



Attorneys at Law

EMPLOYERS: GATEKEEPERS OF ILLEGAL IMMIGRATION

On May 29, 2008, the South Carolina General Assembly passed the South Carolina Illegal Immigration Reform Act. This new bill requires **all employers** in South Carolina to verify the legal status of **new employees**, distinct from that which the Immigration Reform and Control Act (“IRCA”) requires with the Form I-9. The bill was signed by Governor Mark Sanford on June 4, 2008, and is effective immediately.

The bill requires all employers to verify the legal status of their new employees beginning July 1, 2009, though businesses with fewer than 100 employees have until July 1, 2010 to do so. Employers will not be required to verify the legal status of their existing employees.

Employers may satisfy the bill’s verification requirements by participating in the federal electronic verification program, E-Verify. If the employer opts to not participate in the program, they may only employ those who (1) possess a valid South Carolina driver’s license or identification card; (2) are eligible to obtain a South Carolina driver’s license or identification card; (3) or possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina. **Compliance with the existing I-9 requirements may not be sufficient.**

Employers who hire individuals who are not authorized to work in the United States may face a suspension or revocation of their ability to operate in the state under the bill, which grants each employer an imputed business license that can then be acted upon if companies violate the law. Employers may also be assessed monetary penalties for each alleged violation.

In addition, the bill creates a private right of action allowing employees who were terminated and replaced by an illegal alien to sue their former employer.

Please contact Kris Cato at 803-227-2277 or kcato@mgclaw.com or Edward Rawl at 803-227-4930 or erawl@mgclaw.com with any questions.