



The Employer's Immigration Compliance Desk Reference

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Book Outline

The **Employer's Immigration Compliance Desk Reference** will help human resource managers, immigration counsel, and others charged with the task of guiding employers through these turbulent immigration waters. The array of statutes and regulations are discussed in an easy-to-understand, question-and-answer format and easy-to-understand illustrations, checklists, and sample documents are included to give you tools that will help in implementing or improving your immigration compliance program.

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- 9.8 Are there ICE best hiring practices?
- 9.9 What is an example of contract language for labor contractors?

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- 10.1 What should be asked when preparing for an I-9 audit?
- 10.2 Should employers prepare a spreadsheet for an I-9 audit?
- 10.3 Should employers prepare an I-9 audit checklist?

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- 11.1 What is E-Verify?
- 11.2 How many employees are typically run through E-Verify in a year?
- 11.3 Who administers E-Verify?
- 11.4 How does E-Verify work?
- 11.5 How does E-Verify handle H-1B portability cases?
- 11.6 What computer requirements are necessary to use E-Verify?
- 11.7 Can a company batch load data to E-Verify?
- 11.8 What is the required timetable for using E-Verify?
- 11.9 Does E-Verify tell an employer anything about the immigration status of a new hire?
- 11.10 What is E-Verify's photo screening tool?
- 11.11 What information does an employer need to supply for each employee?
- 11.12 What about employees who don't have SSNs yet?
- 11.13 What happens if E-Verify issues a nonconfirmation finding?
- 11.14 Can employers selectively choose which employees are verified in the electronic system?
- 11.15 Can an employer prescreen job applicants through E-Verify?
- 11.16 Is E-Verify voluntary?
- 11.17 What if a company does not have a computer or Internet access? Can a third-party agent be used to manage E-Verify filings?
- 11.18 What is an E-Verify corporate administrator?
- 11.19 How does an employer sign up for E-Verify?
- 11.20 What are the government's obligations with regard to privacy and data security?
- 11.21 What are the employer's obligations under the MOU?
- 11.22 Can a large employer have a controlled rollout of E-Verify instead of including every location? Can a large employer change the sites participating?
- 11.23 What are the benefits of participating?
- 11.24 Are there risks associated with participating?
- 11.25 Can an employer verify existing employees as well as new hires?
- 11.26 Can an employer quit using E-Verify?



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- 11.27 Is an employer protected from an investigation if they use E-Verify?
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- 11.29 What states require E-Verify?
- 11.30 What special E-Verify rules apply to student visa holders?
- 11.31 How reliable is E-Verify in accurately identifying unauthorized employees? What other problems are showing up in the system?
- 11.32 Is there an alternative available to employers that want to check the authenticity of SSNs of new hires without using E-Verify?
- 11.33 What is the E-Verify rule for federal contractors?
- 11.34 How does the federal contractor rule affect contracts signed before the rule took effect?
- 11.35 Can the requirement to include the E-Verify clause in federal contracts be waived?
- 11.36 Are any contracts exempt from the new federal contractor rule?
- 11.37 How much time does a federal contractor employer have to start running employees' names through the E-Verify system?
- 11.38 Which types of employers only need to verify employees assigned to work on the federal contract?
- 11.39 Can an employer verify all existing employees under the federal contractor rule as opposed to just employees working on the contract?
- 11.40 Does a company already enrolled in E-Verify need to re-enroll in order to comply with the federal contractor rule?
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- 11.42 How does the federal contractor rule treat commercially available off-the-shelf contracts?
- 11.43 Which employees associated with a work on a contract must be verified under the new federal contractor rule?
- 11.44 Under the federal contractor rule, how should an employer treat a Form I-9 for an existing employee that is not a current Form I-9?
- 11.45 Are subcontractors also responsible for participating in E-Verify under the federal contractor rule?
- 11.46 What is the contractor language that must be included in contracts of employers covered by the federal contractor rule?
- 11.47 What is IMAGE?
- 11.48 Will participating in IMAGE guarantee that an employer will not be found liable in an enforcement action?
- 11.49 What obligations do IMAGE participants face?
- 11.50 What is the SSNVS?
- 11.51 What restrictions are placed on employers seeking to use the SSNVS?
- 11.52 What is the DHS/Employer E-Verify MOU?

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- 12.1 Why did the court block the rule from taking effect?
- 12.2 How has the DHS attempted to address the court's objections?
- 12.3 Did the DHS mention any changes to the August 2007 rule in its proposed rule-making?
- 12.4 Why did ICE issue this rule?
- 12.5 When was the rule to become effective?
- 12.6 How has the definition of "knowing" changed in the rule?
- 12.7 What steps must an employer take if it gets a no-match letter?
- 12.8 What is the procedure to reverify identity and employment authorization when an employee has not resolved the discrepancy as described above?
- 12.9 Does an employer need to use the same procedure to verify employment authorization for each employee who is the subject of a no-match letter?
- 12.10 What if the employer has heard that an employee is unlawfully present aside from hearing from the SSA or the DHS in a no-match letter?
- 12.11 Does the DHS have the authority to regulate the treatment of notices received by the SSA?
- 12.12 Why did the DHS issue this rule when the Bush White House supported comprehensive immigration reform that would give employers legal options for hiring these employees?
- 12.13 Will following the procedures in this rule protect an employer from all claims of constructive knowledge, or just claims of constructive knowledge based on the letters for which the employers followed the safe harbor procedure?



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- 12.14 Are there any special rules for circumstances such as seasonal employees, teachers on sabbatical, and employees out of the office for an extended period due to excused absence or disability?
- 12.15 What are the time frames required under the rule to take each necessary action after receiving the no-match letter?
- 12.16 May an employer continue to employ a worker throughout the process noted above?
- 12.17 What if the no-match letter is sent to the employee, not the employer?
- 12.18 Does it matter which person at the employer receives the letter?
- 12.19 Does verification through systems other than that described in this rule provide a safe harbor?
- 12.20 Does an employer filing a labor certification or employment-based "green card" application have constructive knowledge that an employee is unauthorized?
- 12.21 Does an employer have to help an employee resolve the discrepancy with the SSA or the DHS?
- 12.22 In what manner must employers retain records required under the new rule?
- 12.23 If a new I-9 is prepared based on this rule, does that affect the amount of time the I-9 must be retained?
- 12.24 Doesn't requiring an employee to fill out a new I-9 form per this rule constitute document abuse?
- 12.25 Won't this rule lead to massive firings across the country?
- 12.26 Will an employer be liable for terminating an employee who turns out to be work authorized if they get a no-match letter?
- 12.27 What if the employee is gone by the time the no-match letter arrives?

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- 13.2 What are the major immigration risks associated with a merger, acquisition, or other major corporate transaction?
- 13.3 What immigration law concepts come into play when discussing mergers and acquisitions? 13.4 How are H-1B visas affected by mergers and acquisitions?
- 13.5 What impact do mergers, acquisitions, and other major corporate transactions have on TN visas?
- 13.6 How are L-1 intracompany transfers affected by mergers, acquisitions, and other major corporate transactions?
- 13.7 How are E visas affected by mergers, acquisitions, or other major corporate transactions?
- 13.8 How are permanent residency applications affected by mergers, acquisitions, and other major corporate transactions?
- 13.9 How are Form I-9s affected by a merger, acquisition, or other major corporate transaction?
- 13.10 What are some general tips from employers going through a merger, acquisition, or other major corporate transaction?
- 13.11 What are examples of immigration due diligence and boilerplate contract language?

Chapter 14. Criminal Law and Employer Immigration Law Compliance (with Jonathan L. Marks)

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- 14.2 On what grounds are criminal arrests being made and criminal charges being brought in worksite enforcement operations?
- 14.3 What types of employers are more likely to be targeted?
- 14.4 What is the difference between an administrative arrest and a criminal arrest?
- 14.5 Are employees of a company who are not owners potentially liable for criminal violations?
- 14.6 What is the offense of "unlawfully employing illegal aliens"?
- 14.7 What are the penalties for "unlawfully employing illegal aliens"?
- 14.8 What defenses may be available to the charge of "unlawfully employing illegal aliens"?
- 14.9 What is the crime of "bringing in and harboring" unauthorized immigrants?
- 14.10 What are the potential penalties for "bringing in and harboring" unauthorized immigrants?
- 14.11 What is the crime of hiring more than 10 unauthorized immigrants?
- 14.12 What is the penalty for hiring more than 10 unauthorized immigrants?
- 14.13 What crimes involving false statements have been used to charge employers in cases



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- involving unauthorized immigrants?
- 14.14 What is the penalty for making false statements?
- 14.15 What fraud and identity theft offenses potentially apply to employers of unauthorized immigrants?
- 14.16 What penalties may be imposed on employees convicted of document fraud and identity theft?
- 14.17 What is the crime of mail fraud?
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- 14.19 What are the potential penalties for mail fraud and wire fraud?
- 14.20 What is the crime of money laundering and how does it apply to employers?
- 14.21 What are the penalties for money laundering?
- 14.22 What is the crime of fraud and misuse of visas and permits?
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- 14.24 What is "misuse of an SSN"?
- 14.25 What is the penalty for "misuse of an SSN"?
- 14.26 What is RICO?
- 14.27 What are the penalties for violation of the RICO Act?
- 14.28 What types of penalties are typically being imposed on employers convicted in connection with unauthorized immigrants?
- 14.29 What is "seizure and forfeiture"?
- 14.30 Is it more likely ICE will pursue a worksite enforcement charge or a criminal investigation?
- 14.31 What should you do if an ICE agent arrives at your place of business in connection with an investigation of immigration violations?

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- 15.4 What are the immigration related consequences of layoffs on alien employees with pending green card applications?
- 15.5 What are the immigration related consequences of layoffs on alien employees who are already permanent residents?
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- 15.7 What are some proactive strategies for preventing negative immigration consequences for employers and employees during downsizing?

Chapter 16. State Employer Immigration Laws

- 16.1 What types of immigration laws and compliance requirements are in my state?

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