



NOTICE FOR ILLINOIS EMPLOYERS ABOUT E-VERIFY

What is the status of E-Verify in Illinois?

Earlier this year, the State of Illinois passed a new law—Section 12(a) of the Illinois Right to Privacy in the Workplace Act—that would effectively prohibit employers in the state from enrolling in the Department of Homeland Security’s E-Verify program. In September of 2007, DHS sued Illinois and asked a court to declare the new law illegal. **The law was scheduled to take effect on January 1, 2008, but the state has agreed to not enforce this law until DHS’ lawsuit is over.**

What does all this mean?

If your business already has enrolled in E-Verify, **you may continue to use E-Verify after January 1, 2008 to confirm that your newly-hired employees are authorized to work in the United States.** If your business has not yet signed up for E-Verify, **you may enroll in the program before or after January 1, 2008** by going to www.dhs.gov/E-Verify and following the link for employer registration. Illinois has agreed that it will not penalize employers simply for participating in the program, at least until the lawsuit is finished.

Are there any state requirements I have to follow before enrolling in or using E-Verify?

Possibly. For example, Illinois did pass other new laws that are not a subject of the DHS lawsuit. Because Illinois only agreed to not enforce Section 12(a), you are encouraged to consult with a lawyer to determine whether any of these other provisions may be applicable to your business and to understand your rights and responsibilities under state law. DHS cannot give legal advice to individual employers.

What should I do if the state says I violated Section 12(a)?

If Illinois state officials attempt to enforce Section 12(a) of the Right to Privacy in the Workplace Act against your business, **please contact DHS immediately** at 1-888-464-4218. This would include any attempt by the state to: (a) prevent your business from enrolling in E-Verify; (b) requiring your business to stop using E-Verify; or (c) bringing or threatening to bring any legal action (including fines) against your business simply for participating in E-Verify. You may also want to contact a lawyer.

What will happen next?

The state legislature is now considering possible changes to the Illinois law. At this time, DHS cannot predict with certainty whether Illinois will, in fact, change its law, what those changes may be, or when the changes may occur. DHS intends to post future developments regarding the Illinois law on the E-Verify website, www.dhs.gov/E-Verify, so employers should check that site on a regular basis for any updates. We remain hopeful that the state will act to preserve the ability of Illinois employers to participate in E-Verify without having to continue with our lawsuit. In the meantime, Illinois employers are able and encouraged to take advantage of the E-Verify program.

For further questions about the Illinois law, please contact your legal advisor. For other questions about E-Verify, please visit the E-Verify website or contact the customer service center at 1-888-464-4218.