

JUSTICE NEWS

Department of Justice

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Department of Justice Challenges South Carolina's Immigration Law*Complaint Cites Conflict with Federal Enforcement of Immigration Laws*

WASHINGTON – The Department of Justice challenged South Carolina's recently passed immigration law, Act No. 69, in federal court today.

In a complaint, filed in the District of South Carolina, the department states that certain provisions of Act No. 69, as enacted by the state on June 27, 2011, are unconstitutional and interfere with the federal government's authority to set and enforce immigration policy, explaining that "the Constitution and federal law do not permit the development of a patchwork of state and local immigration policies throughout the country." South Carolina's law clearly conflicts with the policies and priorities adopted by the federal government and therefore cannot stand.

South Carolina's law is designed to further criminalize unauthorized immigrants and, like the Arizona and Alabama laws, expands the opportunity for police to push unauthorized immigrants towards incarceration for various new immigration crimes by enforcing an immigration status verification system. Similar to Arizona's S.B. 1070 and Alabama's H.B. 56, this law will place significant burdens on federal agencies, diverting their resources away from high-priority targets, such as terrorism, drug smuggling and gang activity, and those with criminal records. In addition, the law's mandates on law enforcement will also result in the harassment and detention of foreign visitors and legal immigrants, as well as U.S. citizens, who cannot readily prove their lawful status.

"Today's lawsuit makes clear once again that the Justice Department will not hesitate to challenge a state's immigration law, as we have in Arizona, Alabama and South Carolina, if we find that the law interferes with the federal government's enforcement of immigration," said Attorney General Eric Holder. "It is understandable that communities remain frustrated with the broken immigration system, but a patchwork of state laws is not the solution and will only create problems. We will continue to monitor the impact these laws might have on our communities and will evaluate each law to determine whether it conflicts with the federal government's enforcement responsibilities."

"DHS continues to enforce federal immigration laws in South Carolina in smart, effective ways that focus our resources on criminal aliens, recent border crossers, repeat and egregious immigration law violators and employers who knowingly hire illegal labor," said Department of Homeland Security Secretary Janet Napolitano. "This kind of legislation diverts critical law enforcement resources from the most serious threats to public safety and undermines the vital trust between local jurisdictions and the communities they serve, while failing to address the underlying problem: the need for comprehensive immigration reform at the federal level."

The department filed the lawsuit after consultation with the South Carolina attorney general and South Carolina law enforcement officials. The suit was filed on behalf of the Departments of Justice, Homeland Security and State, which share responsibilities in administering federal immigration law. The department will soon request a preliminary injunction to enjoin enforcement of the law, parts of which go into effect on Jan. 1, 2012, arguing that the law's operation will cause irreparable harm.

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The Justice Department previously challenged S.B. 1070 and H.B. 56 on federal preemption grounds. The department continues to review immigration-related laws that were passed in Utah, Indiana and Georgia. Courts have enjoined key parts of the Arizona, Alabama, Georgia and Indiana state laws and temporarily restrained enforcement of Utah's law.

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Attorney General