

### **Gilmore Speaks on Alabama's Immigration Act**

On September 20, 2011, Carla Gilmore spoke to the members of the Alabama Hospital Association on Alabama's new Immigration Act (H.B. 56). Carla, along with other attorney panel members, discussed with AlaHA's members the impact of the Act on Alabama hospitals. The emphasis of Carla's presentation was the effect of the Immigration Act on hospitals as employers and an update on the current litigation involving the Act's provisions. The Immigration Act was set to go into effect on September 1, 2011; however, an injunction entered in three federal cases involving the Act postponed the Act's enforcement.

Carla reviewed with the group the sections of the Act that affect hospitals as employers. As was explained, of particular importance to all employers—including hospitals—is Section 15 of the Immigration Act. That section prohibits employers from employing, hiring, or continuing to employ unauthorized aliens. Section 15 also imposes on employers the requirements of enrolling in the federal E-Verify program and of verifying the employment eligibility of each employee. The penalties for violations of Section 15 under the Act are severe and can include the permanent suspension of business licenses and permits throughout the State.

Since the AlaHA program, the federal court has issued another ruling with respect to the enforcement of Alabama's Immigration Act. On September 28, 2011, the Court issued a 115-page order that ruled, among other things, that certain provisions of the Act are preempted by federal law and thus not enforceable. Of note, Section 15 was not challenged in the pending lawsuits and, as such, its requirements—including that requiring the registration and use of E-Verify—remain in tact and enforceable. In contrast, Section 16 of the Act, which prohibited businesses from deducting the wages paid to unauthorized aliens from their state taxes, was not upheld as the court entered a preliminary injunction barring the enforcement of Section 16.

For additional questions about Alabama's Immigration Act, contact Carla directly at (334) 409-2251 or [cgilmore@kgmlegal.com](mailto:cgilmore@kgmlegal.com).