

PUBLICATION

Georgia's Illegal Immigration and Enforcement Act

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On July 1, 2013, all employers with more than ten employees will be required participate in the U.S. Department of Homeland Security's E-Verify system in order to obtain a business license as part of the Illegal Immigration and Enforcement Act (IIEA). The law has serious consequences for construction companies that perform public work in Georgia.

The IIEA went into effect on July 1, 2011, but the E-Verify requirement was phased in over time. Effective January 1, 2011, the IIEA required all employers with 500 or more employees to attest to their registration and participation in E-Verify as a condition of obtaining a local business license. Beginning July 1, 2012, the E-Verify requirement applied to employers with 100 to 499 employees.

Form affidavits to assist in obtaining business licenses and bidding can be found [here](#). The compliance deadline posted by the Attorney General on the Department of Law's official website can be found [here](#). The law does not require employers to use E-Verify to review immigration status of already existing employees. It applies to the employment eligibility of all newly-hired employees.

Failure to comply with the IIEA is grounds to reject a bid on state, local and county public projects in Georgia. A signed, notarized affidavit, which attests to the contractor's registration with the federal program and use of E-Verify, must be submitted with the bid as part of the bid package.

If you have questions about complying with the IIEA or other concerns about E-Verify, please contact the author of this alert, Ben Shapiro.