

This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Do I Have to Comply with E-Verify When I Hire Employees?

What is E-Verify?

E-Verify is a free web-based system operated by the United States Department of Homeland Security (“DHS”) that allows employers to confirm the eligibility of their employees to work in the United States. By using E-Verify, employers can verify the identity and employment eligibility of newly hired employees. The E-Verify system electronically matches information provided by employees on their Form I-9 (Employment Eligibility Verification) against records available to the Social Security Administration and DHS.

When Does An Employer Have to Comply with E-Verify?

In Georgia, all employers with 11 or more employees are required to use the federal E-Verify system to verify immigration status for employees who are hired. Federal contractors and subcontractors may also be required to use the E-Verify system to verify employment eligibility if there is a provision including this requirement in the federal contract under which they are performing work. The measurement date for the number of employees is January 1 of each year (if the employer has 11 or more employees as of January 1 of any year, it must use E-verify for all new hires in that year).

What are the Penalties for Failure to Comply with E-Verify?

If an employer is required to use E-verify and does not, the employer may not be able to renew its business license. It may also find itself subject to an Attorney General investigation.

Additional Resources

This link to the [E-Verify website](#) will provide additional information about E-Verify and how to enroll in it.

Please see this [article](#) for more information about other federal and state filings (including new hire reporting) that are required of nonprofit organizations operating in Georgia. This [legal alert](#) provides additional information about the Form I-9 and remote verification. This [webcast](#) may also answer some of your questions about E-Verify, the Form I-9 and other immigration compliance in the nonprofit workplace.

Please contact your PBPA attorney if you have questions about I-9s, E-Verify, or immigration compliance in the workplace.

Dated: 6/18/2026

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