

PREFACE

Over the past six and one-half years, since the last edition of this book was published, immigration worksite enforcement has continued to increase at both the federal and state levels. The situation for today's employers is much more complex than perhaps at any time, and it will only get more confusing. Employers must comply with the Immigration Reform and Control Act (IRCA) of 1986's employer sanctions and anti-discrimination clauses as well as a variety of state immigration laws.

Employers may feel caught in the middle: abiding by the Form I-9 requirements enforced by U.S. Immigration and Customs Enforcement (ICE) while not being overzealous in those efforts because it might be viewed as violating the anti-discrimination laws as enforced by the Immigrant and Employee Rights Section (IER), Civil Rights Division of the Department of Justice.

Additionally, states have been passing a patchwork of new laws aimed at employers. By 2024, 26 states had passed employer sanctions laws. Of those 26 states, nine states require all employers who meet jurisdictional standards to use E-Verify, while 12 states require contractors working with state or local governments to participate in E-Verify.

Some of the remaining states have non-E-Verify immigration laws relating to employers. And some companies are having their business licenses revoked and state contracts denied and/or revoked when they are found to have hired unauthorized employees.

If government enforcement is not enough, employers now need to worry about such matters as losing out on contracts with companies requiring their contractors to demonstrate immigration compliance or inheriting an immigration mess in a merger or acquisition.

The I-9 and E-Verify Handbook will help human resource managers, immigration counsel, and others navigate these turbulent immigration waters. The array of compliance-related statutes and regulations are discussed in an easy-to-understand question-and-answer format with illustrations, flowcharts, checklists, and sample documents included, giving the reader tools that will help implement and improve their immigration compliance program.

The book is not intended to be an overall guide to the U.S. immigration system. Instead, it seeks to provide in-depth information on a topic that affects every employer in the country regardless of whether the company hires foreign employees.

We welcome your feedback on this book, particularly your suggestions for future editions. Please always feel free to e-mail us at gsiskind@visalaw.com or bbuchanan@littler.com.

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