

## “E-Verify” Rules go into Effect on September 8, 2009

**Matthew Tarasevich | September 1, 2009**

Effective September 8, 2009, the federal government will require certain employers awarded or working under federal contracts to verify the employment eligibility of their employees. Such employers must enroll in the “E-Verify” website operated by the Department of Homeland Security (DHS) and submit employees’ Form I-9 information for a check against records contained in DHS databases. The verification process includes all new hires after a federal contract is awarded, and current employees who are assigned to work on that contract. Employers may also voluntarily submit all employees for verification, regardless of whether they work on a federal contract.

Certain federal contracts, such as those under \$100,000 in value or which will be completed within 120 days, do not prompt E-Verification requirements. Employers who currently have not been awarded a federal contract are not subject to the September 8, 2009, deadline, but are required to participate after that date once they have been awarded a federal contract.

The E-Verification rules allow monetary penalties for each notification failure, as well as potential civil and/or criminal penalties under the Immigration and Naturalization Act (“INA”) for knowingly hiring or continuing to employ unauthorized aliens. Furthermore, a federal contractor risks debarment from federal contracts if it does not comply with E-Verify.

Employers can view the E-Verification website at:

<https://www.vis-dhs.com/EmployerRegistration/StartPage.aspx?JS=YES>

If you have any questions as to whether E-Verification applies to your business, please call Matt Tarasevich or Glenn Israel at 207 774-1200 in Bernstein Shur’s Portland, Maine office, or Andrea Johnstone or Karen Aframe at 603 623-8700 in our Manchester, New Hampshire office.