News



Participants at the "For Human Dignity" vigil/rally outside St. Anthony Catholic Church in Davenport, Iowa, May 1, 2024, hold placards protesting Iowa's new law that makes it a state crime for illegal reentry into Iowa. A U.S. District Court judge June 17 issued a preliminary injunction preventing the law from taking effect July 1. (OSV News/Barb Arland-Fye, The Catholic Messenger)

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A federal district court judge issued a preliminary injunction June 17 preventing Iowa's new immigration law from taking effect July 1. The decision raised the hopes of immigration advocates.

Gov. Kim Reynolds defended the state law and gave her support to Iowa Attorney General Brenna Bird appealing the judge's decision.

In his ruling, U.S. District Court Judge Stephen Locher said that the Iowa Legislature, dissatisfied with how the U.S. government is handling immigration, "decided to take matters into its own hands by enacting new legislation (known as Senate File 2340)."

Among other things, the new law "imposes criminal penalties under state law for certain immigration-related offenses; and requires state court judges to order noncitizens to return to the foreign countries from which they came."

"As a matter of politics, the new legislation might be defensible. As a matter of constitutional law, it is not," Locher said. "Under binding Supreme Court precedent, Senate File 2340 is preempted in its entirety by federal law and thus is invalid under the Supremacy Clause. The Court therefore grants the motions for preliminary injunction filed by the Plaintiffs … and enjoins the enforcement of Senate File 2340 pending further proceedings."

Locher, of the U.S. District Court for the Southern District of Iowa in Des Moines, identified the law's potential harms, including: "(a) permanent legal residents facing a risk of prosecution and criminal punishment under state law despite having permission under federal law to be present in the United States; (b) state court prosecutions for illegal reentry moving forward even when defendants are in the process of applying for legal status under federal law; (c) untrained state court

judges entering orders requiring noncitizens to leave the United States following an adjudicatory process with fewer safeguards and far less sophistication than the federal system."

He said the federal government and the Iowa Migration Movement "have established a likelihood of success on the merits of their position that federal immigration law preempts Senate File 2340."

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Locher’s decision came one week after he heard arguments from lawyers with the U.S. Department of Justice, the Iowa Migrant Movement and Iowa’s deputy solicitor general. The federal government and civil rights groups, in two separate lawsuits, argued that the new law should be blocked permanently because it violates both federal law and the U.S. Constitution.

Reynolds said in her June 17 statement, "With this injunction states are left defenseless to the ongoing crisis at our southern border."

"The Biden administration is failing to do their job and enforce federal immigration laws allowing millions to enter and re-enter without any consequence or delay," she said. "I signed this bill into law to protect Iowans and our communities from the results of this border crisis: rising crime, overdose deaths, and human trafficking."

Manny Galvez of Escucha Mi Voz Iowa and the Iowa City Catholic Worker said Reynolds’ description of the border crisis is inaccurate. He said the law, if enacted, would separate families. "We need immigration reform," he said during a June 17 virtual news conference organized by Escucha Mi Voz. "We are part of Iowa."

All of the speakers at the virtual news conference expressed mixed emotions of excitement, happiness and concern because the fight to cancel the state law is not over.

Yaneli Canales, an organizer with Escucha Mi Voz, said statewide demonstrations are planned for July 1 at 7 p.m. in Des Moines, Waterloo and Iowa City.

Father Nils Hernandez of Queen of Peace Parish in Waterloo anticipates a turnout of 500 to 1,000 people for the demonstration in that city. He felt encouraged by the judge’s decision but also noted that the fight against the law must continue. "I feel

God has answered some prayers," he said. "We are celebrating that God is with us."