

## Practice Areas

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family  
within U.S.

Naturalization /Citizenship

### AMNESTY

## Supreme Court Approves E-Verify Mandate

**Posted:** June 6th, 2011

Despite opposition from both the U.S. Chamber of Commerce and a number of civil rights groups, the U.S. Supreme Court voted late last month to uphold an Arizona law that requires companies in its jurisdiction to use the federal E-Verify system for checking the immigrant status of job applicants.

Provisions of the law imposing penalties on those who “knowingly” hire unauthorized foreign workers were also upheld.

Chief Justice Roberts, writing the opinion for a 5-3 majority in *Chamber of Commerce v. Whiting*, asserted that the Arizona law was consistent with the federal Immigration Reform and Control Act provisions allowing states to impose immigration sanctions related to business “licensing and permitting.”

He also noted that the Arizona law exactly tracked the federal definition of “unauthorized alien” and was in other ways crafted not to contradict or supplement federal immigration law, which is the exclusive province of the U.S. government.

Roberts also rejected arguments that the law imposed a kind of “business death penalty” on potentially inadvertent mistakes, noting that the law provides first-time offenders with lenient breaks and reserves its harshest penalties for deliberate repeat offenders.

Justices Stephen Breyer and Ruth Bader Ginsburg voiced their dissent, arguing that this law and others like it could result in employers imposing “ever stronger safeguards against the hiring of unauthorized aliens without counterbalancing protection against unlawful discrimination.”

Eight other states already have passed similar laws that use license revocation as penalty for hiring of illegal aliens. Thus, employers will need to be concerned about a potential growth in various state laws on

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the subject, and it is possible that multi-state employers will need to become familiar with the proper use of the E-Verify system in many states.

If you are an employer or agent of an employer responsible for compliance with immigration rules, please do not hesitate to contact our office for help at (847)564-0712. You are also welcome to visit the pertinent section of our Website for additional information about our services.