

Immigration Compliance

PRACTICE GROUP

- Complete Compliance Services and Solutions: I-9s, E-Verify, Audits and Investigations
- Enhancing and Simplifying Internal Processes
- Corporate Immigration Policy Development and Customized Training
- Due Diligence for Immigration Aspects of Corporate Reorganizations, Mergers or Acquisitions



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Ogletree Deakins' Immigration Compliance Group knows that now, more than ever, it is critically important for companies to ensure that their internal processes are sound and effective, and that they are in compliance.

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AVOID LIABILITY AND ENHANCE PROCESSES

Ogletree Deakins' Immigration Compliance Group (ICG) provides a full range of services designed to keep companies in compliance with all applicable immigration laws. This includes consultative services that can reduce a company's exposure and provide assurance to company leadership that an organization's "immigration house" is in order.

In addition, ICG's custom consultative services are designed to enhance internal processes, including:

- Immigration policy development;
- I-9 process review (including assistance with electronic I-9s and E-Verify); and
- Training sessions and materials for managers, supervisors and staff.

INCREASING IMMIGRATION ENFORCEMENT — IS YOUR COMPANY PREPARED?

Recent news stories demonstrate the increase in enforcement.

- Homeland Security Requires E-Verify for Federal Contractors
- Several States Require Employers to Use E-Verify
- Increased Site Visits by USCIS and DOL to Verify Employment Terms of Foreign Nationals Sponsored in H or L Status
- Major National Retail Fashion Chain Fined Over \$1 Million for I-9 Violations
- Houston Company Agrees to Record \$20.7 Million Settlement of Claims for Employing Illegal Aliens
- Federal Agents Detain Nearly 600 in Mississippi Plant Raid
- Human Resources Manager Charged in Immigration Probe
- I-9 Fines Increased
- 21% of H-1B Visa Petitions Violate Rules
- FLSA Class Action Filed by H-2B Workers

No company representative wants to arrive at work one day to find that a government raid has interrupted the company's operations or that a letter has arrived informing the company of a pending I-9 audit or investigation. Worse yet, no one wants to receive such a surprise when they are unsure of the exact condition of company records or the company's level of compliance. In today's world of increased immigration enforcement, many companies have experienced the consequences of non-compliance, either in the form of government action or private litigation.

SERVICES PROVIDED

Ogletree Deakins' Immigration Compliance Group (ICG) provides a full range of services designed to help ensure immigration compliance. Although we can and do assist employers facing a crisis situation, ICG focuses on preventative services designed to reduce problems and risks before they occur.

ICG provides comprehensive, customized services including:

- **I-9 Audits** - ICG performs complete audits of I-9s or Labor Condition Applications (LCAs), whether following notification of a government audit or simply to review company I-9s and LCAs to proactively address compliance concerns.
- **Immigration Policy Development** - ICG works with in-house counsel and Human Resources managers to develop a coherent immigration policy. Such a policy can serve as a clear guide on proper procedures and policies to all personnel. In addition, the existence of a policy has been considered as a mitigating factor by government auditors when deciding upon the amount of fines and penalties.
- **Compliance Training** - In addition to performing audits, ICG can provide a variety of training services, including on-site training, web-based training, handbooks, and simple guides and forms to be used by personnel responsible for I-9 completion.
- **E-Verify Consulting/Implementation and Electronic I-9 Storage** - Federal and state governments are moving towards requiring E-Verify, the web-based employment verification system. ICG professionals can help with all phases of implementation, including developing specific policies/protocols for E-Verify usage and training personnel regarding the special rules applicable to the E-Verify system. In addition, ICG works with a trusted business partner to implement electronic I-9 systems and even provide outsourced E-Verify services.
- **H-1B/LCA Audits** - The latest government report estimates that 21% of H-1B petitions are in violation of H-1B program rules. These violations can result in financial penalties and fines in addition to program debarment and even criminal investigations. Until recently, this area of immigration compliance has gone largely unchecked. Thus, there is a potential for substantial liability accruing to companies that make use of the H-1B visa program. ICG can audit records and assist in implementing proper procedures to avoid future liability.
- **Social Security No-Match Consultations** - This area of immigration enforcement has generated a great deal of confusion for employers and continues to be an area of concern. ICG attorneys can work with employers to establish clear protocols to deal with Social Security No-Match letters and help to prevent receipt of such letters in the future.

Ogletree Deakins' immigration professionals have experience in all of these areas and can assist you in safeguarding against compliance liability.



With offices nationwide, and a network of global partner locations, our immigration compliance practice represents a diverse range of clients.

We operate efficiently on a national scale without compromising our commitment to service.

Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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