

Federal Judge Blocks Oklahoma's E-Verify Law

06/09/2008

According to a federal judge in Oklahoma City, there is a substantial likelihood that federal immigration law preempts an Oklahoma law requiring certain employers to use E-Verify. The federal judge temporarily barred the E-Verify portions of a new Oklahoma law that were set to become enforceable on July 1.

E-Verify is a voluntary system administered by the federal government that helps employers certify that new hires are legally authorized to work in the United States. Beginning on July 1, 2008, Oklahoma's Taxpayer and Citizen Protection Act would have required public employers and those who contract with them to use E-Verify to verify the legal status of all new hires.

The federal judge halted enforcement of the law pending an inquiry into whether Oklahoma state legislators have the legal authority to create immigration law, a task that traditionally has been left to the U.S. government.

Colorado has a similar law that requires employers that contract to provide services to the State of Colorado or a political subdivision of the state to participate in E-Verify. Colorado's law has been in effect since August 7, 2006 and is not affected directly by the ruling in Oklahoma.

To learn more about new state and federal immigration laws affecting business around the country, plan to attend MSEC's 7th annual Immigration Law Update on September 24, 2008. For more information or to register call 303.894.6732 or visit MSEC's website.