CLIENT ALERTS & INSIGHTS

Several States Look to Impose Stricter Non-Immigrant Hiring Procedures with Pending E-Verify Legislation

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In response to the Trump administration's focus on immigration enforcement, state legislatures have proposed bills requiring employers to participate in the United States Department of Homeland Security's E-Verify program. Currently twelve states have mandatory E-Verify participation bills pending[1].

The bills would require employers to use the federal E-Verify system to confirm job candidates are authorized to work in the United States. E-Verify confirms a worker's authorization based on federal records from the Department of Homeland Security and the Social Security Administration.

Some states, including Idaho, Indiana, Montana, and Texas, are proposing completely new E-Verify enrollment requirements which would mandate that employers use E-Verify after reviewing acceptable residency and identification documents when completing the Employment Eligibility Verification (Form I-9) with new hires.

Other states are attempting to expand existing requirements and increase noncompliance penalties. For example, Florida's HB 1033 would revoke and employer's business licenses and impose a fine of up to $10,000 for employing an unauthorized worker.

Currently nine states require all employers, with limited exemptions for small businesses, to participate in E-Verify (Alabama, Arizona, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah).

As discussed in our previous alert, the potential expansion of E-Verify requirements is one of many measures that could reshape the U.S. immigration landscape, impacting businesses, workers, and families.

To manage or reduce the impact of the potential requirements, businesses can:

- Conduct internal I-9 audits, rectify errors and ensure compliance with U.S. immigration laws.
- Move mission-critical projects and associated foreign talent to offices outside the U.S. to ensure business continuity.

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