

## US IMMIGRATION CLIENT ALERT

If you have any questions about this announcement, please contact the legal professional with whom you usually work at Fragomen, Del Rey, Bernsen & Loewy, LLP.

April 18, 2008

### Illinois Law Prohibiting the Use of E-Verify Further Suspended

#### EXECUTIVE SUMMARY

Illinois will not enforce its new law prohibiting the use of the E-Verify employment eligibility verification program until June 15, 2008 at the earliest. The law was to go into effect on January 1, 2008, but Illinois has continuously agreed to delay its implementation while issues in a federal lawsuit are resolved. Employers operating in Illinois may continue to enroll in and use the E-Verify program in the near term, but other provisions of Illinois's E-Verify law are in effect.

The State of Illinois has agreed to further delay until June 15, 2008 the implementation of a new law that would prohibit employers from using the federal government's E-Verify employment eligibility verification system. The law was to become effective on January 1, 2008. In September 2007, the federal government sought to block implementation of the Illinois law by filing a lawsuit challenging its legality. Illinois agreed to suspend the law twice before as part of the litigation, the last time until April 15, 2008. This week, the federal government and the State of Illinois agreed to put a hold on the lawsuit for another sixty days while the Illinois legislature considers a bill to amend the E-Verify law. As a result, Illinois will not enforce the law during the hold period. During this timeframe, employers operating in Illinois may continue to enroll in and use E-Verify.

As we reported earlier, the Illinois law would prohibit the use of E-Verify until the Department of Homeland Security and Social Security Administration (SSA) databases are able to resolve 99% of the discrepancy notices they issue within three days. Also under the law, employers that use E-Verify must (1) complete a standard attestation form issued by the state's Department of Labor, and (2) post in a place accessible to all prospective employees a notice stating that the employer is enrolled in E-Verify, along with standard anti-discrimination notices. While Illinois will not enforce the section of the law prohibiting the use of E-Verify, these additional requirements have been in effect since January 1, 2008. At this time, it is uncertain how the litigation will affect the additional requirements.

We are closely monitoring the situation in Illinois and will provide updates as they become available. If you have any questions about this Client Alert, please contact your designated FRAGOMEN professional.

**Copyright © 2008 by Fragomen, Del Rey, Bernsen & Loewy, LLP**

BANGALORE, INDIA\* • BOSTON, MA • BRISBANE, AUSTRALIA\* • BRUSSELS, BELGIUM • CANBERRA, AUSTRALIA\* • CHICAGO, IL • CORAL GABLES, FL • DALLAS, TX • FRANKFURT, GERMANY • HONG KONG\* • HYDERABAD, INDIA\* • IRVINE, CA • ISELIN, NJ • KOCHI, INDIA\* • LONDON, UK • LOS ANGELES, CA • MELBOURNE, AUSTRALIA\* • NEW YORK, NY • PARIS, FRANCE\*\* • PERTH, AUSTRALIA\* • PHILADELPHIA, PA • PHOENIX, AZ • SAN DIEGO, CA • SAN FRANCISCO, CA • SAN JOSE, COSTA RICA • SANTA CLARA, CA • SHANGHAI, CHINA\* • SINGAPORE\* • SYDNEY, AUSTRALIA\* • TROY, MI\*\*\* • WASHINGTON, DC • WELLINGTON, NEW ZEALAND\*

\* Affiliated through Fragomen Global Immigration Services, LLC

\*\* Correspondent Office

\*\*\* PLLC, a wholly-owned subsidiary of Fragomen, Del Rey, Bernsen & Loewy, LLP