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Immigration Issues are Messy

When it comes to immigration issues, it's easy to find scapegoats and hard to find solutions.

The finger-pointers have a convenient but misplaced target in the Idaho Supreme Court, which put Ada County and the state back on the hook Monday for an illegal immigrant's medical bills exceeding \$187,000.

Never mind that the court might well be right. And never mind that, regardless of how the court ruled, the outcome was academic. One way or another - as taxpayers or as health care consumers - we'd all incur Javier Ortega Sandoval's medical bills.

An illegal immigrant working in Ada County, Sandoval suffered a stroke in March 2006. Hospitals cannot turn away emergency patients, based on their ability to pay or their immigration status, so Sandoval spent nearly two months at Saint Alphonsus Regional Medical Center.

Twenty-seven months after Sandoval's stroke, the Supreme Court's task Monday was to settle up the tab. Even though taxpayers are responsible for indigent medical costs, the county argued that this requirement does not extend to an illegal immigrant. Facing the prospect of eating Sandoval's bills, the hospital argued for payment from the government.

The court was handed both a hot-button issue and a less-than-crystalline passage of state law. The law defines an Idaho resident as anyone living at the same address for 30 days - but also says a resident "does not include a person who comes into this state for temporary purposes, including, but not limited to, education, vacation, or seasonal labor."

The law does not address immigration status - which, of course, would have simplified the court's job.

Sandoval met the 30-day requirement, leaving the court to deduce whether he considered his stay in Idaho temporary. Writing for the court's 4-1 majority, Justice Roger Burdick said Sandoval met Idaho's residency requirements - and offered, perhaps unwittingly, an indictment of American enforcement of immigration law.

"While Sandoval may have been subject to deportation proceedings, there is nothing in the record to indicate that this possibility created in him a subjective intent to return immediately to Mexico."

Writing for the minority, Justice Warren Jones argued that Sandoval was, by definition, a temporary resident. "Mr. Sandoval's tenure in Idaho could last only as long as he successfully evades the authorities." Based on its clearest standard - the 30-day threshold - Sandoval met the law's residency

requirements. The court didn't, or couldn't, sort out the rest. As Ada County spokesman Rich Wright said Tuesday, "There isn't a whole lot of clarification there for us."

Which makes the issue ripe for legislative meddling. Three years ago, a Senate committee wisely rejected a bill to limit taxpayer liability for illegal immigrants' medical bills - seeing it as merely a cost shift to hospitals required to treat any patient who shows up. Tightening up residency requirements might clean up the law, but it also would only pass on the bills to hospitals. And it would illustrate, again, how difficult it is to truly solve immigration problems.