ALABAMA IMMIGRATION LAW COMPLIANCE GUIDELINES
USDA
Summer Food Service Program sponsors are required to comply with the provisions of the new Alabama Immigration Law under Sections 31-13-9 (a) and (b) of the Code of Alabama 1975.
Compliance Requirement became effective January 1, 2012 for:

Any subcontractor on a project paid by contract, grant, or incentive by the state, for any political subdivision thereof, or any state-funded entity of the State of Alabama.
AS A CONDITION FOR THE AWARD OF A CONTRACT TO A BUSINESS ENTITY OR EMPLOYER THAT EMPLOYS ONE OR MORE EMPLOYEES WORKING IN ALABAMA:

1. The business entity or employer must provide an affidavit of enrollment in the Federal E-Verify program.

   Affective August 1, 2012, a Certificate of Compliance must be provided.

2. The business entity or employer must provide documentation, the Memorandum of Understanding (MOU), of enrollment in the Federal E-Verify program.
REQUIRED PARTICIPATION IN THE E-VERIFY PROGRAM

During the performance of the Summer Food Service Program agreement, the business entity or employer shall:

1. Participate in the E-Verify program.

2. Verify every employee that is required to be verified according to the applicable federal rules and regulations.
Section 9 of Alabama Act No. 2011-535 entitled the “Beason-Hammon Alabama Taxpayer and Citizen Protection Act” (http://www.ago.state.al.us/File-Immigration-AL-Law-2011-535) requires that, as a condition for the award of a contract to a business entity or employer that employs one or more employees working in Alabama, the business entity or employer provide an affidavit and documentation of enrollment in the Federal E-Verify program. During the performance of the contract, the business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. The attached Affidavit For Business Entity/Employer/Contractor and the entity’s E-Verify Memorandum of Understanding must be included with the bid or contract. If you do not believe these requirements are applicable to your entity, include an explanation justifying such exemption.

An entity can obtain the E-Verify Memorandum of Understanding upon completion in the E-Verify enrollment process located at the federal web site www.uscis.gov/everify or at the Alabama Department of Homeland Security web site http://immigration.alabama.gov. The Alabama Department of Homeland Security has established an E-Verify employer agent account for any business entity or employer with 25 or fewer employees that will provide a participating business entity or employer with the required documentation of enrollment in the E-Verify program.
FORM FOR SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b) *(ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM) AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER/CONTRACTOR

(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees)

State of ________________________________
County of ________________________________
Before me, a notary public, personally appeared ____________________________________________

(print name)

who, being duly sworn, says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, I hereby attest that in my capacity as ____________________________________________

(state position) for ____________________________________________

(state business entity/employer/contractor name)

that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said business entity/employer/contractor is enrolled in the E-Verify program.*

_________________________________________________Signature of Affiant

Sworn to and subscribed before me this _____day of __________________________, 2____.
I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_________________________________________Signature
CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by Act 2012-691)

DATE:

RE Contract/Grant/Incentive (describe by number or subject):

By and between

__________________________ (Contractor/Grantee) and
__________________________ (State Agency, Department or Public Entity)

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of ____________________________ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of the BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by Act 2012-691) which is described herein as "the Act".
2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.
   a. Business entity: Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. "Business entity" shall include, but not be limited to the following:
      i. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
      ii. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unincorporated without a business license.
   b. Employees: Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, partner, or owner having control or custody of any employment, place of employment, or any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

   (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.
   (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.
4. Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this ______ day of ______________, 20__

__________________________

By: ________________________

__________________________________
Name of Contractor/Grantee/Recipient

The above Certification was signed in my presence by the person whose name appears above, on this ______ day of ______________, 20__

__________________________

WITNESS:

__________________________________
Printed Name of Witness
WHERE CAN I FIND THE E-VERIFY ENROLLMENT PROCESS?

The E-Verify enrollment process is located at a number of websites:

• The Alabama Department of Education website (directions)
  http://www.alsde.edu/home/Communications/E-VerifyInformation.aspx

• The Alabama Department of Homeland Security web site
  http://immigration.alabama.gov

• The federal web site
  www.uscis.gov/everify
What is E-Verify?

E-Verify is an Internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

Why E-Verify?

Why do people come to the United States illegally? They come here to work. The public can, and should, choose to reward companies that follow the law and employ a legal workforce.

The U.S. Department of Homeland Security is working to stop unauthorized employment. By using E-Verify to determine the employment eligibility of their employees, companies become part of the solution in addressing this problem.

Employment eligibility verification is good business and it's the law.

Who Uses E-Verify?

More than 307,000 employers, large and small, across the United States use E-Verify to check the employment eligibility of their employees, with about 1,200 new businesses signing up each week.
E-Verify

U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it’s the best way employers can ensure a legal workforce.

E-Verify is constantly improving to better serve you. To learn more click here to see WHAT'S NEW.

Do you have questions about E-Verify?

Visit our Questions & Answers Section.

E-Verify is a registered trademark of the Department of Homeland Security. Any use without permission is strictly prohibited.

Employment Verification. E-Verify Done.

This page can be found at http://www.dhs.gov/e-verify
Why use E-Verify?

- Helps employers maintain a legal workforce
- Eliminates guesswork during the verification process
- Protects jobs for authorized workers
- Deters document and identity fraud
- Works seamlessly with Form I-9
How to enroll

Go to www.dhs.gov/E-Verify
Under Start Here click Enroll in E-Verify
How to enroll
Enrollment Checklist

E-Verify Enrollment: Checklist

Deciding to enroll in E-Verify is the first step toward supporting a legal workforce. E-Verify will guide you through the enrollment process by asking several questions. Use the checklist below to ensure you have all of the information you will need to complete the enrollment process. You must complete the enrollment process in a single website session, so be sure you have time to complete the process since you will not be able to save your progress and return at a later time to complete.

For more information, visit the Getting Started section of the E-Verify website or consult our Quick Reference Guide for E-Verify Enrollment to learn how to enroll and start using E-Verify.

Need help? Click on any question mark icon to get more information.

Before you enroll, you must decide:
- Who will electronically sign the E-Verify memorandum of understanding (MOU) on behalf of your company?
- Which hiring sites will participate in E-Verify?
- If you are a federal contractor with the FAR E-Verify clause, which employees will you verify?
- Which company location(s) will access E-Verify?
- Who in your company will have access to E-Verify?
- Who in your company should be a program administrator?

To enroll, you will need to know:
- Contact information for your company’s E-Verify memorandum of understanding (MOU) signatory (name, phone number, fax number and e-mail address)
- Company name
- ‘Doing business as’ name (optional)
- Data Universal Numbering System (DUNS) number (optional)
- The physical address of the location from which your company will access E-Verify (including county)
- Company mailing address (if different from the physical address)
- Employer identification number (also called a Federal Tax ID Number)
- Total number of employees for all of your company’s hiring sites that will participate in E-Verify (you’ll choose from a range of numbers)
- Parent organization (optional)
- Administrator name (E-Verify corporate account) (optional)
- The first three digits of your company’s primary North American Industry Classification System (NAICS) code (if you don’t know it, we’ll help you find it when you enroll)
How to enroll

E-Verify will ask questions about how you plan to use the system.

Based on your answers, E-Verify will recommend an access method.
## How to enroll

### Access methods

<table>
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<tr>
<th><strong>Employer</strong></th>
<th><strong>E-Verify Employer Agent</strong></th>
<th><strong>Corporate Administrator</strong></th>
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**Most common**

Allows E-Verify users in your company to electronically verify the employment eligibility of newly hired employees and existing employees assigned to a federal contract.

**Least common**

Select this access method if your company creates cases for client companies.

**Corporate Administrator**

Allows you to create, manage and administer new and existing E-Verify accounts as well as create and view reports.

Does **NOT** allow you to create cases.
The Enrollment Process:
1. Visit Enrollment Website and Accept Terms
2. Determine Your Access Method
3. Review and Confirm Access Method
4. Select Your Organization Designation
5. Review and Agree to the Memorandum of Understanding (MOU)
6. Enter MOU Signatory Information
7. Enter Company Information
8. Enter or Select North American Industry Classification System (NAICS) Code
9. Provide Hiring Site Information
10. Register E-Verify Program Administrators
11. Review and Certify Information
12. Print Signed Memorandum of Understanding (MOU)
How do I Submit E-verify Affidavit/Certificate Of Compliance and MOU to the Alabama Department of Education?

Summer Food Service Program prospective sponsors should:

Submit copies of the Affidavit/Certificate of Compliance and the entire MOU with your application.
When to verify

You must enter Form I-9 information into E-Verify for all newly hired employees no later than the third business day after the employees’ start date.
Using E-Verify to verify the employment eligibility of employees is a three-step process

• Create a Case
• Get Results
• Close Case
Employer responsibilities

- Unless you are a federal contractor whose contract contains the FAR E-Verify Clause you can only use E-Verify to verify new hires.

- Once you begin using E-Verify, you must verify new employees no later than the third business day after the employee begins working for pay.

- You must apply E-Verify procedures to ALL new hires, regardless of citizenship status.
Employer Responsibilities - Posters

This Employer Participates in E-Verify

E-Verify

NOTICE

Federal law requires all employers to verify the identity and employment eligibility of all persons hired for work in the United States. If you believe that your employer has failed to verify your employment eligibility, please call the Office of Special Counsel at 1-866-464-4218.

Employment Verification.

For more Information on E-Verify, please contact DHS at 1-888-464-4218.

IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.

If you have a legal right to work in the United States, there are laws to protect you against discrimination in the workplace.

You should know that:

- No employer can deny you a job or fire you because of your national origin or citizenship status.
- In most cases employers cannot require you to be a U.S. citizen or permanent resident or refuse any legally acceptable documents.
- If any of these things have happened to you, you may have a valid charge of discrimination that you can file with the EEOC. Contact the EEOC for assistance in your own language.

Call 1-800-255-7688 TDD for the hearing impaired's 1-800-377-1126.

In the Washington, D.C. area, please call 202-621-4120 TDD 202-621-5520.

U.S. Department of Justice Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair Employment Practices
Immigration Law Compliance

12 Do’s and Don’ts

DO’s

1. Do notify each job applicant and All employees of the employer’s participation in the E-Verity program.
2. Do continue to timely complete and maintain on file a Form I-9 on all new employees.
3. Do safeguard your employees’ personally identifiable information.
4. Do allow only authorized users to use E-Verify.
5. Do establish and follow strict confidentiality/privacy protocols.
12 Do’s and Don’ts continued

Don’ts

1. **Do Not** use the E-verify program to prescreen an applicant for employment.

2. **Do Not** use the E-Verify to check the employment eligibility of an employee before you sign the E-Verify MOU.

3. **Do Not** Take an adverse action against an employee based upon a case result until E-Verify issues a Final “Nonconfirmation”.

4. **Do Not** take any adverse employment action based on an employee’s decision to contest a “Tentative Nonconfirmation” (TNC).
5. **Do Not** take any adverse employment action based upon a case result because a case is still pending with the Department of Homeland Security or Social Security Administration.

6. **Do Not** use E-Verify to selectively verify the employment eligibility of employees.

7. **Do Not** share your E-Verify use identification number and/or password.
Memorandum of Understanding

What is the Memorandum of Understanding (MOU)?
The MOU is the legal document describing the agreement between the Department of Homeland Security and the entity requesting participation in E-Verify. It constitutes a legally binding contract when properly executed (i.e., signed) by all the parties. Before successfully enrolling in E-Verify, employers must agree to the terms of the MOU and electronically sign the document. The document will then be electronically signed by the Department of Homeland Security. Employers should print a copy of the MOU for their records.

How do I obtain a copy of the Memorandum of Understanding (MOU)?
Program administrators can obtain a copy of the MOU by following the steps below:
1. Log in to E-Verify using your assigned user ID and password.
2. From "My Company,” select “Edit Company Profile."
3. Click "View MOU" at the bottom of the page.

The document will open so that you may view, print or save your company's MOU. If you are unable to view the MOU, please contact E-Verify Customer Support at:
Phone: 888-464-4218
E-mail: E-Verify@dhs.gov (Employers)
DAsupport@dhs.gov (E-Verify Employer Agents)
E-Verify Contact Information

• Employer Hotline: 1-888-464-4218
• Employee Hotline: 1-888-897-7781
• E-verify Website: www.dhs.gov/E-Verify
• Alabama E-verify Employer Agent Service phone: 855-837-4396
• Available Monday through Friday from 8 A.M. to 5 P.M. local time.
• Closed on Federal Holidays
Summer Food Service Program
Applications cannot be approved until required E-Verify documents are on file at the State Agency.