



Immigration Reform

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Since the presidential election last year, it has been clear that some degree of immigration reform will be voted on by Congress in the very near future. Although we do not know what form it will ultimately take, it does appear that a number of employment-related changes are inevitable. These changes have the potential to significantly affect small to medium-sized businesses.

Under proposals by both the President and members of the Senate, there will be more stringent use of verification of work authorizations for employees and a stricter enforcement of laws regarding the hiring of undocumented workers. This will significantly affect small businesses. As of July 1, 2013, employers in North Carolina with more than 25 employees must E-verify work authorizations of employees, and they must keep these verifications on hand for at least one year. E-verify is no longer a pilot program. It is already the law for employers employing 100 or more employees.

Although courts in the Fourth Circuit have traditionally held that non-documented workers are not eligible to enforce many of the nondiscrimination provisions under Title VII of the Civil Rights Act of 1964 with reference to hiring, this may change with the general shift in policy. Of course, it is already the case that if an undocumented worker is hired, he or she is subject to the provisions of Title VII and the Fair Labor Standards Act.

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