



THOMPSON HINE

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FEDERAL CONTRACTORS REQUIRED TO USE E-VERIFY STARTING JANUARY 15, 2009

Beginning on January 15, 2009, many federal contractors and subcontractors will have to begin using the U.S. Citizenship and Immigration Services' E-Verify system to confirm the work authorization of their employees during the term of federal contracts. In a final rule scheduled to publish today in the *Federal Register*, the Federal Acquisition Regulation (FAR) will be amended to reflect this change.

Following is a summary of the final rule:

- This change will apply to federal contracts of \$100,000 or more awarded after January 15, 2009.
- It will also apply to subcontracts over \$3,000 for services or construction.
- Contracts exempt from the requirement include those for less than \$100,000 and those that are for commercially available off-the-shelf items.
- Companies subject to this new rule will have to enroll in E-Verify within 30 days of the contract award date. Additionally, they will need to begin using the E-Verify system to confirm the work authorization of all new hires during a contract term, and certain current employees (those directly working on the federal contract).

It will be important that companies properly determine if they are subject to the new rule, and if so, which employees must have their employment eligibility validated through E-Verify.

FOR MORE INFORMATION

Thompson Hine's immigration team can assist federal contractors and subcontractors in determining the application of this rule to them. Our immigration team is experienced in counseling employers in the proper use of E-Verify and related best practices for I-9 compliance. If you would like more information, please contact your primary Thompson Hine lawyer or:

Sarah C. Flannery	216.566.5718	Sarah.Flannery@ThompsonHine.com
Mark S. Floyd	216.566.5836	Mark.Floyd@ThompsonHine.com
Elizabeth M. Hajar	216.566.5912	Elizabeth.Hajar@ThompsonHine.com
Staci M. Jenkins	513.352.6734	Staci.Jenkins@ThompsonHine.com

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