

SB 1070 Four Years Later LESSONS LEARNED

APRIL 23, 2014

Today, April 23, is the fourth anniversary of the enactment of SB 1070, Arizona's notorious anti-immigrant law. This law criminalized daily interactions with undocumented immigrants, imposed severe penalties on immigrants who failed to carry immigration documentation and, most famously, mandated that police demand "papers" of those they thought might be in the country without authorization.

SB 1070 sparked an immediate national outcry from faith, business, and civil rights leaders as well as a civil rights lawsuit challenging the law's constitutionality. (This lawsuit has not yet been fully resolved. The U.S. Supreme Court recently rejected Arizona's request that it review a Ninth Circuit Court of Appeals decision that blocked two key elements of the law. The Court already had struck down several other provisions of the law in 2012.)

SB 1070's enactment in Arizona prompted legislators in five other states—Utah, Georgia, Indiana, Alabama, and South Carolina—to enact similar legislation in 2011. However, most of these other states have settled the legal challenges that immigrants' rights groups brought against the laws they enacted. The National Immigration Law Center has served as co-lead counsel in each of these legal challenges.

Here's where the SB 1070 copycat laws enacted in these five states currently stand:

Utah was the first state to join Arizona in enacting a "show me your papers"–style law. Though the law was packaged as part of a compromise, in truth, HB 497 would have had the same effect on Latinos, Asian Americans, and immigrants as SB 1070 did. A lawsuit was filed against this law in May 2011, and the U.S. federal district court issued a temporary restraining order to prevent the law from taking effect. The restraining order remains in place today, and the chief architect of HB 497, Stephen Sandstrom, has since publicly [denounced](#) his own legislation.¹

Georgia quickly followed suit with HB 87, a law that also provided local law enforcement with broad cover to demand "papers" of individuals and criminalized giving rides to or living with immigrants who lack authorization to be in the U.S. Key components of this law were initially blocked. Following the Supreme Court's decision in *Arizona v. United States* (read more about the case [here](#)²), the federal district court amended its injunction by allowing the "papers" provision to go into effect while continuing to block provisions regarding transporting and housing immigrants, which the state agreed to block

¹ www.sltrib.com/sltrib/politics/56000222-90/approach-arizona-event-immigration.html.csp.

² <http://www.nilc.org/sb1070usvaz.html>.

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permanently. Civil rights groups in Georgia continue to monitor local law enforcement agencies' compliance with the settlement agreement.

Indiana lawmakers also passed legislation that would have criminalized interactions with immigrants. In addition, they attempted to curtail immigrants' ability to use certain foreign identification documents for various public and private purposes. Civil rights groups sued the state, and a federal district court agreed to block key provisions of this law. The state declined to appeal the decision, and the provisions remain permanently blocked.

Alabama's HB 56 is known as "Arizona on steroids," and for good reason. This law affected nearly every aspect of an immigrant's life, ranging from interactions with state and local governments to enrolling children in public schools. A civil rights coalition brought a class action legal challenge to several components of this law. In Alabama, however, the groups suffered a defeat at the federal district court level, which allowed HB 56's worst provisions to take effect. The consequences of HB 56 were devastating: Latinos and immigrants were harassed on a daily basis, children were kept out of school, and some Alabama residents were denied access to basic utilities, such as water. The civil rights coalition won a significant legal victory in the Eleventh Circuit Court of Appeals, whose decision blocked several additional provisions of the law.

In October 2013, Alabama reached a settlement agreement with civil rights groups that permanently blocks several aspects of HB 56 and limits the scope of its infamous "show me your papers" provision.

South Carolina was the final state to adopt Arizona-style legislation. Here, as elsewhere, a civil rights coalition obtained a federal district court ruling to block key elements of the law, known as SB 20. Earlier this year, the state reached a [settlement agreement](#) with the coalition that permanently blocks several aspects of the state's anti-immigrant law, and the state attorney general issued an opinion to clarify that state law does not authorize local law enforcement to detain individuals to determine their immigration status.³

ACROSS THE COUNTRY, states have moved away from the anti-immigrant politics that led to SB 1070 and instead have [shifted](#) toward immigrant-inclusive measures that increase access to public education, improve highway safety by allowing all residents to apply for licenses, and restore trust between local law enforcement and immigrant communities.⁴

This sea change in policy indicates that, at the state and local levels, the tide has turned away from measures that criminalize immigrants. At the federal level, however, leaders of the House of Representatives continue to go down Arizona's increasingly lonely path, advancing the [SAFE Act](#),⁵ a measure that could threaten to spread Arizona's SB 1070 nationwide.

Federal lawmakers should learn from their state counterparts and abandon attempts to repeat counterproductive immigration policy history.

³ www.nilc.org/nro30314.html.

⁴ www.nilc.org/document.html?id=963.

⁵ www.nilc.org/irhouse2013.html#safe.