

What Does The Supreme Court's Ruling Mean To Indiana Employers?

July 10, 2012 | [Traditional Labor, Labor And Employment](#)



Mark S. Kittaka
Partner

While the Supreme Court held that several provisions of AZ's immigration law were preempted by federal law in the landmark decision of [Arizona v. United States](#), employers should not be misled into believing that all state law immigration laws have been invalidated.

The provisions of the law which were struck down were those of a criminal nature (i.e., making it a misdemeanor for unauthorized aliens to apply for work, to fail to carry valid immigration documents as well as a provision for warrantless arrests of persons suspected of committing a deportable offense). Indiana's immigration law also has both employment-related and law enforcement-related immigration provisions as well. Indiana's law enforcement provisions have been [enjoined](#) pending the Supreme Court's decision (i.e. warrantless arrests under certain circumstances and the prohibition against the use of consular IDs). While those provisions may ultimately fail, the [provisions](#) requiring mandatory use of E-Verify for state and local governments, as well as the safe harbor provisions for private employer's who utilize E-Verify for new hires, were not challenged by the ACLU. Despite the Supreme Court's most recent ruling, Employers should continue to utilize E-Verify for new hires to avoid state tax penalties and the repayment of unemployment benefits associated with unauthorized aliens.

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