

Coffee County Board of Education

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MEMORANDUM

TO: CONTRACTORS AND GRANTEES
FROM: COFFEE COUNTY BOARD OF EDUCATION
DATE: FEBRUARY 24, 2012
RE: H.B. 56 - ALABAMA IMMIGRATION LAW COMPLIANCE

The purpose of this Memorandum is to direct your prompt attention to Alabama Immigration Law Compliance flow-down requirements that were effective January 1, 2012. These requirements apply to entities that employ one or more employees in Alabama. The requirements are as follows:

1. Provide your local school system (the Board) proof that you are in compliance with the immigration law by timely submitting a notarized *Affidavit of Immigration Law Compliance*.
2. Submit to your local school system (the Board) an *E-Verify Memorandum of Understanding* if enrollment with E-Verify is required (entity has one or more employees).
3. Provide your local school system (the Board) a signed *Alabama Immigration Law Compliance Contract*, which contains contractual provisions.
4. Provide your subcontractors notice of their compliance obligations and OBTAIN from each a notarized *Affidavit of Immigration Law Compliance- SUBCONTRACTOR*.

The requirements above, imposed by Alabama's Immigration Law, are "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 [working in the State of Alabama]."¹ AS A Contractor² or a Grantee, if these obligations do not apply to you, please indicate such on the attached affidavit by completing the appropriate certification.

For your convenience, we have included for your use an AFFIDAVIT OF IMMIGRATION COMPLIANCE—CONTRACTOR AND GRANTEES. Please complete, notarize (if applicable), and return a copy to the Board along with your attached E-VERIFY MEMORANDUM OF UNDERSTANDING. See ALA. CODE § 31-13-9 (c).

In turn, you are to obtain from your subcontractors a notarized AFFIDAVIT OF IMMIGRATION COMPLIANCE—SUBCONTRACTOR. A careful review of the broad definition below of the term "Contractor" in the Act will assist you in deciding to whom to provide notice. A version of this Affidavit is on our website at www.coffeecountyschools.org (select E-Verification in right-hand column).

If you contract with more than one school system, you will only need to have one affidavit completed and notarized, and then provide a copy to the requesting Boards. You are required to maintain your subcontractors' affidavits at your offices. These documents will be subject to audit. You may provide a copy of this Memorandum with your notification memorandum to your subcontractors as an explanation for this mandatory requirement.

Finally, you will find a NOTICE OF ALABAMA IMMIGRATION LAW COMPLIANCE REQUIREMENTS TO ALL CONTRACTORS ("CONTRACTORS") OF COFFEE COUNTY BOARD OF EDUCATION for execution by contractors and to be returned to the Board. To the extent that there is no formal written contract between a contractor and the Board, such as where business is conducted by purchase order, this document shall serve as your Alabama Immigration Compliance Contract. Similar language will also be in contractual agreements or grant documents with the Board.