

# Judge blocks parts of Arizona immigration law

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PHOENIX – A federal judge dealt a serious rebuke to Arizona's immigration law on Wednesday when she put most of the crackdown on hold just hours before it was to take effect.

The ruling by U.S. District Judge Susan Bolton sets up a lengthy legal battle as Arizona fights to enact the nation's toughest-in-the-nation law. Republican Gov. Jan Brewer said the state likely appeal the ruling and seek to get the judge's order overturned.

But for now, opponents of the law have prevailed: The provisions that angered opponents will not take effect, including sections that required officers to check a person's immigration status while enforcing other laws.

The judge also delayed parts of the law that required immigrants to carry their papers at all times, and made it illegal for undocumented workers to solicit employment in public places — a move aimed at day laborers. In addition, the judge blocked officers from making warrantless arrests of suspected illegal immigrants.

"Requiring Arizona law enforcement officials and agencies to determine the immigration status of every person who is arrested burdens lawfully-present aliens because their liberty will be restricted while their status is checked," Bolton, a Clinton appointee, said in her decision.

She said the controversial sections should be put on hold until the courts resolve the issues. Other provisions of the law, many of them procedural and slight revisions to existing Arizona immigration statute, will go into effect at 12:01 a.m. Thursday.

The law was signed by Brewer in April and immediately revived the national debate on immigration, making it a hot-button issue in the midterm elections. The law has inspired similar law elsewhere, prompted a boycott against the state and led an unknown number of illegal immigrants to leave the state.

Lawyers for the state contend the law was a constitutionally sound attempt by Arizona to assist federal immigration agents and lessen border woes such as the heavy costs for educating, jailing and providing health care for illegal immigrants. Arizona is the busiest gateway into the country for illegal immigrants, and the border is awash in drugs and smugglers that the state badly wants to stop.

"It's a temporary bump in the road, we will move forward, and I'm sure that after consultation with our counsel we will appeal," Brewer told the Associated Press. "The bottom line is we've known all along that it is The responsibility of the feds and they haven't done their job so we were going to help them do that."

The ruling came just as police were making last-minute preparations to begin enforcement of the law and protesters were planning large demonstrations against the measure. At least one group planned to block access to federal offices, daring officers to ask them about their immigration status.

In a sign of the international interest in the law, about 100 protesters in Mexico City who had gathered in front of the U.S. Embassy broke into cheers when speakers told them about the federal judge's ruling. The demonstrators had been monitoring the news on a laptop computer on the stage.

The crowd clapped and started chanting, "Migrants, hang on, the people are rising up!"

Gisela and Eduardo Diaz went to the Mexican consulate in Phoenix on Wednesday seeking advice because they were worried about what would happen to their 3-year-old granddaughter if they were pulled over by police and taken to a detention center.

"I knew the judge would say that part of the law was just not right," said Diaz, a 50-year-old from Mexico City who came to Arizona on a since-expired tourist visa in 1989. "It's the part we were worried about. This is a big relief for us."

Opponents argued the law would lead to racial profiling, conflict with federal immigration law and distract local police from fighting more serious crimes. The U.S. Justice Department, civil rights groups and a Phoenix police officer had asked the judge for an injunction to prevent the law from being enforced.

"There is a substantial likelihood that officers will wrongfully arrest legal resident aliens under the new (law)," Bolton ruled. She added that a requirement of the law that police determine the immigration status of all arrested people will prompt legal immigrants to be "swept up by this requirement."

Federal authorities who are trying to overturn the law have argued that letting the Arizona law stand would create a patchwork of immigration laws nationwide that would needlessly complicate the foreign relations of the United States. Federal lawyers said the law is disrupting U.S. relations with Mexico and other countries and would burden the agency that responds to immigration-status inquiries.

Bolton noted that the expected increase in immigration checks from Arizona will divert federal resources away from other priorities and said the federal government has shown that it's likely to succeed on its claim that such mandatory checks under the Arizona law would be trumped by federal law.

Responding to the ruling, Justice Department spokeswoman Hannah August said that the agency understands the frustration of Arizona residents with the immigration system. She added that a wide range of state and local policies would seriously disrupt federal immigration enforcement.

Brewer's lawyers said Arizona shouldn't have to suffer from America's broken immigration system when it has 15,000 police officers who can arrest illegal immigrants.

Brewer is running for another term in November and has seen her political fortunes rise because of the law's popularity among conservatives. It's not yet clear how the ruling will affect her campaign, but her opponent was quick to pounce.

"Jan Brewer played politics with immigration, and she lost," Arizona Attorney General Terry Goddard, a Democrat. "It is time to look beyond election year grandstanding and begin to repair the damage to Arizona's image and economy."

Republican Rep. John Kavanagh, one of the law's top supporters, said he was disappointed by the ruling and that he expects it to ultimately end up being decided by the U.S. Supreme Court.

"I don't think the judge's statements in the hearings justify this ruling," Kavanagh said. "I don't think the law justified her injunction."