



# NEWS RELEASE

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## Appeals Court Blocks HB 56's School Requirements

*Mixed ruling deals strong blow to state encroachment on federal immigration law*

The U.S. 11<sup>th</sup> Circuit Court of Appeals dealt a severe blow to Alabama's anti-immigration law Monday, with a particularly stinging rebuke of provisions regarding K-12 schools. The decision came in two separate rulings on *USA v. Alabama* and *HICA v. Alabama*.

The law in question, known as HB 56 (or the Beason-Hammon Alabama Taxpayer and Citizen Protection Act), contains an array of measures designed to drive undocumented immigrants from Alabama, including the requirement that public schools collect data on the immigration status of new students. The court held that collecting such information "because we want to know" violates the Equal Protection Clause of the 14<sup>th</sup> Amendment, significantly interfering with the rights of Alabama children to a public education. The court also held that numerous portions of the law were unconstitutional efforts by the state to encroach on federal immigration policy.

The Alabama Legislature was able to dodge part of the legal challenge to the law's section prohibiting undocumented immigrants from attending postsecondary institutions. The court held that changes made by the Legislature in 2011 rendered the challenge moot. Although the court did not strike down sections allowing law enforcement officers to check people's immigration status, the door remains open for future civil rights litigation as this provision is enforced. Critics predict such status checks will inevitably involve racial profiling.

In other findings against the State of Alabama, the court struck down sections that create a misdemeanor for failure to carry required immigration documents (Section 10), that prohibit undocumented immigrants from applying for work (Section 11), that criminalize the harboring of immigrants (Section 13) and that invalidate contracts signed with undocumented immigrants (Section 27). Regarding the contracts provision, the court noted that "if every other state enacted similar legislation to overburden the lives of aliens, the immigration scheme would be turned on its head."

"Alabama's legislators let a Kansas politician use them as a guinea pig, and we paid the price in months of lawsuits and in the suffering of children and families," ACPP executive director Kimble Forrister said. "It's going to take a long time to heal the wounds caused by this mean-spirited law."

The ruling comes on the heels of a recent Supreme Court case (*Arizona v. U.S.*), which many observers expected would serve to invalidate much of HB 56. The 11<sup>th</sup> Circuit used the opinions to show that various provisions of Alabama's law are unlawful exercises of state power, further cementing the exclusive role of the federal government in regulating immigration.

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**Arise Citizens' Policy Project** is a nonprofit statewide coalition of 150 congregations and organizations promoting public policies to improve the lives of low-income Alabamians.