



GALLOP, JOHNSON & NEUMAN, L.C.

Attorneys and Counselors at Law

IMMIGRATION ALERT

New Federal Contractor Rule: U.S. Government Contractors and Subcontractors Must Use E-Verify

June 2009

The Federal Government is moving towards requiring all Federal contractors to use the electronic employment authorization program known as E-Verify and to require contractors to require their subcontractors to use E-Verify.

As of June 30, 2009, Federal contracts will require contractors to:

- (1) Enroll in the E-Verify program within 30 calendar days of contract award, and use E-Verify within 30 calendar days thereafter to verify employment eligibility of their employees assigned to the contract;
- (2) If the contractor is already enrolled in E-Verify use E-Verify within 30 calendar days to verify employment eligibility of their employees assigned to the contract;
- (3) Verify all new hires and all employees newly assigned to the contract within 3 business days of hire or date of assignment to the contract; and
- (4) Flow down the requirement to use E-Verify to subcontractors:
 - (a) for commercial or noncommercial services or construction;

- (b) exceed \$3,000; and
- (c) include work performed in the U.S.

The Federal Government advises, "Although Federal Contractors are not yet required to participate in E-Verify, you are encouraged to enroll in E-Verify now."

E-VERIFY AND I-9

The several legal issues of E-Verify are beyond the scope of this Alert. However, be aware that: (1) E-Verify is web-based; (2) the E-Verify requirements cannot be changed or negotiated; and (3) employers commit to a Memorandum of Understanding that contains certain Responsibilities for Employers, including: (a) if an employee presents a List B Identity Document for the I-9 employment eligibility process, that document must have a photograph; (b) if an employee presents a permanent resident card, the employer must make a photocopy of the card; and (c) for employers who are Federal contractors, the employer can use a previously completed Form I-9 only if it complies with certain criteria; otherwise the employer must prepare a new Form I-9.

This Immigration Alert was prepared by David J. Harris of the Immigration Law Practice Group of Gallop, Johnson & Neuman. If you wish to obtain further information regarding these matters, please contact either Mr. Harris or the Gallop, Johnson & Neuman attorney who normally provides or manages your legal services.

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