

"5 and 10" **5 Immigration Developments for All Employers; 10 for Those Sponsoring Workers**

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EXPAND YOUR EXPECTATIONS™

All Employers

- No Match-Rule
- E-Verify
- ICE audits
- "Comprehensive Reform"
- H-1B through staffing companies



No Match - Rule Rescinded to No Man's Land

- Before 2007: Informal INS/DHS - Don't ignore no-match. Tyson indicated, Walmart fined
- Proposed "Safe Harbor Rule": specific steps for SSA/DHS no-match
- Rule retracted: back to future – Don't ignore what you learn
- Steps to handle no-match
- Employment verification policy
- Corporate compliance program



E-Verify: Voluntary, or Required of Private, State and Federal Contractors

- E-Verify: what it has become, how it works
- State options: nothing, contractors, grantees, business licenses
- Federal contractors: contracts with "E-Verify clause." Recent blanket move.
- Private purchasers: requiring E-Verify of vendors. Walmart options.
- Voluntary: clarity vs. hassle
- How to confirm E-Verify participation



ICE Audits Thousands of Employers

- History: training, inaction, prosecution, back to fines
- Focus on “critical infrastructure” – where could a terrorist cause harm?
- Tips and suspicions, random
- Notice to inspect, admin. subpoena for documents
- Self-audits, fixes, communication with ICE



Prospects for “Comprehensive Reform” (including legalization)

- Hispanic caucus: small fixes hostage to whole enchilada
- Legalization of those here vs. future flow
- Enforcement first
- McCain-Kennedy essence will return (see summary at our site)



Restrictions on H-1B via Staffing Vendors

- Situation: staffing vendor uses H or L, places at your co.
- Pushback: politics, technicalities, politics
- Risk: sudden disappearance of key staffed workers
- Option: direct hires, prepare alternative staffing plan



Employers Sponsoring Workers ...

- New visa forms and fees by State Department
- On-Site visits by USCIS
- Longer waits for visa numbers
- PERM audits and delays
- OFAC and deemed exports



Employers Sponsoring Workers

- Tax reporting of foreign holdings
- Driver's license complications
- Savings clauses for family of deceased
- Transportation and visa costs for H-2 workers
- Correcting erroneous I-94s



**U.S. Citizenship
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