

# **Court Delays Enforcement of Oklahoma Immigration Law Judge says "substantially likely" immigration law is unconstitutional**

National Chamber Litigation Center  
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WASHINGTON, D.C.—A U.S. District Court judge postponed enforcement of employer-related portions of an Oklahoma immigration law because it is "substantially likely" that the provisions of the law unconstitutionally interfere with federal regulation of the employment of unauthorized workers. Joining as co-plaintiffs are The State Chamber of Oklahoma, Greater Oklahoma City Chamber, Tulsa Metro Chamber, Oklahoma Restaurant Association and Oklahoma Hotel and Lodging Association. A final judgment in Chamber of Commerce of the United States et al. v. Henry is still pending.

"We applaud the court's decision to delay enforcing these portions of Oklahoma's immigration law. Through harsh civil penalties, the Oklahoma law unfairly shifts the burden of immigration enforcement from government onto the backs of businesses," said Robin Conrad, executive vice president of the National Chamber Litigation Center (NCLC) which represents the U.S. Chamber in the litigation. "Piecemeal state legislation is not the answer to our nation's immigration problems."

The Oklahoma law requires employers doing business with the state to use the "Basic Pilot Program" (also known as "E-Verify"), the federal government's voluntary and error riddled experimental program for electronically verifying work eligibility. The court's decision to issue a preliminary injunction was based on its finding that it is "substantially likely" that that the law unconstitutionally imposes civil sanctions on employers who fail to comply with the law. The Oklahoma law's sanctions include increased tax rates, the loss of contracts, and exposure to litigation if an employer "should have known" that an employee was unauthorized to work.

"Conflicting state and local immigration laws are overwhelming American businesses," Conrad said. "Last year alone, over 240 employer-related immigration bills were introduced by at least 45 states. It's time for Congress to enact comprehensive immigration reform."

The National Chamber Litigation Center, the public policy law firm of the U.S. Chamber of Commerce, is a membership organization that advocates fair treatment of business in the courts and before regulatory agencies. The U.S. Chamber of Commerce is the world's largest business federation representing more than 3 million businesses and organizations of every size, sector, and region.

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