



Legal Alert: Tennessee Immigration Law Effective January 1, 2008

1/3/2008

Effective January 1, 2008, Tennessee employers who knowingly employ illegal aliens risk having their business licenses suspended. Tennessee's Illegal Alien Employment Act prohibits employers from knowingly employing illegal aliens and provides that if any state or local government agency, officer or employee has reason to believe that an employer is violating the act, the agency, officer or employee shall file a complaint with the Tennessee Department of Labor and Workforce Development (DOL). If the DOL finds that the employer has violated the law, the Commissioner of Labor shall order the regulatory board or local government to suspend the employer's business license until employer shows that it is no longer in violation of the law. If another violation of the law occurs within three years of the first violation, the employer's business license shall be suspended for one year.

Employers will not be found to have knowingly employed an illegal alien if the employer required the employee in question to provide proof of employment authorization in compliance with the requirements of the federal I-9 form, even if the information supplied by the employee later turns out to be false. Additionally, an employer will not be found to have knowingly employed an illegal alien if the employer verified the immigration status of the employee in question by using the federal electronic work authorization verification service provided by the United States Department of Homeland Security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003.

Arizona has enacted a similar law; however, employers who violate the Arizona law risk having their business licenses permanently revoked. Immigrant rights and business groups have challenged the Arizona law. The trial court in that case has indicated it will issue a ruling by February 2008. If challenges to the Arizona law are upheld, the Tennessee law may also be subject to challenge.

In the meantime, employers should ensure that they comply with the requirements of the federal I-9 form and that this compliance is documented in the employee's employment record.

If you have any questions regarding the new law or other labor or employment related issues, please contact the Ford & Harrison attorney with whom you usually work.