

JUSTICE NEWS

Department of Justice

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**Department of Justice Challenges Alabama Immigration Law**

*Lawsuit Cites Conflict with Enforcement of Federal Immigration Laws*

WASHINGTON - The Department of Justice challenged the state of Alabama's recently passed immigration law, H.B. 56, in federal court today.

In a complaint and brief filed in the Northern District of Alabama, the department said that various provisions of H.B. 56 conflict with federal immigration law and undermine the federal government's careful balance of immigration enforcement priorities and objectives. The brief filed today makes clear that, while the federal government values state assistance and cooperation with respect to immigration enforcement, a state cannot set its own immigration policy, much less pass laws that conflict with federal enforcement of the immigration laws.

Alabama's law is designed to affect virtually every aspect of an unauthorized immigrant's daily life, from employment to housing to transportation to entering into and enforcing contracts to going to school. H.B. 56 further criminalizes mere unlawful presence and, like Arizona's law, expands the opportunities for Alabama police to push aliens toward incarceration for various new immigration crimes by enforcing an immigration status verification system.

Consistent with the department's position in *United States v. Arizona*, in which the department last year successfully obtained a preliminary injunction against Arizona's S.B. 1070, the brief said that the mandates that H.B. 56 imposes on Alabama law enforcement may also result in the harassment and detention of foreign visitors, legal immigrants and even U.S. citizens who may not be able to readily prove their lawful status. In addition, H.B. 56 will place significant burdens on federal agencies, diverting their resources away from dangerous criminal aliens and other high-priority targets. In addition to interfering with law enforcement, H.B. 56 imposes further burdens on children by demanding that students prove their lawful presence, which could discourage parents from enrolling their children in school.

"Today's action makes clear that setting immigration policy and enforcing immigration laws is a national responsibility that cannot be addressed through a patchwork of state immigration laws," said Attorney General Eric Holder.

"The department is committed to evaluating each state immigration law and making decisions based on the facts and the law. To the extent we find state laws that interfere with the federal government's enforcement of immigration law, we are prepared to bring suit, as we did in Arizona."

"DHS continues to enforce federal immigration laws in Alabama and around the country in smart, effective ways that focus our resources on criminal aliens and employers who knowingly hire illegal labor, as well as continue to secure our border," said Department of Homeland Security Secretary Janet Napolitano. "Legislation like this diverts critical law enforcement resources from the most serious threats to public safety and undermines the vital trust between

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local jurisdictions and the communities they serve. We continue to support comprehensive reform of our immigration system at the federal level because this challenge cannot be solved by a patchwork of inconsistent state laws.”

Birmingham Chief of Police A.C. Roper believes that the Alabama immigration law will hamper local law enforcement’s ability to police the community effectively. Roper stated that the law will require the Birmingham Police Department to “expend scarce resources on immigration matters at the expense of” municipal priorities.

The department filed the suit after consultation with the Alabama governor, Alabama attorney general and Alabama 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, and the Department of Education was also consulted. The department has requested a preliminary injunction to enjoin enforcement of the law, parts of which go into effect on Sept. 1, 2011, arguing that the law’s operation will cause irreparable harm.

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Attorney General