

Ohio House Bill 286 follows Arizona's lead as to employment of unauthorized aliens

July 15, 2011 by [Lori A. Clary](#)

On May 26, 2011, the United States Supreme Court [upheld](#) an Arizona statute regarding the employment of unauthorized aliens. The Arizona law requires employers within the state to use the federal government's E-Verify program to check the work authorization status of employees and imposes licensing sanctions against employers that "knowingly or intentionally" employ unauthorized aliens. In upholding the Arizona law, the Court determined that states were free to act in this area under the terms of the federal Immigration Reform and Control Act (IRCA).

On June 29, 2011, in the wake of the Supreme Court's decision, [House Bill 286](#) was introduced in the Ohio House of Representatives. The bill, which was sponsored by 14 lawmakers, seeks to amend Ohio law to include provisions similar to those included in the Arizona statute.

Highlights of the bill include:

- A prohibition against knowingly or purposefully employing unauthorized aliens;
- A good-faith affirmative defense for employers;
- A requirement that employers use the federal government's E-Verify program to check employee work authorization status;
- A complaint investigation procedure administered by the Attorney General of Ohio;
- Exclusive reliance on the federal government's determination of an alien's immigration status; and
- Penalties that can include termination of all unauthorized aliens and probationary periods for employers.

If passed, this bill could require employers to change their employment verification processes significantly. We will keep you posted.