



MALDEF

Mexican American Legal Defense and Educational Fund

Texas SB4 Halted by a Federal Court

What is the ruling?

On August 30, 2017, a federal court granted an injunction blocking the key provisions of SB4 – the Texas anti-immigrant law -- while the case moves through the courts. As a result of this ruling:

- Texas cities and counties can direct their officers not to serve in the role of immigration officers;
- Local jails are not required to hold individuals based only on a request by ICE (detainer);
- Local officials and employees can criticize SB4 and speak in favor of changes in immigration enforcement without fear of punishment under SB4
- Although a local police officer can ask an individual about immigration status, the individual does not have to answer, the police officer cannot arrest the individual for being undocumented, and the police officer cannot serve as an immigration officer.

SB4 was scheduled to go into effect on September 1, 2017. However, MALDEF filed a lawsuit seeking to block SB4. In this case, MALDEF represents Bexar County, the cities of San Antonio and El Paso, San Antonio Councilman Rey Saldaña, and several organizations: La Union del Pueblo Entero, the Texas Association of Chicanos in Higher Education, and the Workers Defense Project.

What is SB4?

SB4 is a law passed by the Texas Legislature in 2017 that is intended to force Texas cities and counties to enforce federal immigration law. SB4 punishes local elected officials and government employees not cooperating with federal immigration enforcement. For example, if a police chief or county sheriff instructs her officers not to provide enforcement assistance to federal agents, under SB4 that chief or sheriff can be sued, fined and removed from elected office.

What does the decision mean?

Parts of SB4 have been blocked and other parts will go into effect. This means that even if a local police officer can ask an individual about immigration status, the individual does not have to answer, the police officer cannot arrest the individual for being undocumented, and the police officer cannot serve as an immigration officer.

Can local police arrest people for being undocumented?

No. Simply being undocumented is not a crime, it is a civil offense. State and local police can only arrest and hold people in jail based on state law criminal charges, not because they are undocumented. If a police officer learns an individual is undocumented, that officer cannot arrest the individual or hold that person for federal agents if there is no state law charge.

Who can I contact at MALDEF?

For more information about SB4 or your legal rights, contact MALDEF Staff Attorney Fátima Menéndez at fmenendez@maldef.org