



Worksite Enforcement & Immigration Compliance

Our Worksite Enforcement and Corporate Compliance Team provides practical advice on "best practices" and "safe harbors" to help companies mitigate risk. Our unique approach to client service stems from the insights and expertise of our integrated team, which includes former federal prosecutors and veteran attorneys in the fields of immigration, tax, labor/employment and government contracts law. This depth of experience enables us to assist clients with all aspects of compliance and investigations: from personnel training to developing a corporate immigration or **E-Verify** compliance program, from responding to a grand jury subpoena to handling an IRS or ICE audit.

Our team also helps employers sort through the contradictory pronouncements from agencies with different missions: some protecting workers from national origin discrimination if they are fired; others removing (deporting) them and imposing civil and criminal fines on employers. We also advise companies on the increasing number of state-by-state requirements that prohibit companies from entering into government contracts or retaining their business licenses if they have not verified the identity and immigration status of their workers. Arizona, for example, has mandated the use of E-Verify by all employers. At least 14 other states have enacted E-Verify laws.

Finally, we work with high technology clients to resolve "deemed export" and export controls issues affecting foreign national employees. Our team intervenes when visas are delayed at U.S. Embassies because of the issuance of security advisory opinions. We also work on adjusting foreign nationals working on temporary visas to Green Card status to avoid "deemed export" issues.

Williams Mullen provides counseling, compliance training and representation in these key areas:

"Nuts and Bolts" of the New I-9 Form

- on-site or web seminar training on proper procedures

"Best Practices" in Administering I-9 Compliance Programs

- Training with Williams Mullen's comprehensive compliance manual
- Tools to teach compliance to managers in field or remote offices
- I-9 record retention and re-verification policies
- Practical guidelines for reducing paperwork and substantive violations and lowering risks of

penalties

- New standards for self-audits

Social Security (SSN) "No-Match Letters"

- ?Best practices? and ?safe harbors? while awaiting the Final ICE Rule
- Dealing with current enforcement trends
- Strategic advice on whether to retain or terminate employees

E-Verify (formerly Basic Pilot)

- Pros and cons of on-line checks for new hires? status and social security numbers
- State law requirements
- ?Safe Harbors?
- Use of other new technologies

Immigration-Related Employment Discrimination

- Enforcement standards at the EEOC and Office of Special Counsel (OSC)
- Private Title VII lawsuits and class actions

Employee Terminations

- Union interventions and unfair labor practice charges
- Blocking or countering union efforts to launch OSHA and DOL wage & hour investigations and class-action litigation
- Assessment of ICE enforcement risks when company retains employees who cannot pass I-9 re-verification

ICE Raids and I-9 Audits

- Corporate Miranda rights
- Search warrants, interrogations of managers, employee detentions and arrests

- Procedures for producing payroll, personnel and I-9 records including shielding ?privileged documents?
- Reach of ICE and DOL subpoena powers

IRS Civil Tax Audits for No-Match Social Security Numbers

- Minimizing tax liability and the risks of referrals to IRS Criminal Investigative Division (CID)

Pre- Merger and Acquisition Immigration Due Diligence

- Historical risks
- Internal controls
- Target firm?s I-9 and immigration records and policies
- Successor liability and responsibilities
- H-1B and pending Green Card employees: How solid are their visas?

Federal Corporate Criminal Risks

- Federal grand jury subpoenas and search warrants
- Representation of company and managers in Department of Justice investigations and prosecutions
- Status as witness, subject or target
- Negotiation of non-prosecution agreements and immunity
- Global settlements

Removal (Deportation) of Employees

- Worker defenses and corporate exposure

Contract I-9 Compliance Requirements

- Immigration responsibilities when doing business with multinational corporation or a state or federal government;
- Reducing liability for ?constructive knowledge? of worksite violations by contractors and

subcontractors.

New State Employer Sanction Statutes

- Business license revocations
- Debarment of government contracts
- Costs and benefits of compliance
- Constitutional challenges
- Impact of E-Verify

Federal Litigation

- RICO actions, civil liability, class actions

Legal Immigration Alternatives

- Green Cards and quotas;
- H-1Bs and caps;
- Temporary workers;
- Use of "bench strength" overseas to file for alternative visas to the Green Card and H-1B;
- "Best Practices" in retaining and recruiting foreign nationals under the existing system for legal immigrants and non-immigrants.

Immigration Reform

- Representation in connection with pending or proposed legislation at the state and federal levels

Department of Labor Audit Defense

- Defense of H-1B employers in WHD LCA enforcement audits
- Representation of H-1B employers in appeals of WHD Determinations ordering payment of civil money penalties and back wages in LCA enforcement proceedings
- Defense of H-2B employers in WHD H-2B/FLSA enforcement audits

- Representation of H-2B employers in appeals of WHD Determinations ordering payment of civil money penalties and back wages in H-2B enforcement proceedings
- Representation of H-2B employers in defense of prevailing wage and overtime claims in the context of H-2B audits and related litigation

Related News

- Are Civil RICO Class Actions Based on Alleged Immigration Offenses Dead?
- OCAHO Rejects Iqbal/Twombly Pleading Standard
- Nationwide Immigration Crackdown on Employers: 1,000 "Silent" Raids and Audits on June 15th
- Supreme Court Upholds Arizona E-Verify Law: New National Landscape for Employers
- October 2010 Immigration Update: HR; USCIS Fee Increase; H-1B Cap Count; Employers Criminally Charged; DREAM Act
- August 2010 Immigration Update: Employment Authorization Documents (EAD) and Advance Parole (AP) for employees who are waiting for approval of their Green Cards; Increased fees for certain H-1B and L-1 petitions; and Department of Labor enforcement of H...
- April 2010 Immigration Update
- April 2010 Special Immigration Alert for Criminal Defense Counsel
- March 2010 Immigration Update: H-1B Petition Filings; Changes in Visa Fees; TARP Funds Guidelines; E-Verify and ICE Audit News
- March 2010 Immigration Update: Basic options for companies looking to do business in the U.S.; Form DS-160 changes; and update to H-1B Visa Employer/Employee status.
- Mary Pivec Joins Labor and Employment Team at Williams Mullen
- Law360 Article about Mary Pivec Joining Williams Mullen
- January 2010 Immigration Update: ICE Audits 1,000 employers in November; H-1B Quota or Cap; E-Verify News; REAL ID Material Compliance; Visa Application Changes at the U.S. Embassies; ICE News
- Special E-Verify Alert
- November 2009 Immigration Update: Unannounced site visits for H-1B employers; FY2010 DHS Security Appropriations Bill; ?public charges?; Columbia Farms deferred prosecution; E-Verifying entire workforces and an update to the H-1B cap count
- September 2009 Immigration Update: L-1B to L-1A conversions; Expansion of Global Entry Program; H-2B Petitions; R-1 Visas; ICE Enforcement News; I-9 Form Extensions; and Federal Contractor E-Verify
- September 2009 Immigration Special Update: E-Verify Applicability to Federal Contractors: Phase In Begins After September 8, 2009
- August Immigration Update: Napolitano at DHS Targets over 650 Employers; Supports Mandatory E-Verify for Federal Contractors.
- June 2009 Immigration Update: New U.S. Passport Requirements; Delay in E-Verify; Advanced Parole Reminder; H-1B Count Update; and Green Card Delays

- April 2009 Special Immigration Alert: E-Verify Postponed
- House Passes Legislation Renewing E-Verify Program for Five Years: Bill Headed to Senate for Consideration
- Temporary Worker Visa Reforms and Expanded Enforcement Measures
- Infosys I-9 Audit Results Likely to Trigger ICE Audits of Computer Consulting Firms
- For H-1B Employers: How Even a Single Employee's H-1B Complaint Could Incite a Comprehensive DOL Investigation of Your H-1B Practices
- DO I REALLY NEED A WORK VISA TO WORK IN THE USA?
- Bob Korroch Named a BTI Client Service All-Star for 2019

Related Events

- Exporting 201: The Financial and Legal Aspects of Exporting
- Navigating the New OFCCP Regulations on Affirmative Action Obligations: Make Sure Your Organization is Ready
- The "Nuts and Bolts" of E-Verify: ARE YOU READY?
- The Immigration Crisis Continues: Is Your Hospital Ready for 2009 and Beyond?
- U.S. Work Visa & Immigration Seminar
- WM Hosts E-Verify Seminar for VTCA
- A Practical Guide to Corporate Immigration Compliance Risks
- The "Nuts and Bolts" of Electronic I-9 Forms
- Diagnosis: Critical
- The "Nuts and Bolts" of Filing in the New I-9 Form (March 23 & 26)
- What You Really Need to Know About Immigration: The Facts Behind the Headlines and the Hype

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