



Colorado Employment Verification Law

IMMIGRATION LAW: 8-2-122, C.R.S. (HB 06S-1017)

Effective January 1, 2007, a Colorado law (8-2-122, C.R.S.) requires Colorado employers to verify and document the legal eligibility for employment of newly-hired employees. This law is in addition to federal employment verification requirements (such as Form I-9 requirements). For more information, visit www.colorado.gov/cdle/evr

EMPLOYER COVERAGE

8-2-122(1)(c)

Employers are defined broadly under the law to include both public and private employers.

Employers are defined as:

A person or entity that transacts business in Colorado; at any time, employs another person to perform services of any nature; and has control of the payment of wages for such services or is the officer, agent, or employee of the person or entity having control of the payment of wages.

EMPLOYEE COVERAGE

8-2-122(2)

The law applies to Colorado employees hired on and after January 1, 2007. The affirmation requirements must be met within 20 days after hiring a new employee.

PENALTIES

8-2-122(4)

An employer who, with reckless disregard, (1) fails to submit the documentation required by this section, or who, (2) with reckless disregard, submits false or fraudulent documentation, shall be subject to a fine of not more than five thousand dollars for the first offense and not more than twenty-five thousand dollars for the second and any subsequent offense.

AFFIRMATION REQUIREMENT

8-2-122(2)

Effective on and after January 1, 2007, within 20 days after hiring a new employee, each employer in Colorado shall keep a written or electronic copy of an affirmation for the term of employment for each employee. The employer shall affirm that:

1. The employer has examined the legal work status of such newly-hired employee (hired on and after January 1, 2007);
2. The employer has retained file copies of the documents required by 8 U.S.C. sec. 1324a (copies of the employee's Form I-9 identity and employment authorization documents);
3. The employer has not altered or falsified the employee's identification documents;
4. The employer has not knowingly hired an unauthorized alien.

Visit www.colorado.gov/cdle/evr for an example of an acceptable affirmation. Another substantially similar affirmation may be used, provided that it contains the necessary elements and information as required by the law.

IDENTITY DOCUMENTS REQUIREMENT

8-2-122(2)

For the term of employment for each employee, the employer shall keep a written or electronic copy of the documents required by 8 U.S.C. sec. 1324a. The documents required by 8 U.S.C. sec. 1324a are the identity and employment authorization documents which an employee presents to the employer for the federal Form I-9. The following resources provide information on acceptable I-9 identity and employment authorization documents which must be copied for the Colorado law:

Resources regarding completion of the Form I-9 in accordance with federal law:

1. Visit www.uscis.gov > "for employers" >
 - a. [Questions & Answers about revised Form I-9, Employment Eligibility Verification](#)
 - b. [M-274, Handbook for Employers](#) (Instructions for Completing Form I-9; revised 1/5/11)
2. Visit www.uscis.gov > "for employers" [Form I-9](#) (revised 8/7/09)
3. Visit www.uscis.gov > "services and benefits" > "customer guides" > "I am an employer in the United States, how do I..." [Complete Form I-9, Employment Eligibility Verification?](#)

ENFORCEMENT (8-2-122(3)) AND NON-DISCRIMINATION (8-2-122(5))

The Division of Labor within the Colorado Department of Labor and Employment has been charged with enforcement of the provisions of this law.

The Director of the Division of Labor, or the Director's designee, may conduct random audits of employers in Colorado to obtain the required documentation. When the Director has reason to believe that an employer has not complied with the employment verification and examination requirements, the Director shall request the employer to submit the documentation.

It is the public policy of Colorado that this section shall be enforced without regard to race, religion, gender, ethnicity, national origin, or disability.

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