

Mexico's illegals laws tougher than Arizona's

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Mexican President Felipe Calderon denounced as “racial discrimination” an Arizona law giving state and local police the authority to arrest suspected illegal immigrants and vowed to use all means at his disposal to defend Mexican nationals against a law he called a “violation of human rights.”

But the legislation, signed April 23 by Arizona Gov. Jan Brewer, is similar to Reglamento de la Ley General de Poblacion — the General Law on Population enacted in Mexico in April 2000, which mandates that federal, local and municipal police cooperate with federal immigration authorities in that country in the arrests of illegal immigrants.

Under the Mexican law, illegal immigration is a felony, punishable by up to two years in prison. Immigrants who are deported and attempt to re-enter can be imprisoned for 10 years. Visa violators can be sentenced to six-year terms. Mexicans who help illegal immigrants are considered criminals.

The law also says Mexico can deport foreigners who are deemed detrimental to “economic or national interests,” violate Mexican law, are not “physically or mentally healthy” or lack the “necessary funds for their sustenance” and for their dependents.

“This sounds like the kind of law that a rational nation would have to protect itself against illegal immigrants — that would stop and punish the very people who are violating the law,” said Rep. Steve King of Iowa, ranking Republican on the House Judiciary subcommittee on immigration, citizenship, refugees, border security and international law.

“Why would Mr. Calderon have any objections to an Arizona law that is less draconian than his own, one he has pledged to enforce?” Mr. King said.

Sen. Jon Kyl of Arizona, the ranking Republican on the Senate Judiciary subcommittee on terrorism and homeland security, described Mr. Calderon’s comments as “hypocritical to say the least.”

“I would have expected more from Mr. Calderon,” said Mr. Kyl, who serves as the Senate minority whip. “We are spending millions of dollars to help Mexico fight the drug cartels that pose a threat to his government, and he doesn’t seem to recognize our concerns. He ought to be apologizing to us instead of condemning us.”

Mr. Kyl, along with fellow Arizona Republican Sen. John McCain, has introduced a 10-point comprehensive border security plan to combat illegal immigration, drug and human smuggling, and violent crime along the southwestern border. It includes the deployment of National Guard troops, an increase in U.S. Border Patrol agents and 700 miles of fencing, along with other equipment and funding upgrades.

He said skyrocketing violence on the border, including the recent killing of an Arizona rancher by an illegal immigrant he had gone to assist, has not gone unnoticed by the public, adding that until the federal government provides the necessary funding and manpower to adequately secure the southwestern border, Arizona will not long remain the only state to pass legislation to do it on its own.

Rep. Ted Poe, Texas Republican and a member of the House Judiciary and Foreign Affairs committees, described Mr. Calderon's criticism as "arrogant and hypocritical." He said Mexico's immigration laws are "even tougher than those in the United States" and it was inappropriate to denounce the Arizona law when "Mexico does the very same thing."

"Mexico wants people to come to the United States and to send their money home," he said. "They want to make their problems our problems — that's their foreign policy. President Calderon should spend more time focusing on problems in his own country instead of criticizing Arizona for doing what Mexican law requires its own to do."

Rep. John Culberson, a Texas Republican who has advocated for stricter border enforcement policies, said the Arizona law was enacted as a result of the nation's "failed immigration policies."

"We should focus our time and resources on enforcing policies that work, like zero tolerance, which has reduced crime and illegal immigration dramatically along our southern border," he said.

Ricardo Alday, a spokesman at the Mexican Embassy in Washington, did not return calls for comment.

But the embassy has said the Mexican government is "deeply concerned by the potential dire effects" that the Arizona law will have on the estimated 12 million illegal immigrants in the United States — about 450,000 of them in Arizona.

"As it has been raised by national Latino and immigration rights organizations, initiatives that exclusively criminalize immigration create opportunities for an undue enforcement of the law through racial profiling," Mr. Alday said in an April 15 statement.

The ambassador also warned of the "likelihood of negative effects that this measure ... may have for the future development of friendship, commercial, tourist and cultural ties" between Mexico and Arizona.

The Arizona law, which is set to take effect in midsummer, authorizes state and local law enforcement officers — during lawful stops only — to determine the immigration status of people for whom there is "reasonable suspicion" that they are in the country illegally. Known as Senate Bill 1070, it was enacted in response to a dramatic rise in violence along the Arizona-Mexico border.

Reasonable suspicion is a legal standard requiring that before someone is arrested or detained there must be reasonable belief that the person has been, is or is about to be engaged in criminal activity.

A Rasmussen Reports poll has found that 70 percent of likely voters in Arizona approve of the legislation, while 23 percent oppose it.

Half of the nearly 1 million illegal border crossings into the United States each year occur in Arizona, according to a report by the Federation for American Immigration Reform (FAIR), which also said Arizona taxpayers spend more than \$2 billion a year on education and health care for illegal immigrants and their children.

“The porous border is virtually a welcome mat for criminal organizations that run drugs and other contraband through the state,” the immigration watchdog group said, adding that kidnappings in Phoenix are at a record high.

Rep. Luis V. Gutierrez, an Illinois Democrat who was arrested Saturday during a rally at the White House calling on Congress and the Obama administration to enact immigration reform, said more states “could adopt Arizona’s draconian law” if Congress doesn’t act now.

“We must have fair and balanced reform to ensure immigrants are full participants in our economic recovery,” said Mr. Gutierrez, chairman of the Democratic Caucus Immigration Task Force, for which he is the party’s leading strategist and spokesman on immigration issues. “Enforcement-only tactics break up families, disrupt businesses, distract local law enforcement and drain local budgets.”

In signing the bill, Mrs. Brewer said she would “not tolerate racial discrimination or racial profiling” and emphasized an amendment to the bill that prevents law enforcement personnel from using a person’s race as the only factor in implementing the law.

“This protects all of us — every Arizona citizen and everyone here lawfully,” she said.

The key legal issue, according to attorneys on both sides, will be whether the state law interferes with the federal government’s duty to handle immigration.

Criticism of the Arizona law has come from several sources, including President Obama, who described it as an example of “irresponsibility” by the state. Attorney General Eric H. Holder Jr. has said the Justice Department is considering a legal challenge to the law.

Homeland Security Secretary Janet Napolitano told the Senate Judiciary Committee last week that the Arizona law could distract the agency from using its resources to go after serious criminals. She said there were concerns that at some point “we’ll be responsible to enforce or use our immigration resources against anyone that would get picked up in Arizona.”

She said she vetoed similar measures when she served as Arizona governor from 2003 to 2009.

On Sunday, she called the Arizona law “really a cry of frustration,” while noting that “more assets have been put into Arizona in the last 15 months than ever in history.”

“But, you know what, there’s still a frustration out there. It’s a frustration ultimately that will only be solved with comprehensive immigration reform,” she said on ABC’s “This Week.”

The American Civil Liberties Union (ACLU), the Mexican American Legal Defense and Educational Fund (MALDEF) and the National Immigration Law Center (NILC) also are preparing legal challenges.

During a Phoenix news conference last week, MALDEF President and General Counsel Thomas A. Saenz said “a vigorous and sophisticated legal challenge will be mounted” before the bill’s implementation this summer “to prevent this unconstitutional and discriminatory law from ever taking effect.”

Linton Joaquin, NILC’s general counsel, added that the Arizona law “sends a strong message to all immigrants to have no contact with any law enforcement officer.” He said the “inevitable result” would not only be to make immigrants more vulnerable to crime and exploitation, “but also to make the entire community less safe by aggressively discouraging witnesses and victims from reporting crimes.”

The Rev. Eve Nunez of the Arizona Latino Commission and National Hispanic Christian Leadership Conference said the Arizona law will be divisive and demonstrates the need for Congress to pass an immigration reform bill.

“A lot of pastors are very fearful they will be fined for transporting members of their congregation in their church vans. Churches are already losing members,” she said. “There is great fear in the Hispanic community. It is very sad that in a state that should be welcoming the stranger, we are allowing oppressive laws to pass.”

Mr. King defended the bill, saying Arizona and other states are being forced to “step up and fill the void” left by the failure of the Obama administration and Homeland Security Department to secure the nation’s borders.

“I commend Arizona for standing up for the rule of law,” he said.

Mr. King also noted that critics of the law have distorted what it says. He said the law allows state authorities to inquire into the immigration status based only on a “reasonable suspicion” that the person is unlawfully present in the United States.

As a state senator in Iowa, he was the principal sponsor of a workplace drug and alcohol testing bill in 1998 that also relied on “reasonable suspicion.” That bill allowed the taking of urine or other samples from employees for whom there was a reasonable suspicion that they were under the influence.

“That bill passed into law in 1998 and there has not been a constitutional challenge to it yet,” Mr. King said.

Arizona state Sen. Russell Pearce, the bill’s author, said a constitutional challenge would “determine whether our nation enforces its immigration laws and secures its borders or becomes victim to its enemies.”

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