

# Fed judge OKs SC law allowing immigration checks

MEG KINNARD, Associated Press

Updated 10:39 a.m., Thursday, November 15, 2012

COLUMBIA, S.C. (AP) — A federal judge has ruled that a South Carolina law allowing police to check people's immigration status can go into effect during a lawsuit but kept in place a ban on other parts of the state's tough new legislation.

In a ruling issued Thursday, U.S. District Judge [Richard Gergel](#) said that he would dissolve an earlier ruling that kept the contentious provision from going into effect. But Gergel also noted that both sides in an ongoing lawsuit over the issue will now have time to make further arguments in court.

Last year, the federal government and the [American Civil Liberties Union](#) sued to challenge the constitutionality of South Carolina's new law, which was modeled on similar legislation in Arizona and considered among the toughest in the country.

Some parts of the law went into effect Jan. 1, including a requirement that businesses check new hires' legal status through a federal system. Businesses that knowingly violate the law could have their operating licenses revoked.

In December, Gergel put the lawsuit on hold while the U.S. Supreme Court considered litigation over Arizona's provisions. He also blocked sections of the South Carolina law, including the status check provision and policies that would make it a state crime not to carry immigration paperwork or for illegal immigrants to transport or house themselves.

Under the judge's new ruling, Gergel also continued to block the paperwork provision, saying that only the federal government has authority over keeping track of people in the U.S. who aren't citizens.

In a statement, South Carolina's top prosecutor claimed victory in the decision to let the status check provision go into effect.

"Giving law enforcement this ability will make our state a better, safer place for all South Carolinians," Attorney General [Alan Wilson](#) said.

Civil liberties groups challenging the law weren't sure Thursday if they would appeal Gergel's decision. ACLU attorney [Andre Segura](#) said his organization was happy the judge kept some of his prohibitions in place and said monitoring of the law's implementation would continue.

"It's important for everyone to know their constitutional rights," Segura said. "All individuals, even if they lack status, have constitutional rights, and that includes the right to remain silent and the right to ask for a lawyer."

<http://www.seattlepi.com/news/crime/article/Fed-judge-OKs-SC-law-allowing-immigration-checks-4031469.php#ixzz2CiBDkwDG>