have permission to be here, that may be undocumented?*" The statute is currently being contested in Louisiana. Two appellate courts have ruled on it, with conflicting decisions. According to Gasparian, the 4th Circuit has said the statute is in conflict with federal immigration law while the 1st Circuit has said the law follows federal immigration statutes. Diaz points out, "*Most people don't understand how complicated it is to prove that you are actually legally here even if you have the paperwork.*"

Last Session In the Louisiana legislature last session, Rep. Cedric Richmond, D-New Orleans, sponsored a resolution urging the state against doing business with Arizona until SB1070 is repealed. Sens. Martiny – R, Metairie and Shaw –R, Shreveport and Rep. Mert Smiley, Jr., R- Port Vincent, authored unsuccessful bills mandating that employers use the E Verify system to confirm employee citizenship. E-Verify is an internet-based system that is operated by the U.S. Homeland Security Department that allows employers to verify the employment eligibility of new hires. The bills failed due to reports that 40% of record checks through E-Verify return false results. Rep. Joe Harrison, R- Houma, unsuccessfully filed HB 1205 the *Louisiana Taxpayer and Citizen Protection Act*. The enforcement bill would have also made it a crime to knowingly transport or shelter an illegal immigrant.

"We're in foreign countries fighting right now so that we don't have terrorists come to our own country, yet we don't know how many of those terrorists are already in our country, because the majority are not going through the process."

Rep. Joe Harrison, R-Houma on the undocumented

Upcoming Session State Senator Troy Hebert, D- New Iberia has directed his staff to begin drafting an immigration bill for the 2011 session similar to Arizona's but was unable to provide any details to LPB. Rep. Harrison will reintroduce his enforcement bill, and double the penalties for those caught here illegally.

Federal Level On Sept. 29, just before Congress recessed for the midterm elections, Democratic Senators Robert Menendez (New Jersey) and Patrick Leahy (Vermont) [introduced a comprehensive immigration reform bill](#) in the Senate, the *Comprehensive Immigration Reform Act of 2010*. It includes a path for legalization for illegal immigrants and increased enforcement at borders and in workplaces. *The Development, Relief and Education of Alien Minors Act* (DREAM Act)

is also included as part of the legislation. The DREAM Act offers permanent resident status to undocumented students if, among other things, they entered the United States before the age of 16, have graduated from a U.S. high school or obtained a GED, or have been accepted into an institution of higher education.

[Opponents of the legislation](#) say granting amnesty for illegal immigrants will encourage more illegal immigration, making the problem even worse. It would also offer education benefits on taxpayer dollars while out-of-state students struggle to fund their college educations and the economy flounders.

SUMMARY

While the immigration reform debate has received much national attention, because Louisiana has such a small immigrant population, the issue has not garnered similar coverage across the state. And with the recession, as researcher Singer notes, *“not only in the U.S., but in the rest of the world fewer immigrants are coming across the border surreptitiously.”* But experts on both sides of the issue say that the country’s immigration process needs fixing. What specifically needs to be done and what role states, such as Louisiana, play in that reform remains to be seen. ★

Please watch
“Immigration Reform in Louisiana”
on *Louisiana Public Square*
airing Wednesday, October 27th, 2010 at 7 p.m. on LPB HD.

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