



August 10, 2007

Governor Ted Strickland  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215-6108

Re: Ohio Rep. Courtney Combs' Immigration Bill

Dear Governor Strickland:

Although LULAC promotes discussion of immigration reform on all levels we are concerned that the Combs' Immigration Bill, *LSC 127 1212*, will have a negative impact on the State of Ohio and request your assistance in defeating this bill. Nationally, LULAC, the League of United Latin American Citizens, has advocated for comprehensive immigration reform in an effort that not only addresses national security but protects the fundamental civil rights of all people regardless of nationality. Unfortunately, Representative Combs' proposal is one which only restates federal provisions and unfairly sensationalizes the issue by making an unproven claim that "illegal immigration is causing economic hardship and lawlessness<sup>1</sup>" in Ohio.

Section(s) 2921.62 A and B would essentially make anyone who transports or provides shelter to an "illegal" a third degree felony. This provision is one that is concerning to anyone who advocates against racial profiling in this state. A provision that allows local law enforcement to stop those suspected of being "illegal" would be a civil rights nightmare. Moreover, can individuals and/or organizations be expected to validate the citizenship of those who they suspect to be illegal?

Section 2921.65 requires that all public employers, contractors, and subcontractors must register and participate in the Basic Pilot Program and verify work authorization status of all employees. This provision runs afoul of federal immigration law which has established procedures for verifying work authorization as well as enforcement procedures for failure to comply with federal law. Section 2921.65 will likely be challenged as a violation of the Supremacy Clause because it is pre-empted by federal law; such litigation subjects the State to expensive litigation costs.

Furthermore, the impact of Section 2921.65 on the state economy could be extensive. Undocumented immigrants typically provide sorely-needed labor to United States industries that lack sufficient workers. They work in some of the lowest paying and toughest jobs in the nation.

Recent studies have calculated undocumented workers' significant financial contribution to the national economy. A 2001 study by UCLA's North American Integration and Development Center found that the undocumented Mexican population alone, if excluded from the country, would result in a dramatic \$155 billion drop in U.S. economic output.<sup>2</sup>

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<sup>1</sup> Ohio Representative Courtney Combs. 127<sup>th</sup> General Assembly Regular Session 2007-2008, LSC 127 1212 lines 460-61.

<sup>2</sup> R. Hinojosa Ojeda. "Comprehensive Migration Policy Reform in North America: The Key to Sustainable and Equitable Economic Integration." North American Integration and Development Center, University of California, Los Angeles (2001) at 6. Available at [http://naid.spsr.ucla.edu/working-papers\\_series.htm](http://naid.spsr.ucla.edu/working-papers_series.htm).

Similarly, a 2000 study found that undocumented labor in selected industries contributes \$1.6 to \$3.8 billion of value added to the Minnesota economy, and that, if undocumented workers were removed, economic growth in the state would be reduced by 40%.<sup>3</sup>

Increasing numbers of native-born Americans obtain college degrees and do not seek the physically-demanding entry-level jobs often filled by undocumented immigrants. Between 1990 and 2000, major industries requiring semiskilled labor experienced a dramatic increase in their reliance on Mexican workers. Nationwide, the percent of Mexican-born workers in the agricultural and related industry rose from 8.8 percent to 15.3 percent; in construction from 3.3 percent to 8.5 percent; in non-durable goods manufacturing from 3.5 percent to 9.1 percent; and in the service industry from 4.2 percent to 9.5 percent.<sup>4</sup>

There is no reason to think that employers will rely any less on immigrant workers in the future. In recent years, organizations such as the American Health Care Association, the American Hotel and Motel Association, and the National Association of Home Builders have written Congress, expressing concern that many employers “find themselves ‘with no applicants of any kind for numerous job openings.’”<sup>5</sup> The U.S. Bureau of Labor Statistics projects that 22 million new jobs will be created by 2010, with 70 percent of those requiring only on-the-job-training.<sup>6</sup> And, by 2010, 43 percent of all job openings will require minimal education, and the retirement of blue-collar baby-boom workers will leave employers in many sectors of the economy in even greater need of workers.<sup>7</sup>

Under Section 2921.67, employers will be required to withhold from anyone failing to provide a valid Social Security Number additional state income tax at the top marginal income tax rate under 5747.02 of the Revised Code. Employers failing to do so will be held liable for the taxes required to be withheld. Employers are often not experts in the field of verifying documentation. This provision will place businesspeople in the shoes of immigration officers and discourage employers from locating in Ohio.

Furthermore, undocumented immigrants pay billions of dollars per year in income, sales, and property taxes (which, even if they rent their homes, are typically factored into rent payments). Although not commonly understood, many undocumented workers pay federal and state taxes, contributing to Social Security, Medicaid, and unemployment insurance through payroll deductions. UCLA Professor Raul Hinojosa concludes that, in California alone, undocumented immigrants pay \$3.5 billion in federal taxes each year. Many don't file a tax return with the IRS, even though entitled to a refund, because they fear discovery. The IRS reportedly has \$280 billion that has been deducted from employee paychecks but has not been reconciled with agency records, and much of it is believed to be from undocumented workers' paychecks.<sup>8</sup>

Undocumented immigrants also contribute to the economy through their consumer spending, helping spur the economy and create new jobs. Sources of economic input include opening and using a bank account, paying rent, shopping for clothes at the local mall or food at the grocery store, or going to the movies. When there is an increased demand for goods and services, more jobs are created:

- A 2000 study of the economic impact of undocumented workers on Minnesota concluded that “at least 20,500, and more likely 48,900, Minnesota workers owe their jobs to the presence of undocumented labor in the industries studied . . . . This means that every

<sup>3</sup> J. Kielkopf. “The Economic Impact of Undocumented Workers in Minnesota.” HACER (2000) at 12, 17 available at <http://www.hacer-mm.org/pdfs/undocumented.pdf>.

<sup>4</sup> “Mexican Immigrant Workers and the U.S. Economy,” *Immigration Policy Focus*, September 2002: Vol. 1, Issue 2 at 7. American Immigration Law Foundation.

<sup>5</sup> *Id.* at 5

<sup>6</sup> *Id.*

<sup>7</sup> K. Weinstock. “Immigrants’ Contribution to Economy Can’t be Ignored.”

<sup>8</sup> M. Sanchez. “Undocumented workers see upside to filing with the IRS.” *Kansas City Star* (April 16, 2003). See also, “AILA Backgrounder Social Security and Immigration.”

undocumented worker produces enough to provide at least one more job to a citizen or legal resident in Minnesota. The corollary is *that for every undocumented worker removed from the Minnesota economy, at least one citizen or legal resident loses a job somewhere in Minnesota.*<sup>9</sup>

- A 2001 survey by the University of Illinois' Center for Urban Economic Development found that "[t]he consumer expenditures of undocumented immigrants in the Chicago metro area generate more than 31,000 jobs in the local economy and add \$5.45 billion annually to the gross regional product."<sup>10</sup>
- According to a 2003 study by the Center for Business and Economic Research of the University of Nevada, Las Vegas, "every job filled by a Hispanic immigrant helps create 0.6 of an additional job in the Clark County economy."<sup>11</sup>

Section 2921.86 requires the Ohio Attorney General negotiate the terms of a Memorandum of Understanding with the United States Department of Justice or the United States Department of Homeland Security. Such a step will only worsen the broken immigration system because local enforcement of federal immigration law undermines the effectiveness of police officers. State and local government enforcement of immigration laws will likely decrease the ability of police to fight crime and protect local residents. Community policing requires trust between law enforcement and the people they protect. All people, regardless of immigration status, must communicate with police in order for officers to do their jobs. When local residents report crimes and provide law enforcement honest information regarding investigations this information becomes a significant factor in declining crime rates.<sup>12</sup> Hans Marticiuc, President of the Houston Police Officers Union stated it best, saying, "It's very difficult in the immigration communities to get information from folks, and if there's a fear of being reported to the INS because of illegal status, then it just makes our job that much more difficult and it makes the city have that much more criminal activity."<sup>13</sup> When immigrants believe their immigration status may be questioned, they will hesitate to come forward to report a crime or other relevant information.<sup>14</sup>

Furthermore, adding immigration enforcement to the duties of local law enforcement places a strain on already limited resources. Exactly because immigration enforcement drains the resources of state and local agencies, many local police departments and sheriffs oppose the imposition of immigration enforcement initiatives and have publicly taken the position that they will not proactively enforce immigration laws or that they oppose such efforts such as the CLEAR Act that would require them to undertake immigration enforcement.<sup>15</sup> Senior Cpl. Glenn White, President of the Dallas Police

<sup>9</sup> J. Kielkopf. "The Economic Impact of Undocumented Workers in Minnesota" (2000) at 11.

<sup>10</sup> C. Mehta, N. Theodore, I. Mora & J. Wade. "Chicago's Undocumented Immigrants: An analysis of wages, working conditions, and economic contributions." University of Illinois, Center for Urban Economic Development (2002) at vi, 34. Available at <http://www.globalchicago.org/reports/reports.asp>.

<sup>11</sup> J. Casey. "Economic Impact: Study Reveals Hispanics' Contributions." *Las Vegas Review-Journal* (April 17, 2003).

<sup>12</sup> Cecilia Munoz and Michele Waslin, Immigration Duties for Police Officers?, *San Diego Union Tribune*, Oct. 7, 2003 at B-7 (noting declines in violent crimes as a result of community policing efforts).

<sup>13</sup> "Houston police stick to hands-off immigrant policy." (*Houston Chronicle* March 3, 2003).

<sup>14</sup> Phillip Kretsedemas, Ironic Title for Murky Legislation, *Miami Herald* Oct. 2, 2003 at A-21 (describing case of Rhode Island immigrant placed in deportation proceedings shortly after serving as a witness in a murder case).

<sup>15</sup> See National Immigration Forum available at <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=568>.

Association stated, "The strain on local police already is enormous, and to ask us to arrest and detain immigrants is something the federal government needs to address by funding the INS some more and hiring additional personnel."<sup>16</sup> Cpl White makes it clear that state and local law enforcement officials have enough to do as it is. States with emerging immigration populations need Congress to pass common sense legislation not stop-gaps by state legislatures that will undermine local law enforcement and have a multitude of unintended and negative consequences.

In conclusion, LULAC encourages all local entities in the great State of Ohio to reject any legislation that seeks to undermine the everyday efforts of individuals and agencies which promote diversity and inclusion in our communities. Any bill that associates immigrants with our national security problems is a bill that will cause more harm than good. By granting local law enforcement immigration authority, the State of Ohio will create a society of fear. Yes, we need comprehensive immigration reform but Rep. Combs' bill is not the answer to this federal topic.

For this reason, LULAC requests that you reject the Combs' Immigration Bill, *LSC 127 1212*.

Sincerely,

Jason Riveiro  
Ohio Deputy Director  
League of United Latin American Citizens (LULAC)

**About LULAC:** *The League of United Latin American Citizens, better know as LULAC ([www.lulac.org](http://www.lulac.org)), the oldest and largest Hispanic membership organization in the country, advances the economic conditions, educational attainment, political influence, health and civil rights of Hispanic Americans through community-based programs operating at more than 700 LULAC councils nationwide.*

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<sup>16</sup> "Local agencies could enforce immigration; Groups denounce U.S. proposal as threat to civil rights, policing" (Dallas Morning News April 4, 2002).