

BURR ALERT

Settlement of HB 56 Lawsuit Means Permanent Injunction Against Some Provisions of Alabama's Immigration Law

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On October 29, 2013, the Southern Poverty Law Center (SPLC) published a settlement agreement reached with the State of Alabama to end its challenge of HB 56, Alabama's immigration law in exchange for a court order permanently enjoining several provisions of the law. The SPLC represents a group of plaintiffs known as the "HICA plaintiffs," which was also represented by the ACLU, the National Immigration Law Center, and several Alabama attorneys. The settlement documents show that the agreement will permanently dispose of the following provisions of the immigration law:

- Section 10, which criminalizes failure to register as an immigrant;
- Section 11(a), which criminalizes the solicitation of employment or of work as an independent contractor by an undocumented immigrant;
- Sections 11(f) and 11(g), which criminalize offering rides to undocumented immigrants for the purpose of procuring employment services;
- Section 13, which is the provision criminalizing efforts to conceal, harbor, or shield an undocumented immigrant and includes entering lease agreements as one of those efforts;
- Section 27, which voided contracts knowingly entered with undocumented immigrants; and
- Section 28, which required the public school system to collect information about the immigration status of students.

The HICA plaintiffs also agree to dismiss their challenges to Sections 12, 18, 19, and 20 based on the State's representations about how those provisions will be interpreted and enforced. These are the so-called "show me your papers" provisions, which the State has agreed does not authorize law enforcement officers to stop, detain, arrest, or prolong the detention of individuals based solely on suspicions about immigration status.

The settlement agreement states that the U.S. Department of Justice and the so-called "Parsley Plaintiffs," who also sued to enjoin the immigration law, were consulted and conferred in the making of the agreement. However, the agreement is silent on employer-specific provisions of the law that the Department of Justice sued to enjoin, namely Section 16, which penalizes businesses for claiming state tax deductions for compensation paid to undocumented immigrants, and Section 17, which provides the dreaded private cause of action for discrimination based on the hiring and retention of undocumented immigrants. The settlement agreement does not expressly dispose of those lawsuits, so further efforts to settle or litigate those lawsuits to finality may be coming.

The HICA settlement document and proposed order can be accessed <[here](#)>.

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