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For Immediate Release

The United States v. Arizona

Drawing a Clear Line Between Federal and State Immigration Authority

July 6, 2010

Washington, D.C. - Today, the United States Department of Justice filed a [lawsuit](#) against the state of Arizona in federal court. The lawsuit, prompted by passage of SB 1070 in the Arizona legislature, will argue that federal law trumps the state statute and enforcing immigration law is a federal responsibility. The Department has requested a preliminary injunction to delay enactment of the law, arguing that the law's operation will cause "irreparable harm."

"The federal government is taking an important step to reassert its authority over immigration policy in the United States, said Benjamin Johnson, Executive Director of the American Immigration Council. "While a legal challenge by the Department of Justice won't resolve the public's frustration with our broken immigration system, it will seek to define and protect the federal government's constitutional authority to manage immigration."

Although states have always played a role in federal immigration enforcement, over the last 10 years more and more states have chosen to impose their local policies, priorities, and politics on our national immigration system. America can only have one immigration system, and the federal government must make clear where states' authority begins and where it ends. The federal government must assert its authority to establish a uniform immigration policy that it can be held accountable for. In the current environment it is unclear who is responsible for setting immigration enforcement priorities and who is responsible for their success or failure.

Also, while we applaud the administration's decision to challenge the constitutionality of the Arizona law, we urge it to also look inward and correct other policies and programs that confuse the relationship between federal and state authority to enforce immigration laws. For example, the Department of Justice should rescind an Office of Legal Counsel memo issued in 2002 which opened the door for greater state action by reaching the, politically motivated, decision that states had inherent authority to enforce immigration laws. In addition, the Department of Homeland Security should rescind the 287(g) agreement in Maricopa County, Arizona where it has become clear that the agreement is being abused.

At the end of the day, a lawsuit alone will not end the vacuum created by the lack of workable immigration laws. While the Department of Justice takes up the legal challenge, the Obama Administration and Congress must put the immigration issue squarely back where it belongs - in the halls of congress and on the desk of the President of the United States.

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For more information contact Wendy Sefsaf at 202-812-2499 or wsefsaf@immcouncil.org

www.americanimmigrationcouncil.org