



Louisiana Immigration Law Creates New Protections, Penalties For Employers

Insights

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Gov. Bobby Jindal recently signed into law a new bill requiring Louisiana employers to take additional steps to ensure that employees are legally authorized to work in the United States. The new law allows employers to verify citizenship or work authorization through the E-Verify system maintained by the U.S. Citizenship and Immigration Services or retain copies of certain identity and legal status documents. The law creates a presumption of good faith for employers who check the citizenship status of their employees through E-Verify. The law provides for increased civil penalties and adds license revocation as consequences for those who do not comply with the new requirements. The law will be effective August 15, 2011.

Sponsored by Rep. Kirk Talbot of River Ridge, the law provides that employers who verify the citizenship of their employees will not be held liable for the employment of illegal immigrants. Employers can verify citizenship or work authorization by: 1) processing a query through E-Verify; or 2) maintaining for each employee a copy of a picture ID *and* one of the following: a) U.S. birth certificate or certified birth card; b) Certificate of Naturalization; c) Certificate of Citizenship; d) Alien Registration Receipt Card or Permanent Resident Card (commonly known as a "Green Card"); or e) a U.S. immigration form I-94 (with employment authorized stamp). Employers who follow one of these two protocols will not be liable for civil penalties under the statute.

Under the new law, employers who do not verify the citizenship of their employees will be subject to higher civil penalties and, ultimately, the temporary loss of their license to work in the state. The new bill amends existing law as follows:

- For a first violation, an employer's civil penalty is increased from not more than \$250 to not more than \$500 per illegal employee.
- For a second violation, an employer's civil penalty is increased from not more than \$500 to not more than \$1,000 per illegal employee.
- For a third violation, an employer will face license suspension within the state of Louisiana for not less than 30 days and not more than six months, and not more than \$2,500 in civil penalties per illegal employee.

Second- and third-time violators licensed by the Department of Health and Hospitals will face license suspension through the appropriate authorities rather than monetary penalties. The law will

be enforced by the executive director of the Louisiana Workforce Commission.

The bill was passed by the Louisiana Senate with a unanimous 29-0 vote and by the Louisiana House with a unanimous 94-0 vote, both on June 22nd. It follows a trend of more high-profile immigration legislation in states such as Arizona and Alabama.

Louisiana employers should revise their policy for citizenship verification to use one of the methods outlined in the law and establish appropriate record-keeping procedures. If you choose to use E-Verify, you are required by law to keep a screenshot or printout of your query results with the Form I-9 completed in accordance with federal immigration law requirements and to retain copies of a U.S. passport or passport card or any documents issued by the U.S. Department of Homeland Security that the employee presented in connection with the Form I-9 process.

For more information contact any member of our New Orleans office at (504) 522-3303.

This Legal Alert provides highlights of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.