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5 questions

Paul Buono, immigration-law attorney

By Rocky Mountain News

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Linda McConnell ©
News

Paul Buono's phone at the Mountain States Employers Council has been ringing off the hook.

Many of the group's 2,500 or so member companies want help making sense of the spate of new immigration laws passed by the legislature over the summer. A big one - known as House Bill 1017 - takes effect Jan. 1. It requires all employers in the state to take extra steps to ensure they only hire people eligible to work in this country.

Rocky Mountain News staff writer Joanne Kelley sat down this week with Buono, an attorney specializing in immigration law, to get his take on the changes.

1. What's the most frequently asked question you've gotten so far?

We get a lot of people who don't know the difference between federal and state laws. They think a new federal form is coming out in January. There isn't. There's a new state law that requires a written affirmation by the employer they've verified a new hire's legal work status. But there's no form, so people aren't entirely comfortable with it.

2. What are the other requirements of the new law?

You have to make copies of relevant documents and keep them on file. The Department of Labor has started telling companies they should start checking new hires against a federal database called Basic Pilot. But the state law doesn't refer to it.

3. Why is that a big deal?

The Department of Labor has its own interpretation of what wasn't spelled out in the law. And there are big financial penalties for those who don't comply with the law correctly. The database is still being tested - that's why it's called a pilot. It has high error rates, meaning it essentially disqualifies lots of eligible workers.

4. Will it be time-consuming for companies to comply with the new law?

Right now, there's a lot of confusion. It will be a little extra work because companies didn't have to make and keep copies under the federal law. If they have to sign up to use the Basic Pilot database, it will affect companies who do business in other states. They will be obligated to run all their new hires through the system, not just those in Colorado.

5. How well do you think this law is going to be enforced?

Good question. It's hard to say. They did authorize the hiring of two new people to do audits and inspections. But right now, there's no money. Hopefully, they won't try to hammer some employers just to make an example out of them.

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