

NOTICE TO EMPLOYERS
Laws 2007 Chapter 279
Fair and Legal Employment Act (HB 2779)

On January 1, 2008, a new state law prohibits employers from intentionally or knowingly employing an unauthorized alien. An "unauthorized alien" is an alien who does not have the legal right or authorization under federal law to work in the United States.

If a complaint is filed with the County Attorneys or Attorney General an investigation will be conducted. Upon determining that a complaint is not frivolous, a civil action may be instituted. Any judicial proceedings will be governed by the Rules of Civil Procedure.

A judicial determination of a violation of this new state law will subject the employer to probation, and may subject the employer to a suspension or revocation of all licenses as defined in section 23-211, Arizona Revised Statutes depending on the following conditions:

1. For a first violation of an employer **knowingly** hiring an unauthorized alien, the court shall order mandatory three years probation and may suspend all licenses held by the employer for a maximum of ten days. The employer must file a signed sworn affidavit with the county attorney within three business days, stating that the employer has fired all unauthorized aliens and that the employer will not intentionally or knowingly employ any unauthorized alien.
2. For a first violation of an employer **intentionally** hiring an unauthorized alien, the court shall order a mandatory five years probation and order the appropriate licensing agencies to suspend all licenses held by the employer for a minimum of ten days. The employer must file a signed sworn affidavit, stating that the employer has fired all unauthorized aliens and that the employer will not intentionally or knowingly employ any unauthorized alien with the county attorney. A license that is suspended will remain suspended until the employer files a signed sworn affidavit.
3. For a second violation of this new state law committed during a period of probation, the court will order the appropriate licensing agencies to permanently revoke all licenses that are held by the employer.

All court orders will be available on the Attorney Generals website at www.azag.gov.

Employment Eligibility Verification (E-Verify)

E-Verify is the new name for the employment eligibility verification formerly known as the Basic Pilot Program. After December 31, 2007, every employer, after hiring an employee, is required to verify the employment eligibility of the new employee through the E-Verify program, as defined in section 23-211, Arizona Revised Statutes, as added by this act. Proof of verifying the employment authorization of an employee through the E-Verify program will create a rebuttable presumption that an employer did not violate the new state law.

How to Enroll

E-Verify is available on the Internet for all U.S. employers seeking to verify the employment eligibility of new hires. Employers using E-Verify must first register online and sign a Memorandum of Understanding (MOU) with the United States Citizenship and Immigration Service (USCIS) and the Social Security Administration (SSA). There is no cost to use E-Verify. To register and complete a MOU for participation in the Employment Eligibility Verification (EEV) go to <https://www.vis-dhs.com/EmployerRegistration>, and follow the instructions as outlined.

Upon completion and online submittal of the MOU, the employer will receive email confirmation of his or her company's participation in the E-Verify including a new User ID and temporary password.

You can obtain a copy of the fair and legal employment act (HB 2779; Laws 2007, Chapter 279) at www.azleg.gov.

E-Verify Employment Eligibility Verification



Registration for E-Verify

The Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services Bureau (USCIS) and the Social Security Administration (SSA) are jointly conducting E-Verify, formerly known as the Basic Pilot. E-Verify involves verification checks of the SSA and DHS databases, using an automated system to verify the employment authorization of all newly hired employees.

There are four types of access methods for E-Verify.

Employer

The Employer access method is a web-based program that provides a company with a way to electronically verify the employment authorization of **all** newly hired employees, regardless of citizenship.

Designated Agent

The Designated Agent access method is a web-based program available to companies (Designated Agents) to verify the employment authorization of **all** newly hired employees **on behalf of other companies** (Client Companies).

Corporate Administrator

The Corporate Administrator access method is a web-based program that provides companies with multiple sites using E-Verify, the functionality to create and manage multiple Employer accounts for those sites under the jurisdiction of a Corporate Office. Corporate Administrators have oversight of these company accounts. They are provided the ability to view reports and administer new and existing user accounts. The Corporate Administrator access method **cannot** perform employment eligibility verifications for newly hired employees. To verify the employment eligibility for your Corporate Office's newly hired employees, the Corporate Office needs to also register for the Employer access method.

Web-Services

The Web-Service access method allows a company to extract information from the company's existing system or an electronic Form I-9 and transmit the data to SSA and USCIS to verify the employment authorization of newly hired employees. The web-services access method **requires your company to develop software** to interface between your company's system and USCIS' database.

An employer's participation in E-Verify is voluntary and is currently free to employers.

Users can access the web-based access methods using any Internet-capable Windows based personal computer and a web browser of Internet Explorer 5.5 or Netscape 4.7 or higher (with the exception of Netscape 7.0).

To participate, an employer must register online and accept the electronic Memorandum of Understanding (MOU) that sets forth the responsibilities of the SSA, USCIS and the employer.

If your company wants to participate in E-Verify, as an employer, designated agent, or corporate administrator, or if your company is interested in the web-service access method, click the "Begin Employment Verification Registration" button shown below.

If you need assistance in completing the registration process or need additional information relating to E-Verify, please call the Office of Verification toll free at 1-888-464-4218.

Begin Employment Verification Registration




[U.S. Department of Homeland Security](#) | [U.S. Citizenship and Immigration Services](#)

E-Verify Employment Eligibility Verification

Exit



To assist in determining for which access method(s) you should register, please answer the following

1. Will you be verifying the employment authorization of newly hired employees within your own company? 
 Yes
 No
2. Will you be performing employment verification for your customer's newly hired employees as part of a service companies? 
 Yes
 No
3. Will your company have multiple Employer accounts that you will oversee under the jurisdiction of your Corporation?
 Yes
 No
4. Are you interested in developing software to interface between your internal company system(s) and USCIS verifications on newly hired employees? 
 Yes
 No