

Judge rejects part of Nebraska immigration law

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OMAHA, Nebraska -- A federal judge on Monday rejected a portion of a Nebraska city's ordinance that would have denied housing permits to illegal immigrants but upheld a requirement that employers verify the citizenship status of people they hire.

U.S. District Judge Laurie Smith Camp found some of the housing provisions in Fremont's ordinance, approved by voters in 2010, are discriminatory in violation of federal law.

Both sides in the contentious immigration debate claimed victory after the ruling, which stemmed from a combined lawsuit filed by the American Civil Liberties Union and the Mexican American Legal Defense and Educational Fund.

Fremont's attorney Kris Kobach, who is also Kansas' secretary of state, said 75 percent of the ordinance was upheld, including a requirement that Fremont employers use the federal E-Verify database to ensure employees are legal.

The judge also determined the city can still require anyone seeking to rent property to apply for a \$5 city permit and swear they are in the country legally. Kobach said the ruling simply prevents the city from revoking those permits, even if applicants are found to be illegal immigrants.

"This vindicates the city's position," Kobach said.

But attorney Shirley Mora James, who worked with MALDEF on the case, called the ruling a clear victory for the plaintiffs because the housing penalties were struck down.

"The court has gutted the ordinance, in my view. I do not see this as a victory for Fremont," Mora James said.

Fremont City Attorney Paul Payne said no decisions would be made on when to implement the upheld portions of the law until a city council meeting next week. The law had been on hold while the lawsuits were decided.

Once the ordinance goes into effect, employers in the city of 25,000 will have 60 days to get ready to use the federal E-verify database, so Kobach said that part of the ordinance likely wouldn't take effect until May. He said the other portions could be enacted next month.

Last year, the U.S. Supreme Court upheld an Arizona law that required businesses to use E-Verify or face losing their business licenses.

<http://www.azcentral.com/news/articles/2012/02/21/20120221nebraska-judge-rejects-part-immigration-law.html>