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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020



State E-Verify Legislation as of November 2020 - Summary

Mandates the use of E-Verify for <u>ALL employers</u>	Alabama, Arizona, Georgia, Louisiana, Mississippi, New Hampshire, North Carolina, South Carolina, Tennessee, Utah
Mandates the use of E-Verify for those who contract with the State (applies to State Contractors/Subcontractors)	Alabama, Colorado, Florida, Georgia, Idaho, Indiana, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Pennsylvania, Utah, Virginia
Encourages the use of E-Verify by <u>All Employers</u>	Florida, Missouri, Pennsylvania
Requires <u>public employers (i.e., state agencies)</u> to use E-Verify	Arizona, Florida, Georgia, Idaho, Indiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Utah, Virginia



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(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
ALABAMA	The Alabama Taxpayer and Citizen Protection Act (HB 56) prohibits business entities, employers or public employers from knowingly employing unauthorized workers. Every employer is required to use E-Verify effective <u>April 1, 2012</u> .	YES: Applies to all employers.
ALASKA	NONE	E-Verify is voluntary for all employers.
ARIZONA	<p>Arizona Fair and Legal Employment Act (HB 2779)</p> <p>The Act requires that on or before <u>January 1, 2008</u>, employers must register for and use E-Verify.</p> <p>The Act prohibits employers from "knowingly" or "intentionally" employing undocumented workers after January 1, 2008.</p> <p>The Act provides that the Arizona Attorney General or County Attorney must investigate any complaint that an employer is knowingly or intentionally employing an undocumented worker.</p> <p>Up to 10-Day Business License Suspension: If the court concludes that the employer knowingly employed an undocumented worker.</p> <ul style="list-style-type: none"> • Probation: Court must place the employer on a 3-year probationary period. • Quarterly Reports: Employer must file quarterly reports with the county attorney for each new employee who is hired by the employer at the specific location where the unauthorized alien performed work. • Sworn Affidavit (for license reinstatement): Employer files a signed sworn affidavit with the county attorney within three business days after the order is issued. <ul style="list-style-type: none"> ○ Employer has terminated the employment of all unauthorized aliens, and ○ That the employer will not intentionally or knowingly employ an unauthorized alien. <p>A Minimum of 10-Day Business License Suspension: If the court concludes that the employer intentionally employed an undocumented worker</p> <ul style="list-style-type: none"> • The court also must place the employer on a 5-year probationary period. • Same penalties as with a "knowingly" hired violation. <p>Permanent Revocation of Business License</p>	YES: Applies to all employers in the State.



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(Employer-Based Immigration Laws)
As of November 1, 2020

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	<ul style="list-style-type: none"> If a court determines the employer knowingly or intentionally employed an undocumented worker during the designated probation period. <p>Governor Signs Bill Amending Legal Arizona Workers Act May 1, 2008</p> <p>Governor Janet Napolitano signed into law HB 2745, a bill that significantly modifies portions of the Legal Arizona Workers Act (LAWA), the Arizona law that prohibits employers from hiring workers not legally authorized to work in the United States. Although LAWA has been in effect for less than five months, throughout its brief history, numerous business, Hispanic, and civil rights organizations have vigorously fought to strike it down. So far, those efforts have been unsuccessful.</p> <p>Now, the legislature has retooled the statute, in part, to clarify some of the ambiguities contained in the original version.</p> <p>Although the amendments do not go far enough (for example, the law still does not grant exceptions for employers that provide critical infrastructure to Arizona communities, such as hospitals, nursing homes or power plants), they impose new and potentially more onerous liability on employers. However, the statute does create a number of safe harbors for employers that in “good faith” attempt to follow LAWA and applicable federal immigration laws.</p> <p>The following is a summary of the significant amendments:</p> <ul style="list-style-type: none"> LAWA only applies to employees hired after December 31, 2007. This means that employers are not liable under the statute for any employees hired before 2008. Business license suspensions or revocations are limited to the location(s) in which the unauthorized alien worked. However, if no licenses are required at that location, then suspensions will apply at the employer’s “primary” place of business in Arizona. Independent contractors are not “employees” under LAWA. However, independent contractors may be “employers” under LAWA. Criminal liability (class 4 felony) is imposed on persons who knowingly accept false identification from an applicant and use that false identification to verify legal work status. After September 30, 2008, any Arizona governmental entity (state or political subdivision) is prohibited from awarding a contract to any contractor or subcontractor that does not comply with federal immigration laws and E-Verify requirements. Such governmental entities must ensure that their contractors comply with those requirements. 	



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(Employer-Based Immigration Laws)
As of November 1, 2020

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	<ul style="list-style-type: none"> • Employers seeking to obtain an economic development incentive from a government entity must first register for and participate in E-Verify, and show proof of the same. • Employers may participate in a Voluntary Enhanced Employer Compliance Program (the “Program”), which provides employers with a “safe harbor” from liability under the statute. Employers that enroll in the Program would be required to submit a signed affidavit to the Attorney General that includes the employer’s agreement to do the following: <ul style="list-style-type: none"> ○ Verify new hires through E-Verify; ○ Verify the accuracy of Social Security numbers (SSNs) through the SSN Verification Service (the “Service”) for any employee not verified through E-Verify; ○ Within 30 days after enrolling in the Program, submit to the Service the full name, SSN, date of birth and gender of each employee; ○ On receipt of a failed verification result, notify the employee of same and instruct employee to resolve the discrepancy with the Social Security Administration within 90 days (further requirements also apply); ○ Verify the accuracy of SSNs and resolve failed verification results in a consistent manner; and ○ In response to a written request from the Attorney General or a county attorney regarding a LAWA complaint that the employer has knowingly or intentionally hired an unauthorized alien, provide documents indicating that the employee was verified through E-Verify or that the accuracy of the employee’s wage report was verified through the Service. • Even those employers that do not enroll in the Program now have a “safe harbor” from liability under LAWA, if they can demonstrate that they made a “good faith attempt to comply with the requirements” of the applicable federal immigration laws, “notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements” of those laws. • Added A.R.S. § 41-1080 to prohibit governmental entities, including the State of Arizona and its political subdivisions, from issuing business licenses to individuals who cannot provide proper documentation indicating that their presence in the U.S. is authorized by federal law. This statute becomes effective September 30, 2008. • Neither the Attorney General nor the County Attorneys may investigate complaints that are based solely on race, color or national origin. However, the amendment now expressly authorizes the filing of anonymous complaints with the Attorney General or County Attorneys. 	
ARKANSAS	<p>HB 1024 (Act 157). Effective <u>August 1, 2007</u>, this law prohibits Arkansas state agencies from entering into contracts with businesses that knowingly employ or contract with illegal immigrants.</p> <p>Contractors are required to certify that they do not, at the time of certification, employ or contract with undocumented workers. If a contractor uses subcontractors, the subcontractors must also certify that they do not employ any unauthorized workers. Contractors who are</p>	No E-Verify requirement, but special rules apply as noted.



Compliance simplified.

CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>found to have employed unauthorized workers may be found in breach of the contract and may be liable to the state for any actual damages incurred.</p> <p>The certification requirements apply to all contractors seeking to enter into a contract with a state agency for professional services, technical and general services, or construction where the value of the contract is \$25,000 or more.</p>	
CALIFORNIA	<p>Per the "Employment Acceleration Act of 2011," the state of CA and any of its cities, counties, or special districts are prohibited from requiring an employer (other than a government entity) to use E-Verify as a condition of receiving a government contract, applying for or maintaining a business license, or as a penalty for violating licensing or other similar laws.</p> <p>As of 2016, E-verify programs are considered unlawful, subjecting employers to a penalty per violation of \$10,000. (Assembly Bill 1236).</p>	NO: There is no California requirement and E-Verify is not permitted as of 2016.
COLORADO	<p>HB 06S-101 7, effective January 1, 2007 (C.R.S. 8-2-122): This statute requires each employer in Colorado to attest that the employer has verified the legal work status of each employee and retained file copies of the appropriate federally-required documentation, that the employer has not altered or falsified the employee's identification documents, and that the employer has not knowingly hired an unauthorized alien.</p> <p>When requested, requires each employer in Colorado to submit documentation to the director of the division of labor within the department of labor and employment that demonstrates that the employer is in compliance with federal employment verification requirements.</p> <p>Authorizes the director to conduct random audits of employers to ensure compliance with the federal laws.</p> <p>Subjects an employer to a fine of up to \$5,000 for the first offense and up to \$25,000 for the second or subsequent offense for the failure to provide documentation or for the provision of fraudulent documentation. States that the act applies to employees hired on or after January 1, 2007.</p> <p>HB 1343 (effective <u>August 9, 2006</u>) prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal immigrants and requires prospective contractors to verify legal work status of all employees through the Basic Pilot Program. If the contractor discovers that an illegal alien is employed, the contractor must alert the state agency within 3 days. Text: HB1343</p> <p>SB 139 (effective <u>August 6, 2008</u>) requires that employers be notified of the prohibition against hiring an unauthorized alien and the availability of and participation requirements for the federal E-Verify program. The Act requires the Department of Labor and Employment's website to provide this information.</p>	YES: All employers (public and private).



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>SB 193 (effective August 6, 2008) creates a program to allow contractors to verify employment eligibility of all employees under a public contract and requires future participation in the Federal Electronic Employment Eligibility Program or the department program to verify the employment eligibility of certain employees.</p> <p>The Secretary of State will maintain a list of all terminated contractors. The Department of Labor and Employment is authorized to investigate compliance, and its web site provides a complaint form for reporting violations.</p>	
CONNECTICUT	NONE	E-Verify is voluntary for all employers.
DELAWARE	NONE	E-Verify is voluntary for all employers.
DISTRICT OF COLUMBIA	NONE	E-Verify is voluntary for all employers.
FLORIDA	<p>Executive Order 11-116 (effective <u>May 27, 2011</u>) supersedes EO 11-02. It requires all state agencies to use E-Verify and specifies that contractors and subcontractors who have contracts “for the provision of goods and services to the state in excess of nominal value” must also use the program.</p> <p>All other employers are encouraged to use E-Verify.</p> <p>By Executive Order 11-02, effective <u>January 4, 2011</u>, Florida requires state agencies, contractors and subcontractors to use E-Verify as follows:</p> <ol style="list-style-type: none"> 1. All agencies under the direction of the Governor to verify the employment eligibility of all current and prospective agency employees through the E-Verify system; 2. All agencies under the direction of the Governor, to include, as a condition of all state contracts, an express requirement that contractors utilize the E-Verify system to verify the employment eligibility of: <ol style="list-style-type: none"> a. All persons employed during the contract term by the contractor to perform employment duties within Florida; and b. All persons (including subcontractors) assigned by the contractor to perform work pursuant to the contract with the state agency. 3. Agencies not under the direction of the Governor are encouraged to verify the employment eligibility of their current and prospective employees utilizing E-Verify, and to require contractors to utilize the E-Verify system to verify the employment eligibility of their employees and subcontractors. 	<p>YES: State agencies which operate under the direction of the Governor, and their contractors and subcontractors.</p> <p>Effective January 2021— E-Verify requirements extend to private employers unless the employer has a contract with a public employer or applies for a tax-funded incentive. (SB 664)</p>



Compliance
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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
GEORGIA	<p>SB 529, "Georgia Security and Immigration Compliance Act" passed on April 18, 2006. the Act requires among other provisions that public employers and contractors with the State must verify the status of newly hired employees.</p> <p>Private Employers: Georgia Governor Nathan Deal signed the Illegal Immigration Reform and Enforcement Act of 2011 (HB 87) into law. Beginning <u>January 1, 2012</u>, many private businesses with 11 or more employees are required by law to utilize E-Verify to confirm employment eligibility status of newly hired employees.</p> <p>The implementation date for these new guidelines directly correlates with the total number of employees:</p> <ol style="list-style-type: none"> 1. Private employers in Georgia with 500 or more employees must use E-Verify for new hires on or before January 1, 2012. 2. Private employers in Georgia with 100 or more employees but fewer than 500 must use E-Verify for new hires on or before July 1, 2012. 3. Private employers in Georgia with between 11 and 99 employees must use E-Verify for new hires on or before July 1, 2013. 4. Private employers in Georgia with 10 or fewer employees are exempt from the law. <p>In order to determine when the E-Verify requirement will go into effect, private employers must count the number of employees working at least 35 hours per week as of January 1, 2011.</p> <p>HB 1027, effective <u>May 2, 2012</u>, expands the definition of business enterprise in the entertainment industry to include affiliates that are registered for and authorized to use the E-Verify system.</p>	<p>YES: Private employers with 11 or more employees; public employers and contractors / subcontractors with the State.</p>
HAWAII	<p>A law (HB 1750), signed in <u>May 2007</u>, mandates that all persons seeking employment with the government of the state must be citizens, nationals, or permanent resident aliens of the United States or eligible under federal law for unrestricted employment in the United States.</p>	<p>E-Verify is voluntary for all employers.</p>
IDAHO	<p>Executive Order 2009-10 (effective July 1, 2009) requires that state agencies evaluate existing procedures that ensure all employees in the state are legally eligible to work, and calls for the implementation of new necessary procedures regarding the same. All workers employed to the state through contractors must be from companies that have verified their employees' eligibility to work in the United States. This order repeals and replaces Executive Order 2006-40.</p>	<p>YES: Public employers, contractors. Private employers may voluntarily use the system.</p>
ILLINOIS	<p>On March 12, 2009, a federal court in Illinois struck down a law (H 1744), signed in August 2007, that would have prohibited employers from enrolling in E-Verify until the SSA and DHS databases are able to make a determination within three days on 99% of the tentative nonconfirmation notices issued to employers. <i>United States v. Illinois, C.D. Ill., No. 07-3261, 3/12/09.</i></p>	<p>E-Verify is voluntary for all employers.</p>



Compliance
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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>Subsequently, Illinois enacted the Illinois Right to Privacy in the Workplace Act, which does not require the use of E-Verify, but does place additional statutory obligations on employers within the state that do use E-Verify. Effective <u>January 1, 2010</u>, employers must complete an attestation at the time of E-Verify enrollment (or by January 30, 2010, if already enrolled) confirming that responsible employees have completed the DHS E-Verify tutorial. The form can be downloaded at the Illinois Dept. of Labor website - (www.state.il.us/agency/idol/forms/pdfs/attest.pdf)</p> <p>Employers also must attest that they have posted applicable E-Verify and Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) notices at the workplace. Consistent with the DHS's Memorandum of Understanding (MOU) entered into by E-Verify participants, employers are prohibited from terminating employees prior to receiving a final nonconfirmation of employment authorization from E-Verify and from using E-Verify to prescreen employment applicants. However, the Illinois law allows injured employees to file a claim against the employer pursuant to the Illinois Human Rights Act.</p>	
INDIANA	<p>Effective, <u>July 11, 2011</u>, government agencies and vendors providing services to government agencies will be required by law to utilize E-Verify for the purposes of determining the employment eligibility status of all new employees. (S.B. 590)</p>	<p>YES: Public employers, contractors and subcontractors. Private employers may voluntarily use the E-Verify system.</p>
IOWA	<p>SF 516: Effective <u>April 4, 2019</u>, an employer shall verify the employment eligibility of the employee through the E-Verify program, shall certify to the department that the employer has done so, and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.</p> <p>SF 562: Effective <u>July 1, 2007</u>, any business that receives economic development assistance from the state of Iowa must be subject to contract provisions stating that all of the business's employees are citizens of the United States who reside within the U.S. or are authorized to work in the U.S. pursuant to federal law, including legal residents in the U.S. states. In addition to all other requirements set forth for economic development incentives, the employer shall register with the E-Verify program.</p>	<p>YES: Employer includes those "paying wages for service in employment." (Iowa Code 96.19)</p>
KANSAS	NONE	E-Verify is voluntary for all employers.
KENTUCKY	NONE	E-Verify is voluntary for all employers.
LOUISIANA	<p>Effective <u>August 15, 2011</u>, the law allows employers to verify citizenship or work authorization through the E-Verify system maintained by the U.S. Citizenship and Immigration Services or retain copies of certain identity and legal status documents. The law creates a</p>	<p>YES: All private employers seeking public contracts to</p>



Compliance
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STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

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	<p>presumption of good faith for employers who check the citizenship status of their employees through E-Verify. The law provides for increased civil penalties and adds license revocation as consequences for those who do not comply with the new requirements.</p> <p>Sponsored by Rep. Kirk Talbot of River Ridge, the law provides that employers who verify the citizenship of their employees will not be held liable for the employment of illegal immigrants.</p> <p>Employers can verify citizenship or work authorization by: 1) processing a query through E-Verify; or 2) maintaining for each employee a copy of a picture ID <i>and</i> one of the following: a) U.S. birth certificate or certified birth card; b) Certificate of Naturalization; c) Certificate of Citizenship; d) Alien Registration Receipt Card or Permanent Resident Card (commonly known as a "Green Card"); or e) a U.S. immigration form I-94 (with employment authorized stamp). Employers who follow one of these two protocols will not be liable for civil penalties under the statute.</p> <p>Under the law, employers who do not verify the citizenship of their employees will be subject to higher civil penalties and, ultimately, the temporary loss of their license to work in the state. The new law amends existing law as follows:</p> <ul style="list-style-type: none"> • For a first violation, an employer's civil penalty is increased from not more than \$250 to not more than \$500 per illegal employee. • For a second violation, an employer's civil penalty is increased from not more than \$500 to not more than \$1,000 per illegal employee. • For a third violation, an employer will face license suspension within the state of Louisiana for not less than 30 days and not more than six months, and not more than \$2,500 in civil penalties per illegal employee. <p>Second- and third-time violators licensed by the Department of Health and Hospitals will face license suspension through the appropriate authorities rather than monetary penalties. The law will be enforced by the executive director of the Louisiana Workforce Commission.</p> <p>HB 996 (effective May 14, 2012) clarifies the types of public works contracts for which the E-Verify system is required. A public work includes, "the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by a public entity."</p>	<p>provide services to a state or local public entity will be required to attest that they will use E-Verify for their new hires in Louisiana as of <u>January 1, 2012</u> during the term of the contract, and the same for their subcontractors.</p> <p>Penalties for violations include: up to \$500 fine per worker for a first offense, up to \$1,000 for a second and up to \$2,500 for a third offense. After a third offense the business license can also be suspended for a minimum of 30 days and no more than 6 months. Employers using E-Verify are presumed to be in good faith and not subject to penalties.</p>
MAINE	NONE	E-Verify is voluntary for all employers.
MARYLAND	NONE	E-Verify is voluntary for all employers.



Compliance
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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

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MASSACHUSETTS	NONE	E-Verify is voluntary for all employers.
MICHIGAN	<p>HB 5365, effective <u>June 26, 2012</u>, requires the use of E-Verify by contractors and subcontractors of the transportation department for construction, maintenance, and engineering services.</p> <p>SB 229, effective <u>October 31, 2007</u>, requires state agencies to consider the immigration and residency status of persons employed by a prospective contractor and whether using a non-citizen worker is detrimental to the state.</p>	YES: Applies to limited contractors and subcontractors. A few counties mandate participation in E-Verify including Ingham, Macomb (Policy 5-012), and Oakland (MR #09116).
MINNESOTA	HR 2164 , effective <u>June 1, 2011</u> , requires private businesses providing more than \$50,000 worth of services to the State to enroll in E-Verify and use it to verify new hire employment eligibility. However, this requirement does not extend to new public hires.	YES: Applies to state contractors providing more than \$50,000 worth of services to the State.
MISSISSIPPI	<p>Mississippi Employment Protection Act requires ALL employers to use an online database to verify that a worker is a legal U.S. citizen before hiring them.</p> <ul style="list-style-type: none"> • Penalties: Employers forfeit the right to do business in the state for up to one year, as well as the loss of certain state contracts and licenses. • Criminal Act: Knowingly hiring illegal aliens, both the worker and the employer could face felony charges that carry sentences of up to five years in jail and a fine of up to \$10,000. <p>All government agencies as well as private employers with more than 250 employees must be using E-Verify by <u>July 1, 2008</u>. Companies with 100 to 250 employees must use E-Verify by <u>July 1, 2009</u>. Companies with 30 to 100 employees must use the system by <u>July 1, 2010</u>.</p> <p>NOTE: The MS law defines “<i>employee</i>” as “<i>any person or entity that is hired to perform work within the State of Mississippi and to whom a United States Internal Revenue Service Form W-2 or Form 1099 must be issued.</i>” This is important in calculating the number of “employees” for applicability of the act.</p>	YES: All public and private employers (E-Verify or any similar program)
MISSOURI	Missouri Governor Matt Blunt has signed into law <u>H.R. 1549</u> , a stringent new bill targeting illegal immigration that makes it mandatory for all state agencies and local governments in Missouri, as well as private contractors with the state, to use E-Verify for newly hired workers.	YES: Applies to public employers and certain



Compliance
simplified.

CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>As of <u>January 1, 2009</u>, employers of unauthorized workers will face potential loss of state contracts and/or tax breaks, suspension or even revocation of their right to do business in the state, and possibly a civil trial in Missouri state court.</p> <p>Mandatory E-Verify for Employers with State Contracts or Subsidies</p> <p>The law requires any Missouri employer to enroll in E-Verify if it:</p> <ol style="list-style-type: none"> 1. Has any state contract or grant worth more than \$5,000; or 2. Receives any state-administered or subsidized tax credit, tax abatement, or loan. <p>E-Verify is a web-based program run by the federal government and is used to verify employment authorization of newly-hired workers.</p> <p>Any employer matching the above criteria found to have <i>knowingly</i> hired, employed, or continued to employ, an unauthorized worker faces potential cancelation of existing state contracts and a three-year bar on receiving future state contracts. Subsequent violations may permanently bar the employer from doing business with the state.</p> <p>Enforcement Provisions Affecting All Missouri Employers</p> <p>The law also establishes the following unique procedure for prosecuting any employer who knowingly hires an unauthorized alien:</p> <ol style="list-style-type: none"> 1. Any state official, business entity, or state resident may file a sworn allegation with the Attorney General’s (AG) office alleging that an employer has <i>knowingly</i> hired an unauthorized employee; 2. Within 15 days the AG will request information from the company about the allegedly unauthorized employee. If the employer does not come forth with the requested information during the 15-day period, its business license and/or exemptions will be suspended until it is compliant; 3. The AG will then check the employee’s work authorization status through E-Verify; and 4. If E-Verify indicates that the worker is unauthorized, the AG may then file a civil action in Cole County against the company if the AG reasonably believes the employer hired the worker knowing of his or her illegal status. <p>If the court finds that the employer hired the worker <i>knowing</i> he or she lacked authorization to work, the court shall order suspension of the employer’s business licenses or exemptions for at least 14 days. The suspension ends only when the employer either terminates the</p>	<p>contractors; highly encouraged for private employers (provides an affirmative defense against civil actions for hiring undocumented aliens).</p>



Compliance
simplified.

CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>employee or provides proof of the worker’s legal status. Penalties for subsequent violations include a one-year suspension and eventually permanent revocation of the employer’s business license or exemption.</p> <p>Any employer who voluntarily enrolls in E-Verify will have an affirmative defense against a civil action brought by the AG for knowingly hiring an unauthorized worker. The effect of this provision is to strongly encourage all Missouri employers to use E-Verify for new employees by January 1, 2009.</p> <p>"Public Works" Employers</p> <p>The law also includes a provision relating specifically to private employers engaged in "public works" with the state (public works is defined as all fixed works constructed for public use or paid for by any public funds). The provision prohibits such employers from misclassifying employees as "independent contractors." Penalties for violation of this provision will include injunctive relief to reclassify the employee and a fine of \$50 per day for each employee, up to a maximum of \$50,000.</p>	
MONTANA	<p>HB 111 - Chapter 52 (signed 03/27/2007)</p> <p>Revises unemployment insurance laws. Exclusions from definition of employment: Services performed by an alien as identified in 8 U.S.C. 1101, <i>i.e.</i> an alien having a residence in a foreign country coming temporarily to the United States to perform agricultural labor or services, or an alien, who is a bona fide student and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study.</p> <p>SB 214 – Chapter 340 (signed 04/28/2007)</p> <p>Revises laws relating to independent contractors. Exclusions from definition of employment: Services performed by an alien as identified in 8 U.S.C. 1101, <i>i.e.</i> an alien having a residence in a foreign country coming temporarily to the United States to perform agricultural labor or services, or an alien, who is a bona fide student and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study.</p>	E-verify is voluntary for all employers.
NEBRASKA	<p>Requires public employers (<i>i.e.</i>, state agencies and political subdivisions) and contractors to register with and use the federal government's E-Verify program to determine the employment eligibility of new hires starting <u>October 1, 2009</u>. Public contractors are defined as "any contractor or his or her subcontractor who is awarded a contract by a public employer for the physical performance of services within the State of Nebraska."</p>	YES: State contractors and state agencies.



Compliance
simplified.

CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>The law also requires Nebraska's public employers to verify the legal status of all applicants trying to collect public benefits, directing the public employer not to provide benefits to a persons illegally present in the United States.</p> <p>Every contract between a public employer and contractor must contain a provision requiring the contractor to use E-Verify to determine the new hire's employment eligibility. While the bill does not require private employers to use E-Verify, the bill creates tax incentives for entities that use E-Verify. Further, for two years after the bill's operative date, the Nebraska Department of Labor will make available to all private employers information regarding E-Verify and encourage the use of the program.</p> <p>Public employers are required to use the Department of Homeland Security's Systematic Alien Verification for Entitlements Program to check benefit eligibility. This provision of the law also take effect on November 1. The prohibition against providing public benefits to persons illegally present in the US, however, does not apply to emergency medical benefits, short-term emergency disaster relief, public health assistance for prevention and treatment of communicable diseases and programs, services or assistance necessary for the protection of life and safety.</p> <p>All businesses performing within Fremont, Nebraska must enroll in E-verify within 60 days of the effective date, <u>May 4, 2012</u>, and must use E-verify for all new employees.</p>	
NEVADA	<p>Gov. Gibbons signed a law (AB 383) in <u>June 2007</u> that provides administrative fines for those business licensees that are found to employ illegal aliens. The bill also requires verification of an employee's Social Security number.</p>	<p>E-Verify is voluntary for all employers.</p>
NEW HAMPSHIRE	<p>N.H Rev. Stat. § 275-A:4-a states that no employer may employ any employee without obtaining documentation showing the employee's eligibility to work in the United States. The employer shall maintain such documentation for the period required by federal law. Acceptable documentation of eligibility to work in the United States shall include documents required by federal law or supporting documentation that satisfies the requirement of federal law.</p> <p>HB 158 (effective August 17, 2012) extends an affirmative defense in identify fraud cases to employers who have verified employees' work authorization using E-Verify, the Social Security Administration, or any other reputable organization.</p>	<p>YES: Applies to all employers.</p>
NEW JERSEY	<p>NONE</p>	<p>E-Verify is voluntary for all employers.</p>
NEW MEXICO	<p>NONE</p>	<p>E-Verify is voluntary for all employers.</p>
NEW YORK	<p>NONE</p>	<p>E-Verify is voluntary for all employers.</p>



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
NORTH CAROLINA	<p>NC Session Law 2011-263 (House Bill 36), enacted <u>June 23, 2011</u>, requires private employers to use E-Verify if they have 25 or more workers (but not including seasonal workers). The requirement is to be enforced by the N.C. Commissioner of Labor, who can receive anonymous complaints. Graduated penalties for successive violations start with an affidavit of compliance within 3 days, then a \$10,000 fine, then a \$1,000 fine (total), and then a \$2,000 per worker fine. These penalties do not seem to fit the exemption relating to “license” in the federal law preempting state laws on employer sanctions, and a challenge to it on the basis of federal preemption probably would be successful.</p> <p>Federal preemption probably would be successful. The NC law will take effect at different times for different employers: <u>November 2011</u>: cities and counties; <u>November 2012</u>: more than 500 employees; <u>January 2013</u>: 100 or more but fewer than 500 employees; and <u>July 2013</u>: 25 or more but fewer than 100 employees.</p> <p>SB 1523, enacted in 2006, requires all state agencies, offices, and universities to use E-Verify for employees hired on or after <u>January 1, 2007</u>, except for employees of local education agencies hired on or after March 1, 2007.</p>	<p>YES: Applicable to all private employers doing business in the State who employ 25 or more employees in the State. Also applicable to the following public entities: all state agencies, departments, and institutions, public universities, community colleges, and local school boards (G.S. 126-7.1); cities (G.S. 160A-169.1); counties (G.S. 153A-99.1).</p>
NORTH DAKOTA	NONE	E-Verify is voluntary for all employers.
OHIO	NONE	E-Verify is voluntary for all employers.
OKLAHOMA	<p>HB 1804 (signed 05/08/2007) - Oklahoma Taxpayer and Citizen Protection Act of 2007. Effective <u>November 1, 2007</u>, the Act states that no public employer shall enter into a contract for the physical performance of services within the state unless the contractor registers and participates in E-Verify to verify the work authorization status of all new employees.</p> <p>Effective <u>July 1, 2008</u>, no contractor or subcontractor who enters a contract with a public employer shall enter into such a contract or subcontract in connection with the physical performance of services within the state unless the contractor or subcontractor registers and participates in E-Verify to verify information of all new employees.</p>	<p>YES: Public employers and contractors / subcontractors who contract with a public employer.</p>
OREGON	<p>A law (SB 202), effective <u>January 1, 2008</u>, amends Oregon labor law to prohibit holders of farm labor contractor licenses from hiring “an alien not legally present or legally employable in the United States.” It permits any individual, including the Commissioner of the Bureau of Labor, to bring suit against any person to enjoin that person from using the services of a farm labor contractor who employs illegal aliens. The Commissioner may also impose civil fines against violators.</p>	E-Verify is voluntary for all employers.



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
PENNSYLVANIA	<p>The Public Works Employment Verification Act (SB 637) will require contractors and subcontractors that perform public works projects for Pennsylvania worth at least \$25,000 to use E-Verify for newly hired employees, effective <u>Jan. 1, 2013</u>.</p> <p>The first violation results in a warning letter. The second violation within 10 years leads to a 30 day suspension of an employer’s license or permit and a fine ranging from \$250-\$1,000 per violation. A third violation suspends an employer’s license or permit for 180 days to one year. The law also establishes good faith immunity for employers who follow program procedures.</p> <p>Effective <u>October 7, 2020</u>, all construction industry employers who make hires after October 7, 2020 are required to verify the employee’s eligibility to work through the E-verify system and keep records of the verification for the duration of the employee’s employment or for three years, whichever is longer. (HB1170; Act 75)</p>	<p>YES: Contractors and subcontractors that perform public works projects for Pennsylvania.</p>
RHODE ISLAND	<p>On November 5, 2011, newly-inaugurated Governor Lincoln Chafee issued Executive Order 08-01, rescinding his predecessor’s 2008 Executive Order regarding the mandatory use of E-Verify.</p>	None.
SOUTH CAROLINA	<p>On June 4, 2008, Gov. Mark Sanford signed HB 4400, the South Carolina Illegal Immigration Reform Act. The legislation requires all South Carolina employers to use E-Verify. Large employers (more than 500 employees) were required to comply by <u>January 2009</u>; all other employers had until <u>July 2010</u>. Employers could be fined between \$100 and \$1,000 for each employee not verified, and the violation would be reported to federal officials. An employer found to have knowingly hired illegal immigrants faces suspension of its business license for 10 to 30 days for a first offense, and up to five years for a third offense. Licenses could be revoked in the most egregious cases.</p> <p>Other provisions include creation of an informational website and telephone call center for the reporting of suspected immigration law violations, a prohibition on treating as a deductible business expense any wages paid to an undocumented worker, and mandatory withholding of 7% of all compensation paid to an undocumented worker.</p> <p>Requirements for Public Employers:</p> <ul style="list-style-type: none"> • Verification of New Hires. Effective January 1, 2009, all public employers (defined as every department, agency, or instrumentality of the State or a political subdivision of the State) must register and participate in the federal work authorization program to verify employment of all new employees. • Requirements of Contractors. The law also prohibits public employers from entering into any contract for the physical performance of services unless the contractor agrees to: <ol style="list-style-type: none"> 1. Register and participate in the federal work authorization program and require sub-contractors to do the same, or; 2. Employ only workers who: possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles; are eligible to obtain a South Carolina driver’s license; or possess a valid driver’s license or 	<p>YES: All employers are required to participate in E-Verify as of 01/01/2012. Employers are prohibited from using a driver’s license or state ID to confirm employment authorization.</p>



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>identification card from another state where the license requirements are at least as strict as those in South Carolina. The South Carolina Department of Motor Vehicles will publish on its website a list of states where the license requirements are at least as strict as those in South Carolina.</p> <p>The effective date for this requirement depends on the size of the contractor:</p> <ul style="list-style-type: none"> • January 1, 2009, for contractors, subcontractors, or sub-subcontractors with 500 or more employees; • July 1, 2009, for contractors, subcontractors, or sub-subcontractors with at least 100 but fewer than 500 employees; and • January 1, 2010, for all other contractors, subcontractors, or sub-subcontractors. <p>Creation of Wrongful Discharge Cause of Action: The law creates a private right of action for wrongful termination against an employer who discharges an employee authorized to work in the United States for the purpose of replacing that employee with a person the employer knows or should reasonably know is an unauthorized alien. The person claiming to have been wrongfully discharged under this provision must show:</p> <ul style="list-style-type: none"> • The replacement occurred within sixty days of the date of the employee's termination, • The replacement worker was an unauthorized alien at the time of the replacement; • The employer knew or reasonably should have known of the replacement worker's status; and • The replacement worker filled duties and responsibilities the employee vacated. <p>An individual who prevails on a claim under this provision may be awarded reinstatement, actual damages and lost wages. Additionally, prevailing parties are entitled to attorney fees.</p> <p>Employers who submit the necessary identifying information for all employees through the Systematic Alien Verification of Entitlement (SAVE) program, the E-Verify Program or a successor program used for verification of work authorization and operated by the United States Department of Homeland Security are not subject to liability under this provision. Additionally, this provision does not apply to a private employer who terminates an employee in accordance with the requirements of the new law.</p> <p>Any lawsuit claiming violation of this provision must be brought within one year of the alleged violation. This provision is effective 90 days after the effective date of the Act.</p> <p>Tax Deductions/Withholding Requirements</p>	



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>The law also provides that, effective January 1, 2009, an employer cannot take a business expense deduction from its state income tax return for wages paid to an unauthorized alien in excess of \$600 per year. However, this provision does not apply if the employer complied with the requirements of the new law and the information provided by the individual to the employer was facially correct.</p> <p>The law also requires employers to withhold 7% of the compensation paid to an individual on a 1099 form if the individual (1) failed to provide a taxpayer identification number or social security number; (2) failed to provide a correct taxpayer identification number or social security number; or (3) provided an Internal Revenue Service issued taxpayer identification number issued for nonresident aliens.</p> <p><u>EFFECTIVE JANUARY 1, 2012</u></p> <p>The South Carolina Illegal Immigration Reform Act, enacted on June 27, 2011, and effective on January 1, 2012, requires private employers to use E-Verify and punishes failure to use E-Verify with graduated penalties culminating in loss of various state licenses for up to 30 days, including employment licenses, articles of organization, articles of incorporation, a certificate of partnership, a partnership registration, a certificate to transact business, and any transaction privilege tax license.</p> <p>The law punishes knowing employment of unauthorized aliens with loss of licenses. It requires state government contractors to use E-Verify. Other broad provisions may be subject to legal challenge.</p> <p>HB 4813 (effective July 1, 2012), enacted August 3, 2012, requests the establishment and maintenance of a twenty-four hour toll free hotline to report alleged immigration violations, including but not limited to E-verify or other work authorization violations.</p>	
SOUTH DAKOTA	NONE	E-Verify is voluntary for all employers.
TENNESSEE	<p>Effective <u>January 1, 2017</u>, all Tennessee employers with 50 or more employees are required to enroll in and use E-Verify. The Tennessee Lawful Employment Act (TLEA) (SB 1669, HB 1378) was signed into law by Gov. Bill Haslam on June 7, 2011. The law originally required employers either to register with and use E-Verify or to request from an employee and retain a photocopy of one document from a list of acceptable documents in addition to fulfilling the federal Form I-9 requirements. The law was phased in according to employer size:</p> <ul style="list-style-type: none"> • January 1, 2012: Employers with 500+ employees and government entities • July 1, 2012: Employers with 200 to 499 employees • January 1, 2013: Employers with 6 to 199 employees <p>On April 21, 2016, the governor signed into law an amendment to the TLEA that will drop the document retention option in favor of mandatory E-Verify use for all Tennessee employers with 50 or more employees. This change takes effect January 1, 2017.</p>	YES: All employers.



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>A law (HB 111), effective June 2006, prohibits contractors from contracting with state agencies within one year of the discovery that the contractors employ illegal immigrants.</p> <p>A law (SB 903), signed in May 2007, provides that an employer shall not accept an individual tax identification number (ITIN) to prove immigration status. According to some, illegal immigrants often present ITINs without also presenting valid federal immigration documents. Tennessee hopes to prevent fraudulent use of ITINs for employment purposes.</p> <p>A law (HB 729), signed in June 2007, provides for the suspension of the business license of an employer for knowingly hiring an illegal alien. For a first violation, the employer’s license would be suspended until the illegal worker is terminated. For second and subsequent violations, the suspension would be for one year. As with the Arizona law, the employer’s participation in E-Verify serves as a defense to a claim that the employer has violated the law.</p>	
TEXAS	<p>HB 1196 (signed 06/15/2007) effective <u>September 1, 2007</u>, relates to restrictions on the use of certain public subsidies to employ undocumented workers, provides that a public agency, state or local taxing jurisdiction, or economic development corporation shall require a business that submits an application to receive a public subsidy to include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker.</p> <p>Effective <u>September 2015</u>, E-Verify must be used to confirm staff and subcontractor employment eligibility by all state agencies and businesses that go into contracts with such agencies. (SB 374)</p>	YES: All state employers and contractors.
UTAH	<p>Government agencies must verify their employees through E-Verify.</p> <p>The Utah legislature passed the Private Employer Verification Act, and was signed by the Governor. This law requires private employers with 15 or more employees to verify the employment authorization of all new hires on and after <u>July 1, 2010</u> through a “status verification system.” The law defines “status verification system” broadly to include E-Verify, the Social Security Number Verification System, or another similar program run by the federal government. Notably, the law exempts H-2A and H-2B workers from the verification requirement. Public employers also are exempt.</p> <p>Private Employers: Businesses that contract with government agencies must begin using E-Verify by <u>July 1, 2009</u>.</p> <p>Private Employers: Utah S.251 (signed March 31, 2010) requires private employers with more than 15 employees to verify the legal status of new employees via a federally approved employment verification system.</p>	YES: Public agencies and businesses that contract with public agencies as of 7/1/09; and all private employers with 15 or more employees, effective 7/1/10, must use a “status verification system” (either E-Verify or SSNVS) to verify the federal legal working status of every new hire.



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
	<p>Private Employers: Utah HB 116 (signed March 7, 2011) requires the Utah department created to administer the new guestworker permit to establish a verification requirement substantially similar to E-Verify. Employers with more than 15 employees must verify employment eligibility through E-Verify, an equivalent federal electronic verification system, the Social Security Administration or an independent third-party system with equal reliability.</p> <p>The Utah law also includes a “safe harbor” rule. If an employer unlawfully hires an alien without work authorization, the employer cannot be held civilly liable if the employer was registered with and used the status verification system, and the information received from the system indicated the employee had authorization to work in the U.S. Likewise, an employer cannot be held civilly liable if the employer refuses to hire the alien because the information from the status verification system indicated the alien was not authorized for employment by the federal government.</p>	
VERMONT	NONE	E-Verify voluntary for all employers.
VIRGINIA	<p>H737 requires state agencies of the Commonwealth to enroll in the E-Verify program by <u>December 1, 2012</u>, and to use the program for each newly hired employee who will work in Virginia.</p> <p>HB 1859/SB 1049 (signed 3/25/2011, <u>effective 12/1/2013</u>) requires public contractors with more than 50 employees in contracts worth more than \$50,000 to participate in E-Verify or be debarred for one year. State agencies shall deny prequalification to contractors who fail to participate.</p>	<p>YES: Public employers and state contractors that have more than an average of 50 employees for the previous 12 months and are entering into a contract in excess of \$50,000 with any agency of the Commonwealth.</p>
WASHINGTON	NONE	<p>E-Verify voluntary for all employers. Some counties have specific E-Verify requirements:</p> <ul style="list-style-type: none"> • Whatcom (required for contracts in excess of \$100,000 and longer than 120 days). The county provides for limited exceptions,



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CERTIPHI SCREENING, INC.
STATE SURVEY OF IMMIGRATION LAWS
(Employer-Based Immigration Laws)
As of November 1, 2020

State	Summary of Immigration Law	E-Verify Requirement
		excluding contracts with government agencies and emergency services. <ul style="list-style-type: none"> • Pierce • Lewis, excluding Centralia • Cowlitz • Clark
WEST VIRGINIA	<p>Private and public employers are required to verify all employees' and prospective employees' legal status or authorization to work prior to their first day of employment or prior to entering into a contract for services with any individual. Employers will maintain a written record of the name and address of each employee, the employee's rate of pay, hours of employment, payroll deductions, and amount of net pay for each pay period.</p> <p>In addition, employers shall document proof of each employee's legal status or authorization to work, which includes one of the following:</p> <p>(1) a valid social security card; (2) a valid immigration or non-immigration visa including photo identification; (3) a valid birth certificate; (4) a valid passport; (5) a valid photo identification card issued by a government agency; (6) a valid permit issued by the United States Department of Justice; (7) a valid work permit or supervision permit authorized by the Division; or (8) any other valid document providing evidence of legal residence or authorization to work in the United States.</p> <p>These records are to be maintained by employers for a period of at least two (2) years after the employee has separated from employment (Title 42, Series 31, Sections 42-31-1 through 42-31-7, as adopted effective <u>July 1, 2008</u>).</p> <p>SB 659 (effective June 10, 2012) requires new employees working on the grounds of the Capitol Complex to submit to an employment eligibility check through E-Verify.</p>	<p>NOTE: West Virginia does not require the use of E-Verify. There are, however, non-E-Verify requirements as noted.</p>
WISCONSIN	NONE	E-Verify voluntary for all employers.
WYOMING	NONE	E-Verify voluntary for all employers.