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Federal Government Contractors Have a Further Reprieve from E-Verify

The date on which the federal government will implement the final rule requiring government contractors to use the E-Verify system has been postponed once again, this time to September 8, 2009.

What is E-Verify?

The federal Immigration Reform and Control Act of 1986 requires employers to prepare and maintain Form I-9s establishing that each of their employees is eligible to work in the United States. E-Verify is an on-line system operated by the Department of Homeland Security (DHS) that enables employers to verify an employee's work eligibility by comparing information on the I-9 with records in the databases of the DHS and Social Security Administration. In June 2008, President Bush signed an amendment to Executive Order 12989 requiring government contractors with contracts in excess of \$100,000 (and subcontractors with projects greater than \$3000) to use E-Verify to confirm the employment eligibility of all new employees hired during the term of the government contract and all existing employees assigned to work on the government contract.

What is the Status of E-Verify?

The mandatory use of E-Verify by federal government contractors has been postponed several times as a result of legal challenges to the rule and widespread dissatisfaction by contractors who have complained that the system is inaccurate and increases the verification burden on employers. Mandatory use of E-Verify by government contractors has now been pushed to September 8, 2009. The rule will only affect federal contractors who are awarded a new contract after September 8, 2009 that includes the Federal Acquisition Regulation (FAR) E-Verify clause.

IF YOU WOULD LIKE ADDITIONAL INFORMATION, PLEASE CONTACT:

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