

U.S. Supreme Court Strikes Down Employment Provision In Arizona Immigration Law

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The Supreme Court has ruled in *Arizona v. United States*, Dkt No. 11-182 that Arizona's S.B. 1070, enacted in 2010 in reaction to increasing undocumented immigration into the State, is largely preempted by federal law. [The decision](#), issued by Justice Kennedy, considered four provisions of the 2010 Arizona law and struck down three, including Section 5(C), which made it a state criminal misdemeanor for undocumented immigrants to apply for employment or work in the state.

The Court held that the federal Immigration Reform and Control Act (IRCA) preempted Section 5(C) of the Arizona law. While the IRCA imposes criminal and civil penalties on employers that violate the law, it imposes only civil penalties on undocumented immigrants who apply for or engage in unauthorized work. The Court determined that Congress clearly intended *not* to impose criminal sanctions on undocumented immigrants through IRCA and therefore Section 5(C) of the Arizona law conflicted with federal law.

This decision is likely to affect other states that have enacted similar laws modeled after S.B. 1070. Consequently, the decision could prove to be beneficial for employers, who may be subject to less state regulation with respect to immigration issues in hiring.

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