

Undocumented in Georgia

Genesis Canela

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In 2008 Georgia signed a bill aimed at keeping unlicensed drivers off the streets, which has disproportionately impacted the black and Latino communities in the state. This disproportionate impact goes on to sweep them into a cycle of debt and criminalization feeding local counties' budgets and putting otherwise law-abiding undocumented immigrants at risk of deportation. Under the law, drivers can be charged with a felony if caught driving without a driver's license four times in five years. Those who violate the law face up to five years in prison and fine between \$2,500 and \$5,000. Pickel (2008) from The Atlanta Journal-Constitution wrote that Sen. John Wiles said he did not focus on immigration when drafting the bill, but public safety. But the reality of the law is has been discriminatively applied to communities of color. Speri (2016) goes on to report in her article that many critics say the bill “was one of many passed by states to restrict immigration.”

Due to racial profiling and implicit and explicit bias, people of color often come into contact with police officers through traffic stops. Laws such as the “felony driving law” creates fear. When communities of color are disproportionately impacted by a particular traffic law and feel targeted, these communities start to fear law enforcement instead of viewing law enforcement as committed to protecting and serving all people. A report put forward by the Georgia Latino Alliance for Human Rights and Advancement Project (2016) included the case study of Julio Hernandez. He arrived in the United States in 1996, seeking better opportunities. Living and working in Georgia for several years, he started acquiring tickets for driving without a license. Many of these tickets were a result of the many checkpoints put in place in his community. Then, in 2015 he was sentenced with a felony for driving without a license under the “felony driving law.” He was given probation and sentenced to three months in jail. Four days before the end of the probation, ICE showed up at his home and arrested him. He spent 17 days

in ICE custody and released on a \$4,000 bond. Julio has never committed a violent crime and any history or prior order of deportation. The felony driving law is a prime example of a state law that must be revisited and eliminated. People in Georgia should not be jailed for months for not being able to obtain a driver's license due to Congress' refusal to create a fair pathway to citizenship.

Several legislations were passed in 2011, making Georgia one of the states with the strictest anti-immigration laws in the country (Wiltz, 2019). House Bill (HB) 87, Georgia's anti-immigration law, went into effect on July 1, 2011. The law gives power to state and local police to investigate the immigration status of suspects they believe to be living in the country illegally and arrest and incarcerate them in state and federal jails. Another provision of the law punishes people regardless of their immigration status for either transporting or harboring illegal immigrants or encouraging them to come to Georgia. Furthermore, the law states that providing false documents to secure employment is classified as a felony offense, with penalties of up to 15 years in prison and \$250,000 in fines. As part of this law, employers are required to use the federal work authorization program E-Verify when they employ more than ten employees. As a part of this law, Georgia is now the only state that's created an independent board with one specific mission: punishing cities that aren't doing enough to crack down on illegal immigration. Due to this board, Georgia's residents can file a complaint against any town or county they judge to be breaking state immigration law.

Redmon (2011) covers on US District Court Judge Thomas Thrash putting on hold parts of Georgia's immigration law in response to lawsuits from civil rights groups arguing that Georgia law preempted federal law. The parts the federal judge put on hold were: the harboring provision and the section of the law which permitted police to investigate the immigration status

of a particular suspect. The federal judge went on to characterized HB 87 with the intent "to create such a climate of hostility, fear, mistrust, and insecurity that all illegal aliens will leave Georgia." The same federal judge claimed that those state officials that argue that the law would protect illegal immigrants from exploitation were "gross hypocrisy." The enforcement of anti-immigration laws results in super-exploitation by suppressing every worker's ability to organize and engage in collective bargaining, regardless of legal status. Strict immigration policies empower employers to discriminate against employees, along with the widespread practice of hiring unauthorized workers, which increases the vulnerability of the immigrant workforce to exploitation and serves the interest of the nation and global capitalism.

Lane (2019) takes a look at how legislation passed in 2011 have impacted and exploited undocumented immigrants in Atlanta, Georgia, through semi-structured interview targeting how Latina immigrants cultivated health and well-being. Marisol is an undocumented immigrant and mother of 3 from Mexico. When discussing her experiences with health care in the US she mentions the "health-fortifying foods" she makes to maintain her health and that of her family. And when she does go see a doctor she faces the major obstacle of transportation. Which we have seen time and time again come up as a struggle for many undocumented immigrants when it comes to being able to access resources. Although Marisol does have access to a car and know how to drive, she instead chooses to get to the doctor's office through a combination of walking and navigating the city's undependable bus system. She picked this specific doctor who would typically be only a 20-minute drive away because he has a reputation for treating immigrants kindly. Still, the trip takes 8 hours of her day with travel and long waiting time included. However, by not driving Marisol does not have to worry about the risk of being pulled over by the police to ask her for paperwork demonstrating her immigration status. This a very common

scenario for undocumented immigrants in Atlanta. HB 87 has prompted many to flee the state, but for those who stayed, the law has become a mostly invisible yet powerful force in their everyday lives.

Georgia's anti-immigration law is one of the strictest in the country. Several legislations have been passed that have gone to impact the lives of the undocumented population directly. The fears and limitations of these laws present serve as invisible force impacting everyday living. These laws go on to prohibit access to some of the most basic human rights that every person should be entitled to, no matter legal status. Many undocumented immigrants are otherwise law-abiding individuals who seek better opportunities and circumstances than those in their country. These laws have been demonstrated to serve to separate families, with the threat of deportation that comes with being classified as a felon. These laws also allow for their exploitation and discrimination as anyone can easily threaten to report them to ICE and have their whole lives change with a phone call.

Bibliography

- Lane, Rebecca. "Fear, Boldness, and Familiarity: The Therapeutic Landscapes of Undocumented Latina Immigrants in Atlanta, Georgia." *International Journal of Health Services* 49, no. 3 (July 2019): 516–37. doi:10.1177/0020731419850463.
- "MANUFACTURING FELONIES: How Driving Became a Felony for People of Color in Georgia." Atlanta, GA: Advancement Project & Georgia Latino Alliance for Human Rights, 2016.
- Pickel, Mary Lou. "Legislature 2008: Bill Adds Jail Time to Driving Penalty." *The Atlanta Journal-Constitution*, Jan 30, 2008.
<https://ezproxy.lib.davidson.edu/login?url=https://search-proquest-com.ezproxy.lib.davidson.edu/docview/337486921?accountid=10427>.
- Redmon, Jeremy. "Judge Blocks Two Key Parts of Georgia Law: Most Provisions Intact; State Vows to Appeal Ruling on Status Checks." *The Atlanta Journal-Constitution*, Jun 28, 2011. <https://ezproxy.lib.davidson.edu/login?url=https://search-proquest-com.ezproxy.lib.davidson.edu/docview/873834146?accountid=10427>.
- Speri, Alice. "Georgia's 'Felony Driving Law' Targets Blacks, Latinos, Undocumented Immigrants." *The Intercept*, March 23, 2016.
<https://theintercept.com/2016/03/23/georgias-felony-driving-law-targets-blacks-latinos-undocumented-immigrants/>.
- Wiltz, Teresa. "How One State Struggles to Enforce its Immigration Law." *TCA Regional News*, Jan 04, 2019. <https://ezproxy.lib.davidson.edu/login?url=https://search-proquest-com.ezproxy.lib.davidson.edu/docview/2164770888?accountid=10427>.