

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Arizona Takes Immigration Appeal to U.S. Supreme Court

Posted: May 18th, 2011

On May 9, 2011, Arizona Gov. Jan Brewer and Attorney General Tom Horne announced that they intend to make a direct appeal to the U.S. Supreme Court of the preliminary injunction granted by the U.S. District Court in Arizona to temporarily suspend enforcement of that state's immigration law

The decision to appeal comes in the wake of a 9th Circuit ruling in April that upheld the July 2010 preliminary injunction, and could pave the way for a precedent setting ruling by the U.S. Supreme Court. Of course, the nation's high court could also simply decline to rule at this time, deferring any review until after a full trial on the merits.

The Arizona law, known as SB 1070, would, if not enjoined, require all state and local police during a valid stop to check the immigration status of anyone they suspected might be in the United States illegally.

This law, if allowed to go into effect, would also:

- Require immigrants to carry federal immigration papers;
- Make it illegal for undocumented immigrants to work in Arizona; and
- Authorize warrantless arrests of anyone who has committed a deportable offense.

Justice Department lawyers have argued that the Arizona law is in conflict with national immigration statutes and policies, contending that the state law is preempted by federal law.

Arizona officials, on the other hand, have asserted that the immigration law is consistent with federal statutes. They argue that the Obama administration is not enforcing federal immigration law to

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protect border states from illegal immigration and its consequent social problems.

The Ninth Circuit agreed with U.S. District Court Judge Susan Bolton that the Obama administration was likely to win the case at trial and thus was entitled to an injunction blocking implementation of the four provisions.

The final determination of this case is bound to influence immigration reforms expected to come out of Washington, so this blog will keep a watchful eye on the Arizona situation.

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