



Arizona Employers For Immigration Reform

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AZEIR Statement On Supreme Court Ruling on Arizona v. United States

The Supreme Court's ruling on SB 1070 is a significant win for those demanding sensible immigration reform.

Today's strong 5-3 Supreme Court opinion that three of the four sections of SB1070 challenged by the U.S. Dept. of Justice are unconstitutional should put an end to the argument that states can insert themselves in federal immigration enforcement efforts. The Court rejected Arizona's argument SB1070 simply mirrors federal law (§3), can institute state criminal penalties where no federal penalties exist (§5(C)) or arrest someone without a warrant whom the officer has probable cause to believe has committed a deportable crime (§6). We believe these are the correct decisions.

The Court did not affirm the show-me-your-papers section either; rather the Court said it is premature to make a determination as to the Constitutionality of section 2(B). Constitutionality will turn on how it is enforced and what constitutes a "reasonable" attempt to verify legal status. "The state courts may conclude that, unless the person continues to be suspected of some crime for which he may be detained by state officers, it would not be reasonable to prolong the stop for the immigration inquiry." Moreover, the Court said, "This opinion does not foreclose other preemption and constitutional challenges to the law as interpreted and applied after it goes into effect."

As we have said before, challenges on these grounds are, in fact, already before or are about to come before the courts. If these cases highlight the reality of how this law has been enforced in areas of our state, it is likely that section 2(B) will be found to be contrary to the Constitution and overturned.

We hope that this important decision will discourage states from considering state-level immigration laws and push Congress to directly address the issue of immigration reform expeditiously in a practical and positive manner that helps our businesses, economy and country succeed and grow while ensuring our Nation's security.

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