



Oklahoma Immigration Law Passes Test

Employment Law Alert - February 12, 2009

Oklahoma's immigration law, House Bill 1804, contains a number of employment provisions, including limitations on discharging employees while knowingly retaining unauthorized workers and requiring verification of employees' legal work status. On February 11, Tulsa District Court Judge Jefferson D. Sellers ruled that the immigration law's employment provisions don't violate the Oklahoma Constitution.

Oklahoma employers should keep in mind that in June 2008, an Oklahoma City federal court held that the Oklahoma immigration law's employment provisions shouldn't be enforced because they violated federal law (see [Employment Law Alert](#) from June 5, 2008, "Federal Judge Blocks Enforcement of Employer-related Sections of Controversial Immigration Law"). That ruling is presently on appeal to the federal court of appeals in Denver.

The bottom line is that the employment provisions of HB 1804 are still not applicable to Oklahoma employers unless the federal court of appeals overturns the Oklahoma City federal court's decision.

As an aside, Judge Sellers' February 11 order included the following observation: "The population of Oklahoma on the eve of statehood was certainly a unique gathering of souls. Some came here under forced march; others came more willingly, as did those who immigrated in the land runs."

That's something we may want to keep in mind. We will continue to keep you advised of immigration law developments. If you have further questions, please do not hesitate to contact any of our [labor and employment attorneys](#).

This Alert has been provided for information of clients and friends of McAfee & Taft A Professional Corporation. It does not provide legal advice, and it is not intended to create a lawyer-client relationship. Readers should not act upon the information in this Alert without seeking professional counsel.

Links

[Labor and Employment Practice Group](#)

OKLAHOMA CITY
TENTH FLOOR
TWO LEADERSHIP SQUARE
OKLAHOMA CITY, OK 73102-7103
(405) 235-9621 office • (405) 235-0439 fax

TULSA
500 ONEOK PLAZA
100 WEST 5TH STREET
TULSA, OK 74103
(918) 587-0000 office • (918) 599-9317 fax