

9th Circuit Upholds Constitutionality of Illegal Reentry Law, Dismissing Equal Protection Claim



The 9th U.S. Circuit Court of Appeals at San Francisco has recently rejected a defendant's claim regarding the violation of his Fifth Amendment equal protection rights. The defendant in question, Gustavo Carrillo-Lopez, a Mexican citizen, argued that a law criminalizing reentry into the United States after deportation infringed upon his rights.

The law in question is Section 1326 of the Immigration and Nationality Act, which makes it a crime for individuals to reenter the country after being deported. Carrillo-Lopez failed to convince the court that Congress enacted this law with discriminatory intent against Mexicans and other Central and South Americans.

The court's decision overturns a previous ruling by a Nevada federal judge, who dismissed Carrillo-Lopez's indictment and determined that the law had been enacted with a discriminatory purpose. However, the 9th Circuit found that Carrillo-Lopez did not meet the burden of proving discriminatory animus behind the law's enactment.

According to coverage by the Associated Press on May 22, this ruling has significant implications for the interpretation and enforcement of Section 1326. The court's decision reaffirms the constitutionality of the law and its application in cases involving individuals who reenter the United States after deportation.

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Upon hearing the news, Sirine Shebaya, the executive director of the National Immigration Project, expressed deep disappointment with the 9th Circuit's decision. Shebaya believes that Section 1326 is a discriminatory law that perpetuates the mass incarceration of Black and brown individuals, wastes government resources, and separates families.

The rejection of Carrillo-Lopez's claim by the 9th Circuit rests on the court's analysis of discriminatory intent. In order to succeed in his argument, Carrillo-Lopez needed to demonstrate that Congress specifically targeted Mexicans and other Central and South Americans with the enactment of Section 1326. However, the court found insufficient evidence to support this claim.

The 9th Circuit's decision highlights the significance of proving discriminatory animus in equal protection cases. The court's ruling suggests that mere speculation or general allegations are insufficient to establish a violation of equal protection rights. Instead, a higher standard of evidence is required to demonstrate intentional discrimination.

With this ruling, the 9th Circuit has affirmed the constitutionality of Section 1326 and its application to cases involving individuals who illegally reenter the United States after deportation. This decision carries weight not only in the 9th Circuit but also potentially influences the interpretation and enforcement of the law in other jurisdictions.

It is important to note that legal rulings and interpretations can be subject to ongoing debates and discussions. Critics of Section 1326 argue that the law disproportionately affects marginalized communities and contributes to the overrepresentation of Black and brown individuals in the criminal justice system.

In response to the court's decision, advocacy groups and immigration rights organizations may continue to challenge the constitutionality of Section 1326 and seek avenues for reform. They may advocate for changes in legislation or argue for alternative approaches that address immigration concerns without resorting to criminalization.

The 9th Circuit's ruling serves as a reminder of the complexities surrounding immigration law and the ongoing debates regarding equal protection rights. As legal battles persist, the interpretation and application of Section 1326 will likely remain a topic of discussion and potential reform in the broader context of immigration policy.