

LABOR & EMPLOYMENT

SPECIAL ALERT TO EMPLOYERS: PROPOSED IMMIGRATION BILL WOULD HAVE MAJOR EFFECT ON ALABAMA EMPLOYERS

A State House committee has approved an immigration bill that would create specific crimes relating to the entry, presence, and involvement in economic activity of unauthorized aliens in Alabama and provide penalties for such crimes. The bill is modeled after the immigration law in Arizona and will likely be debated on the House floor soon. Although a complete companion bill has yet to be introduced in the Senate, a bill mandating the use of the federal E-Verify program (a portion of the House bill) is pending in the Senate Small Business Committee.

The bill provides for the enforcement of immigration laws on the state and local level. Specifically, it prohibits the knowing/intentional hiring of unauthorized aliens and requires participation in the federal E-Verify program. If an employer is found to be in violation of the Act, it will be subjected to a three-year probationary period for the business location where the unauthorized alien performed work and will risk having its business licenses suspended for up to ten days. Upon an employer's second violation of the Act, a court will permanently revoke all licenses held by the employer at the specific business location where the unauthorized alien performed work.

The bill also requires that every employer, after hiring an employee, verify the employment eligibility of the employee through the federal E-Verify program and keep a record of the verification for the duration of the employment of the employee, or at least three years, whichever is longer. Employers with 25 or less employees will be allowed to utilize a telephone verification system established and maintained by the Department of Industrial Relations in lieu of the federal E-verify program. The act also provides that an employer must provide proof that it is registered with and is participating in the E-Verify program or the telephone verification system before receiving any economic development incentive from the State.

Although both proposed bills are still in the early stages, the Legislature will likely pass a final, uniform immigration bill this session. We will continue to monitor the progress of the proposed bills and keep you updated as the laws affecting Alabama employers change.

- Breanna Harris

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