

ALERTS

Immigration Update

CLIENT I-9 UPDATE

05.23.2011

The Department of Homeland Security has been busy promulgating I-9 rules, creating I-9 resources and training opportunities. This client alert provides you updated information on all things related to the Form I-9.

The requirement for US employers to complete a Form I-9 on all new hires demonstrating authorization to accept employment in the US was created by the Immigration Reform Control Act of 1986 (IRCA). Relatively few changes were made until new interim regulations were promulgated and a new I-9 form became mandatory on April 4, 2009. The new form (dated 2/2/09) and the subsequent form (revision date 8/7/09) are the only two versions of the I-9 form that may be used to complete a new I-9 or complete Section 3 to update previously completed I-9's. The final I-9 regulations were published last month, became effective May 16, 2011 and are identical to the interim regulations published in April 2009.

DHS has also updated M-274, the I-9 Handbook for employers. Last week, DHS announced the launch of a new I-9 resource, called I-9 Central. I-9 Central contains copies of the currently accepted I-9 forms, list of acceptable documents, I-9 retention and storage tools, employee rights and penalties for violating I-9 regulations. I-9 Central also contains links to all I-9 regulations and contains a list of frequently asked questions (FAQ's) that they promise to update on a regular basis. The home page for I-9 Central can be accessed at <http://www.uscis.gov/I-9Central>.

Immigration and Customs Enforcement (ICE), a section of DHS, also offers training on E-Verify and I-9 compliance and partners with MVA on our client trainings. To see our I-9 and E-Verify training seminar held last year at our Charlotte office with ICE, please click [here](#) to access the download. If you would like to arrange a customized I-9 or E-Verify training please contact Steve Hader at shader@mvalaw.com.

Last Friday, Georgia signed into law a new I-9 and immigration statute. Among other things, the law requires all employers in Georgia with 10 or more employees to enroll in E-Verify. The deadline to enroll depends upon the size of the company, with the largest companies being subject first. Employers with 500 or more employees must enroll in E-Verify and use it to check new hires by January 1, 2012. Employers with less than 500 but more than 100 employees must enroll in E-Verify and use it to check new hires by July 1, 2012. Employers with 11-99 employees use E-Verify to check new hires by July 1, 2013. Want to know what other states already have E-Verify requirements? Law Logix, a very reputable I-9 electronic vendor and E-Verify agent maintains an E-Verify state map on its website. While this page is frequently updated, if you have questions regarding upcoming or newly passed legislation, you can always contact us at MVA for the most up to date I-9 and E-Verify guidance.

IMMIGRATION UPDATE

Last week, the Obama administration revealed its "Blueprint for Immigration Reform". A key component of this reform is requiring all employers to enroll in and use E-Verify to check the employment authorization of all employees. As such, expect any immigration bill with a possibility of passage to include an E-Verify requirement for all US businesses. We frequently assist clients in reviewing E-Verify agents and electronic I-9 vendor options to ensure compliance with I-9 and E-Verify regulations. Not all programs comply with federal law, and choosing the wrong program can have disastrous effects. Clothing retailer Abercrombie & Fitch was fined more than a million dollars last fall by ICE for using an electronic I-9 program that did not meet the technology-based statutory requirements for completion, storage, retention and review.

You can view the range of I-9 and E-Verify services we offer clients [here](#). For assistance with specific I-9 or E-Verify questions or issues, please feel free to ask your contact in the **MVA Immigration Group**.

This electronic newsletter includes information about legal issues and legal developments. Such material is for informational purposes only and is not intended, and should not be taken, as legal advice on any particular set of facts or circumstances. You should contact your attorney for advice on specific legal problems.