

Immigration ruling splits Fla. officials

Justices strike down Arizona law, except provision allowing police to check status.

The Supreme Court's split decision on Arizona's controversial immigration law brought commendation from those in Southwest Florida, who say it upholds a state's right to address immigration issues within its borders, and condemnation from those who fear the decision will promote more racial profiling.

The decision struck down three provisions of the law and upheld a fourth that requires police who stop or detain someone for anything from a traffic violation to a possible crime to also check immigration status, if police have a "reasonable suspicion" that the person is in the country illegally.

While calling the decision "half a loaf," it does show that the federal government recognizes that states have a right over their own destiny, said state Sen. Mike Bennett, R-Bradenton, whose district includes parts of Lee County. Bennett hinted that Florida could follow suit with its own law, saying some of his colleagues returning to Tallahassee for the 2013 legislative session "have shown to me they still have an appetite to address immigration."

Five other states have passed similar immigration laws: Alabama, Georgia, Indiana, South Carolina and Utah.

Sally Schmidt, executive director of the Florida Equal Justice Center, disagrees. "I think it will discourage the Florida Legislature from passing similar legislation," she said. The reasons are what the Supreme Court didn't uphold:

- Allowing state and local police to arrest suspected illegal immigrants without a warrant
- Making it a state crime for illegal immigrants not to carry federal registration papers
- Making it a state crime for illegal immigrants to apply for or solicit work

"I think it's a win for immigrants. I don't think it goes far enough," Schmidt said. The decision still allows the immigration status of someone who is pulled over for something

as minor as a broken tail light to be checked if police suspect they are undocumented, she said. "That leads to racial profiling."

Lawsuits are pending in other states that have passed variations on the law, and the Supreme Court decision is also likely to flood immigration courts, she said.

Gov. Rick Scott on Monday called for the federal government to step up to the plate.

"We need the federal government to step in and control the borders and have an immigration policy that is clear and enforceable," said Lane Wright, Scott's spokesman. "Until the federal government steps up and does its job, states will be struggling to do the right thing on immigration on their own."

Republican U.S. Sen. Marco Rubio echoed the need for federal action, saying in a post on his website that the decision is "a reminder of Washington's failure to fix our broken immigration system."

It's uncertain how the ruling will be interpreted in Florida or Lee and Collier counties, said Richard Nogaj, an advocate for immigration reform and founder and president of Harvest for Humanity in Immokalee. News reports that the court upheld the "show me your papers" requirement in the law are confusing, he said. "Obviously only people with darker-colored skin are going to be stopped and asked, 'Show me your papers.'"

The issue isn't confusing at all, and nobody won, said Ricardo Skerrett, a Southwest Florida immigration attorney. The decision is correct and preserves the status quo, he said. "It's not a surprise."

Currently, if a person is detained or arrested for a crime, police automatically do a background check, and if immigration status comes into question, law enforcement notifies U.S. Immigration and Customs Enforcement, he said. "The ruling doesn't change what is going on right now."

The legal doctrine known as pre-emption says that when the federal government regulates certain matters, state law cannot override what the federal law says, Skerrett said. The court ruled that Arizona overstepped its authority and reiterated that the federal government has the final authority to govern immigration matters, he said.

In Lee County, Sheriff Mike Scott did not respond to a request for comment on the ruling sent through his public information office. Scott has not spoken to The News-Press on police issues since Feb. 29.

In Collier County, the sheriff's office already partners with ICE in a national program that trained some deputies to help enforce federal immigration laws.

"Florida does not have the provisions outlined in the Arizona law," Sheriff Kevin Rambosk said in a statement provided by spokeswoman Karie Partington. Rather, the collaboration with ICE "enables us to identify criminal illegal aliens and have them removed from our community, making Collier County safer."