

## North Carolina to Join Ranks of States Requiring Employers to Enroll in E-Verify

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The North Carolina Legislature passed a bill that will gradually require all private employers with more than 25 employees to use the federal online E-Verify program to verify the employment authorization of newly hired employees. The bill, HB 36, was passed on June 18, 2011, and was signed into law by Governor Beverly Perdue on June 23, 2011 as Session Law 2011-263. E-Verify is a free internet-based system that allows employers to determine employment authorization by checking an employees' documentation against Department of Homeland Security and Social Security Administration databases. Employers can enroll in E-Verify at <https://everify.uscis.gov/enroll/>.

This new E-Verify law required North Carolina counties and cities to register and participate in E-Verify by October 1, 2011. Private sector employers' participation in E-Verify is phased in more slowly, according to the employer's size:

- Employers with 500 or more employees will be required to participate by October 1, 2012;

- Employers with 100 or more employees will be required to participate by January 1, 2013; and
- Employers with 25 or more employees will be required to participate by July 1, 2013.

Businesses will not be required to verify the employment eligibility of current employees unless the employer has been awarded a federal contract on or after September 8, 2009 that contains the Federal Acquisition Regulation (FAR) E-Verify clause. Also, industries that hire agricultural workers for 90 days or less in a 12 month period are exempt from using E-Verify.

Civil penalties for violations of North Carolina's E-Verify law are to be assessed by the NC

Commissioner of Labor and will range from \$1,000 to \$10,000. Employers with more than 25 employees would do well to visit the above E-Verify website to acquaint themselves with E-Verify and attendant enrollment procedures well before enrollment is required.

The federal government has recently added E-Verify Self-Check which permits an employee or prospective employee to check his or her employment eligibility, just like an employer would when it uses E-Verify. E-Verify Self-Check also provides information to the employee on how to correct any problems. The E-Verify Self-Check website is <https://selfcheck.uscis.gov/SelfCheckUI/start.html>. E-Verify Self-Check is being phased in slowly on a national basis and is currently offered to individuals who

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maintain addresses in 21 states. North Carolina does not yet have E-Verify Self-Check, although neighboring Virginia and South Carolina do.

For updates on immigration news of interest, follow Jennifer Parser @immigrationgal on twitter.

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