

We're stepping up to assure the constitutional rights of all newcomers, including pushing back on SF2340, the worst anti-immigration law our state has ever passed.



IMMIGRANT  
**RIGHTS**  
IN IOWA

Many immigrants in our state struggle for fair treatment, especially those who are not fully documented or whose immigration status is in flux or tied up in layers of bureaucracy.

# THE ACLU IS BUILT FOR TOUGH TIMES LIKE THESE



## THE REELECTION OF DONALD TRUMP HAS CREATED, AGAIN, A ONE-MAN CONSTITUTIONAL CRISIS.

It also comes after the already disheartening development in Iowa last summer, when a new law made most abortions after six weeks illegal.

But we will not be deterred. After all, these are the types of difficult times that prompted the creation of the ACLU of Iowa in the first place, back in 1935.

Fortunately, thanks to our generous supporters—many of whom started donating after Trump’s first election—we are better equipped than ever to handle what comes.

Nationally, we are twice as large as we were in 2016. Here in Iowa we have more than doubled our staff overall and tripled the size of our legal team.

We are going to need that people power. The breadth of our work, both statewide and nationally, includes reproductive freedom, of course, but also racial justice, LGBTQ issues, gender equality, religious freedom, student rights, government and technology privacy issues, voting rights, disability rights, and our long-held focus on free speech and freedom of expression, which is the very foundation of our democracy.

It also includes the rights of immigrants—something President-elect Donald Trump has vowed to undermine.

That’s extremely relevant to us here in Iowa. Nearly 200,000 Iowans were born in a different country, about double the number in 2000. Yet many of these Iowans

struggle for fair treatment, especially those who are not fully documented or whose immigration status is in flux or tied up in layers of bureaucracy.

Just as there are unique stories that have brought immigrants to Iowa, there are also dozens of different immigration statuses (see page 5 for more details). It’s one reason the term “illegal” is so offensive. Not only does that term not recognize the individual, complex situation of each person; it is dehumanizing.

So I’m proud that we are suing to stop one of the worst, most far-reaching anti-

immigrant laws ever passed in the state of Iowa, SF2340. This law, currently blocked by a federal court, conflicts

with existing

immigration laws by directing Iowa law enforcement to arrest even immigrants who have authorization to be here. This includes people granted asylum; those who were given visas to protect victims of crime, trafficking, or domestic violence; and many more, including mere children.

It’s vital litigation like this that underlines the importance of the work we do. It also makes me grateful for your support. The ACLU relies solely on private donations from people like you.

We all want a just and equitable Iowa in which everyone can live and thrive. And we won’t stop working for it.

**We are suing to stop one of the worst, most far-reaching anti-immigrant laws ever passed in the state of Iowa.**



THE DEFENDER IS THE NEWSLETTER OF THE ACLU OF IOWA AND THE ACLU OF IOWA FOUNDATION

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ACLU of Iowa  
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# CHALLENGING TWO VOTER CHALLENGES

Legal actions right before the election helped ensure voters weren't improperly blocked.

In the anxious weeks before the November election, we took two actions to protect voting rights in Iowa.

Two weeks before the election, we got wind that private parties outside of government were presenting mass challenges, asking for the cancellation of thousands of registered voters on the rolls in Johnson, Muscatine, and Pottawattamie counties, and possibly other counties.

## WARNING TO OBSERVE THE "QUIET PERIOD"

Some voters had already had their registrations wrongfully canceled after the federal 90-day deadline, which is in place precisely to prevent last-minute voter registration purges.

We sent a legal advisory letter to all county auditors and urged them to reinstate anyone they had improperly removed. We also alerted the media, getting extensive coverage of

the issue. Thanks to our efforts, hundreds of voters were restored to the rolls before Election Day.

## MAKING SURE NEW CITIZENS CAN VOTE

Additionally, just days before the election, we filed a lawsuit because the Iowa Secretary of State had created a list of 2,200 registered voters he suspected of being non-citizens, based on outdated Iowa driving records. He then used the list to direct local officials to challenge these people and block them from voting by regular ballots.

We were denied a full block of the directive before Election Day. But we were able to pressure the Secretary to back off, so that many people who presented proof of citizenship were able to vote with regular ballots.

Our litigation continues to prevent similar purges ahead of future elections.



I support the ACLU because

I'm passionate about defending the rights of agricultural immigrant workers in Iowa, who add so much to our state and include members of my own family.

STACEY ROBLES  
Grimes

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# IMMIGRANTS

## IMMIGRANTS MAKE HUGE CONTRIBUTIONS TO OUR STATE, YET IOWA HAS RECENTLY ENACTED ITS MOST BIZARRE, DRACONIAN ANTI-IMMIGRANT LAW EVER.

Maybe the only thing we can all agree on about immigration is that in this country, it's not working well.

Right here in Iowa, we have thousands of people who want to become citizens and who contribute significantly to our economy and our communities. For the sake of immigrants and for the sake of the entire country, we need to create a fair, orderly, humane

immigration system that manages the border and provides a path to citizenship for longtime residents.

### No Crisis Here

To hear some politicians—including our governor—talk, we've got an immigration crisis on our hands here in Iowa, driven by high crime rates among undocumented immigrants.

That's simply not the case, as the statistics demonstrate:

- Violent crime rates nationally and statewide are down.
- Immigrants of all types commit crimes at rates lower than the U.S.-born population.
- Undocumented immigrants commit crimes at rates even lower than authorized immigrants.

The fact is that people of all immigration statuses are our family,

friends, neighbors, coworkers, school children, and college students. They are a positive part of our communities.

### A "Solution" That Creates Problems

Immigrants grow our economy, especially in agriculture and manufacturing, and alleviate a severe worker shortage, especially in rural

areas. Yet the Iowa Legislature last spring decided it was going to "fix" imaginary mass problems with undocumented immigrants by passing a bizarre, brutal law that only makes the situation far worse. That law is SF2340, which targets so-called "criminal reentry."

The politicians who passed SF2340 have described it in wildly incorrect and oversimplified terms



## SF2340: IOWA'S WORST-EVER IMMIGRATION LAW

» SF2340 was passed by the Iowa Legislature in March 2024 and then signed into law by Gov. Reynolds in April.

» It was supposed to go into effect July 1, but the ACLU and the American Immigration Council filed a lawsuit and won a temporary block on the law for now. The state has appealed, but that appeal has not yet been ruled on as of publication time.

» It's billed as a "criminal re-entry" law but is so badly written its effect would be wide-reaching and incredibly harmful on many fronts.

» The law makes being in Iowa after having ever been deported a felony punishable with imprisonment of up to 10 years. This includes people who were brought here as babies and people who may have once entered the country without authorization and were deported but are now here legally. So authorized immigrants, including now-citizens, could be deported or imprisoned.

» It turns the complex task of determining immigration status and taking action on that status to local law enforcement, which has neither the bandwidth nor the expertise. Some law enforcement leaders have spoken out publicly against the law.

Photo Credit: Eric Benson/Investigate Midwest

# IN IOWA

There are 200,000 immigrants in Iowa, 6.3% of our population

**Undocumented immigrants commit crimes at rates lower than documented immigrants and both groups commit fewer crimes than the U.S.-born population**

Source: National Institute of Justice

as a law that tacks on a state criminal charge to someone who is already violating federal law by entering the state “illegally” after having previously been deported.

But the law is badly written and doesn't acknowledge the immense complexity of immigration law. For example, it would direct state officials to order the deportation or imprisonment even of people who are now here legally, like some of our clients.

Also, as intended, it has created significant fear in Iowa's immigrant communities.

“It's hard to overstate how awful and bizarre this law is,” says ACLU of Iowa Legal Director Rita Bettis Austen. “It is deeply harmful

to Iowa families and communities. Lawmakers knowingly targeted people who are protected by federal immigration laws and who are legally allowed to be here, like people granted asylum, or those with special visas given to domestic violence survivors.”

## Why Federal Government Is in Charge of Immigration

Immigration law and enforcement has been, from the founding of our country, the responsibility of the federal government. And for good reason. Individual states should not be negotiating with foreign governments and there shouldn't be a state-by-state patchwork of laws. “You don't want all 50 states going out and doing their own thing to enforce their own separate immigration schemes,” Bettis Austen says.

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## IT'S COMPLICATED

There are dozens of different immigration statuses that may apply to an individual, depending on political winds and government bureaucracy.

Of the estimated 200,000 immigrants here in Iowa, nearly half are full, naturalized U.S. citizens. The other 100,000 or so have one of several dozens of immigration statuses, which are each influenced by several factors, all of which can change over time.

Factors that determine immigration status include:

- Family structure and marital status
- What their home country is and the political situation there, including any natural disasters
- The political situation in the U.S. and in Iowa
- Age of the individual
- The religion of the individual
- Race and/or cultural or ethnic background
- How backlogged immigration courts may be
- The quality of their legal representation and how much money they have to pay for that legal representation
- Student status. A little over 8,000 of Iowa's immigrants are international students at a college or university.
- If they have a highly valued work skill
- If they are a victim of domestic violence or sex trafficking
- If they have been able to renew their current immigration status, such as a work or student visa. This also may depend on the cooperation of their home country.
- “Moral character” and any past civil or criminal arrests or convictions
- The ability to pass English, civics, and history exams
- U.S. government quotas on numbers of certain types of immigrants

Determining a person's immigration status is so complex that sometimes an individual themselves can't tell you exactly what their current immigration status is, or will be in a few months, weeks, or sometimes even days.

It's just one reason that SF2340 is so unworkable. It takes extensive legal training, time, and access to multiple databases to determine someone's precise immigration status. For example, to expect a police officer to do a check during a traffic stop or as part of a routine arrest for unlawful marijuana possession is completely unrealistic.

Even with training and access to databases, the time involved would pull officers away from actual public safety tasks, and in the end, make our communities not more safe, but less.

# IMMIGRANTS

CONT. FROM PAGE 5

But SF2340 puts local officials suddenly in the role of having to deal with international law.

“There are lots of good reasons—related to foreign relations, national security, humanitarian interests, and our constitutional system—why the federal government enforces our immigration law,” Bettis Austen says.

Immigration law is complex, and determining a person’s exact immigration status

is complicated and requires highly specialized legal expertise. It also can be time-consuming, and requires sifting through multiple databases that are difficult to access.

### Even Law Enforcement Doesn’t Like It

You can imagine, then, why local police chiefs and sheriffs are reluctant to take on the responsibility of enforcing federal immigration law during routine duties.

“This law tasks local and state police,

prosecutors, and local judges with the enforcement of immigration law, despite their having no training and no tools for that,” Bettis Austen says.

Also, bizarrely, the law specifies that Iowa judges are supposed to order people to return to the foreign nation they entered the United States from—even if they are not a citizen of that port’s country.

And Iowa law enforcement is supposed to somehow transport these people to the port of entry and make sure they leave.

But how? Is law enforcement supposed to put them on a plane? Is an Iowa deputy supposed to drive them personally to a border and make sure they go through the process of removal?

An immigrant’s “refusal to comply” could mean being charged with a Class C felony, punishable by up to 10 years in state prison—even if they have lawful immigration status under federal law.

Michael Tupper, Marshalltown chief of police, agrees that SF2340 is a major problem for public safety. “This law

undermines local law enforcement’s ability to work with their communities and will actually diminish public safety, not improve it.

“It will create fear in our community that will make people reluctant to talk to police and to report crimes.

“The law provides no additional funding to local governments, who would be directed to arrest, prosecute, deport, or incarcerate people based on immigration status. It will take our time and resources away from our key job: Keeping our local communities safe.”

### Deporting Children

The law applies to immigrants who are mere children. It would, for example, apply to situations where someone was brought here as a baby or young child and was then ordered to be removed with their family.

Now, the State of Iowa is directing law enforcement to arrest, prosecute, deport, or incarcerate children if they have reentered the country, even if they now have the legal right to be here.

“This law fails to

protect children by providing for a person’s arrest, deportation, or incarceration, regardless of the fact that they may have entered or reentered the country without authorization because they were only a baby or a child when they were brought here,” says Bettis Austen.

### Fueling Racial Profiling

Law enforcement doesn’t have access to the information, training, or other resources to determine which of the many complex immigration statuses a person might have. So, if allowed to take effect, the law would result in some officers defaulting to stereotyping people based on a person’s race or accent to decide who they should investigate.

“Local law enforcement simply doesn’t have an accurate way to determine a person’s immigration status, which is likely to result in racial profiling that will harm immigrants and citizens alike,” says Bettis Austen.

The law has been temporarily blocked by the courts while litigation continues.

## UNDOCUMENTED IMMIGRANTS IN IOWA BY THE NUMBERS

ACCOUNT FOR **45,000** IOWANS  
MAKING UP **1.4%** OF THE POPULATION

MOST HAVE LIVED IN THE COUNTRY FOR  
**MORE THAN FIVE YEARS**

MAKE UP **2%** OF THE WORKFORCE

IN **2017 PAID AN ESTIMATED \$68M**  
IN FEDERAL TAXES AND  
**\$60M** IN STATE AND LOCAL TAXES

**SPEND AN ESTIMATED \$1B** A YEAR

SOURCE: AMERICAN IMMIGRATION COUNCIL

# IN IOWA

Iowa immigrant  
top countries of origin

Mexico 22%

India 7%

Korea 4%

## DAVID'S STORY

**DAVID WAS JUST 12 WHEN HE WAS BROUGHT TO THE UNITED STATES BY HIS MOTHER.**

They managed to cross the U.S.-Mexico border without being stopped by border agents. His aunt—his mother's sister—was receiving cancer treatment and his mother desperately wanted to help care for her sister.

David, one of the clients in our lawsuit, went on to graduate from high school in Iowa in 2007 but was deported in 2015. He returned to the U.S. shortly after his removal in order to support his mother and his sister, a U.S. citizen, who suffers from serious medical conditions.

His mother and sister continue to heavily rely on him for assistance and financial support. His longtime partner is a citizen. But under Iowa SF2340, David could be arrested, prosecuted, imprisoned, and removed by the State of Iowa, even though he was brought here as a mere child.

## ANNA'S STORY

**THIS 18-YEAR-OLD HIGH SCHOOL STUDENT HAS BEEN GRANTED ASYLUM AND LIVES WITH EXTENDED FAMILY IN IOWA. BUT SHE COULD BE ARRESTED AND DEPORTED.**

Anna (not her real name) is also a client in our lawsuit. She grew up in Honduras, where her father was murdered and her older sister was kidnapped.

Fearing for their safety, when she was just 14, Anna and her mother and sister fled to the U.S. border. They were arrested and removed to Mexico.

Two years later, Anna returned to the U.S. border alone, requesting asylum. She was arrested and sent to a shelter for unaccompanied children. Eventually, she was released to U.S. family members and her request for asylum was granted. She is now active in extracurriculars at her Iowa school and aspires to join the National Guard.

However, under SF2340, Anna could be imprisoned and deported to Mexico, her most recent port of entry as specified in the brutal law. Anna does not have family in Mexico but she also cannot return to Honduras, where she faces even more danger. At an age when many students' biggest concerns are prom dates and college acceptance letters, Anna faces deportation into a country she doesn't know, without options for supporting herself or staying safe.

In Mexico she would not be able to finish high school. And, alone, she would be vulnerable to cartel and gang violence. Being removed would be extremely traumatic for Anna—if not downright life-threatening.

## A GRANDMOTHER'S STORY

**THIS 68-YEAR-OLD IS A LEGAL, PERMANENT RESIDENT WHO HAS LIVED HERE FOR YEARS—YET MIGHT NOW BE DEPORTED.**

Another one of our clients in the lawsuit is a native of Mexico. She now lives in northeast Iowa and is a permanent U.S. resident. A widow with health problems, she has five children and several grandchildren living here in the U.S. She lives with her daughters.

For many years, her husband—also a native of Mexico, who eventually became a U.S. citizen—worked in the U.S. In 2000, she came to the U.S. to be with him and her children and stayed. In 2005, she went back to Mexico for her mother's funeral. When she tried to reenter the U.S., she was stopped at the border, detained for a few hours, and not allowed to reenter.

She lived alone in Mexico for several years, but finally was able to work through many layers of bureaucracy to enter the U.S. lawfully. Throughout the process, she was truthful about having previously entered the U.S. unlawfully. Eventually, she got a green card and therefore lawful status.

Now Iowa's new law is changing everything. Since she once reentered the U.S. unlawfully—even for a few hours—according to the letter of the law she can be deported.

That is, rightly, terrifying to her and a great injustice. "I am terrified that I could be prosecuted and removed to Mexico. After my removal order in 2005, I waited patiently for the U.S. government to approve my visa. It was devastating to be separated from my husband, children, and grandchildren for so many years. I cannot imagine having to go through that again, especially now when I have my green card. I would be heartbroken; it would destroy my entire life."



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### ACLU MOMENT

# February 1935

## Shutting down an Iowa teacher loyalty oath

One of the ACLU of Iowa's first legislative victories was in 1935. State Representative Bourke Hickenlooper in February introduced a bill that would require a loyalty oath of all Iowa teachers, popular legislation nationally at the time that was seen as a method of somehow ferreting out communist sympathizers.

The bill required schools and colleges to fire any teachers who did not take the oath. It didn't have any provisions for demonstrating proof of any violation of the law. And it didn't allow for an investigation in case a teacher was wrongly accused of violating the law.

Just three other groups opposed it: a group of Iowa college students, The Iowa Conference of University Professors, and the Iowa Academy of Science. But they were effective. The bill eventually died a quiet death in legislative committee.



Lois Slinker stands for a photo with her students in the rural Liberty School in 1928, near Slater. Photo courtesy Slater Area Historical Association.

The sponsor of the teacher oath bill, Hickenlooper was a lawyer from Blockton who went on to become Iowa governor in 1943 and then a U.S. senator from 1945 to 1969. He became known as one of the country's most conservative congressional members.

