

THE ALABAMA IMMIGRATION LAW

The “Beason-Hammon Alabama Taxpayer and Citizen Protection Act”

- Signed by Governor Bentley on June 9, 2011
- Effective September 1, 2011 with certain exceptions

What does it mean for Alabama employers?

- Two requirements for all employers in Alabama:
 - Cannot knowingly employ an unauthorized alien (already mandated by federal law*)
 - Mandatory use of E-Verify (only for new employees)
- *Employers are liable for **knowingly** hiring or continuing to employ an unauthorized alien.
How does an employer become aware?
 - Employee admission
 - Failure to timely or correctly complete I-9 within three days of employment
 - Other info that EE is not authorized
 - Recklessly allow another to introduce someone into workforce
- Strict penalties for non-compliance in Alabama:
 - Including business license suspended or even permanently revoked for all locations in Alabama
- Contractor is not liable when it obtains an affidavit that subcontractor is in compliance.

E-Verify Requirement

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. It does not replace the required I-9 document. In fact, you must have a completed I-9 before you can “open a case” in E-Verify for a new employee.

Alabama employers must begin using E-Verify **by April 1, 2012**.

“Public contract employers” must begin using E-Verify **by January 1, 2012**.

Business entity contracting with public entity; applies to all contracts with the state, political subdivisions or any “state funded entity”

State-funded entity: “any other entity that receives any state monies”

No employee size or monetary minimums

Note: Federal contractors should already be using it.

Alabama DHS must establish an E-Verify employer agent service to assist Alabama employers with fewer than 26 employees by November 30, 2011. But these employers are not required to use this service.

Employer Resources:

- USCIS Handbook for Employers (M-274) www.uscis.gov/files/form/m-274.pdf
- www.uscis.gov/E-verify (includes FREE webinars)

Action Items

- Conduct an in-house audit of your I-9s and correct any mistakes. Do not back-date any mistakes or use white out. Cross out incorrect information, add correct information, initial and insert current date.
- Evaluate related policies and procedures to determine if revisions are needed.
- Monitor legal developments and regulatory guidance.
- Revise subcontractor arrangements.
- Register and start using E-Verify. Provide enough time to be comfortable with it prior to the mandatory date.