

# Good example of essay on argument : immigration laws

[Sociology](#), [Immigration](#)



## **Immigration Laws: Arizona's immigration wall-constitutionality**

Immigration: Countering the threat or breaking the law?

The issue of illegal and undocumented aliens in the United States has run the gambit of being perceived as a threat to the economic well being of the United States to undermining the national security of the country. The former deals with the threat of a steady stream of undocumented aliens flooding into the United States to seek a better life for themselves and their families, looking for employment to lift themselves from abject poverty; many in the United States see them as “ robbers” taking what should be given to native born Americans. The latter addresses the possibility of illegal aliens entering into the country, training with extremist elements already in the United States and then launching terrorist attacks in the country.

However, the issue here is not whether these individuals take “ American jobs” or are feared owing to some physical features. The issue here is that illegal aliens are being targeted not because of the threat these bring, but the discrimination and profiling that the police and other law enforcement agencies are practicing in the name of national security or keeping jobs in American hands.

## **Illegal Immigration: Constitutional Issues**

In the ruling of the Supreme Court, the body ruled that the Federal government's irrefutable power with regards to immigration on its mandate as enshrined in the Constitution to “ establish a uniform Rule of Naturalization” and in its sovereign power to regulate and administer foreign

relations. The Supreme Court ruled that in national law, there are classifications for aliens that are deemed to be ineligible for entry into the United States. The Supremacy Clause found in the Constitution gives the power to the national government to arrogate state laws. Though laws may have an explicit preemption clause, laws enacted by the states must yield to Federal statutes in two additional instances. One, the states are prohibited from overseeing activities in a sector where Congress has deemed that it only is the sole agency that can regulate the sector. Two, state laws are precluded when these are in conflict with Federal laws. State laws are restrained when these prove to be an “ obstacle to the accomplishment and execution of the full purposes and objectives of Congress” (Arizona v United States, 2012). A number of concerns have been raised on the implementation and the constitutional foundations of the law, Arizona’s SB 1070. Among the concerns raised include the expenses related to implementing the law, the factor of “ reasonable suspicion”, and the extremely tight list of documents that are listed that can be used to prove that the person is in the United States legally. Many of the challenges against the law have centered on the aspects of due process, the 14th Amendment and the issue of equal protection, and the preemptive clauses under the Supremacy Clause in the Constitution (National Conference of State Legislatures, 2014, p. 1).

Though the High Court acknowledges the fact that the Federal government does have the power to abrogate the law, the High Court allowed the most contentious provisions in the law. The first deals with the practice that allows police to examine a person’s immigration status in the process of enforcing

other laws if there is “ reasonable suspicion” that the person gained entry into the United States illicitly. Justice Kennedy ruled that state authorities must acquiesce to Federal laws in conducting immigration checks or face the possibility of further challenges before the Supreme Court (Cohen, Mears, 2012, p. 1).

### **Illegal Immigration: A victory for Obama?**

Nevertheless, the decision of the Supreme Court was also hailed by officials of the Obama administration for challenging the Arizona statute immediately after its enactment. The decision on the immigration law has taken center stage in America’s political debate and domestic program, though the number of undocumented aliens seeking entry into the United States has dramatically decreased. The Arizona decision is believed to be only the forerunner of future challenges regarding the parts that states assume in countering illegal immigration. There are five states that have adopted illegal immigration laws that are similar to those in Arizona, with more states gearing up to adopt their own version of the law. President Obama recently started a legal firestorm by declaring that illegal immigrants below the age of 30 will not be deported. In his dissent, Justice Antonin Scalia cited the President’s policy in castigating the decision of the majority. In discussing the case, the justices seemed to be leery of the objective of the Obama administration regarding the roles that the state governments will assume in matters regarding immigration.

In the majority opinion of the Court, Kennedy, joined by Chief Justice John Roberts, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor, wrote

that the state of Arizona initiated a law that sought to defend its supremacy not in violation of Federal law, but in total conformity with it. If defending its territory is not within the ambit of the state's power, then the Court should completely refrain from calling Arizona as a "sovereign state". Justice Scalia focused his attack on the new policy of President Obama on illegal immigration and deportation in that the "husbanding" of limited law enforcement funds cannot be called as a sufficient ground for justification for this action, as the funds will be used up by the huge administrative costs of establishing the non enforcement program, which will in turn require the conduct of 1.4 million background investigations and twice yearly rulings on dispensation requests. In ending, Kennedy claims being severely befuddled by the position of the majority that the Arizona law infringes on Federal law, while in the opinion of Kennedy and those in the dissent, the law only seeks to enforce the very mandate that President Obama refuses to enforce (Barnes, 2012, p. 1).

President Obama expressed apprehension that field investigations to determine the immigration status that were sanctioned by the ruling of the Supreme Court can result in "racial profiling" by police officers. In addition, Obama declared that the Arizona state government in its efforts against illegal immigrants. For example, Obama advisers have announced that the government has canceled a number of accords that permitted a number of police departments in Arizona to implement Federal immigration statutes. In addition, the Justice Department has established communication hotlines and email addresses to allow the public to report on abuses of civil rights on the enforcement of the law. Governor Brewer roundly condemned the

decision of the Federal government, calling the policy decision “ barbaric” (Cohen, Mears, 2012, p. 1).

The Supreme Court has refused to entertain appeals lodged by Governor Brewer on the rejected provision of Arizona’s immigration law. The refusal of the Court is another defeat to Arizona in defending the immigration law enacted by the state. The High Court refused to hear appeals regarding its ruling that prohibited police officers from arresting individuals who offer refuge to those living in the United States illegally. The ban on “ harboring” is one of a number of provisions that the High Court has rejected (Billeaud, 2014, p. 1).

## **Conclusion**

Being able to protect and ensure the safety and welfare of its citizens is one of the paramount policy agendas for any government, be it state or national. The Constitution was crafted with intent to protect the rights and welfare of the citizens rather than be a tool to impose what the Federal government believes to be what is right. Arizona’s decision to enact the law was designed to protect its citizens from a perceived threat, something that Governor Brewer believes that the Federal government is remiss.

## **References**

Arizona v United States, 11-182, 9th Cir., 567 US\_\_\_ 2012

Barnes, R. (2012, June 25). Supreme Court upholds key parts of Arizona law for now, strikes down other provisions. The Washington Post Politics

Billeaud, J. (2014). “ Supreme Court won’t hear Arizona appeal over immigration law’s harboring ban”. Retrieved 9 June 2014 from

<https://assignbuster.com/good-example-of-essay-on-argument-immigration-laws/>

Cohen, T., Mears, B. (2012). " Supreme Court mostly rejects Arizona immigration law; gov says ' heart' remains". Retrieved 9 June 2014 from National Conference of State Legislatures (2014). " Arizona's immigration enforcement laws". Retrieved 9 June 2014 from < [http://www. ncsl. org/research/immigration/analysis-of-arizonas-immigration-law. aspx](http://www.ncsl.org/research/immigration/analysis-of-arizonas-immigration-law.aspx)>