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Global Immigration Alert



Alabama Immigration Law Upheld – Mostly

On September 28, 2011, U.S. District Court Judge Sharon Lovelace Blackburn upheld the key provisions of Alabama's immigration law, the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. Alabama's immigration law is still considered the toughest immigration law in the country.

Judge Blackburn issued a preliminary injunction against some sections of the law, finding that these sections are likely pre-empted by federal law. She enjoined the provisions that:

- prohibit the harboring or transporting of illegal immigrants;
- prohibit illegal immigrants from enrolling in or attending public universities;
- prevent businesses from taking tax deductions for wages paid to workers who are not lawfully present in the US;
- make it a misdemeanor crime for an unauthorized alien to apply for, solicit or perform work;
- establish a civil cause of action against an employer who failed to hire or who discharged a U.S. citizen or an authorized alien while hiring or retaining an undocumented alien;
- prohibit drivers from stopping along a road to hire temporary workers; and

- allow consideration of only the federal government's verification in determining whether an alien is lawfully present in the U.S.

Judge Blackburn's ruling upheld a provision that requires Alabama businesses to use E-Verify to confirm the work authorization of new hires. She upheld a provision that requires law enforcement officials to try to verify a person's immigration status during routine traffic stops or arrests, if "a reasonable suspicion" exists that the person is in the country illegally. Judge Blackburn also upheld a provision that nullifies any contracts entered into by an illegal immigrant and a provision that requires elementary and secondary schools to determine the immigration status of incoming students.

In a statement released in response to the judge's ruling, Alabama Governor Robert Bentley stated: *"Today is a victory for Alabama. The court agreed with us on a majority of the provisions that were challenged . . . but this fight is just beginning. I am optimistic that this law will be completely upheld, and I remain committed to seeing this law fully implemented."*

The provisions of the law that were not enjoined will go into effect as scheduled. You can read our earlier [Legal Alert](#) for more information about the Alabama Law.

For additional information, please contact your local Fisher & Phillips attorney or any member of our Global Immigration Practice Group.

This Global Immigration Alert provides information about a particular state law. It is not intended to be, and should not be construed as, legal advice for any specific fact situation.

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