

ILLEGAL IMMIGRATION; Enforcement challenge rejected

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Byline: Jeremy Redmon

Staff

Highlight: Federal court upholds dismissal of lawsuit questioning police powers.

Body

A federal appeals court in Atlanta has **rejected** legal efforts aimed at shutting down programs that give Cobb County and state police **immigration enforcement** powers.

In its ruling this month, the 11th Circuit Court of Appeals upheld a lower court's decision to dismiss a lawsuit against two of Georgia's 287(g) programs, named after the section of federal **immigration** law that authorizes them. The appeals court said it found no legal error in the district court's opinion and agrees with its conclusions.

Two Mexican citizens and one Salvadoran citizen sued Cobb, state and U.S. **Immigration** and Customs **Enforcement** officials last year, arguing their 287(g) programs are unconstitutional and should be scrapped.

Under the 287(g) program sheriff's deputies may be empowered to question people about whether they are in the country legally and to serve arrest warrants, prepare charging documents, and detain and transport criminals for **immigration** violations.

Those who sued alleged, among other things, that they were not notified of their Miranda rights when they were arrested and detained and that they were not granted access to attorneys while they were being questioned.

In October, a federal district court judge dismissed their complaint, saying they lacked standing because they could not "allege an imminent threat of future harm." They appealed.

One of their attorneys said he disagreed with the appeals court's decision.

"It's truly disheartening that the complaint --- a catalog of shocking factual and constitutional abuses stemming from the 287(g) program --- might be summarily disposed of on a technical legal conclusion with which I respectfully disagree," said Erik Meder, an attorney for the plaintiffs.

Cobb Sheriff Neil Warren and ICE officials welcomed the appeals court decision.

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"While the immigration laws may be unpopular with some advocacy groups," Warren said in a prepared statement, "the partnership we have with ICE has been very successful in identifying and deporting those individuals who choose not only to enter the country illegally but also violate our laws."

More than 14,800 people have been "removed" --- deported or allowed to voluntarily leave the country --- through Georgia's five 287(g) programs since fiscal year 2006, federal records show. Gwinnett, Hall and Whitfield authorities also participate in the program.

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