

In This Issue #234

This is a Special Edition to cover the Appeals Court ruling to temporarily halt the enforcement of Florida's unconstitutional alien land law (SB 264) on February 1, 2024.



On February 1, 2024, ACLU issued the following press release:

"The Eleventh Circuit Court of Appeals temporarily halted the enforcement of an unconstitutional Florida law, known as SB 264, against two Chinese immigrants who have challenged the statute in court. SB 264 bans many Chinese immigrants, including people here as professors, students, employees, and scientists, from buying a home in large swaths of the state. This decision comes after a Florida district court ruled against the plaintiffs' motion to preliminarily block the law while the case proceeded.

"The American Civil Liberties Union (ACLU), ACLU of Florida, DeHeng Law Offices PC, the Asian American Legal Defense and Education Fund (AALDEF), and the law firm Quinn Emanuel are representing Chinese immigrants who live, work, study, and raise families in Florida, but would be prohibited under SB 264 from buying a home, as well as Multi-Choice Realty, a local real estate firm whose business has been harmed by the law.

"As a Chinese citizen who was in the process of buying a home when this law went into effect, I've been extremely worried ever since,' said **a plaintiff impacted by today's ruling**. 'Today's decision is a relief for me and my family, and we hope that the courts will permanently halt enforcement of this law.'

"The court of appeals unanimously held that the plaintiffs showed a substantial likelihood of prevailing in their arguments that SB 264 is preempted by federal law because Congress has already established a system of national security review of real estate purchases by foreign

nationals. The court granted an injunction barring enforcement of the law against two of the plaintiffs while the court makes its decision on the merits of the appeal.

"There's no doubt that Florida's discriminatory housing law is unconstitutional,' said **Ashley Gorski, senior staff attorney at ACLU's National Security Project**. 'The court's decision brings two of our clients tremendous relief, and we will continue fighting to prevent this law from being enforced more broadly.'

"Under SB 264, people who are not U.S. citizens or permanent residents, and whose 'domicile,' or permanent home, is in China, are prohibited from purchasing property in Florida altogether. The sole exception is incredibly narrow: People with non-tourist visas or who have been granted asylum may purchase one residential property under two acres that is not within five miles of any 'military installation.' This term is vaguely defined in the law, but there are at least 21 large military bases in Florida, many of them within five miles of cities like Orlando, Miami, and Tampa—putting many major residential and economically-important areas completely off-limits.

"A similar but less restrictive rule also applies to many immigrants from Cuba, Venezuela, Iran, North Korea, Russia, and Syria. But the law singles out people from China for especially draconian restrictions and harsher criminal penalties.

"Florida's alien land law specifically targets Chinese individuals in clear violation of the Equal Protection Clause,' said **Bethany Li, legal director of AALDEF**. 'Today's ruling should serve as a warning to other states who are considering passing similarly racist bills, steeped in a history when Asians were ineligible for citizenship and were told they didn't belong. As a country, we should be making progress and passing laws that protect all communities rather than going back in time and reviving antiquated laws passed over a century ago.'

"Florida's pernicious new law recalls repeated efforts over the past century to weaponize false claims of 'national security' against Asian and other immigrants. In the early 20th century, politicians used similar justifications to pass '[alien land laws](#)' in California and more than a dozen other states, prohibiting Chinese and Japanese immigrants from becoming landowners. Florida was one of the last states to repeal its 'alien land law' in 2018.

"This Florida law is just like the alien land laws of more than a hundred years ago banning Asian Americans from owning land,' said **Clay Zhu, attorney and managing partner at DeHeng Law Offices PC**. 'It is unfair, unconstitutional, and un-American. We are encouraged by today's decision from the court.'"

Read the ACLU press release: <https://bit.ly/3Utx0Ub>

"This prohibition blatantly violates the Fourteenth Amendment's protection against discrimination," Judge **Nancy Abudu** wrote. The Order of the Appeals Court is posted here: <https://bit.ly/3HJij7T>.

Legal Team to Give Briefing

The legal team representing the Plaintiffs in the Florida lawsuit will give a briefing at the APA Justice monthly meeting on Monday, February 5, 2024. Confirmed speakers are:

- **Erika Moritsugu**, Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison, The White House
- **Legal Team of ACLU, AALDEF, and DeHeng Law Offices PC**
- **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC)
- **Joanna YangQing Derman**, Director, Anti-Profilng, Civil Rights & National Security Program, Advancing Justice | AAJC
- **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF)
- **Lora Lumpe**, Chief Executive Officer, Quincy Institute for Responsible Statecraft
- **Min Fan**, Executive Director, US Heartland China Association (USHCA)
- **Sandy Shan**, Executive Director, Justice is Global

The virtual monthly meeting is by invitation only. It is closed to the press. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Steven Pei 白先慎**, **Vincent Wang 王文奎**, and **Jeremy Wu 胡善庆** - or send a message to contact@apajustice.org

CALDA Statement in Chinese

喜大普奔：上诉法院发布临时禁止令，SB 264被宣布部分无效！

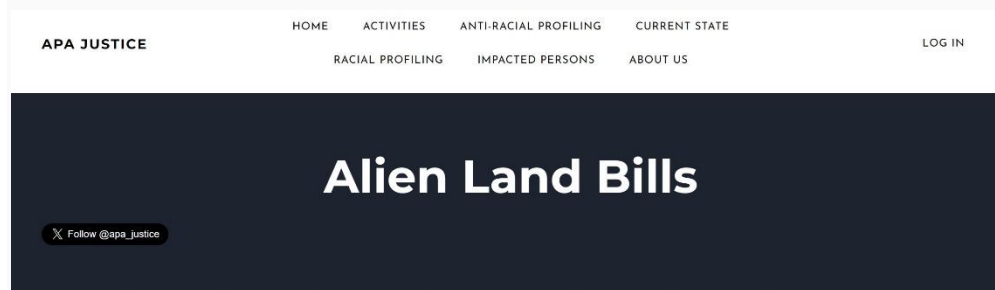
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The Chinese American Legal Defense Alliance (CALDA 华美维权同盟) also released a statement in Chinese: [喜大普奔：上诉法院发布临时禁止令，SB 264 被宣布部分无效!](#). The statement noted that the three judges on the Appeals Court unanimously granted the restraining order. Liberal and conservative justices often disagree sharply in today's politically charged cases. That all three judges on the Appeals Court agreed unanimously in this politically controversial case once again proves that the plaintiffs are on the right side of justice.

Read the CALDA statement in Chinese: <https://bit.ly/3SoF1aj>

Timeline on the Florida Alien Land Law (SB 264)



2024/02/01 US Appeals Court temporarily halted the enforcement of SB 264
2023/08/21 Plaintiffs' legal team filed an appeal for preliminary injunction of SB 264
2023/08/17 US District Court denied Plaintiffs' preliminary injunction motion
2023/07/01 SB 264 became effective state law in Florida
2023/06/26 US Department of Justice filed a [statement of interest](#) in support of preliminary injunction of SB 264
2023/05/22 A lawsuit was filed against SB 264 ([SHEN v. SIMPSON 4:23-cv-00208](#))
2023/05/08 SB 264 was passed by the Florida legislature and signed into state law by Governor **Ron DeSantis**

Visit APA Justice for more information on "Alien Land Bills" in Florida, Texas, and other states: <https://bit.ly/43epBcl>.

The Committee of 100 maintains a database and interactive data visualization to identify and track federal and state legislation prohibiting property ownership by citizens of foreign countries at <https://bit.ly/3Hxta4B>.

[Reps. Judy Chu \(CA-28\) and Al Green \(TX-09\)](#), who are leaders of the Congressional Asian Pacific American Caucus, have introduced the [Preemption of Real Property Discrimination Act](#) in Congress.

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