

RI judge to rule soon on immigration order

By ERIC TUCKER



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PROVIDENCE, R.I. -

A judge said Wednesday he would rule within a week on whether to block [Rhode Island](#) Gov. Don Carcieri from enforcing an executive order requiring employers that do business with the state to electronically check the immigration status of new hires.

The order, signed in March, would force private employers to use a federal database known as E-Verify to check whether their workers are in the country illegally.

The Rhode Island affiliate of the American Civil Liberties Union is seeking a temporary restraining order that would prevent the governor's mandate from taking effect.

Randy Olen, a volunteer lawyer for the ACLU, argued Wednesday that the E-Verify system was an error-prone pilot program that could lead to discrimination and profiling of workers and would be unduly burdensome for employers, especially small businesses.

He said the use of E-Verify, an Internet database run by the U.S. Department of Homeland Security, was voluntary on the federal level. Rhode Island and 14 other states mandate that certain employers use E-Verify, federal officials said. Two states, Arizona and Mississippi, make it mandatory for all employers.

The state Department of Administration, which would be responsible for implementing the governor's order, notified thousands of state vendors on July 29 that they had 45 days to certify that they and their contractors had registered for the E-Verify system. Those that didn't comply could be prohibited from doing business with the state, the department said.

That 45-day deadline comes Friday, Olen said, telling Superior Court Judge Mark Pfeiffer that he needed to act immediately to halt the order.

"All we ask is that the status quo be preserved for the next couple of months while we resolve the important issues in this case," Olen said.

But Michael Mitchell, a lawyer for the DOA, described the ACLU's concerns about the harms as speculative and subjective.

"I don't think you should accept it as fact," Mitchell said.

Pfeiffer said he would rule as soon as possible within the next week.

Carcieri's executive order also requires state police and prison officials to identify illegal immigrants for potential deportation.

The governor has linked the presence of an estimated 20,000 to 40,000 illegal immigrants in Rhode Island to the state's fiscal woes, including when he signed the order six months ago.

On Tuesday, the state announced an agreement with federal immigration authorities that allows for the early release of illegal immigrants imprisoned for nonviolent offenses if they agree to be deported. Carcieri said the state could not afford to pay for housing and rehabilitative treatment for criminals here illegally.