

MALDEF and ACLU Win Permanent Injunction of Third Farmers Branch Anti-Immigrant Ordinance

Federal judge rules Farmers Branch Ordinance 2952 is unconstitutional

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DALLAS, TX – Today, MALDEF, the American Civil Liberties Union Foundation of Texas (ACLU) and the National ACLU Immigrants' Rights Project succeeded in invalidating Ordinance 2952, the latest in a series of anti-immigrant ordinances enacted by Farmers Branch, Texas. The ordinance was adopted by the Farmers Branch City Council in January of 2008. The federal court decision forbids the City from ever enforcing the Ordinance.

In a careful opinion, U.S. District Court Judge Jane J. Boyle determined that Ordinance 2952 was preempted by federal law. The Court resoundingly rejected the City's claim that it had the authority to regulate the residence of noncitizens within its borders. Noting that the City Building Inspector would be charged with interpreting and applying immigration information to prospective tenants, the court concluded that Ordinance 2952 "is an invalid regulation of immigration" and that the "Ordinance stands as an obstacle to the uniform application of federal immigration law[.]"

"Once again, Farmers Branch has wasted hundreds of thousands of its taxpayer' money enacting and defending an unconstitutional ordinance," stated **Nina Perales, MALDEF Southwest Regional Counsel**. "This decision sends a strong message that Farmers Branch should stop wasting vital city resources on a string of failures in court," continued Perales.

"The Court's opinion confirms what we have known from the beginning of this fight, back in November, 2006 -- that Farmers Branch's effort to legislate in the realm of immigration is a quixotic attempt to circumvent federal law and clearly established precedent," said **Lisa Graybill, Legal Director for the ACLU of Texas**. "With this third strike, hopefully the City of Farmers Branch will get out of the immigration enforcement business and move on to address its municipal obligations through more constructive and constitutional local policies. "

"This decision has national significance. It is another indication of the costs incurred on all sides by the failure of our national leaders to enact immigration reform legislation that would provide clearly and expressly that state and local laws seeking to regulate immigrants in this way are unlawful," commented **Thomas A. Saenz, President and General Counsel of MALDEF**.

"While our Constitution plainly preempts such laws, a clear expression by Congress would help to prevent local entities from embarking on the costly enactment of laws that will inevitably be struck down as unconstitutional," Saenz explained.

Omar Jadwat, staff attorney with the ACLU Immigrants' Rights Project, added: "Local laws restricting access to housing based on immigration status have a zero-percent success rate in court, as Judge Boyle noted in her opinion. Advocates have challenged ordinances of this type in New Jersey, Pennsylvania, California, Missouri, and Texas, and the result in every case has been invalidation or repeal."

[Read the court opinion here.](#)

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