

March 2008

E-Verify Program Now Has More Than 52,000 Participants

U.S. Citizenship and Immigration Services (USCIS) announced that the E-Verify employment status verification program now has more than 52,000 employer participants, and that the program has been growing by approximately 1,000 participants per week since October. USCIS is recruiting new personnel for the first regional verification center in Buffalo, New York.

USCIS noted that participation in E-Verify remains voluntary, but that some states have begun requiring their employers to comply with a federal work authorization verification program. Arizona, for example, increased participation of its employers in E-Verify from 325 a year ago to more than 18,000 today. This is only a small portion, however, of all Arizona employers especially when one considers that the Arizona statute required all employers to sign up by January 1, 2008. While the Arizona statute does not include a penalty for failure to sign up (since the state's statute could not override the federal voluntariness of the program), the statute does contain penalties (such as the loss of business licenses) for either knowingly or intentionally hiring unauthorized workers. Under the statute, those employers who sign up are afforded a rebuttable presumption that they did not knowingly hire an illegal alien. Even employers who have not signed up, however, have an affirmative defense that they did not knowingly or intentionally hire an unauthorized worker if they have complied in good faith with I-9 verification requirements. Meanwhile, Illinois has delayed until April 15, 2008, implementation of a new law that would prohibit employers from participating in E-Verify until federal agency databases are able to resolve 99 percent of discrepancies within three days. The Illinois legislature is considering several bills that would amend the law.

USCIS's announcement is available at
<http://www.uscis.gov/files/pressrelease/everify12022008.pdf>.