

Canadian's arrest shows law's fallout

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Body

The Georgia General Assembly last year enacted Senate Bill 529, which includes a requirement that state and local law enforcement authorities investigate the citizenship status of anyone jailed for a felony or drunken driving and contact U.S. Homeland Security if the suspect is here illegally.

The Georgia Association of Latino Elected Officials consistently raised concerns about SB 529, arguing that among other problems with the bill, states do not have the authority to enforce federal immigration laws.

We are deeply disturbed about the unintended consequences of the bill, specifically regarding the case of the Canadian tourist in Brunswick.

According to Canadian news reports, Cheryl Kuehn, a 23-year-old Canadian on her way to Florida, spent nine hours in a Georgia detention center after being stopped for a pair of minor traffic violations.

The Ottawa Citizen newspaper reported the woman, who was carrying her Canadian passport, stated that she was "fingerprinted and had her mug shot taken before being forced to strip naked and shower, don a navy blue jail outfit and sleep in a cell with two other women while other inmates jeered and leered at her from adjoining cells."

According to the Canadian news reports, Georgia State Trooper Larry Schnall indicated it is routine for police to take foreign nationals into custody for traffic violations so that they can post a cash bond. Furthermore, Col. Louise Newsome, a jail administrator at the Glynn County Detention Center, indicated that all non-U.S. citizens must go through the immigration verification process to determine if they are wanted on other warrants. Newsome indicated the policy was implemented in anticipation of complying with SB 529, which becomes effective July 1.

In fact, SB 529 applies the process of identifying the immigration status of all foreign nationals if **arrested** for a felony or a DUI. Kuehn was charged with neither.

Please consider a potential scenario. As the Kia auto plant is being constructed in West Georgia, a Kia executive, a foreign national, flies into Atlanta and needs to visit the site.

In the process of driving to the Kia site, the executive is pulled over for speeding. According to what might be perceived by a state trooper and jail administrator as "standard procedure," he would be hauled off to jail, mug shot

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taken, stripped naked and then made to wait in jail while his immigration status clears with U.S. Immigration and Customs Enforcement.

Now, let's multiply that by 1,000 potential **arrests** in the state and ask ourselves how long ICE would take to respond?

Further complicating this scenario, how does one prove he is not a foreign national?

What if a U.S. citizen speaks very little English or speaks with a very heavy accent? Will the officer immediately conclude he is a foreign national and send him to jail because he carries only a Georgia driver's license and not immigration or naturalization paperwork?

In fact, most immigration attorneys tell their clients not to carry their immigration paperwork with them because if the paperwork is lost, immigration officials may take several years to re-issue them.

Due to the very serious economic consequences and equal protection concerns, we strongly urge Gov. Sonny Perdue to fully investigate the **arrest** of the Canadian tourist.

In addition, we would urge him to issue specific public guidelines for all local and state law enforcement officials on how they need to comply with SB529 in order to be in full compliance of all federal laws.

As Georgia voters and concerned citizens, we expect this matter to be resolved quickly and efficiently because our state's international image and economic interests are at stake.

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Graphic

Photo: Jerry Gonzalez /ImageData*

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