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## **Texas Court Blocks SB 4 from Forcing Local Law Enforcement to Detain Immigrants for ICE, Ruling Allows Localities More Autonomy in Setting Immigration Enforcement Policies for their Own Officers**

Today, U.S. District Judge Orlando Garcia from the Western District of Texas issued a ruling that blocked SB 4's provisions to force local law enforcement to detain immigrants for Immigration and Customs Enforcement (ICE) and prevent localities from exercising more autonomy in setting policies or practices that limit their participation in immigration enforcement. The ruling also made clear that SB 4 could not infringe upon the First Amendment rights of local officials to voice their opinion on local involvement in immigration.

The law, in its original form as passed, sought to punish cities, counties, and universities that prohibited local law enforcement officers from asking about a person's immigration status or enforcing immigration law, including holding someone for ICE in violation of their constitutional rights. It also created a criminal charge for police chiefs, county sheriffs, and constables who violated the ban and included a provision to remove elected and appointed officials from office if they were found to have violated the ban.

### **Said Lena Graber, staff attorney at the Immigrant Legal Resource Center:**

"In preventing some of the worst provisions in SB 4 from taking effect, the court has taken an important step toward protecting millions of Texans from what would surely result in racial profiling and other unlawful incursions on the rights of residents. This law was never about good public policy--it was passed to criminalize nearly half of Texas, sweep immigrants into a deportation dragnet, and punish local law enforcement for not volunteering to do the job of federal enforcement agents.

"Local agencies are well within their rights to limit their voluntary participation in deportations, and it's important that the court stymied SB4's efforts to forbid them from doing so. In its ruling today, the court also rejected provisions in SB 4 that attempted to silence critical public officials in a deplorable affront to their free speech rights. The enjoined provisions would have unconstitutionally prevented lawmakers and local law enforcement from safeguarding Texans' fundamental rights and responsibly governing their own communities."

"This lawsuit united cities like Austin, Dallas, Houston and El Cenizo, with county officials, major law enforcement leaders, judges, and advocates for the nearly five million immigrants who call Texas home. We will continue to support attorneys and community groups on the front lines to ensure that they have the resources they need to advocate for local reforms that would meaningfully protect immigrants from unnecessary deportations and afford equal protection and due process to all residents."

The legal claims made in the lawsuit against SB 4 assert that it violates the following constitutional protections:

- Federal Preemption. SB4 attempts to regulate immigration, “a field over which Congress has exercised exclusive authority.” SB 4 compels localities to comply with ICE detainers--which are voluntary--and forces local police to act as immigration agents.
- Due Process under the 14th Amendment. SB 4 is unconstitutionally vague given that it fails to identify the type of conduct that would break the law, specifically its prohibition of local officials from “endorsing” a policy limiting assistance in immigration enforcement.
- Equal Protection Clause of the 14th Amendment. The purpose of SB 4 is to discriminate, and it promotes profiling based on race, national origin and more.
- Freedom of Speech Protections under the 1st Amendment. SB 4 prohibits speech that is critical of it by threatening to remove public officials from office who speak against it or in favor of alternative policies or legislation.
- Unreasonable Search and Seizure Protections under the 4th Amendment. SB 4 would order local law enforcement, including police at college campuses, to detain people for ICE without ascertaining any probable cause for that arrest.

The Immigrant Legal Resource Center has worked to support many grassroots groups in Texas to oppose and mitigate the impact of SB 4 at the local level. ILRC staff has held legal trainings with attorneys and advocates to help them defend immigrants who may be impacted by SB 4 and related policies. Read the ILRC’s issue brief on local policy options here:

<http://bit.ly/2vKJPyt>.

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*The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities. [www.ilrc.org](http://www.ilrc.org)*