

Senate Vote Likely to Replace Current I-9 Employment Verification System

On Wednesday, May 24, 2006, the Senate voted 73-25 to limit the debate on comprehensive immigration legislation. In doing, so, the Senate clears the way for final passage later in the week of a bill that includes replacing the current I-9 employment verification system with a new electronic system.

Under the legislation, employers would be required to use a new computerized system that would include information from the Social Security Administration, the Internal Revenue Service and the Department of Homeland Security (DHS). Within 18 months of the appropriation of \$400 million to implement the new system, employers would be required to use the system to check Social Security numbers and the immigration status of all new hires.

Employers who do not use the new system could be fined \$200 to \$600. Also, fines would double to \$20,000 for hiring illegal immigrants and repeat violators could be subject to prison terms of up to three years.

The legislation would require employers to submit information on all new hires within three days of hiring. DHS would then have ten days to respond to the employer that the worker is eligible to work or that DHS cannot confirm identity or work eligibility. If DHS cannot confirm identity or eligibility, the worker would be allowed the opportunity to provide additional documentation.

The proposed legislation would also provide reimbursement by the federal government to a worker who is terminated improperly because the new verification system provides an incorrect determination. This reimbursement would replace lost wages for up to six months after the end of the administrative review process.

Such proposed changes will profoundly affect employers in the US and the work verification process. Should you have any questions about the proposed electronic verification system, or need assistance with your current I-9 compliance, please contact [Stuart Brock](#) (704-331-4975 or [email](#)) in our Charlotte office, or contact the Womble Carlyle Labor and Employment attorney with whom you already work.

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