

What's wrong with Arkansas SB411, or now, Act 1076?

- SB411 became law as Act 1076 on April 17, 2019, but WILL NOT go into effect until JANUARY 1, 2020.
- SB411 would ban cities to declare themselves as “Sanctuary Cities” in Arkansas. It is noteworthy, we do not currently have ANY towns or cities in Arkansas that have identified themselves as such, and none that we know of that have expressed they want to become sanctuaries.
- Sanctuary is a vague political term, but under this law, “sanctuary” could be considered any act by a municipal government of NOT (pro)actively inquiring about somebody’s status or citizenship, or NOT coordinating with immigration enforcement officials.
- Where this laws makes explicit references to law enforcement, it’s broad references to “policy” and “practice”, as well as testimony offered at the time of this bill’s debate in the legislature, open the possibility for interpretation that all municipal agencies would be expected to inquire about one’s status or citizenship in their interactions with immigrants.
- This law enables any person or entity to file a complaint against a municipality or municipal agency, resulting in an investigation by the Arkansas Attorney General and possible loss or denial of state funding.
- SB411 or Act 1076 is unconstitutional. It violates the 1st, 4th and 14th Amendment guarantees of equal protection under the law, due process and freedom of speech. There is no guidance offered in SB411, now Act 1076, about how suspicion around citizenship or status is to be determined, and clearly invites racial profiling by police and/or municipal officers who are likely to rely on physical characteristics tied to one’s ethnicity, race and language.
- SB411 or Act 1076 was self-described by bill sponsors as a law that would force our Arkansas municipal agencies, especially law enforcement, to address what they see as the failure of federal immigration enforcers (ICE) to identify and deport every person without status in Arkansas. But, the process by which they would do so is a blatant violation of federal law. As such, each Arkansas municipality between now and January 1st will have to decide whether they will obey state law, by implementing Act 1076, or continue with long-established federal law, and risk having a complaint filed against them and losing state funds.
- Of equal concern, in debate over SB411, bill sponsors and supporters equated immigrants to cattle that carry diseases. Neither at the time of the bill’s debate or since, has any political leader in Arkansas publicly denounced the use of derogatory myths, or acknowledged the many contributions that immigrants make to the state of Arkansas.



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What is Arkansas United doing about the law?

- When this law goes into effect, Arkansas United, the Mexican-American Legal Defense and Education Fund (MALDEF), along with other civil rights groups, stand ready to challenge Act 1076 in the courts.
- Arkansas United is helping cities assess their legal options in that Act 1076 also infringes on their municipal rights.
- This fall, Arkansas United will be hosting Training of Trainers (ToTs) throughout the state about Know Your Rights and the Identification of Racial Profiling for immigrants (through our membership and local-level committees) and immigrant allies.
- Arkansas United is working with partners to release new, multilingual Know Your Rights Resources.
- It is important to note that we do not need to wait for Act 1076 to go into effect to denounce racial profiling. We can start documenting, recording and noting when we feel our Arkansas immigrants are being racially profiled.

DACA Nurses - HB1552

- Nursing student must be a DACA recipient
- Student must complete ALL nursing education requirements as per the Arkansas Health Department and Nursing Licensure Board
- Once student completes all educational requirements, student may sit in to take the NCLEX exam
- After student has successfully completed the NCLEX, and has satisfied all graduation requirements as per the Arkansas Department of Nursing, student May be granted a nursing license to practice in the state of Arkansas
- The DACA Nurses Law still does not have an effective date.

Arkansas State In-State Tuition Equity "Dream Act" Requirements - HB1684

- Must graduate from an Arkansas accredited high school
- Must have lived in Arkansas three years prior to graduation
- Must be a DACAmented, a TPS or visa holder, or citizen of the Marshall Islands (please note that the Department of Higher Education must still promulgate rules to clarify immigration status eligibility)
- The implementation date of The Arkansas In-State Tuition Equity Act is not yet known. It is also up to the Arkansas Department of Higher Education to establish these guidelines.

It is important to note that Dreamers are still susceptible to racial profiling under SB411, but SB411 otherwise does not affect HB1552 or HB1684.



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