

Arizona's Immigration Law: Facts & FAQs

ARIZONA'S IMMIGRATION LAW, SIMPLY DEFINED

Arizona's immigration law, as sustained by the U.S. Supreme Court, June 25, 2012, allows state law enforcement officials, during a lawful stop or arrest, to contact federal agents in order to determine a suspect's immigration status if it is practical to do so and there is reason to believe the person is in the country illegally.

STATES WITH SIMILAR LEGISLATION

Alabama, South Carolina, Georgia and Utah have passed laws with provisions similar to Arizona's SB 1070. The debate on immigration laws is now in congress as Arizona's two Senators work as members of the Gang of Eight to pass bipartisan Federal immigration reform.

WHAT THE LAW DOES NOT ALLOW

Every law-enforcement agency in Arizona has undergone training on how to implement the law. The training on "reasonable suspicion" makes one thing abundantly clear: Language and ethnicity alone do not provide an officer enough reason to contact federal agents regarding a suspect's immigration status. The language of law itself dictates that police officers "may not consider race, color or national origin" in the practice of applying the law.

HOW DO LAW ENFORCEMENT OFFICERS DETERMINE 'REASONABLE SUSPICION'?

According to formal federal immigration agent Hipolito Acosta, who provided training to Arizona law enforcement agencies, officers can consider whether suspects seem out of place, lack a reasonable explanation for their presence or are wearing attire that does not reflect the climate of the area. Officers also can consider whether suspects have ready knowledge of their current address or how long they've lived at that location. If a suspect claims to be from a foreign country but legally in the U.S., they can be expected to have some knowledge about when they entered and their visa status. Acosta emphasizes that no single factor can stand on its own in creating reasonable suspicion.

HOW LONG CAN OFFICERS HOLD SUSPECTS WHILE THEIR IMMIGRATION STATUS IS CHECKED?

The Maricopa County Sheriff's Office errs on the side of caution with this element of the statute, relying on case law that says the stops should take no longer than the time of a normal traffic stop—about 20 minutes. Other agencies rely on the officer's discretion and circumstances surrounding the stop. Said Tommy Thompson, a spokesperson for the Phoenix Police Department: "At the heart of every police contact is, 'What is reasonable?' Am I going to hold you at the roadside for two hours? Not going to happen. One hour? Probably not. We give (officers) the same instruction we give them the day they start the academy: Use your common sense."

WHAT SUSPECTS ARE POTENTIALLY AT RISK FOR DETENTION AND/OR DEPORTATION?

The new law requires local and state officers to tell Immigration and Customs Enforcement (ICE) or Customs and Border Protection if they believe someone is in the country illegally. A federal official—typically over the

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phone—will verify the person's immigration status, run a background check and decide whether federal authorities want to get involved. Only the federal government can determine whether a suspect should be taken into custody or given notice to appear for an immigration-related hearing. The Department of Homeland Security deals only with "priority removals"— that is, illegal immigrants have been convicted of a crime, who have been deported before or who have just crossed the border. Most people stopped will not meet these criteria.

REFERRING TO THE ARIZONA STATUTE AS THE 'SHOW ME YOUR PAPERS LAW' IS A MISNOMER.

No one is required to carry "papers" in Arizona. Visitors need only bring the same ID they would carry if they were traveling to any other state (or boarding an airplane, renting a car, etc.). A valid driver's license is acceptable, as is a passport or military ID.

Sources: Arizona House Bill 2162 Section (2b), The Arizona Republic, Phoenix Police Department, Department of Homeland Security, Arizona Office of Tourism.

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