



## Arizona Immigration Statute: DOJ Raises Law Enforcement Issues

July 12, 2010

On July 6, 2010, the U.S. Department of Justice filed a lawsuit seeking to prohibit the enforcement of the controversial new anti-immigration law passed by the state of Arizona in April. See, for example, the [helpful summary in the blog of \*Legal Times\*](#). DOJ is seeking declaratory and injunctive relief to prohibit the enforcement of the law, known as S.B. 1070.

Among other things, S.B. 1070 requires state police to make an attempt, when practicable during a detention or an arrest, to determine a person's immigration status if there is reasonable suspicion that the person is an illegal alien. Arizona is the first state with such a law. The state asserts, however, that the law simply codifies and parallels existing federal law.

Although many supporters of the law have characterized the opposition of the Obama administration to S.B. 1070 as the outgrowth of a misguided sympathy for illegal immigrants, it is interesting and noteworthy that as expressed by the administration, its opposition to the law is based on a pro-law-enforcement perspective. The complaint is thus an interesting read, partly for its explication of DOJ's enforcement priorities.

Soon after the law was passed, for example, Secretary of Homeland Security Janet Napolitano testified before the Senate Judiciary Committee that she had "deep concerns" about the law because it would divert necessary law enforcement resources from combating violent criminals.

According to the complaint, S.B. 1070's "attrition through enforcement" approach to illegal immigration encroaches upon federal immigration policy, undermining the federal government's delicate balance of complex and competing federal interests,



**IfrahLaw**

Strategic Defense in  
Federal Investigations

**Crime In The Suites**

An Analysis of Current Issues in White Collar Defense



including immigration control, national security, public safety, humanitarian concerns and foreign relations.

In particular, DOJ alleges that Arizona's law disrupts the federal government's decision to target dangerous aliens — those who pose a threat to national security or public safety, including suspected terrorists, felons, gang members, recidivists and fugitive aliens (people who remain in the U.S. after they've been ordered to leave).

The ultimate outcome of the suit is anyone's guess, and we will be watching with interest.

*Crime in the Suites is authored by the [Ifrah Law Firm](#), a Washington DC-based law firm specializing in the defense of government investigations and litigation. Our client base spans many regulated industries, particularly e-business, e-commerce, government contracts, gaming and healthcare.*

*The commentary and cases included in this blog are contributed by Jeff Ifrah and firm associates Rachel Hirsch, Jeff Hamlin, Steven Eichorn and Sarah Coffey. These posts are edited by Jeff Ifrah and Jonathan Groner, the former managing editor of the Legal Times. We look forward to hearing your thoughts and comments!*

