

453 CMR 3.00: EMPLOYMENT OF ALIENS

Section

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3.01: Purpose and Scope.

M.G.L. c. 149, § 19C prohibits the employment of unauthorized aliens in Massachusetts. 453 CMR 3.00 establishes requirements with which all Massachusetts employers must comply to prevent the hiring of such individuals.

3.02: Definitions

Employer shall mean any individual, corporation, partnership or other entity, including any agent thereof, that engages the services of an employee or employees for wages, remuneration or other compensation.

Employment or employ shall mean any service or labor provided by an employee that contains the expectation by the employee of wages, remuneration or other compensation to be paid in exchange of such service or labor.

Unauthorized alien shall mean, with respect to these provisions, an alien that, at the time of employment, is not lawfully admitted into or otherwise permitted to work in the United States by the U.S. Immigration and Naturalization Service or the U.S. Attorney General.

3.03: Determination of Status

(1) It shall be unlawful for any employer in Massachusetts to knowingly employ an unauthorized alien. An employer shall not be deemed to have violated these provisions if a *bona fide* inquiry was conducted to verify authorized alien status.

(2) An inquiry into the employment status of an alien shall be deemed *bona fide* if an employer completes and retains U.S. Immigration and Naturalization Form I-9 together with supporting documentation. Employers, when completing a U.S. I.N.S. Form I-9, shall examine all documents provided by the employee and may accept such documents that reasonably appear:

- (a) to be related to the person submitting them;
- (b) to be genuine and free of tampering, alterations or desecration.

3.04: Severability

If any provision of 453 CMR 3.00 is held to be inconsistent with M.G.L. c. 149, § 19C or is held unconstitutional, either on its face or as applied, the inconsistency or unconstitutionality shall not affect the remaining provisions of 453 CMR 3.00.

REGULATORY AUTHORITY

453 CMR 3.00: M.G.L. c. 149, § 19C.

NON-TEXT PAGE