

## Recent U.S. Supreme Court Decision Will Not Likely Affect Alabama's Immigration Law

July 5, 2012

On June 25, 2012, the U.S. Supreme Court ruled in *Arizona v. United States* that several provisions of Arizona's immigration law (S.B. 1070) could not be enforced because federal immigration law preempts state laws regarding control of immigration when there is a conflict. Provisions of the Arizona law that imposed criminal penalties on unauthorized workers, allowed warrantless arrests of aliens suspected of being unauthorized, and intruded on federal alien registration requirements may not be enforced.

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Alabama's immigration law follows some provisions of Arizona law, which will be construed under the recent *Arizona* decision. However, **the requirement that Alabama employers, contractors, and subcontractors use the federal E-Verify procedure will not likely be affected by the recent Arizona decision**, because the Supreme Court had earlier upheld an Arizona law requiring employers to use E-Verify in *U.S. Chamber of Commerce v. Whiting*. (For a full discussion of this decision, click [here](#).) Like the Arizona law, the Alabama E-Verify requirements are enforced via business license restriction, which the Supreme Court upheld in *Whiting*.

TOPICS

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