



## **Arizona Immigration Law (SB1070) Resource Kit for Activists**

### **Inside this Resource Kit:**

- Main Messages and Talking Points
- Questions and answers on Arizona's Immigration Law: Countering Common Arguments
- Amnesty International USA Media Release
- Ways to Take Action
- Sample Letter to the Editor
- Sample Letter to your Senators



## **Arizona Immigration Law (SB1070) Main Messages and Talking Points**

**SB1070 empowers police officers to stop and interrogate every individual in the state regarding his or her lawful immigration status or citizenship, and makes it a crime to fail to carry identifying documents in Arizona.**

- The law requires any person about whom the police have a “reasonable suspicion” to produce documents proving that s/he is legally in the US.
- The law has no safeguards against racial profiling and a “reasonable suspicion” cannot be formed without resorting to racial profiling.
- The law increases the likelihood of arbitrary arrest and detention.
- The law provides that a person who does not produce documents establishing that she is in the country in a legal immigration status shall be criminally prosecuted, jailed and turned over to Immigration and Customs Enforcement to face deportation charges.

**Discrimination through racial profiling is an assault on the very notion of human rights.**

- International law guarantees human rights to all without distinctions based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- All human beings, whether citizens of the state in which they live or not, have human rights.
- The right to be free from discrimination is the cornerstone of the enjoyment of other fundamental human rights, and is especially pertinent to the particular situations of vulnerability in which many non-citizens find themselves.
- The thinking behind the principle is that it violates international human rights principles to be deprived of one’s rights because of a characteristic that one cannot change – such as one’s race or ethnicity – or because of a characteristic that is so central to one’s being that one should not be forced to change it, such as religion.
- Using race, color, ethnicity, religion or nationality as a proxy for criminal suspicion violates international standards against racial discrimination and treaties to which the U.S. is a party, including the UN Convention for the Elimination of All Forms of Racial Discrimination and the International Convention on Civil and Political Rights.
- Discrimination in law enforcement can mean that certain groups are viewed by the authorities as “potential criminals” and so are more likely to be arrested and imprisoned. It can also mean that they are more likely to suffer harsher treatment once in the criminal justice system.
- Stopping, arresting, interrogating and prosecuting a person arbitrarily, based on racial profiling, are all human rights violations.
- Racial profiling contributes to a climate of discrimination that indirectly encourages hate crimes against certain groups and people perceived to belong to those groups.

**Human rights exist regardless of nationality, ethnicity or immigration status. In passing SB1070, Arizona public officials have ignored this truth to the detriment of every individual who passes through the state.**

- By forcing Arizona police, the vast majority of whom opposed this law, to implement it or face being sued themselves, is bad policy and will drastically undermine communication between communities of color and the police who are supposed to keep them safe.

- As Governor Brewer said when signing the bill, national immigration legislation is desperately needed, but the absence of immigration reform does not abdicate the governor's own responsibility to preserve, promote, and protect the human rights of every individual in Arizona, whether citizen, resident, or visitor.

**Amnesty International USA calls on Congress to craft a fair and humane immigration policy that:**

- Provides a formal process through which undocumented people can obtain legal status. A legalization scheme can make a significant contribution towards protecting immigrants' rights, particularly in reducing labor exploitation and promoting social cohesion.
- Reforms immigration policies that unnecessarily separate families. Immigration judges should have the authority to review all decisions to detain immigrants and the discretion to stop deportation in the interest of family unity. To ensure fairness, these decisions should be subject to federal court review.
- Fully guarantees immigrant workers' labor rights, including the right to join unions.
- Focuses on protecting the rights of immigrants most at risk of human rights violations, including undocumented immigrants, immigrant women and immigrant children.
- Restores immigration enforcement responsibilities exclusively to federal authorities and terminates unconstitutional state and local law enforcement programs and state laws purporting to enforce immigration standards.
- Places immigrants and their communities at the center of the debate on immigration by recognizing and ensuring their role in formulating and implementing strategies to protect their rights.



## **Questions and Answers on Arizona's Immigration Law: Countering Common Arguments**

### **Introduction**

SB1070 empowers police officers in Arizona to require any individual whom they reasonably suspect of not having a lawful immigration status to produce identifying documents proving that s/he is legally in the U.S. The law provides that a person who does not produce documents establishing that she is in the country in a legal immigration status shall be criminally prosecuted, jailed and turned over to Immigration and Customs Enforcement to face deportation charges.

### **Questions and responses**

**Hasn't it always been against the law to enter the United States and live and work here without proper papers?**

It's not just a question of whether a person is here lawfully or is undocumented. The laws that apply to whether a person is entitled to be in the United States are federal laws that are supposed to be written by Congress, not by the states. Otherwise, we could have 50 different versions of what is meant by "breaking the law." Amnesty International's concern arises because Arizona has passed a law that heightens the risk of arbitrary treatment of non-citizens and increases the possibility that the international human rights protections that the United States is bound to follow will be disregarded.

**People who are in a foreign country should know better than to walk around without their passports or documents proving who they are and what they are doing in that country. Why would anyone who is here lawfully not carry their papers with them?**

The people who can be stopped based on "reasonable suspicion" under the Arizona law include more than only undocumented immigrants. They could be people who are in the process of applying for lawful permanent residence in the United States, asylum seekers, and victims of torture or human trafficking. They could be people who have strong citizenship claims.

Applicants for lawful status in the United States very often are not given much more than a small card stating they can accept employment or a blurred stamp in their passport. If the period of time has expired while a person is awaiting an extension of a temporary authorization or an interim approval, they will not have any current documentation. So even if they are carrying their papers, they won't have current documentation, and yet they can be criminally charged with trespass in Arizona.

Those with pending cases in immigration court often have no documents while their cases are being heard – a process that can take months and sometimes years. Others who are eligible for lawful immigration status may not even have had the opportunity to submit an application at the time they are the subject of "reasonable suspicion" by the Arizona police, and yet they also will be charged with the crime of trespass. Amnesty International is concerned that Arizona will be unfairly arresting, detaining, prosecuting, and abusing the liberty interests of people who are being processed or eligible to be processed through the federal immigration system.

**What's wrong with having the police stop and question someone briefly? If police can't check into a person's immigration status, how can the federal government enforce immigration laws? What about those who have committed crimes?**

The U.S. has always upheld the importance of privacy rights, and the U.S. Constitution protects every person – no matter whether they are a citizen of the U.S. or of another country – from unwarranted searches and seizures, including questioning and interrogation by the police, except in certain circumstances where a risk of danger exists.

While it is true that some noncitizens who have committed serious crimes may be in the United States without proper documents, the vast majority of persons without documents have not committed serious crimes and pose no threat to society whatsoever. Furthermore, state law enforcement and the FBI are well-equipped to pursue people who are suspected of actual criminal activity under existing state and federal criminal codes.

Amnesty International disagrees with the notion that anyone in the country without documents is necessarily a dangerous or violent criminal and therefore poses a danger to our society. In fact, international treaties such as the Refugee Convention provide that we must allow asylum seekers to apply for protection and that we may not punish them for crossing our borders during their flight from persecution.

**How does Arizona's "reasonable suspicion" standard violate people's human rights?**

The "reasonable suspicion" standard is difficult to apply because it is not supposed to take into account factors that are associated with racial profiling. And yet, what other factors will the police have in front of them besides a person's skin color, accent, or other ethnic or national feature when they decide to ask a person for his papers to prove his lawful immigration status? The law allows the police to form a reasonable suspicion based on facts that arise while they are addressing some other violation of state, local or municipal law. In Arizona, such violations could include occupancy of more than a certain number of people in an apartment or having one's car parked outside on the street for more than 72 hours. These are examples of scenarios in which police would potentially ask for documentation.

In terms of international law, using race, color, ethnicity, religion or nationality as a proxy for criminal suspicion violates international standards against racial discrimination and treaties to which the U.S. is a party, including the UN Convention for the Elimination of All Forms of Racial Discrimination and the International Convention on Civil and Political Rights.



Amnesty International USA Media Release  
For Immediate Release  
Friday, April 30, 2010

## **Amnesty International USA Voices Serious Concerns about Federal Immigration Proposal Priorities**

*Contact: AIUSA media office, 202-509-8194*

(Washington, DC) Amnesty International USA voiced serious concerns today regarding priorities for a comprehensive immigration reform (CIR) bill proposed by U.S. Senators Majority Leader Harry Reid (D-NV), Charles Schumer (D-NY), Richard Durbin (D-IL), Dianne Feinstein (D-CA) and Robert Menendez (D-NJ). A draft version of the bill summary touts increased border patrol, Immigration and Customs Enforcement (ICE) personnel and penalties for immigration status-related crimes. However, it pays little attention to long-needed reform of ICE's unnecessary home-invasion style enforcement operations, targeting and often terrorizing undocumented persons.

"The senators' get-tough language fails to recognize that an end to the ongoing human rights violations in immigration enforcement practices and a vigorous defense of human rights is an essential component of true immigration 'reform'", said Lory D. Rosenberg, interim policy and advocacy director for Amnesty International USA's refugee and migrants' rights program.

"Immigration reform is desperately needed in the United States," said Rosenberg. "Reform measures cannot however flout fundamental human rights such as liberty and equality before the law. The increased enforcement provisions portend for a virtual tsunami in mandatory detentions, which lock people up without the right to a bond hearing, in direct violation of fundamental human rights."

The bill summary emphasizes aggressive identification and expulsion of broad categories of immigrants and refugees, including those found in federal, state or local prisons, those who enter or reenter unlawfully, and those believed to have 'gang' connections. Absent from these provisions is any consideration of a person's individual circumstances, including the amount of time living in the U.S., presence of family members, community ties and employment history.

Without necessary safeguards and individual, case-by-case determinations, broad gang provisions that may require only an association may be used to deport immigrants and asylum seekers who often are marginalized from the workforce and forced to live in neighborhoods plagued by gang violence.

Additional measures to combat unlawful immigration include increased punishment and prison sentences for fraud, misrepresentation, and other violations of immigration law, again regardless of circumstances, which could result in the imprisonment of asylum seekers who use fake passports to flee persecution.

The broad sweep of prisons contemplated by the bill summary will indiscriminately pull in both those held for minor traffic violations and serious violent criminals. What is more, despite an extremely unfavorable report from the U.S. Department of Homeland Security Office of Inspector General (OIG) imposing more than 30 corrective recommendations on the 287(g) program that have not been made, the bill summary perpetuates the inappropriately designed state-federal enforcement programs, such as 287(g), which has received constant

criticism for its disregard of obligatory human rights protections as well as its flagrant civil rights and liberties abuses.

"These escalated enforcement measures would be implemented in the present climate of inefficient and often out-of-control ICE arrest and detention operations, vastly increasing the number of immigrants and asylum seekers subject to mandatory detention and denied meaningful access to family, community or counsel to represent their rights in the courts," said Rosenberg.

Amnesty International USA calls on Congress to craft a fair and humane immigration policy that:

- Provides a formal process through which undocumented people can obtain legal status. A legalization scheme can make a significant contribution towards protecting immigrants' rights, particularly in reducing labor exploitation and promoting social cohesion.
- Reforms immigration policies that unnecessarily separate families. Immigration judges should have the authority to review all decisions to detain immigrants and the discretion to stop deportation in the interest of family unity. To ensure fairness, these decisions should be subject to federal court review.
- Fully guarantees immigrant workers' labor rights, including the right to join unions.
- Focuses on protecting the rights of immigrants most at risk of human rights violations, including undocumented immigrants, immigrant women and immigrant children.
- Restores immigration enforcement responsibilities exclusively to federal authorities and terminates unconstitutional state and local law enforcement programs and state laws purporting to enforce immigration standards.
- Places immigrants and their communities at the center of the debate on immigration by recognizing and ensuring their role in formulating and implementing strategies to protect their rights.

"Neither the U.S. Constitution nor international law permits the arbitrary penalization of entire communities," said Rosenberg. "Appropriate safeguards against unwarranted, arbitrary detention and expedited deportation are critical if the reform legislation is to achieve its goal of bringing undocumented immigrants out of the shadows so they can be properly screened and registered by the authorities and welcomed into U.S. society."

Amnesty International is a Nobel Peace Prize-winning grassroots activist organization with more than 2.8 million supporters, activists and volunteers in more than 150 countries campaigning for human rights worldwide. The organization investigates and exposes abuses, educates and mobilizes the public, and works to protect people wherever justice, freedom, truth and dignity are denied.

###

For more information, please visit: [www.amnestyusa.org](http://www.amnestyusa.org).



## **Ways to Take Action on SB1070**

### **Attend a Rally**

In the next few months, major demonstrations are planned across the country to protest discriminatory immigration laws like SB1070 and to call for a permanent fix to the current dysfunctional immigration system. To find a rally in your home town visit [www.reformimmigrationforamerica.org](http://www.reformimmigrationforamerica.org).

### **Write a Letter to the Editor**

Urge your governor to denounce SB 1070. Use our sample letter (attached) to draw attention to this important issue in your local newspaper.

### **Uncover the Truth**

Take action with the Uncover the Truth campaign ([www.uncoverthetruth.org](http://www.uncoverthetruth.org)), which has organized a week of actions aimed to call out the collaborations between federal immigration and local police in the 287(g) and Secure Communities programs.

### **Send a Letter to Your Senators**

Use our sample letter (attached) to urge your Senators to work toward a fair and humane immigration system.





**Sample Letter to the Editor on the Arizona Immigration Law (SB1070)**

Dear Editor:

Arizona's latest immigration law will inevitably increase racial profiling, arbitrary arrests and detentions in the state. The law is both cruel and misguided. Arizona governor Jan Brewer abdicated her responsibility to protect the human rights of every individual in Arizona...not just those who look 'American.'

A vast majority of police officers in Arizona opposed the bill, fearing that enforcement will drastically undermine their communication with communities of color, thereby placing not only these communities, but all Arizonans, in greater jeopardy.

As an Amnesty International **member/supporter**, I believe human rights exist regardless of nationality, ethnicity or immigration status. Governor Brewer ignored this truth to the detriment of every individual who passes through or lives in the state." I urge my governor to publicly denounce this law and ensure that we do not follow this cruel path.

Sincerely,

**Name**

Amnesty International **local group xxx**



# AMNESTY INTERNATIONAL

## **Sample Letter to Your Senators** **Call for a Humane Immigration System!**

Dear Senator \_\_\_\_\_,

On April 23, 2010, Governor Jan Brewer of Arizona signed SB1070 into law. SB1070 empowers police officers to stop and interrogate every individual in the state regarding his or her citizenship status and makes it a crime to be an undocumented person in Arizona. If a person does not immediately present documents proving that he or she is legally in the US, s/he may be criminally prosecuted for trespassing, jailed, and turned over to Immigration and Customs Enforcement (ICE) for deportation.

The bill contains no safeguards against racial profiling and increases the likelihood of arbitrary arrest and detention. These are all human rights violations. Human rights exist regardless of nationality, ethnicity or immigration status. In passing SB1070, Arizona public officials have ignored this truth to the detriment of every individual who passes through the state.

As Governor Brewer said when signing the bill, national immigration legislation is desperately needed. However, the absence of comprehensive immigration reform does not excuse the governor's own responsibility to preserve, promote, and protect the human rights of every individual in Arizona, whether citizen, resident, or visitor.

Our immigration system is broken. We need a humane immigration system that respects human rights now! Unfair and arbitrary enforcement that is unrelated to the real needs of our communities and to safety, that disregards family ties, that is arbitrary and out of proportion—all of which describes the Arizona law —has got to stop. I urge you to restore sanity to the system, and to ensure that the human rights of immigrants and refugees are respected in the U.S.

Thank you for your time and consideration in this matter.

Sincerely,