

Immigration Compliance Center of Excellence

When Internal I-9 Audits Are Just Not Enough — A Turnkey Immigration Compliance Solution

The Headlines Tell the Story:

- Large and mid-market companies, as well as small businesses, face ever-increasing scrutiny and costly penalties by the U.S. Departments of Homeland Security, Labor, and Justice concerning their immigration compliance practices.
- U.S. Immigration and Customs Enforcement (ICE), the Labor Department's Wage and Hour Division (WHD), and the Justice Department's Office of Special Counsel for Immigration-Related Unfair Labor Practices (OSC) are assembling teams of auditors to review Forms I-9 and related immigration paperwork.
- Immigration fines have risen; the average fine for paperwork violations is approximately \$650 per I-9, and fines for the knowing hire of unauthorized workers can reach \$16,000 per violation. Because perfect I-9s are rare, employers can face extraordinary liability for minor, technical paperwork errors. One well-known national retailing chain with a flawed electronic Form I-9 software system and zero unauthorized workers was fined \$1 million for violations in just one state.
- The Justice Department is criminally prosecuting a growing number of employers and managers for immigration violations.
- Identity theft is rampant. The use by job applicants of stolen or fraudulent identity documents and work permits continues to deceive honest businesses that must determine employment eligibility quickly, efficiently and correctly – but without committing immigration-related discrimination.
- The Social Security Administration has resumed sending no-match notices that require employers to confirm information on their payroll and I-9 forms.
- Public companies face potential shareholder suits for undisclosed liability stemming from I-9 issues.
- Penalties for violations of state and federal regulations extend beyond civil fines and include imprisonment, asset forfeiture, and debarment from government contracting.
- Executives, business managers, human resources staff members, worksite supervisors, and union stewards all face potential civil and criminal liability for noncompliance.

What's an Employer to Do?

- Internal audits are risky, costly and inefficient. The HR employees who completed the I-9s may have little time or knowledge to conduct a thorough immigration compliance self-audit.
- Internal audits may not be protected by the attorney-client privilege, and the audit report may reveal more errors than government auditors can spot.
- Internal self-audits must be repeated over time to make sure errors do not recur and best practices are maintained. Self-audits are not a "fix it and forget it" solution.
- I-9 audits, training, policies and processes provided by an outside expert – particularly when combined with implementation of a compliant and flexible electronic I-9 solution – avoid these issues and allow an employer to fix I-9 errors once, then move forward with the confidence of a clean house.
- Outside I-9 audits, training, and comprehensive policies help to insulate an employer from liability, serving as evidence of good-faith compliance.

Comprehensive Solutions

Seyfarth Shaw LLP, a preeminent national law firm with deep expertise in immigration and employment law, formed the Immigration Compliance Center of Excellence (ICC) to help organizations avoid civil and criminal penalties, now and in the future, as well as ancillary damage to reputation caused by vulnerabilities and weaknesses in their immigration hiring and record-keeping practices.

Please contact our Managing Director, Nici Kersey (nkersey@seyfarth.com) or (404) 885-6738 for customized services and pricing.

End Your Immigration Compliance Exposure: Take Action Now

The ICC's core services include:

- Random and full I-9 audits (both automated "diagnostic" audits and comprehensive reviews by trained I-9 auditors)
- I-9 error remediation (including on-site remediation)
- I-9 completion and audit training
- Real-time, moment-of-hire I-9 audits and certifications
- E-Verify counseling and implementation
- Immigration corporate policy development
- Electronic I-9 vendor selection and management
- Government investigation preparedness planning
- Hot-Line assistance with I-9, E-Verify, and related employment authorization issues as they arise
- Defense of employers in government investigations and prosecutions

Predictable Pricing for Your Customized Needs

The ICC provides attractive fixed-fee pricing for the majority of its service offerings. Because the ICC uses a shared services model, allowing us to leverage resources and avoid duplication of efforts, our clients enjoy predictable bills that are significantly lower than they would be under a traditional hourly billing model.



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#11-193 8/11