

**National Employment Law Project**

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## **Arizona v. United States, Statement of National Employment Law Project**

### **NELP Applauds Court Opposition to Patchwork Immigration Laws, Warns Against Racial Profiling in Upheld Provision**

Washington, DC – By a 5-3 vote, the U.S. Supreme Court today held in *Arizona v. United States* that most of the provisions of the state’s controversial anti-immigrant law are unconstitutional. The Court let stand a provision that requires police officers to verify the immigration status of anyone they arrest, though the Justices left open the possibility of a future challenge to the effect this provision has in practice.

“Today the Court rejected the extreme view held by its dissenters that states can devise their own immigration policies,” said **Christine Owens, Executive Director of the National Employment Law Project**. “The Court based its decision in part on the necessity that our nation speak with one voice on immigration, and the danger that a patchwork system of immigration regulation poses to our foreign policy and our role in the world. In addition, the Court noted that the federal government is in the best place to evaluate these national priorities, including placing deportation of working immigrants low in its priorities. The Court denied the State of Arizona the ability to make work itself a criminal act.”

Specifically, the Court held that the federal government’s plenary power to regulate immigrations trumps provisions of Arizona’s law that 1) make it a crime for an undocumented worker to seek or engage in work, 2) make it a state crime not to carry a registration card, and 3) allow Arizona police to arrest anyone they believe may have committed a deportable offense.

Justice Kennedy, Chief Justice Roberts and three other members of the Court said that the effects of Arizona’s “papers, please” provision needed to be tested in practice before a ruling could be made on its Constitutionality. The Court left it standing.

“Unfortunately, the Court has shown itself to have a blind spot when it comes to the real world implications of Arizona’s ‘papers, please’ provision,” said Owens.

“At least until other pending cases come before the Court, the decision leaves our country divided into places where all of us can freely live and work to support our families, and places where some of us must live in fear,” said Owens. “Sanctioning a requirement that police verify the immigration status of persons stopped, detained or arrested gives a green light to racial profiling by those police officers inclined to see federal immigration law enforcement as one of their primary law enforcement roles.”

“Groups are now organizing on the ground in Arizona to monitor instances of racial profiling by local law enforcement. We can only hope that when later cases prove to the Court that racial profiling is

occurring, a course correction will be made. In the meantime, millions of workers and their families will be subjected to intimidation and harassment.”

NELP called today on the other two branches of government to act.

“Congress must do its job and enact comprehensive immigration reform to allow millions of workers to safely exercise their core labor rights. The Obama administration should reaffirm its commitment to protecting the rights of immigrant workers and communities by broadly exercising prosecutorial discretion, particularly in cases involving victims of Arizona-style racial profiling and those attempting to exercise their workplace rights,” said Owens.

*The National Employment Law Project is a non-partisan, not-for-profit organization that conducts research and advocates on issues affecting low-wage and unemployed workers. For more information, please visit [www.nelp.org](http://www.nelp.org).*

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