

June 2011

I-9 Compliance Bulletin



ICE inspects I-9s at an additional 1,000 employers

Immigrations and Customs Enforcement (ICE) informed an additional 1,000 employers it would audit their I-9s, according to the Wall Street Journal.

ICE, the investigative arm of the U.S. Department of Homeland Security (DHS), issued a “notice of inspection” or NOI, to 1,000 employers nationwide in fields related to critical infrastructure and key resources, according to the Journal. The 1,000 NOIs bring the total to 2,338 in the fiscal year that began in Oct. 1. That tops last year’s record of 2,196 NOIs. No companies were named in [the story](#). (Link good until June 23.)

As mentioned in previous bulletins, ICE has been beefing up its audit capacity since January as part of an increased focus on employers.

Interest in targeting employers is increasing among federal lawmakers as well. On June 14 Texas Republican Lamar Smith introduced a bill, H.R. 2164, in the House of Representatives that would require all employers to use E-Verify. Past efforts to pass bills at the federal level with E-Verify requirements have failed, but the new attempt suggests support may be building on both sides of the aisle.

Alabama mandates E-Verify

On June 3, Alabama Governor Robert Bentley signed into effect Alabama House Bill 56. Among the numerous provisions aimed at curbing illegal immigration, the bill mandates E-Verify for all employers in the state. **Employers must enroll in the E-Verify program by April 1, 2012, and check the work eligibility of all new employees from that point forward.**

Those employers using the system in good faith will be immune from employee retaliation and discrimination claims under Alabama law. The state will itself become a designated agent for E-Verify and provide this service to employers with fewer than 25 employees.

Any company found to have knowingly employed an illegal alien will be subject to a suspension of its business license for a first offense, followed by the possibility of total revocation for any subsequent offenses. In addition, on or after January 1, 2012, all entities seeking any state contract, grant, or incentive from the state must enroll in E-Verify. For a copy of the law, please send an email to mhanson@talx.com with “Alabama E-Verify law” in the subject line.

Tennessee law requires use of E-Verify or other documentation for new hires

On June 7, Tennessee enacted a law requiring all employers in the state to demonstrate they are hiring legal workers either by using E-Verify or requesting that new hires show one of 11 documents listed in the law.

The list includes a valid Tennessee driver's license, a birth certificate, an unexpired passport, and a number of documents that prove U.S. citizenship or permanent lawful residence in the U.S. The requirement will be phased in starting Jan. 1, 2012. For a copy of the law, please send an email to mhanson@talx.com with “Tennessee E-Verify law” in the subject line.

Bottom line

The increasing emphasis on E-Verify and employer audits by ICE means **employers must be sure their I-9 audit process is fully compliant and includes the capability to quickly respond to an audit without creating an expensive burden on HR departments.**

To learn more about how TALX can help with I-9 compliance, please contact Melinda Hanson at (314) 214-7143 or mhanson@talx.com. To read more about I-9 compliance developments, visit our corporate blog at <http://blog.talx.com>.