

**09-115 CHAMBER OF COMMERCE V. WHITING**

DECISION BELOW: 544 F.3d 976

LOWER COURT CASE NUMBER: 07-17272, 07-17274, 08-15357, 08-15359, 08-15360

QUESTION PRESENTED:

1. Whether an Arizona statute that imposes sanctions on employers who hire unauthorized aliens is invalid under a federal statute that expressly preempt[s] 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).

2. Whether the Arizona statute, which requires all employers to participate in a federal electronic employment verification system, is preempted by a federal law that specifically makes that system voluntary. 8 U.S.C. § 1324a note.

3. Whether the Arizona statute is impliedly preempted because it undermines the comprehensive scheme that Congress created to regulate the employment of aliens. *Hoffman Plastic Compounds, Inc. v. NLRB*, 535 U.S. 137, 147 (2002).

JUSTICE KAGAN TOOK NO PART

CERT. GRANTED 6/28/2010