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Global Immigration Alert



Georgia Governor Signs New Immigration Law

On May 13, 2011, Georgia Governor Nathan Deal signed The Illegal Immigration Reform and Enforcement Act of 2011. The law, which goes into effect on July 1, 2011, requires public employers to obtain affidavits from contractors (and any subcontractors and sub-subcontractors) stating that they are enrolled in and use E-Verify or, in the case of a contractor, subcontractor, or sub-subcontractor who has no employees and does not intend to hire employees during the term of the contract, to provide a copy of a state-issued driver's license or ID card issued by a U.S. state that verifies lawful immigration status before issuing that document.

The law also requires private employers with more than ten employees to use E-Verify for new hires. It goes into effect for employers with 500 or more employees on January 1, 2012, for employers with 499 to 100 employees on July 1, 2012, and for employers with 99 to 11 employees on July 1, 2013. At the time a business or individual applies for or renews a business license, occupational tax certificate or other document required to operate a business in Georgia, the applicant must provide evidence that the company or individual uses E-Verify or is exempt. In order to determine when the E-Verify requirement will go into effect, an employer must count the number of employees working at least 35 hours per week as of January 1 of the year.

Under this law, any person who presents counterfeit or fictitious identification to obtain employment could be charged with aggravated identify fraud and be sentenced to between one and ten years in prison and/or fined up to \$100,000. Subsequent offenses are punishable by imprisonment for between three and fifteen years and/or a fine of not more than \$250,000.

Other provisions of the law authorize state and local police to verify an individual's immigration status if he or she cannot produce identification when an officer has probable cause to believe that the individual has committed a crime and to penalize an individual (including imprisonment and monetary fines), who while committing another crime, encourages an illegal alien to enter Georgia or who transports or harbors an illegal alien within the state. There is no violation of the transporting provision for an employer transporting lawfully hired employees.

We expect to see immediate legal challenges to the law and blocks by a court of some of the more controversial provisions, especially those that impose criminal sanctions and authorize local and state police to verify immigration status.

For more information visit our website at www.laborlawyers.com or contact any member of our Global Immigration Practice at 404.231.1400.

This Global Immigration Alert provides an overview of a specific new law. It is not intended to, and should not be construed as, legal advice on any particular fact situation.

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