



IMMIGRANTS' RIGHTS

The Constitution has long defended the rights of immigrants, who founded and built this nation. Along with the ideals of equality, fairness and social tolerance, immigration has helped to lay the foundation of this country's political, economic and cultural strength – from colonial days to present.

Regardless of one's views on U.S. immigration policy, the fundamental civil liberty protections of the Bill of Rights and the U.S. Constitution protect every person in this country – including non-citizens.

This year, the State legislature is gearing up to make immigration a central issue during the 2011 session. Lawmakers are already planning on introducing dozens of proposals to deal with immigration on the state level.

Among these are attempts to regulate and enforce immigration law at the state level, as well as proposals to do away with benefits to undocumented individuals.

The ACLU of Utah is firmly opposed to any effort by the state of Utah to regulate or enforce immigration law. Whether couched as an attempt to enforce federal law or to create new state laws, including guest worker programs, any such proposal would supersede the federal government's sole authority in the area of immigration.

Legislation modeled on Arizona's SB 1070 that requires law enforcement to act as federal immigration



THE ACLU OF UTAH'S POSITION:

Only the federal government has the authority to regulate and enforce immigration law. Any proposals that undermine this authority are counter to the rule of law.

The state of Utah can and should continue to provide opportunities to individuals in our state, so that these individuals can contribute to the overall wellbeing of Utah.

TALKING POINTS ON IMMIGRATION

Utah lawmakers should not pass legislation that seeks to regulate or enforce federal immigration law.

- Immigration policy has always been within the jurisdiction of the federal government. Legislation that creates immigration policy at the state and local levels is vulnerable to challenge in the courts.
- We are not certain of the overall economic impact of immigration in Utah. We must not be hasty to implement laws that could have a negative impact on our already faltering economy.

Instate Tuition and Driving Privilege Card policies benefit Utahns.

- Utah's instate tuition law allows the state to reap the benefit of its investment in bright young students whose successes in higher education will mean success to our state's economy.
- Driving privilege cards ensure that all drivers on Utah's roads are insured, which in turn makes for safer driving for us all.

officers and to rely on “reasonable suspicion” to determine immigration status is harmful to our communities, our citizens and the rule of law. It would invite racial profile, create divisiveness within our community and divert valuable resources away from other legitimate law enforcement efforts.

Additionally, proposals to create guest worker programs in the state of Utah are similarly flawed. The United States Constitution allows only the federal government to regulate who is lawfully present in our country. The state of Utah has no authority to make determinations as to whether a non-citizen may live or work in Utah. Additionally, proposals that seek to create guest worker programs perpetuate a second-class status for undocumented immigrants, a notion that is counter to our American and democratic values that we are a nation of opportunity and equality.

Lawmakers are also threatening to do away with programs that allow for non-citizens to obtain driver privilege cards, which if successful, would mean the loss of insurance for many undocumented motorists. Lawmakers have also publicly attacked Utah’s current law, which allows undocumented students who have attended and graduated from a Utah high school, to qualify for in-state tuition. Finally, lawmakers in Utah are joining with legislators across the nation in calling for an amendment to the 14th Amendment. This drastic step would directly contradict the long-standing 14th Amendment guarantee that all people born in the U.S. and under its jurisdiction are citizens of the U.S. and the state in which they reside and subject to equal protection under the law.

ACLU of Utah’s Immigrants’ Rights Project

¿ Why Defend Immigrants ?

The ACLU has a long history of defending the Constitution, which from the very beginning has included defending the rights of immigrants. Immigration, along with the American ideals of equality, fairness and social tolerance built the political, economic and cultural strength of this country from colonial days to the present.

Regardless of one’s views on U.S. immigration policy, the fundamental civil liberty protections of the Bill of Rights and the U.S. Constitution protect every person in this country—including non-citizens.

- ◆ **The Fifth Amendment to the Constitution provides that no person shall be deprived of life, liberty or property without due process of law.**
- ◆ **The Fourteenth Amendment states that no person shall be deprived of equal protection of the laws.**
- ◆ **The Sixth Amendment provides that every person who is charged with a crime—not just U.S. citizens—has the right to counsel, a jury trial, as well as freedom from double jeopardy and cruel and unusual punishment.**
- ◆ **Our Constitution also ensures every person freedom from unreasonable searches and seizures, and freedom of speech, religion and association.**

Because immigrants are politically disenfranchised in the U.S., they are an especially vulnerable group and an easy target for political leaders who often blame them for causing or contributing to the social, economic and political ills of our society. Upholding the rights of the politically disenfranchised is important to us all. When the government has the power to deny legal rights and due process to one vulnerable group of people, it endangers all of us.

The ACLU of Utah’s Immigrants’ Rights Project is providing outreach and public education services to immigrant communities throughout the State of Utah, as well as to the general public about issues affecting the immigrant population. Through “Know Your Rights” presentations, we inform immigrant groups about their civil and constitutional rights. We also provide education and information to the general public to dispel myths about immigration and to promote understanding of those constitutional rights which extend to all who reside within the United States.