

The Supreme Court - March 3, 2020

Today, the Supreme Court of the United States issued the following opinion:

Kansas v. Garcia, No. 17-834: The Immigration Reform and Control Act of 1986 (“IRCA”) makes it unlawful to hire an alien knowing that he or she is unauthorized to work in the United States. 8 U.S.C. §§1324a(a)(1)(A), (h)(3). IRCA includes many other related requirements and prohibitions, as well as an express preemption provision that is similarly focused on employers, by “preempt[ing] any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.” 8 U.S.C. §1324a(h)(2). Respondents in this case were three aliens convicted under a Kansas law making it a crime to commit “identity theft” or engage in fraud to obtain a benefit, on the basis that they fraudulently used another person’s Social Security number on state and federal-tax withholding forms they submitted when they obtained employment. The Supreme Court of Kansas found the Kansas law to be expressly preempted by IRCA. Today, the Court reversed, holding that the Kansas provision at issue was neither expressly nor impliedly preempted by IRCA. Justice Alito delivered the Court’s opinion, joined by Chief Justice Roberts, and Justices Thomas, Gorsuch and Kavanaugh.

The Court’s decision is available [here](#).

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