



Written by [Raven Clabough](#) on June 29, 2011

Federal Judge Blocks Portions of Georgia's Illegal Immigration Law

On Monday, a federal judge blocked portions of a Georgia law that would crack down on illegal immigration, at least until a legal challenge is fully resolved. In his ruling, the judge asserted that the role of enforcing immigration laws should be left to the federal government.



The order was handed down by Judge Thomas Thrash — a 1997 Bill Clinton appointee — who granted a request to block provisions in the law that would punish those who knowingly and willingly transport illegal aliens while committing another crime. Thrash also put a halt to the part of the law that would authorize police officers to verify the immigration status of someone who is unable to provide proper identification at the time of a stop.

Georgia's law also requires businesses in the state to check the immigration status of all new hires. That provision will be phased in starting in January. A similar law was passed in Arizona and recently upheld by the U.S. Supreme Court.

Georgia's law was scheduled to take effect on July 1. On June 20, Judge Thrash began to hear arguments after civil liberties groups filed a lawsuit asking the court to declare the law unconstitutional and block its enforcement.

The *Washington Times* [reports](#):

He [Judge Thrash] grilled Senior Assistant Attorney General Devon Orland, with the exchange sometimes bordering on testy.

Omar Jadwat with the American Civil Liberties Union argued the law is fundamentally unconstitutional and infringes on federal authority, while Mr. Orland said the measure is needed because medical facilities and prisons are being strained by illegal immigrants.

The civil liberties groups argue the law is unconstitutional and could encourage racial profiling. Provisions that penalize people for harboring and transporting illegal immigrants in certain situations also have the potential to punish people for innocent interactions with illegal immigrants, the groups have said.

According to Thrash, the Georgia law stands in conflict with federal immigration laws and “converts many routine encounters with law enforcement into lengthy and intrusive immigration status investigations.”

The *Atlanta Journal Constitution* [notes](#):



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States frustrated with what they consider lax federal enforcement of the nation's immigration laws have adopted their own. But federal judges in Arizona, Indiana, and Utah have halted similar laws in those states following constitutional challenges.

Georgia's controversial illegal immigration law in many ways mirrors Arizona's famous SB 1070, which garnered nationwide media attention and provoked anger from a variety of groups across the nation, including those with [socialist and Marxist affiliations](#).

SB 1070, writes *The New American's* Joe Wolverton, II, "empowers local and state police to enquire as to a person's immigration status whenever that person is lawfully detained for some other purpose." Wolverton also notes that the law utilizes state funds so as to avoid federal mandates and the intrusion of the federal bureaucracy.

Portions of Arizona's law were blocked by a federal judge after the U.S. Justice Department sued the state, claiming that the law intruded upon federal jurisdiction and permitted the state to engage in powers meant to be exclusive to the federal government.

Despite assertions by the federal government that it retains the sole power to regulate immigration, Arizona's Governor Jan Brewer made clear in a statement prior to signing SB 1070 into law that the federal government has failed signally in its task:

The bill I'm about to sign into law — Senate Bill 1070 — represents another tool for our state to use as we work to solve a crisis we did not create and the federal government has refused to fix. We in Arizona have been more than patient waiting for Washington to act. But decades of federal inaction and misguided policy have created a dangerous and unacceptable situation.

Though the Justice Department's suit has been upheld by a federal appeals court, Governor Brewer has indicated that she intends to appeal to the U.S. Supreme Court.

Similarly, the Utah state legislature passed a law that would have allowed the local police to crack down on illegal immigrants. Though milder than Arizona's law, the measure still managed to anger civil rights groups. The American Civil Liberties Union and other civil liberties organizations claimed that the law placed an unconstitutional burden on legal immigrations. As a result, a federal judge temporarily blocked the legislation last month, asserting that it closely resembled the controversial portions of Arizona's law.

A hearing has been set for mid-July to determine whether the law can go into effect.

In May, Indiana Republicans passed an immigration law mandating that state agencies use the E-Verify program to ascertain the citizenship status of new employees. The bill would also have allowed police officers to request proof of citizenship or legal immigration status from anyone they stopped from violating any law, assuming reasonable suspicion. Additionally, the measure would have allowed police officers to arrest anyone whom they had probable cause to believe was an illegal immigrant, and would have required all prisons to check the legal status of their inmates.

Earlier this week, however, U.S. District Judge Sarah Evans Barker temporarily blocked parts of Indiana's law just days before it went into effect, calling the provisions "seriously flawed."



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