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Department of Labor and Workforce Development  
James G. Neeley, Commissioner

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**Frequently Asked Questions for Illegal Alien Employment Act**

**Question: What is the law?**

**Answer:** Under this new law an employer who knowingly hires an illegal immigrant could lose any local or state issued license related to their business for up to one year.

For more information go to <http://www.legislature.state.tn.us/bills/currentqa/Chapter/PC0529.pdf>

**Question: When will this law take effect?**

**Answer:** Public Chapter 529, known as the Illegal Alien Employment Act, was signed into law by Governor Phil Bredesen on June 12, 2007 and will become effective on January 1, 2008.

**Question: What responsibilities do employers have?**

**Answer:** The law gives an employer fourteen days to receive and document, in an employee's file, lawful resident verification information consistent with employer requirements under the Immigration Reform and Control Act. An employer who does that or who verifies the employee's immigration status by using the federal electronic work authorization verification service provided by the Department of Homeland Security will not have any issues with this law.

**Question: How do employers make sure they are not hiring illegal aliens who have fake documentation?**

**Answer:** Employers currently are obligated under federal law to have proper documentation for each employee. Under federal law, employers are required to utilize lawful resident verification information under the Immigration Reform and Control Act of 1986.

The U.S. Citizenship and Immigration Services of the Department of Homeland Security requires documentation for employment eligibility for recording on the mandatory I-9 forms that all employers must keep for each employee. These documentation requirements also can be used to satisfy compliance requirements under the new law regarding license revocation.

The documents sufficient to establish both identity and employment eligibility include 1) a U.S. Passport, whether current or expired; 2) A permanent resident card or alien registration receipt card (Form I-551); An unexpired Employment Authorization Document (I-766); 3) An unexpired foreign passport with a temporary I-551 stamp; 4) An unexpired employment authorization document that contains a photograph; and 5) An unexpired foreign passport with an unexpired Arrival-Departure record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer.

Furthermore, there are several other documents that can be provided in combination to meet both the identity and eligibility requirements. These documents are identified in lists B and C on the revised I-9 forms, which are accessible on the USCIS web site.

Additionally, a federal electronic work authorization verification service is provided by the United States Department of Homeland Security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003. For more information on this voluntary program go to the U.S. Immigration and Customs Web site at [http://www.ice.gov/partners/opaimage/image\\_faq.htm](http://www.ice.gov/partners/opaimage/image_faq.htm)

**Question: What are the penalties?**

**Answer:** Those who knowingly violate the law do face penalties. The first violation results in a suspension of a business license until the person shows there are no longer any violations; a second or subsequent violation occurring within three years from the first offense results in a one year license suspension.

**Question: Who is responsible for enforcing the law?**

**Answer:** The Tennessee Department of Labor and Workforce Development will have the authority to enforce the law. The division of Labor Standards will investigate complaints received from a state or local governmental agency that a person is violating or has violated the act.

**Question: Who can file a complaint?**

**Answer:** Complaints must be in writing from any state or local governmental agency. The inspections under the law will be conducted by the Labor Standards Division of the Department of Labor and Workforce Development. The federal government remains the primary authority for enforcement of immigration law, so initial contacts by private citizens should be made to the U.S. Citizenship and Immigration Services under the Department of Homeland Security. For more information go to their Web site at [www.uscis.gov](http://www.uscis.gov).



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