

WHAT YOU NEED TO KNOW ALABAMA'S IMMIGRATION LAW

On August 20, 2012, the 11th Circuit Court of Appeals issued decisions blocking parts of Alabama's anti-immigrant law, HB 56, while allowing others to proceed. This fact sheet reflects the state of the law after these decisions. It also reflects the changes made to HB 56 by HB 658, a law the Alabama legislature passed in May 2012.

RIGHTS THAT ARE PROTECTED

- You should not be asked for your immigration status when paying property taxes or other taxes to your state or local government, including mobile home registration fees. However, you must prove your lawful status in order to apply for and receive driver's licenses, non-driver ID cards, motor vehicle tags, business licenses, commercial licenses, and professional licenses.
- You should not be asked about your immigration status when applying for a marriage license.
- Attorneys are required to keep their clients' immigration status confidential. *HB 56 suggested this was no longer true, but HB 658 clarified that this is still the case.*
- You should not be asked about your legal status when renting. *If you know of an instance where landlords are refusing to rent to people due to immigration status, please call the hotline.**
- You can continue to live with or drive someone who is an undocumented immigrant. *
- It is not a crime under Alabama law to hire or work as a day laborer. *
- Any new contracts entered into with undocumented immigrants are valid. *
- Passengers in a car are not required to answer any questions about their immigration status, nor produce identification. *Drivers are often required to produce a driver's license and proof of insurance, but do not (and SHOULD NOT) answer questions about their immigration status, if asked.*
- Public elementary and secondary school students should NOT be asked about their immigration status. *
- Arrest is no longer mandatory for people who drive without a license and cannot otherwise prove that they have a license. *However, the law does state that anyone cited for driving without a license must have their status verified "as soon as possible, but not later than within 48 hours," so an immigration check may occur.*

* This provision was originally in HB 56, and was modified by HB 658. It remains blocked by the courts.

THESE PARTS OF THE LAW ARE IN EFFECT

- Law enforcement will check the immigration status of people who are jailed.
- Unlawfully present immigrants convicted of crimes may be transferred to immigration custody.
- Law enforcement officers are required to check the immigration status of any person they stop, detain or arrest, whom they reasonably suspect is in the country unlawfully.
- The new law requires Alabama DHS to publish an online list of undocumented immigrants who are detained and who appear in court in Alabama. The law does not specify how immigration status will be determined. This provision has not been implemented, and it is unknown how soon it will be. We ask that people call the hotline to report any instances where their status is being checked when they appear in state courts.
- People hoping to attend public colleges and universities in Alabama may have to provide certain identifying documents, like a driver's license or social security number, in order to do so.
- The law requires individuals to prove their lawful status in order to apply for and receive driver's licenses, non-driver ID cards, motor vehicle tags, business licenses, commercial licenses, and professional licenses. It is a crime in Alabama for a person without lawful status to apply for these, or for someone to help a person without lawful status do so.

We are still fighting many parts of these laws. This document is subject to change as litigation proceeds.

If you or someone you know has experienced improper police conduct, are denied utilities or any public services, if a parent or child is questioned by school officials about their immigration status, or other issues related to HB 56 or HB 658, contact us.

**Call the English/
Spanish hotline at
1.800.982.1620**

WHAT YOU CAN DO

- >> Text **UNITY** to **69866** to receive text message alerts about events and information in your area.
- >> Attend a **Know Your Rights training** to learn more about the impacts of HB 56 and HB 658 on our communities.
- >> Call the hotline at **1.800.982.1620** if you want to volunteer.

HB 56 FREQUENTLY ASKED QUESTIONS

Can a police officer pull me over because of the color of my skin?

No. It is racial profiling and against the law. HB 56 allows an officer to ask about immigration status during any lawful stop, detention, or arrest. This includes allegations of serious crimes, minor traffic offenses, and violations of city ordinances. The officer is required to notify ICE and take other action state or federal law permits. The legal status of anyone who lands in jail will be investigated and ICE will be informed if they are undocumented. HB 56 also allows a police officer to verify the immigration status of any driver who does not have a current driver license with them.

Who can a police officer question in the vehicle during a stop?

The driver, if the officer has a reason to suspect the driver is without status. However, police cannot ask a person about his or her status simply because of his or her race or national origin. Passengers should not be asked. Sometimes officers may improperly inquire into the status of passengers. If this occurs, you should contact the hotline.

What type of ID do I need to drive in Alabama?

You must have a current valid Alabama driver's license or a current valid driver's license from another state. A foreign-issued driver's license may also be used by individuals who are visiting, but do not reside in, Alabama.

What documents do I need to carry with me at all times?

Carry any document that proves your lawful status. If an officer says it's not good enough, because of federal law, an immigration attorney may be able to help you. Never carry false documents. We do not recommend you carry foreign documents if you are undocumented.

If I carry a copy of my approval letter with me will this help me from being detained?

Carry a copy of your approval letter with you at all times. The police might detain you and try to verify your status. If you are detained your approval notice could speed up the process. Make sure you have an extra copy in case you lose one.

What happens if I am arrested?

If a person is arrested and booked into custody, that person's immigration status

will be determined. If it is determined that that person is unlawfully present, the person may be detained until prosecution or they are handed over to ICE, but this does not always occur. Everyone should know and understand their legal rights. Never give a police officer false documents. This will make things worse. Do not say or sign anything. Do not say what your home country is or how you came here. Ask to speak with an attorney.

What will happen to my children if I am arrested?

It depends on the situation. Only a federal immigration judge decides who must leave the country and when. U.S. citizen children have the right to remain in the U.S., or you can choose to have them returned to your home country. If both parents can be deported, it is best to have a plan in place to avoid a child going into state custody. This can be done by preparing a power of attorney. When individuals create a power of attorney (POA) they are stating what they want someone to be able to do for them if they are detained or deported. Because different states have different requirements for a valid POA, seek legal advice when preparing one. A POA is temporary and can give you peace of mind. It is not considered a contract.

Is it true that we will have to show lawful presence to get water, power, or gas?

No. There was uncertainty about this before, but under the new changes to the law, utility companies cannot require proof of lawful presence. However, it is possible that other utility providers may ask for certain documentation to prove a person's identity. If you experience problems, call the hotline.

What does HB 56 say about registering my car or other transactions with the state?

The law does not apply to car titles or registration. However, the law requires immigration status to be verified for 1) license plates/tags; 2) driver's licenses or non-driver ID cards; and 3) applying for or renewing business licenses, commercial licenses, and professional licenses. It is a crime in Alabama for a person without lawful status to apply for the above listed items without lawful status, or for someone to assist a person without lawful status in doing so.

Will we be able to rent an apartment or house?

The part of HB 56 that made it a crime to conceal, harbor, transport or rent to an undocumented person was blocked. The part of HB 56 limiting certain contracts has also been blocked. At this time, HB 56 should not affect anyone's ability to rent. The part of HB 56 that prohibits the enforcement of a contract signed by an undocumented person has also temporarily been blocked. The law has also been changed to affect only contracts entered into on or after May 18, 2012. If you are experiencing problems renting, with contracts or if your landlord asks for proof of lawful status, you should contact an attorney or the hotline listed below for assistance.

What is E-Verify and will my employer use it?

E-Verify is the federal government's online system for verifying the legal status of new hires. All employers in Alabama are to use this system. This is for new hires only. Your employer cannot ask you for additional papers as a result of this law if you are currently employed there. If you feel discriminated against or your employer asks to see your immigration papers or misuses E-Verify, contact the Department of Justice at 1.800.255.7688.

How does HB 56 affect public benefits for undocumented immigrants?

All "applicants" must show lawful status to qualify for public benefits. If you are undocumented but your child is not, you may still apply for benefits for your child. In addition, an undocumented person may apply for prenatal care and Women, Infant, and Children (WIC) nutritional program; child and adult protective services (including domestic violence); immunizations and communicable disease testing; emergency medical treatment; short term, non-cash, in kind emergency disaster relief; crisis intervention counseling; short term shelter; community and non-profit services. All existing restrictions in state and local services remain.