

## Client Alert



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### **Georgia E-Verify Mandate ... Tee Minus 7 Days ... Is Your Company Ready?**

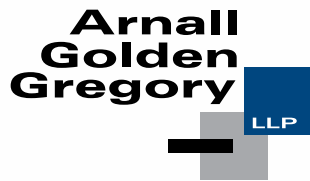
The Georgia E-Verify mandate for public employers takes effect July 1, 2011, but in reality the mandate covers certain private employers as well. That's because certain provisions of the Illegal Immigration Reform and Enforcement Act of 2011 (Act), codified at O.C.G.A. § 13-10-91, require all public employers to enroll in the E-Verify program by July 1, 2011, and by default that includes those contractors working with public employers.

As a refresher, E-Verify is a free, web-based electronic employment eligibility verification program. The program is administered by U.S. Citizenship and Immigration Services (USCIS), which is a part of the Department of Homeland Security. It is to be used in conjunction with completion of the Employment Eligibility Verification form (form I-9) and both must be completed within three business days of hire.

A public employer is defined in the Act as "every department, agency, or instrumentality of the state or a political subdivision of the state with more than one employee." The Act states that no public employer shall enter into a contract for the "physical performance of services" unless the contractor and their sub-contractors register and use the E-Verify as well.

### **Important Steps Toward Compliance with the Georgia E-Verify Mandate**

1. Consider whether you are a public employer or a contractor working for a public employer? If so, enrollment with E-Verify must be completed by July 1, 2011.
2. Enroll in the E-Verify program through USCIS if you are a public employer or contractually obligated to participate in the program.
3. Use of E-Verify is ONLY for new hires and it is not to be used as pre-screening tool.
4. Familiarize yourself with the Georgia Department of Audits and Accounts' Affidavit of Compliance, which should be available online no later than August 1, 2011, and which state agencies have already begun to post on their websites. Public employers must maintain the Affidavits of Compliance for a period of five years, and contractors must collect and forward these Affidavits of Compliance from their sub-contractors to the public employer for whom they are providing the "physical performance of services".



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5. If you are a contractor or sub-contractor providing the “physical performance of services” and you have “no employees”, you must, in lieu of the Affidavit of Compliance, provide state issued driver’s licenses or identification cards to the public employer as proof of work authorization.

As you prepare to implement the E-Verify program, now is a good time to consider your overall form I-9 compliance program and practices.

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*This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.*