



# Federal Appeals Court Blocks Parts Of Alabama Immigration Law

Insights

10.17.11

On October 14, 2011, the U.S. Court of Appeals for the 11th Circuit temporarily blocked two sections of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, while it considers the merits of the U.S. government's lawsuit seeking to permanently enjoin enforcement of the law. The law went into effect on September 29, 2011 after a temporary injunction imposed by federal District Court Judge Sharon Lovelace Blackburn for some sections of the law had expired.

The Court of Appeals concluded that the United States and the private plaintiffs in the lawsuit, which was brought against the State of Alabama, Gov. Robert J. Bentley and other entities, had a substantial likelihood of prevailing and granted the injunction as to Sections 10 and 28. Section 10 creates a criminal violation if an undocumented individual fails to carry an alien registration document; Section 28 requires public elementary and secondary schools to check the immigration status of students at the time of enrollment.

The sections that were not enjoined include those that allow police officers to verify the immigration status of any individual who is lawfully stopped, detained or arrested and making it a felony for an undocumented individual to enter into a "business transaction" within Alabama. A "business transaction" is defined as applying for or renewing a license plate, driver's license, ID card, or business license.

Please contact your regular Fisher Phillips attorney or any member of our Global Immigration Practice Group.

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