

# LABOR & EMPLOYMENT

>> ALERT

## DEPARTMENT OF HOMELAND SECURITY DELAYS IMPLEMENTATION OF E-VERIFY REQUIREMENTS

On January 29, 2009, the Department of Homeland Security announced that federal contractors and subcontractors will not be required to begin using the E-Verify system until May 21, 2009.

Moreover, there is a possibility that it will not go into effect at all. The decision to delay implementation was made at the request of the U.S. Chamber of Commerce, which, along with the Society for Human Resource Management, the Associated Builders and Contractors, the HR Policy Association, and the American Council on International Personnel, filed a lawsuit challenging the Executive Order that establishes the E-Verify requirement for certain federal contractors. According to a spokesperson for the U.S. Chamber of Commerce, "The administration cannot use an Executive Order to circumvent Congress' intent that E-Verify be used only on a voluntary

basis." A DHS spokesman, however, stated that "the brief pause in implementation" will not change the rule, "which will remain legally final and binding."

In addition to the possibility that this lawsuit will block the implementation of the E-Verify requirement, many commentators expect President Obama to rescind several Executive Orders signed by former President Bush. The E-Verify Executive Order therefore may be repealed in the near future.

We will continue to monitor this situation and will issue an update when new information is available.

### FOR MORE INFORMATION

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