



Asian Americans Advancing Justice-Atlanta Opposes SB 132 (SB 132/FA)

Asian Americans Advancing Justice-Atlanta opposes Senate Bill 132, which prevents immigrants from certain countries from owning land for either agricultural or residential purposes. SB 132 runs afoul of the Fair Housing Act and the Equal Protection Clause of the 14th Amendment. The proposed legislation has implications for real estate ownership and home loan applications.

This bill applies to non-citizens and non-Legal Permanent Residents from countries that are designated by the Department of Commerce as “foreign adversaries”: China, Cuba, Iran, North Korea, Russia, and the Venezuelan Maduro regime. This could bar visa-holders, refugees, asylum-seekers and others from owning, purchasing, or having possessory interest in agricultural land and land within 25 miles of any military base, military installation, or military airport. In metro Atlanta, for instance, there are at least four military installations within the meaning of the proposed legislation. Outside of metro Atlanta, this legislation would also cover vast tracts of land near cities like Savannah, Augusta, and Valdosta. If enacted, SB 132 would drive away immigrants who are currently working, studying, or residing in Georgia, and would deter many more who are planning to move to Georgia.

The bill’s restrictions also extend to foreign corporations and other business entities from any nation designated as a “Country of Particular Concern” by the United States Secretary of State, which include Burma (Myanmar), China, Cuba, Eritrea, Iran, North Korea, Nicaragua, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan.

SB 132 has a distinctive stain emblematic of discriminatory land laws that excluded and displaced immigrants of Asian descent. Through the 1910s and 1920s, a series of alien land laws were enacted in at least thirteen states, which prohibited “aliens ineligible for citizenship” from owning, leasing, devising, or transferring agricultural land. Such laws were directed primarily against Japanese immigrants while affecting Chinese, Indian, and Korean communities as a corollary. Ultimately, in the landmark case of *Oyama v. State of California* (1948), the Supreme Court ruled that state laws proscribing land ownership based on race or national origin violated the 14th Amendment and was thus unconstitutional.

Furthermore, much of the rhetoric around this legislation has revolved around fears of “Communist China” and an alleged scheme to take control of the United States’

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food supply. In lieu of an outright ban targeting a specific class of non-citizens, there is already a mechanism in place that reviews real property transactions. The Committee on Foreign Investment in the United States, for instance, has the authority to address national security risks arising from real property transactions. The Agricultural Foreign Investment Disclosure Act, as implemented by the Department of Agriculture, also requires foreign persons who buy, sell, or gain interest in U.S. agricultural land to disclose their holdings and transactions.

This rhetoric stokes anti-immigrant and anti-Chinese fervor at a time when the Chinese, AAPI, and other immigrant communities are increasingly vulnerable to racial violence. We must stand against harmful legislation and rhetoric that scapegoat certain immigrants and countries, and paint them as threats to our national security and economic interests.