

# "Sanctuary" Laws Limiting Cooperation with Federal Immigration Authorities Upheld

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California's restrictions on when and how law enforcement agencies cooperate with immigration authorities will remain in effect for the remainder of a pending federal lawsuit. In so deciding, the Ninth Circuit generally held that SB 54 and two other immigration-related California laws do not conflict with federal immigration law.

The United States Department of Justice ("DOJ") argued that the SB 54 requirement for a court-issued warrant prior to an individual's transfer to federal immigration authorities conflicts with various federal laws. The Court rejected the DOJ's assertion that these provisions unlawfully obstruct the enforcement of federal immigration. It agreed that the California provisions make the jobs of immigration authorities more difficult, but reasoned that any "conflict in technique" between the state and federal laws is consistent with California's authority under the Tenth Amendment to the U.S. Constitution. The Ninth Circuit also rejected the DOJ's arguments regarding information sharing requirements and inter-governmental immunity.

The Court's decision is unlikely to be the last time a court weighs in on SB 54. The DOJ will likely appeal the Ninth Circuit's decision in this case. The case is *United States of America v. State of California*. In the meantime, a separate suit initiated by the City of Huntington Beach is pending in the state courts.

If you have any questions, or would like more information about how the various SB 54 cases may affect your agency, please contact **Isra Shah**.