

US Supreme Court ruling on immigration opens means courts may strike down provisions elsewhere

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BIRMINGHAM, Ala. — Monday’s Supreme Court ruling overturning key provisions of Arizona’s illegal-immigration law opens the door for courts to strike down similar measures in states that have tried to make it a crime for illegal immigrants to live and work in the U.S.

Supporters of immigration crackdowns, however, say the ruling also gives states a critical role in enforcing federal law by allowing local authorities to check the immigration status of those suspected of being in the country illegally.

“At least by that glimmer of hope in the decision that we’ll have the opportunity to interact more closely with the federal government on undocumented residents when we encounter them,” said South Carolina state Sen. Larry Martin, a Republican who sponsored his state’s legislation. “Beyond that, I think our hands are tied by the federal law.”

The high court struck down Arizona’s requirement that all immigrants obtain or carry immigration registration papers; a provision making it a crime for an illegal immigrant to seek or hold a job; and a provision allowing police to arrest suspected illegal immigrants without warrants.

In the majority opinion written by Justice Anthony Kennedy, the court ruled that those provisions conflicted with federal law. In other words, enforcing the nation’s immigration laws is a task for the federal government, not state or local governments.

Laws passed in Alabama, Georgia, South Carolina, Indiana and Utah were modeled at least in part upon the one passed by Arizona in 2010. Now that the Supreme Court has weighed in on the issue, challenges to the laws in those states can now likely move forward.

Parts of those laws had been temporarily blocked. Federal judges in many cases had been waiting to issue a final ruling until the Supreme Court made its decision, believing the high court ruling would set important legal precedent.

Both supporters and detractors of the crackdowns describe Alabama’s law as the toughest in the nation. It adopted much of the Arizona law and incorporated other provisions, including a requirement that public schools verify the citizenship status of new students.

Also, Alabama is the only state where courts allowed a provision to go into effect that requires officers to make a “reasonable attempt” during any traffic stop or other police encounter to determine the immigration status of a person if there is suspicion of someone being an illegal immigrant.

The high court ruling clears the way for the 11th U.S. Circuit Court of Appeals to decide whether those provisions can stand. The 11th Circuit is also considering Georgia’s law, which contains provisions allowing police to check people’s immigration status.

For Georgia to avoid having that law overturned based on arguments that such checks amount to racial profiling, officers would have to investigate the immigration status of every person they detain, said

Charles Kuck, an Atlanta immigration attorney and former president of the American Immigration Lawyers Association. He said it was a mistake for supporters of the law to interpret the high court's ruling as a victory.