



# The Immigration Compliance Book

## Editors: Angelo A. Paparelli, L. Batya Schwartz Ehrens, and Dan Siciliano

Contributors: Jason Burritt, Francis E. Chin, Philip C. Curtis, Laura Danielson, John Fay, Bonnie K. Gibson, Richard Gump, Douglas D. Hauer, Susanne C. Heubel, Loan Huynh, Jay Jorgensen, Susan Kelly, Adam Ketcher, Cynthia Lange, Kevin Lashus, Robert F. Loughran, Kristin Major, Johanna Marmon, Cyrus D. Mehta, Maggie Murphy, Michael Patrick, Julie Pearl, Justin A. Rymer, Olivia A. Sanson, Lynn O. Tarran, Vinh C. Trieu, Steve Trow, Greg Wald, Matthew Warren, and Michael J. Wildes

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- Government Accountability Office, "Illegal Aliens, Fraudulent Documents Undermining the Effectiveness of the Employment Verification System," (July 22, 1999)
- Government Accountability Office, "Social Security Numbers, Coordinated Approach to SSN Data Could Help Reduce Unauthorized Work," (Feb. 16, 2006)
- GAO: Statement by Richard Stana, Director of Homeland Security and Justice Issues, U.S. Government Accountability Office (GAO), Employment Verification: Challenges Exist in Implementing a Mandatory Electronic Verification System, 12
- GAO: "Overstay Tracking," GAO-04-82 (May 2004)
- ICE News Release: 331 Arrested by ICE agents during search of South Carolina poultry processing plant
- ICE News Release: Agriprocessors and management criminally indicted
- ICE News Release: ICE Multifaceted Strategy Leads to Record Enforcement Results: Removals, Criminal Arrests, and Worksite Investigations Soared in Fiscal Year 2008
- ICE News Release: ICE Signs 37 New Partners in the IMAGE Program
- ICE News Release: Houston-area donut company, its president and 3 managers plead guilty to immigration violations
- ICE News Release: ICE and DOJ joint enforcement action at Iowa meatpacking plant
- ICE News Release: Union official at Swift & Co. sentenced to prison for harboring illegal aliens," ICE News Releases, (Aug. 8, 2008)
- ICE: Immigration and Nationality Act (INA) Debarment Questions and Answers
- ICE Programs: Best Hiring Practices
- ICE Fact Sheets: Frequently Asked Questions About Worksite Enforcement
- ICE Fiscal Year 2007 Annual Report
- ICE IMAGE: ICE Mutual Agreement Between Government and Employers
- ICE IMAGE: Frequently Asked Questions
- ICE Worksite Enforcement Fact Sheets
- ICE: Worksite Enforcement Advisory
- ILW.COM Blog Entry: Angelo Paparelli, "The Immigration Law of Contract: Musings on E-Verify"
- IRS: Publication 15, Employer's Tax Guide (2009)
- Social Security Memorandum: Quick Response Evaluation A-03-07-17105 - Effectiveness of Educational Correspondence to Employers
- Social Security Administration: Employer Filing Instructions & Information: Restrictions on Using SSNV
- Social Security Administration: Information and Instructions to Verify Social Security Numbers Online
- USCIS: H-1B Benefit Fraud & Compliance Assessment (September 2008)
- USCIS: Employees-You Should Know Your Rights and Responsibilities Under E-Verify
- USCIS: Federal Contractors Frequently Asked Questions (FAQs)
- USCIS: Information from USCIS about the SAVE program
- USCIS: E-Verify
- USCIS: E-Verify Privacy Q & A
- USCIS: More E-Verify FAQs
- USCIS: Q : Who do you share my personal information with?
- USCIS: Employment Eligibility Verification
- USCIS Press Release: "USCIS Announces Enhancements to E-verify Program" (May 5, 2008)
- USCIS: I am an Employer... How do I... use E-Verify? (Sept. 2007)
- USCIS: Welcome to the United States: A Guide for New Immigrants
- USCIS: Westat Inc., Findings of the Web Basic Pilot Evaluation, at xxi (Sept. 2007)
- USCIS: Written Testimony of Jonathan "Jock" Scharfen, Acting Director, USCIS, for a hearing on "Electronic Employment Verification Systems: Needed Safeguards to Protect Privacy and Prevent Misuse" (June 10, 2008)
- Arizona Sess. Legislature Chapter 152 (2008)
- Executive Order No. 08-01 (January 2008)



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- Hearing on Electronic Employment Verification Systems: Needed Safeguards to Protect Privacy and Prevent Misuse Before the House SubComm. on Immigration, Citizenship, Refugee, Border Sec., and Inter'l Law, 110th Cong. (June 10, 2008)
- Hearing on Employment Eligibility Verification Systems and the Potential Impacts on SSA's Ability to Serve Retirees, People with Disabilities, and Workers Before the House Subcomm. on Soc. Sec. of the House Comm. on Ways and Means, 110th Cong. (2008) (statement of Susan R. Meisinger, President and Chief Executive Officer, Society for Human Resource Management)
- Intel Corporation, "Comments on Proposed Employment Eligibility Regulations Implementing Executive Order 12989 (as amended)," (Aug. 8, 2008)
- CRS Memorandum: Questions on Internal Policy Memoranda issued by the Immigration and Naturalization Service (February 3, 2006)
- Statement of the U.S. Chamber of Commerce on Employment Eligibility Verification Systems (EEVS) and the Potential Impacts on the SSA's Ability to Serve Retirees, People with Disabilities, and Workers Before the House Subcomm. on Soc. Sec. of the House Comm. on Ways and Means, 110th Cong. (2008) (statement of Mitchell C. Laird, Esq, President, MCL Enterprises, Inc)
- Subcommittee on Social Security, "Hearing on Employment Eligibility Verification Systems and the Potential Impacts on SSA's Ability to Serve Retirees, People with Disabilities, and Workers," (May 06, 2008)
- Testimony of Stephen Yale-Loehr before the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, Committee on the Judiciary (Apr. 24, 2007)
- U.S. Equal Employment Opportunity Commission
- U.S. Office of Special Counsel
- Oral Argument in Ignacio Carlos Flores-Figueroa v. United States
- U.S. Supreme Court certified Mr. Flores-Figueroa's Petition for Review. Eight Amicus Curiae submitted briefs, and oral arguments
- NILC: Immigrant Workers' Rights Resource Manual: Index
- NILC: Employment Eligibility Verification and Antidiscrimination Protections
- NILC: Workplace Enforcement by Immigration Authorities

### Article from ILW.COM website

- The Perils of Pre-Emption: Immigration and the Federalist Paradox By Gary Endelman and Cynthia Lange

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# The Immigration Compliance Book

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