

Judge keeps South Carolina immigration law on hold after Arizona ruling

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By Harriet McLeod

CHARLESTON, South Carolina (Reuters) - A federal judge who in December blocked parts of a South Carolina law cracking down on illegal immigrants said on Monday the law would remain on hold until an appeals court ruled on the case.

That means South Carolina still cannot enforce a provision requiring police to check the immigration status of people they stop. The U.S. Supreme Court last month upheld that controversial aspect of a similar law in Arizona.

U.S. District Judge Richard Gergel in December blocked that piece of the law and others from taking effect in South Carolina. He held a hearing on Monday by teleconference in his chambers in Charleston to revisit his order in light of the Supreme Court ruling. The media were not allowed to attend.

Gergel issued an order afterward saying the Supreme Court ruling "raises substantial issues" about his order blocking parts of the South Carolina measure.

But the judge said he no longer had jurisdiction to alter his ruling and would have to wait for action by the appellate court.

He said that because the state had appealed his injunction, it would remain in place until the 4th U.S. Circuit Court of Appeals either lifted it or sent the case back to him for reconsideration.

State officials want the case decided by the appeals court.

"We believe that the appeal needs to remain at the 4th Circuit, so that the Court of Appeals can determine all issues at one time," said Mark Plowden, spokesman for the state Attorney General's Office.

South Carolina is one of five states - including Alabama, Georgia, Indiana and Utah - that modeled their laws after Arizona's crackdown on illegal immigrants.

The Supreme Court struck down a provision in the Arizona law that called for immigrants to obtain and carry special identification papers. South Carolina's law has a similar requirement, which state Attorney General Alan Wilson recently said he considers dead in light of the high court's decision.

South Carolina's measure also provides for a special state police Immigration Enforcement Unit with unique uniforms and marked cars.

The state police began hiring and training the officers in January and will be ready to start enforcing the "legal stop" provision by mid-July if the injunction is lifted, Department of Public Safety spokeswoman Sherri Iacobelli said last month.

The decision on the Arizona law did not directly address the part of South Carolina's measure that makes it a felony for anyone to knowingly harbor or transport an illegal immigrant.

Wilson has said he would ask the 4th Circuit Court of Appeals to let that provision take effect.

<http://www.reuters.com/article/2012/07/09/us-usa-immigration-scarolina-idUSBRE86812Q20120709>