

June 15, 2009

E-Verify:

According to the Society for Human Resource Management (SHRM), Immigration and Customs Enforcement (ICE) is shifting their focus from arresting and deporting undocumented workers, to identifying businesses suspected of hiring undocumented immigrants, as Homeland Security Secretary Janet Napolitano says, "to target the root cause of illegal immigration".

The best defense for businesses in this new era of immigration enforcement is the use of the Department of Homeland Security's E-Verify System. E-Verify is an online tool that allows employers to enter information from the employee's I9 that is compared against databases maintained by the U.S. Department of Homeland Security and the Social Security Administration. After keying the information from the I9, the system will immediately respond whether the employee's documents verify or if no determination could be made and the employee needs to contact the DHS or SSA (E-Verify can only be used to verify the employment eligibility of newly hired employees and is prohibited from use to verify the employment eligibility of applicants or current employees).

The system is currently voluntary, but legislation is pending in the NC House (H344) and Senate (S32) that would make E-Verify mandatory for NC employers, joining South Carolina, Arizona and Mississippi in requiring private employers to E-Verify.

Although E-Verify is not a full proof system for preventing the employment of undocumented workers and doesn't guarantee a legal workforce, it is deemed to be evidence of due diligence on the part of the employer and prevents prosecution for employers who, unknowingly, are found to have undocumented workers in their workforce.

To learn more about E-Verify, visit the U.S. Citizenship and Immigration Service website at www.uscis.gov or use the "Request More Information" link below to email our expert.

This notice is not designed to provide legal advice but rather to provide information.

Always seek guidance from an expert before taking any action based on the information provided in this newsletter.



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