

The Supreme Court's Decision in Arizona v. U.S. *Community Education (June 26, 2012)*

In 2010, Arizona passed a law called “SB 1070.” But Arizona’s police officers were not allowed to enforce some sections of this law because courts prevented them from doing so. This week, the U.S. Supreme Court decided whether those sections of SB 1070 should stay blocked.

The U.S. Supreme Court **BLOCKED** the following parts of SB 1070:

- Making it a state crime to ask for or accept unauthorized work;
- Making it a state crime to fail to complete and carry registration papers if you are undocumented; and
- Permitting police officers to arrest someone without a warrant if the officers believe that the person committed a deportable offense.

That means that Arizona **CANNOT ENFORCE** these sections of SB 1070.

The U.S. Supreme Court **DID NOT BLOCK** the following part of SB 1070 (“**show me your papers**” provision):

- Requiring police to check the immigration status of anyone they lawfully stop for some other violation – no matter how trivial – if the police suspect that the person is undocumented; and
- Requiring officers to determine every arrested person’s immigration status before s/he is released.

What do you need to know today?

- **The Supreme Court’s decision hasn’t actually changed the law in Arizona yet.** There are still more steps in the legal process. There may be other developments. Stay informed, and do not do anything before consulting a legal representative to see how it might impact your immigration case.
- **Racial profiling is unlawful, and the Supreme Court’s decision did not change that.** The Supreme Court did not block the “show me your papers” provision, but it emphasized that Arizona must enforce the provision in a way that does not violate civil rights. While Arizona is not technically permitted to start enforcing the “show me your papers” part of SB 1070 at this time, we have heard many reports that Arizona police are already checking immigration status whenever they stop someone (and have been doing so for a while). Remember: whatever your immigration status, you have rights when police officers stop, question, search or arrest you – see this helpful pamphlet from the ACLU in [English](#) and [Spanish](#). Report any police abuses to your representative. The U.S. Department of Justice has created a toll-free hotline and an email address where you can bring questions or complaints about civil rights violations by police in Arizona: 855-353-1010 and Sb1070@usdoj.gov. To find a CLINIC Affiliate legal service provider in Arizona to help you, see our [website](#).
- **The Supreme Court only ruled on Arizona’s law, but the decision sets a precedent for other states as well.** The Supreme Court’s decision is only about one state’s law. It does not give federal immigration enforcement agents (ICE or CBP agents) any new powers. In addition to Arizona, five other states (South Carolina, Alabama, Georgia, Utah, and Indiana) have passed similar laws, and courts in those states are waiting to see what the U.S. Supreme Court decides about SB 1070. But as with SB 1070, these “copycat” laws in other states laws do not automatically go into effect because of the

Supreme Court's decision. There are still more steps in the legal processes in these states as well. If you have questions about your obligations under state law or federal immigration law, consult your representative.

- **Protect yourself from immigration fraud – beware of *notarios*!** Beware of *notarios* or so-called immigration “consultants” who claim to be able to protect you and your family from deportation, offer advice on how to apply for an immigration benefit, or ask to prepare any applications or documents for filing with federal immigration authorities. *Notarios* and consultants are **not authorized to practice federal immigration law**. Only Board of Immigration Appeals (BIA) Accredited representatives and licensed attorneys may do so. If you want to verify whether someone is licensed to be an attorney in your state, call your state's bar association. If you want to verify whether someone is accredited by the BIA, call the BIA (703-305-9029) or visit the BIA web site at: <http://www.usdoj.gov/eoir/statspub/raroster.htm>. For additional information and assistance, please see U.S. Citizenship and Immigration Services' website www.uscis.gov/avoidscams or contact CLINIC at 202-635-2556.

What can you do now?

- Record in detail every one of your encounters with state and local police.
- Make formal complaints to the attorney general or to the U.S. Department of Homeland Security.
- Share your stories with your parishes and the media.
- Share this document with people you know.
- Make sure people have accurate information.

This document was prepared on June 26, 2012 by CLINIC's State & Local Advocacy Attorney Karen Siciliano Lucas. This document provided for informational purposes only and is not intended as legal advice. For questions, please contact Karen at klucas@cliniclegal.org or (202) 635-7410.