

ILLEGAL IMMIGRATION LAW; 'Show-me-your-papers law' a go

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Byline: Jeremy Redmon

Staff

Highlight: Court allows Ga. to enforce key part of **immigration law**; critics say fight not over.

Body

A federal appeals court in Atlanta ruled Monday that Georgia could soon start enforcing a key part of its sweeping **immigration law**, empowering state and local police to investigate the **immigration** status of suspects and take **illegal** immigrants to jail.

But the three-judge panel from the 11th U.S. Circuit Court of Appeals also said it recognizes arguments from critics that this statute "invites a host of other problems, namely racial profiling," and that such racial profiling could spur lawsuits.

Federal court rules say Georgia could begin enforcing the measure --- nicknamed the "**show-me-your-papers law**" --- within a matter of weeks if neither side in the case asks for a rehearing by the full appeals court.

The court also ruled that another part of Georgia's **law** should remain on hold. That provision would punish people who knowingly transport or harbor **illegal** immigrants while committing other crimes.

Both measures terrified **illegal** immigrants after Gov. Nathan Deal signed them into **law** last year, prompting some to flee Georgia. But calm prevailed in June of last year when a lower court in Atlanta temporarily put the statutes on hold.

U.S. District Judge Thomas Thrash took action amid a legal challenge brought by a coalition of civil and immigrant rights groups, including the American Civil Liberties Union and the Southern Poverty **Law** Center. Those groups argued the statutes are pre-empted by federal **law** and are therefore unconstitutional. Georgia officials denied those arguments and appealed, saying the state must act to protect its taxpayer-funded resources.

State and ACLU officials said they were still reviewing the court's ruling Monday and had not yet decided whether they would appeal. A spokesman for the governor said Deal will consult with Attorney General Sam Olens on how to proceed.

"This ruling upholds the most important enforcement elements of our state's **immigration law**," said Brian Robinson, the governor's spokesman.

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The groups suing to block the Georgia law said their fight was not over. The case --- including the provision about harboring and transporting illegal immigrants --- goes back to Thrash for consideration.

"It's not the end of the story," said Mary Bauer, legal director for the Southern Poverty Law Center. "We believe that eventually the law will be struck down and found to be unconstitutional as it is applied in the real world."

Both sides in the case said they were not surprised by the court's ruling Monday because it tracks closely with a U.S. Supreme Court decision from June. In that ruling, the court sustained a similar measure in Arizona that requires police to determine the immigration status of suspects when practical and when they have "reasonable suspicion" that the person is in the country illegally.

At the same time, the Supreme Court worried how the law could be applied, saying detaining people "solely to verify their immigration status would raise constitutional concerns." The court added its decision does not stop other legal challenges that could be filed against Arizona's law.

The appeals court echoed such concerns in its ruling Monday.

"Reliance on race, color, or national origin that is constitutionally prohibited, however, is expressly forbidden by the Georgia statute," the court said. "It is inappropriate for us to assume that the state will disregard its own law, and we therefore reject the argument in this respect, keeping in mind that unconstitutional application of the statute could be challenged in later litigation."

The court said the Georgia law that would punish people who transport or harbor illegal immigrants is pre-empted by federal law, which already prohibits such activities.

"When state laws intrude into areas of overwhelming federal interest and erode the discretion implicit in the sovereignty of the country, we must recognize the supremacy of federal law," the court said.

The author of Georgia's sweeping immigration law --- Republican state Rep. Matt Ramsey of Peachtree City --- said the appeals court's ruling was not unexpected.

"Just as we were pleased when the U.S. Supreme Court upheld one of the centerpieces of the Arizona law that provides law enforcement officials the ability to investigate the immigration status of criminal suspects," he said, "we are pleased that the 11th Circuit has upheld a similar provision in our Georgia law."

Azadeh Shahshahani, director of the National Security/Immigrants' Rights Project for the ACLU of Georgia, said her organization would disseminate "Know Your Rights" information to the community and document any racial-profiling cases.

"The court blocked Georgia's attempt at criminalizing acts of hospitality, faith, and conscience and made it clear that the state cannot put into effect policies that could interfere with the federal government's regulation of immigration," she said. "We will continue to fight racial profiling such as that resulting from the 'show-me-your-papers' provision."

Ruling on Georgia immigration law

The 11th Circuit Court of Appeals sustained part of Georgia's immigration law and kept another part on hold:

Sustained: A provision authorizing state and local police to investigate the immigration status of suspects they believe have committed state or federal crimes and who cannot provide identification or other information that could help police identify them. That provision also empowers police to detain people who are determined to be in the country illegally and take them to jail.

Remains on hold: A provision that would punish people who knowingly transport, harbor or entice illegal immigrants while committing another crime. A first offense of transporting seven or fewer illegal immigrants at the same time would carry up to 12 months behind bars and a fine up to \$1,000.

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