



THOMASVILLE CITY SCHOOLS

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OFFICE OF THE SUPERINTENDENT

MEMORANDUM

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TO: CONTRACTORS AND GRANTEES
FROM: LINDA MCGHEE, CHIEF SCHOOL FINANCE OFFICER
DATE: JANUARY 9, 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 will be in effect on January 1, 2012. Those are discussed herein and can be summarized as follows:

1. PROVIDE Thomasville City Board of Education (the Board) proof that you are in compliance with the immigration law by timely submitting a notarized *Affidavit of Immigration Law Compliance* and an *E-Verify Memorandum of Understanding*;
2. PROVIDE Thomasville City Board of Education (the Board) a signed *Alabama Immigration Law Compliance Contract* in the attached *Notice* form provided;
3. 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 H.B. 56, 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 you believe these obligations do not apply to you, please notify the Board immediately.

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

¹ ALA. CODE § 31-13-9 (a) and (b). See <http://www.ago.state.al.us/File-Immigration-AL-Law-2011-535> . The law is now codified in ALA. CODE §§ 31-13-1 to 31-13-30 as well as § 32-6-9. (the “Act”)

² A **Contractor** is defined broadly in the Act as “A person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This designation shall include, but not be limited to, a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity.” ALA. CODE §§ 31-13-3 (3).

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 customizable version of this Affidavit is www.alsde.edu .

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 THOMASVILLE CITY 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.