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From: Dennis Hodgins, Principal Analyst

Re: U.S. Supreme Court Ruling on Arizona's Immigration Enforcement Law

U.S. Supreme Court Ruling

The U.S. Supreme Court handed down its decision on June 25, 2012 in *Arizona v. United States*. At issue was whether federal law preempts the following provisions of Arizona's omnibus immigration law (SB 1070), enacted in 2010:

- Section 2 (B), requiring law enforcement to determine immigration status during a lawful stop. The Supreme Court upheld this provision. This provision authorized Arizona police to check immigration status of people they have stopped or arrested. The Court decided it was too early to tell whether this provision was valid or invalid, and that the ruling on its preemption status would ultimately depend on how it is applied.
- Section 3, creating a state crime for an alien's failure to apply for or carry federally issued alien registration papers. The Court held this provision was preempted by federal law.
- Section 5 (c), making it unlawful for an unauthorized alien to solicit, apply for or perform work. The Court held this provision was preempted for interfering with the federal regulatory system.
- Section 6, authorizing the warrantless arrest of a person where there is probable cause to believe the person to have committed a public offense that makes the person removable from the United States. The Court held this provision was preempted because such determinations are reserved for the federal government.

The U.S. Supreme Court ruled that immigration law is the prerogative of Congress and the executive branch, and states may not adopt laws or enforcement policies that conflict with federal law.

Background

In April 2010, Arizona enacted two laws addressing immigration (SB 1070 and HB 2162). These laws added new state requirements, crimes and penalties related to enforcement of immigration laws and were to become effective on July 29, 2010. Before the laws could go into effect, the U.S. Department of Justice filed a lawsuit asking for an injunction against these laws arguing that they were unconstitutional. On July 28, a federal district court judge granted the request for injunction in part and enjoined those provisions relating to state law officers determining immigration status during any lawful stop, the requirement to carry alien registration documents, the prohibition on applying for work if unauthorized, and permission for warrantless arrests if there is probable cause the offense would make the person removable from the United States. Arizona Governor Brewer appealed the injunction and arguments were heard by the ninth U.S. Circuit Court of Appeals. On April 11, 2011, the ninth Circuit upheld the injunction, leading to the appeal to the United States Supreme Court.

For the text of the opinions more information and analysis regarding the case, visit <http://www.scotusblog.com/case-files/cases/arizona-v-united-states/>.

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