



NEW REPORT
June 13, 2012

CONTACT Steven Weiss
(202) 480-2076 or sweiss@immigrationworksusa.org

POURING OIL ON A FIRE THAT'S GOING OUT? SUPREME COURT POISED TO ENCOURAGE STATES BUT MANY LOSING INTEREST IN IMMIGRATION

The U.S. Supreme Court is expected to issue a decision this month in its second immigration case in two years, *Arizona v. United States*. The question at the heart of the case is who should be making immigration law, Washington or the states. And the court is widely expected to uphold at least some provisions of Arizona's controversial 2010 policing law, authorizing local police to inquire about the immigration status of people they stop for other reasons who they suspect are in the country illegally.

What's ironic: the decision comes at a time when state lawmakers appear to be losing interest in immigration. The number of immigration bills considered in the states declined substantially this year. No state in the nation enacted law modeled on Arizona's contested policing measure. Perhaps most striking, not a single state took advantage of the opening created by last year's Supreme Court decision that states may require employers to enroll in the federal E-Verify program, validating the identities and work authorization of employees.

Between 2006 and 2011, when it wasn't clear if such mandates were legal, a full one-third of the states passed laws requiring some employers to use E-Verify, and nine enacted statutes requiring it of all but the smallest businesses. This year, despite the Supreme Court's express permission, no state enacted law mandating E-Verify for any new employers.

What explains the waning interest in the states? Some lawmakers said they were waiting for guidance from the high court. Others were pressed for time in short election-year sessions or preoccupied with budgets and redistricting. But in many states, the reasons went beyond timing and logistics. The appetite for cracking down on illegal immigration appeared to be ebbing – at least temporarily.

In many states, even Republican lawmakers seemed divided: split between those determined to press ahead with the strategy known as "attrition through enforcement" – making life so miserable for unauthorized immigrants that they voluntarily leave the state – and those concerned about the economic consequences of attrition.

What's unclear: what will happen next? What effect will the Supreme Court ruling have in the states? Was this year the beginning of the end or merely a lull in the federalist revolution on immigration?

ImmigrationWorks USA's annual report on immigration lawmaking in the states explores these issues and more, including another surprising new trend: a crop of bills proposing to give work permits to unauthorized immigrants in the states.

To read the report, [CLICK HERE](#). To speak to IW USA president Tamar Jacoby, please call 202 506-4541.

ImmigrationWorks USA is a national federation of employers working to advance better immigration law. The network links major corporations, national trade associations and 25 state-based coalitions of small to medium-sized business owners concerned that the broken immigration system is holding back the growth of the U.S. economy. Their shared aim: legislation that brings America's annual legal intake of foreign workers more realistically into line with the country's labor needs.