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## **New Obligations for Employers as Georgia Looks to Follow Arizona's Lead With New Immigration Law**

Following Arizona's lead, Georgia is the most recent state to pass an immigration-enforcement law. The governor of Georgia is expected to sign into law the Illegal Immigration Reform and Enforcement Act of 2011 that was passed by the Georgia legislature on April 15. The bill would allow local police to investigate the immigration status of individuals and require businesses to verify work eligibility of new hires through E-Verify. There are two classes of Georgia employers who would need to participate in E-Verify: contractors and any employer with more than 10 employees.

For purposes of this provision, contractors are defined as entities contracting for the physical performance of services with a public employer. The requirement to utilize E-Verify also flows through to subcontractors of covered contractors. The bill seems to only apply to contracts entered into after the bill's effective date, but it is not clear whether an amendment or modification to an already existing contract will trigger these obligations.

The law will allow for staggered deadlines by which private employers need to start using E-Verify. Employers with 500 or more employees must first comply on January 1, 2012; those with 100 to 499 employees must comply by July 1, 2012; and those with 11 to 99 employees must comply by July 1, 2013.

Participation in E-Verify requires employers to accept certain additional obligations relating to the process of verifying work authorization and identity of new hires, and employers are cautioned to carefully navigate this program. We will keep you apprised of developments on this law, and if it is enacted, our immigration lawyers stand ready to address the concerns of companies that become subject to this new requirement.

### **FOR MORE INFORMATION**

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