



Written by [Raven Clabough](#) on September 20, 2012

## Judge Rules Arizona Police May Check Immigration Status

U.S. District Judge Susan Bolton [signed](#) an order on Tuesday allowing Arizona police to begin immediately enforcing the provision of the Arizona immigration law that requires police to check the immigration status of individuals whom they lawfully stop. Fox News reports that the ruling is “the latest milestone in a two-year legal battle over the requirement [that] culminated in a U.S. Supreme Court decision in June that upheld the provision on the grounds that it doesn’t conflict with federal law.”



Because the Grand Canyon State is the busiest entry point in the country for illegal immigrants, its lawmakers passed SB 1070 in 2010 in order to stanch the burgeoning flow across its southern border. At the time the law was signed, Arizona Governor Jan Brewer [declared](#), “This bill strengthens the laws of our state, protects all of us, every Arizona citizen. It does so while ensuring the constitutional rights of all remain solid, stable.”

The legislation incited considerable controversy, particularly over its provision requiring police to check the immigration status of individuals during a lawful stop, dubbed the “Papers, please” clause. Opponents asserted that the law’s application would lead to racial profiling and unreasonably long detentions of Latinos.

By June of this year, Arizona’s immigration law had made its way through the judicial system all the way to the U.S. Supreme Court. While the justices blocked certain portions of the law, including a requirement that immigrants carry immigration registration papers, they upheld the provision allowing police to check the immigration status of those whom they stop while enforcing other laws.

Judge Bolton signed the formal order on Tuesday that dissolves an injunction she issued over two years ago blocking the state from enforcing key provisions of the law. The Supreme Court determined in June that Bolton’s order was legally incorrect.

However, Tuesday’s order also makes permanent the injunction she issued in 2010 barring the enforcement of three other provisions of Arizona’s law. The Supreme Court determined that her conclusions were correct and that the barred provisions were preempted by federal law.

Now that the so-called “Papers, please” provision is in full effect, advocates on both sides are keenly interested in the outcome.

Governor Jan Brewer stated that the provision is a tool for local police, but added that it will not cure Arizona’s illegal immigration issue. “Only the federal government has the resources and responsibility necessary to achieve that,” she added.

While supporters want to see the provision strongly enforced, some fear that federal immigration officials will not properly fulfill their role in arresting those found to be in the country illegally.

According to the [Associated Press](#),



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Federal officials said they will check people's immigration status when officers call. But they'll only send an agent to arrest someone if it fits with their priorities, such as catching repeat violators and those who are a threat to public safety and national security.

"I am mulling what I will do if they don't respond," said Maricopa County Sheriff Joe Arpaio. "I don't feel comfortable letting the illegal alien back on the street."

Civil rights advocates have opposed the law and are gearing up for a legal battle.

Carlos Garcia, an organizer for the Puente Movement, which states on its website that it is for "migrant justice and civil rights," claims that the police should not enforce the law, thus making illegals more likely to cooperate in reporting crimes.

But some contend that such action by law-enforcement agencies would make them more susceptible to lawsuits from Arizona residents rightly claiming that police are not fully enforcing the law.

Civil rights organizers in Arizona are also attempting to orchestrate an effort to encourage illegal immigrants to remain silent if they are stopped by police.

ABC News [writes](#),

Nataly Cruz and Leticia Ramirez have been telling immigrants who are in the United States illegally, like themselves, that they should offer only their name and date of birth — and carry no documents that show where they were born.

"We want to teach the community how to defend themselves, how to answer to police, how to be prepared, and to have confidence that they're going to have help," Ramirez said.

Ramirez indicated that she is unwilling to give up the 18 years she has spent in the United States illegally because of a law that she perceives to be a threat to her life here.

Lydia Guzman, leader of the civil rights group Respect-Respecto, reveals that a hotline has been set up to answer calls from concerned illegals who want to know their rights in the event that they are questioned by a police officer on their immigration status. She says her group is looking for volunteers who are willing to field calls and document reports of abuses. Those volunteers would also be sent to scenes of special immigration patrols to capture footage on camera.

Judge Bolton's order is most likely not the last word on the provision, however, as a civil rights coalition group is [asking](#) the Ninth Circuit Court of Appeals to once again block the immigration law.

National Immigration Law Center attorney Linton Joaquin had this to say about the law: "It's going to cause racial profiling. It's going to cause people to be stopped because of their appearance."

Likewise, Omar Jadwat, an attorney with the American Civil Liberties Union, asserted that the provision "has opened the door to racial profiling, wrongful detentions and arrests, putting everyone's civil rights at risk."

Governor Brewer has responded to these concerns by indicating she has "full faith and confidence" that police will fairly and impartially enforce the law. "They bring their training and experience to this important task, as well as a solemn commitment to service the public, protecting our citizens and upholding the law," she said in a prepared statement. "That means all of our laws, including those barring racial profiling or discrimination."

The Ninth Circuit has not yet responded to the request of the civil rights groups.





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