

DRAFT Subcontractor Language for Immigration Compliance

Note: Use this draft language in subcontractor contracts to ensure those companies comply with immigration laws. More information at <https://www.nahb.org/advocacy/legal-issues/immigration-enforcement>.

Subcontractor agrees that it is aware of, shall be bound by, and, at its own cost, shall comply with all Federal, state and local laws, codes, ordinances and regulations applicable to this Subcontract and the performance of the work hereunder, including but not limited to (i) all provisions and applicable requirements of the Occupational Safety and Health Act of 1970, as amended, and any and all other applicable Federal, state or local health and safety laws and regulations (collectively “OSHA”), and (ii) all provisions and applicable requirements of the Immigration and Nationality Act, Title VII of the Civil Rights Act of 1964, and the Immigration Reform and Control Act of 1986, as amended, and all other applicable Federal, state, and local laws and regulations related thereto (collectively the “Immigration/Civil Rights Laws”). Subcontractor represents, warrants and certifies, and at such times as HOMBUILDER shall request, shall attest under oath and penalties of perjury, that it is, and at all times during the Project shall remain, in compliance with the Immigration/Civil Rights Laws, including but not limited to the provisions that prohibit hiring and continued employment of unauthorized aliens, require verification and record keeping with respect to identity and eligibility for employment, and prohibit discrimination on the basis of national origin or citizenship status. Subcontractor shall comply with all reasonable requests made during the course of any investigation, audit, proceeding or other action undertaken in connection with the Immigration/Civil Rights Laws, including but not limited to providing at the Project or such other reasonable location as may be requested of Subcontractor, all I-9 forms, W-4 forms, employment records and payroll records of Subcontractor and its lower-tier subcontractors. Subcontractor shall promptly inform HOMBUILDER in writing of the initiation, status and result of any investigation, audit, proceeding or other action involving Subcontractor undertaken in connection with the Immigration/Civil Rights Laws. Subcontractor shall include the provisions and requirements of this Article and in all lower tier subcontracts.