

# WORKSITE COMPLIANCE



Klasko Immigration Law Partners assists employers with comprehensive worksite compliance solutions including I-9 compliance, audits, discrimination claims, H-1B LCA compliance, and more.

**Many employers, despite their best, good-faith efforts, can find themselves noncompliant with U.S. immigration and labor laws. Klasko Immigration Law Partners is skilled and experienced in offering employers a comprehensive suite of worksite compliance solutions.**

The federal government is focused on increased immigration enforcement. It is more important than ever for employers to fully comply with all relevant immigration and labor laws. KILP's experienced immigration lawyers assist businesses and institutions with proactive compliance solutions including developing policies and programs to ensure full compliance with federal laws and regulations. The worksite compliance team also represents employers facing audits, investigations, and enforcement-related litigation.

As a business owner, you understand the importance of having a talented and dedicated workforce. You want to attract and retain top talent from the United States and across the globe. Immigration compliance, however, is complex with frequent changes to laws, regulations, and government enforcement priorities. The KILP immigration attorney team stays abreast of the latest best practices for you.

Our immigration law firm not only provides customized solutions for companies

## TEAM MEMBERS



**Elise  
Fialkowski**



**Michele  
Madera**



**Carolina  
Regales**

looking to bring foreign workers to the United States but also assists employers with all types of worksite and immigration compliance. Whether you're looking to sponsor an employee for a work visa, or you need to verify the employment eligibility of your current employees, we have the expertise and experience to help you achieve business objectives while ensuring full compliance.

## CORPORATE IMMIGRATION POLICY DEVELOPMENT

Talent acquisition is a huge part of what makes businesses thrive, and if your company has considered hiring international talent to help your business thrive, it's important to create a Corporate Immigration Policy that covers how you will handle hiring foreign nationals.

From the various costs involved in sponsoring a foreign national to ensuring compliance with immigration law, there are many things to consider when developing a Corporate Immigration Policy.

We work with companies to develop Corporate Immigration Policies tailored to the company's unique needs. We conduct a comprehensive review of the company's existing immigration policies and procedures and advise of any necessary changes to ensure compliance with all applicable rules and regulations. Sponsorship needs and factors as well as Human Resource strategy, costs, and budgets should all be considered in drafting a detailed Corporate Immigration Policy. The goal is to provide clear guidance consistent with legal requirements while at the same time streamlining and clarifying the immigration process.

We also work with companies to ensure that the policies will help drive immigration compliance and protect the company. Once the Corporate Immigration Policy is finalized, we also assist with policy rollout and training.

KILP corporate immigration attorney team will conduct a comprehensive review of your company's immigration policies and procedures and advise any necessary changes to ensure compliance with all applicable laws and regulations. The team will also provide ongoing support and guidance to help you maintain compliance, including training for HR and recruitment staff, and provide regular updates on

changes to the immigration landscape.

## I-9 COMPLIANCE

I-9 compliance is the backbone of a successful and compliant immigration program. Form I-9 is a critical document every employer must complete for each new hire. It verifies the identity and employment eligibility of employees. Failure to complete and document the Form I-9 accurately and on schedule can result in significant fines and other penalties. The KILP immigration attorneys believe in compliance from the outset and recognize the importance of I-9 compliance. The worksite compliance attorneys provide comprehensive I-9 compliance services, including client training on form completion, internal audits, and ongoing support. Our team will work with you to ensure that your Form I-9 process is accurate, efficient, and compliant with all applicable laws and regulations.

Some factors that might indicate your company is at risk are:

- I-9 Forms are completed and reviewed without attention to detail
- Management is reluctant to question the authenticity of any I-9 documentation
- Management allows employees to present new documentation inconsistent with the original I-9 documentation without further inquiry
- The company has received Social Security no-match letters and does not question employees regarding discrepancies or otherwise investigate
- Management does not address rumors or complaints of unauthorized employees or contractors
- New hires come mainly from the existing workforce like friends and relatives
- Hiring decisions are not subject to review and are made by those that may be sympathetic to those desperately seeking employment or willing to hire for personal gain
- An employer that ignores communications from agencies that the submitted employee information is not valid

Klasko Immigration Law Partners assists in establishing and maintaining effective corporate policies and procedures in which many of these risk factors can be

addressed. It is critical for employers to work with experienced immigration counsel to guide them through this complicated and ever-changing area of law.

## I-9 SELF AUDIT

One of the best proactive solutions to remaining compliant with immigration and labor laws is to conduct a self-audit or outsource a team to perform one for you. KILP immigration attorneys and the worksite compliance team regularly train employers on how to conduct a self-audit or perform the audit for the employer. This practice has saved KILP clients thousands in potential penalties, fines, and even criminal enforcement.

## IMMIGRATION SITE VISIT

An unannounced immigration site visit can be a stressful situation for an employer, but it is important not to panic. Site visits can occur for several reasons and the investigator could be several government agencies, [USCIS' Fraud Detection and National Security](#) (FDNS) unit, Immigration and Customs Enforcement (ICE), or the Department of Labor (DOL). KILP's immigration attorneys are adept at training employers and their key staff members on what to do when an investigator arrives for an immigration site visit. The investigator may request to see certain documents, speak to employees, or tour the worksite. It is crucial to be prepared for such a situation by consulting with an experienced attorney.

## E-VERIFY

E-Verify is an internet-based employment eligibility verification system run by United States Citizenship and Immigration Services (USCIS) that allows employers to electronically verify the employment eligibility of certain employees. To use E-Verify, an employer enters employee information from Form I-9 into the web-based system. E-Verify then runs that information against records in the Social Security Administration (SSA) and Department of Homeland Security (DHS) databases to confirm whether the employee is authorized to work in the United States. Federal contractors are required to participate in E-Verify, but otherwise using the program is voluntary.

There is also a growing patchwork of state laws that require employers to participate in E-Verify. These laws can be broken down into three basic categories: (1) laws that require all employers in the state to participate in E-Verify, (2) laws that require public or state employers to participate, and (3) laws that require those contracting with the state or political subdivisions within the state to participate in E-Verify. The penalties for non-compliance vary by state and may include, for example, loss of business licenses and ability to conduct business in the state, loss of state contracts as well as civil fines and penalties.

The KILP worksite compliance team regularly counsels employers on whether to use E-Verify. In addition, our team can assist with registration, employee training, and effective use of the system.

### [SOCIAL SECURITY NO-MATCH LETTERS](#)

Employers receive Social Security No-Match letters from the Social Security Administration (SSA) when the name and social security number provided by employers on their wage reporting forms do not match SSA records.

Employers can receive these SSA-issued no-match letters if they have one or more mismatches, and the wages related to those mismatches account for more than one-half of one percent of all the wages paid. The no-match letter includes a listing of the names and social security numbers of the employees whose records do not match. If the employer fails to take reasonable steps to resolve the employee's work authorization, the company could be held liable if they have an employee with no valid work authorization.

The usage of Social Security No-Match letters ebbs and flows with each administration, but if an employer receives one it is critical to consult with an experienced immigration attorney to address the letter promptly and without inadvertently discriminating against employees.

### [OTHER EMPLOYMENT-BASED IMMIGRATION SERVICES](#)

KILP attorneys also provide other related employment-based immigration business services including corporate immigration, EB-1 immigration, and business litigation.

The firm has specialized teams for these services.

- [Corporate Immigration](#) works with key stakeholders from multinational corporations, universities, research institutions, hospitals, and midsize to small companies in managing and developing their business immigration programs.
- [EB-1 Immigration](#) has a dedicated team including attorneys and technical writers who are highly successful at assisting professionals pursuing extraordinary achievements in their careers.
- [Business Litigation](#) can be a powerful tool to hold federal agencies accountable for unreasonable delays and unfair adjudication tactics.

We do not believe in a one-size-fits-all approach, usually offering multiple solutions to difficult problems presented by clients. We are particularly respected for our cutting-edge solutions to difficult business immigration problems. Our client feedback consistently ranks our extreme **responsiveness** as a highly valued feature of our service model.