



The Road to Verification: U.S. Supreme Court to Weigh in on E-Verify, But Pennsylvania Moves Ahead

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Arizona's controversial immigration laws are being tested in the court of public opinion, the 9th U.S. Circuit Court of Appeals and the U.S. Supreme Court, but that's not stopping Pennsylvania from wading into the same potential quagmire.

The state House of Representatives recently passed legislation mandating the use of E-Verify for public works contracts and in the construction industry. The Department of Homeland Security, which operates the E-Verify program, characterizes it as "an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States." E-Verify is touted by the department as being "fast, free and easy to use — and the best way employers can ensure a legal workforce." House Bills 1502 and 1503, addressing companies working on state contracts and in the construction industry, respectively, are now before the state Senate.

Supporters of the bills claim that undocumented workers are taking jobs away from Pennsylvania citizens and that this law will make it more difficult for employers to hire such workers. These types of bills do limit the ability of employees to obtain jobs without proper paperwork. Employers are also incentivized to use E-Verify because those who do so gain the presumption that they did not employ someone knowing that they were not authorized to work.

Pennsylvania's bills are not as aggressive as other efforts to address immigration issues. They are certainly not as extreme as states like Arizona and Mississippi, which require every employer to use E-Verify for every new hire. The bills also do not address the deportation of illegal immigrants as did measures passed in Arizona, which gave local police the authority to enforce immigration laws. Utah will be implementing a law that is more comprehensive than Pennsylvania's by requiring E-Verify for employers with 15 or more employees.

Regardless of opinions on specific laws, most commentators agree that immigration reform will continue to be a political hot potato until such time as the federal government enacts comprehensive immigration reform legislation that at least addresses, if not resolves, the conflicts stemming from the competing interests in this arena.

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