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Court to rule on Ariz. immigration law

By ERIC WALTER

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With the U.S. Supreme Court set to rule on Arizona's controversial law to curb undocumented workers, some experts have been looking ahead to what the decision may mean on a wider level.

"If the court strikes down the Arizona law, pressure will increase on Congress to enact comprehensive immigration reform," said Cornell law professor Stephen Yale-Loehr. "If the court upholds all or part of the Arizona law, other states will be emboldened to enact their own immigration laws: some pro-immigrant, some anti-immigrant."

Stephen Brent, of the Rochester-based firm Brent and Powell and two time president of the Upstate New York chapter of the American Immigration Lawyers Association, said he also expects to see more state-

level immigration legislation if the Arizona law is upheld, though mostly by states interested in restricting illegal immigration.

Five other states — Alabama, Georgia, Indiana, South Carolina and Utah — have enacted similar legislation to that which Arizona passed.

"I would think there would be



In this file photo, protesters march against Arizona's illegal immigration law in Phoenix. The U.S. Supreme Court did not rule on the issue Thursday, leaving the decision until next week. The court could decide as early as Monday.

even more states interested in enacting their own legislation," Brent said.

Provided that states keep their legislation consistent with federal legislation — something he thinks the Arizona law does for the most part — Brent said he does not see any clear-cut constitutional obsta-

cles with states passing their own immigration laws, though he'd prefer they did not. While Brent said he understands the frustrations of lawmakers in border states who say the federal government as not doing enough to curb a longstanding problem, he also believes that immigration should

be handled almost exclusively on the federal level.

Even if the court approves the law in its entirety, immigration law watchers should not expect its more controversial provisions to go into effect any time soon. The Court is evaluating the 2010 law only on the question of whether Arizona's legislation is pre-empted by federal law.

Opponents could still ask the courts to block enforcement of the law on other grounds, such as the possible racial profiling that may arise from it.

"All the court is going to decide is the pre-emption issue," said Linton Joaquin, general counsel for the National Immigration Law Center, an advocacy group for low-income immigrants that's part of a coalition of opponents that filed a separate challenge. "But we think this law basically requires racial profiling by mandating that officers detain and investigate people that they have reasonable suspicions of being unauthorized."

Andre Segura, an attorney for the American Civil Liberties Union, said it's also likely that the law would probably be given back to lower courts to decide when it takes effect, if it is upheld.

The case was argued before the high court in April, and a ruling is expected at some point in the next week.

— Includes reporting by the Associated Press



Brent