



<http://www.uscis.gov/80/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD>

E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. For most employers, the use of E-Verify is voluntary and limited to determining the employment eligibility of new hires only.

There is no charge to employers to use E-Verify.

The E-Verify system is operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration.

FEDERAL CONTRACTORS

As of September 8, 2009, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to use E-Verify to determine the employment eligibility of:

Employees performing direct, substantial work under those federal contracts

New hires organization wide, regardless of whether they are working on a federal contract

A federal contractor or subcontractor who has a contract with the FAR E-Verify clause also has the option to verify the company's entire

workforce.

For more information concerning FAR E-Verify, click on the "Federal Contractors Required to Use E-Verify" link in the right-hand column on this page.

WEBINARS AND DEMONSTRATION VIDEO

We now offer three webinars to employers to explain aspects of Form I-9 and E-Verify.

The webinar topics are:

E-Verify

E-Verify for Federal Contractors

Form I-9, Employment Eligibility Verification

To participate in a webinar, please see the "Sign up for a Webinar" link in the right-hand column on this page.

We have also released a demonstration video showing how easy it is to use E-Verify.

To view the video, please see the "E-Verify Demonstration Video" link in the right-hand column on this page.

ABOUT FORM I-9 AND E-VERIFY

The Immigration Reform and Control Act of 1986 (IRCA) seeks to control illegal immigration by eliminating employment opportunity as an incentive for unauthorized persons to come to the United States, by prohibiting the hiring or continued employment of aliens whom employers know are unauthorized to work in the United States. To comply with the law, all U.S. employers must verify the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986 by completing Employment Eligibility Verification forms (Forms I-9) for all employees, including U.S. citi-

zens. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States may face civil and criminal penalties.

The links on this page provide specific information on the Form I-9, Employment Eligibility Verification, and E-Verify, the electronic employment eligibility verification program administered by USCIS. If you have specific questions concerning the Form I-9 or E-Verify, please call the USCIS Verification Division at 1-888-464-4218.

Last updated: 10/16/2009

PENALTIES FOR EMPLOYING UNDOCUMENTED WORKERS

Undocumented Workers, Employer Liability, Illegal Aliens, Employing Illegal Aliens

Recently, fruit company executives at Zirkle agreed to pay \$1.3M to settle out of a court a RICO lawsuit alleging that undocumented workers were hired in order to keep wages low. This is the first time that a large scale employer-based RICO lawsuit has been settled. This is just one example of how companies can run afoul of immigration laws and expose themselves to significant liability.

Penalties for Employing Undocumented Workers

For example, if a worker presents a temporary work authorization document from the Immigration Service at the time the worker is hired, the employer must not only make a good faith effort to verify the legitimacy of the document, but also re-verify the employee's work authorization at the time the initial authorization expires.

There are civil and criminal penalties for hiring illegal aliens. Sec. 274A of the Immigration and Nationality Act (INA) and 8 U.S.C. 1324a, makes it unlawful for any person knowingly to hire, recruit

or refer for a fee any alien not authorized to work. An employer that violates these laws can face penalties of:

- \$250 to \$2,000 fine for each unauthorized individual;
- \$2,000 to \$5,000 for each employee if the employer has previously been in violation; or
- \$3,000 to \$10,000 for each individual if the employer was subject to more than one cease and desist order.

The employer could also be fined \$100 to \$1,000 for each individual "paperwork" violation.

The criminal penalties for a pattern and practice violation can be up to \$3,000 for each unauthorized alien, imprisonment up to six months, or both.

If an undocumented worker gets hurt on the job, he has the right to sue employer for damages and employer will face stiff penalties if he hired undocumented worker. In most cases, employers insurance will not cover his losses/

<http://www.nvo.com/beaulier/penaltiesforemployingundocumentedworkers/>

Employer Warning: If an employee hires an illegal alien, he has the right to sue for Workman's Compensation for work related injuries.