

The American Immigration Council Applauds the Department of Justice for Responding to Utah's Anti-Immigrant Law

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Washington, D.C. – On Tuesday, the Department of Justice (DOJ) [filed suit](#) [1] against the state of Utah to block the implementation of HB 497, which mandates that local police enforce immigration laws. Several provisions of the law have already been enjoined as a result of [previous legal challenges](#) [2] from immigrant rights groups. The DOJ claims that HB 497 violates the Constitution, and the suit is consistent with its [other challenges](#) [3] in Alabama, Arizona and South Carolina. Utah's HB 497 is similar to Arizona's SB1070, however Utah state legislators attempted to couple the enforcement bill with a state-level guest-worker program. The guest-worker program is not yet being challenged by DOJ, as it does not go into effect until 2013.

The DOJ continues to appropriately exercise its obligation to preserve the federal government's exclusive authority to regulate immigration and its responsibility to take a stand against laws that will result in profiling, discrimination and the violation of fundamental constitutional rights. As noted by the Secretary of the Department of Homeland Security, these types of state immigration laws will overload the federal government with referrals and divert scarce resources from the agency's highest priorities—national security and public safety.

The DOJ press release [states](#) [1] that "the law's mandates on law enforcement could lead to harassment and detention of foreign visitors and legal immigrants who are in the process of having their immigration status reviewed in federal proceedings and whom the federal government has permitted to stay in this country while such proceedings are pending." The reality of that concern was brought home in Alabama when a German Mercedes Benz executive, [this week](#) [4], was arrested under the Alabama anti-immigrant law while he was in town visiting the automaker's facilities.

"States contemplating copycat laws of their own should carefully study the disastrous consequences unfolding in other states," said Benjamin Johnson, Executive Director of the American Immigration Council. "While these laws allegedly target undocumented immigrants, the impact on business, families and communities proves that the laws are, in fact, a burden and a threat to the well-being of all residents in these states. Congress must act on a federal solution or risk further challenges to their authority over immigration."

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[1] <http://www.justice.gov/opa/pr/2011/November/11-ag-1526.html>

[2] <http://www.nilc.org/pubs/news-releases/nr063.htm>

[3] <http://immigrationimpact.com/2011/11/01/doj%E2%80%99s-lawsuit-against-south-carolina-latest->

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[4] http://www.nytimes.com/2011/11/22/opinion/alabamas-shame-cont.html?_r=2

[5] <mailto:wsefsaf@immcouncil.org>

[6] http://www.americanimmigrationcouncil.org/sites/default/files/docs/DOJ_sues_Utah_112311.pdf