



# Labor and Employment *ALERT*

Current Law Developments and Legal Issues

That May Affect You Or Your Business

Lafayette Shreveport

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## **Implementation of E-Verify for Federal Contractors and New I-9 Form for all Employers Delayed**

### **New I-9 Form for all Employers**

The U.S. Citizenship and Immigration Services (USCIS) announced January 30, 2009, that it has delayed by 60 days, until **April 3, 2009**, the implementation of an interim final rule entitled "Documents Acceptable for Employment Eligibility Verification" published in the Federal Register on Dec. 17, 2008. The rule streamlines the Employment Eligibility Verification (Form I-9) process.

The rule was to be implemented February 1, 2009, however, when President Obama took office, the White House issued a directive to all federal agencies asking them to review any regulations introduced by the Bush administration but had not taken effect before Jan. 20, 2009. Due to this new development, employers should continue to use their current Form I-9, with revision date 06/05/07.

### **E-Verify for Federal Contractors**

A regulation requiring all federal contractors to use a government-run electronic employment verification system effective January 15, 2009, has been delayed until May, giving the Barack Obama administration time to review a proposal that has drawn strong resistance from employers.

Federal contractors and subcontractors will be required to begin using the U. S. Citizenship and Immigration Services' E-Verify system starting **May 21, 2009**, to verify their employees' eligibility to legally work in the United States.

The new rule implements Executive Order 12989, as amended by President George W. Bush on June 6, 2008, directing federal agencies to require that federal contractors agree to electronically verify the employment eligibility of their employees. The amended Executive Order reinforces the policy, first announced in 1996, that the federal government does business with companies that have a legal workforce. This new rule requires federal contractors to agree, through language inserted into their federal contracts, to use E-Verify to confirm the employment eligibility of all persons hired during a contract term, and to confirm the employment eligibility of federal contractors' current employees who perform contract services for the federal government within the United States.

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