



**KANSAS BAR
ASSOCIATION**

TO: **The Honorable Mike Thompson, Chair**
 And Members of the Senate Committee on Federal and State Affairs

FROM: **Joseph Molina**
 On behalf of the Kansas Bar Association

RE: **SB 196 - Requiring business entities and public employers to register and use the e-verify program for employment purposes and prohibiting income tax deductions for wages and remuneration paid to unauthorized aliens.**

DATE: **March 6, 2025**

Chairman Thompson and Members of the Senate Committee of Senate Committee on Federal and State Affairs my name is Joseph Molina, and I provide this written testimony on behalf of the Kansas Bar Association in **OPPOSITION** of **SB 196 - Requiring business entities and public employers to register and use the e-verify program for employment purposes and prohibiting income tax deductions for wages and remuneration paid to unauthorized aliens.**

The Kansas Bar Association Immigration Law Section reviewed SB 196 and has two main concerns.

1. **The Bill Exposes Employers to Risks of Civil and Criminal Liability by Requiring Attestation Beyond Federally Required Certification:**

Employers are in no position to state under oath or to file statements with their tax return with the required language. Federal law addressing the same issue only requires signing a qualified certification on Employment Verification Form I-9:

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

Requiring employers to certify that they either used to employ or no longer employer unauthorized alien exposes employers to risk or civil and criminal liability, including libel, employment discrimination, perjury, and potentially fraud. This is beyond what the federal immigration law requires and Kansas employers have no means of complying with the requirements without exposing themselves to serious civil and criminal risks.

2. Undue Burden on Kansas Employers

Kansas employers have no legal tools to acquire and certify knowledge they have to report under the bill. Whether they are required to file an affidavit within three days of being ordered by a judge, or to file a certification with their tax return, it exceeds their legal ability to obtain and provide such information, under penalty of perjury, potential tax fraud consequences, and libel. Under the proposed bill, employers will have to ask every employer every year whether or not they are authorized aliens. This will require thousands of hours of work of employers, and is illegal, even within the I-9 context. Specifically, the Employment Eligibility Verification form I-9 itself, while requiring the worker to list status in Section 1, prohibits the employer from requiring any documents relating to immigration status: “Employers cannot ask employees for documentation to verify information in Section 1” see below. In essence, unless an employee reports on Form I-9 that they are not an authorized alien, the employer has no legal means of knowing that:

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [Instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. [Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.](#)

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment , but not before accepting a job offer.						
Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number (if any)	City or Town	State	ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number	
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.	Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):					
	<input type="checkbox"/> 1. A citizen of the United States					
	<input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)					
	<input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)					
<input type="checkbox"/> 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any)						
If you check Item Number 4. , enter one of these:						
USCIS A-Number		OR	Form I-94 Admission Number		OR	Foreign Passport Number and Country of Issuance
Signature of Employee					Today's Date (mm/dd/yyyy)	

It is for these reasons that the Kansas Bar Association **OPPOSES SB 196 - Requiring business entities and public employers to register and use the e-verify program for employment purposes and prohibiting income tax deductions for wages and remuneration paid to unauthorized aliens.**

Thank you for your time and attention.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 5,500 members include lawyers, judges, law students, and paralegals. www.ksbar.org