

What happens next in Arizona?

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IPC staff lawyer Ben Winograd was quoted in a Washington Post blog post covering what the Supreme Court decision will mean in Arizona:

So while the court ruled that part of the law is constitutional in theory, its decision implies that it might not be constitutional in practice. And only time will tell.

That's why policy experts like Ben Winograd, a staff attorney for the American Immigration Council, believe the provision remains "legally vulnerable": It could still be struck down if it leads to civil rights violations, as pro-immigration advocates have warned. The same could happen in the five other states that have passed Arizona-like provisions for checking immigration status: Alabama, Utah, South Carolina, Indiana and Georgia. "They upheld the racial profiling provision, 2(B), but only on the narrowest grounds," says Greg Chen of the American Immigration Lawyers Association.

Winograd, for one, expects problems to mount up quickly for the provision. "It comes down to the assumption on whether the police respects the Constitution on a day-to-day basis," he says. "On paper, it makes a lot of sense. In practice, it's hard to believe."

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