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## The Federal Courts' Treatment of Alabama's Immigration Law

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**Alabama's new immigration law, the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (H.B. 56) has received substantial nationwide publicity since its passage in July 2011. Nevertheless, it remains to be seen how much practical impact the law will have on the construction industry and other businesses and individuals in Alabama, particularly in light of federal court decisions stopping enforcement of numerous provisions, and calls by Alabama's Governor to "tweak" the law.**

Federal courts have temporarily halted enforcement of numerous sections of Alabama's controversial new immigration law. Two of the enjoined sections most relevant to businesses operating in Alabama are Section 16, which prohibits taking a state tax deduction for wages paid to an unauthorized alien; and Section 17, which creates a state "discrimination" cause of action based on the retention or hiring of an unauthorized alien over a United States citizen or an alien authorized to work in the United States.

Also enjoined were:

- Section 11(a), which makes it unlawful for an illegal alien to apply for work, solicit work, or perform work as an employee or independent contractor;
- Section 13, which makes it unlawful to harbor, conceal, or transport an illegal alien;
- Sections 11 (f) and (g) of the Act, which make it illegal for an occupant of a motor vehicle stopped on the street to attempt to hire someone to work at a different location if it impedes traffic and for an individual to enter into a motor vehicle for such purpose if it impedes traffic.
- Section 8, which bars illegal aliens from enrolling in public post-secondary schools
- Section 10, which made it a violation of State law for illegal aliens to be present in the State of Alabama; and
- Section 28, which required public schools to check the immigration status of their students.

Finally, Alabama's immigration law's lasting practical effect could be affected by the U.S. Supreme Court's ruling next year on the legality of a similar immigration law enacted in Arizona.