

IC 22-4-39.5

Chapter 39.5. Reimbursements by Employers of Unauthorized Aliens

IC 22-4-39.5-1

"E-Verify program"

Sec. 1. As used in this chapter, "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and Control Act of 1986 (P.L. 99-603).

As added by P.L.171-2011, SEC.15.

IC 22-4-39.5-2

"Knowingly employ an unauthorized alien"

Sec. 2. As used in this chapter, "knowingly employ an unauthorized alien" has the meaning prescribed in 8 U.S.C. 1324a as in effect on July 1, 2011. This term shall be interpreted consistently with 8 U.S.C. 1324a and any applicable federal rules or regulations.

As added by P.L.171-2011, SEC.15.

IC 22-4-39.5-3

Civil action to obtain reimbursement from employer that knowingly employed an unauthorized alien; filing; federal government verification; awards; deposit

Sec. 3. (a) The department may file a civil action to obtain reimbursement of amounts paid by the department as unemployment insurance benefits from an employer that has knowingly employed an unauthorized alien.

(b) The action must be filed in the county in which the employer employed the unauthorized alien.

(c) In determining whether an individual is an unauthorized alien for purposes of this chapter, a court may consider only the federal government's verification or status information under 8 U.S.C. 1373(c).

(d) After holding a hearing and making a finding that the employer knowingly employed an unauthorized alien, the court shall award the following to the department:

(1) The reimbursement of unemployment insurance benefits paid by the department computed using the salary of the position held by the unauthorized alien during the period the unauthorized alien was employed by the employer.

(2) Reasonable costs and attorney's fees.

(e) The department shall deposit the reimbursement awarded under subsection (d)(1) in the unemployment insurance benefit fund

established by IC 22-4-26-1.
As added by P.L.171-2011, SEC.15.

IC 22-4-39.5-4

Prohibited from filing an action

Sec. 4. (a) The department may not file an action under section 3 of this chapter against an employer that has knowingly employed an unauthorized alien if the alien was employed by the employer before July 1, 2011.

(b) The department may not file an action under section 3 of this chapter against an employer who used the E-Verify program to verify the employment eligibility of an individual who is determined to be an unauthorized alien.

As added by P.L.171-2011, SEC.15.

IC 22-4-39.5-5

Department powers

Sec. 5. The department has the power to:

- (1) administer oaths and affirmations;
- (2) take depositions; and
- (3) issue and serve subpoenas that compel:
 - (A) the attendance of witnesses; and
 - (B) the production of books, papers, correspondence, memoranda, and other records;

as necessary for the department to administer this chapter.

As added by P.L.171-2011, SEC.15.