

# SERVICES

## Employer Compliance

Employers are required to verify the identity and employment eligibility of all employees. The US Immigration and Customs Enforcement (USICE) is inspecting companies' employment records in order to make sure that they are complying with employment eligibility verification laws and regulations and are holding employers accountable for their hiring practices. Employers should be aware that very substantial fines can be imposed for failure to properly obtain and have available the appropriate documents regarding employees' eligibility to legally work in the US. Importantly, if the appropriate documentation is not completed properly, fines can be imposed for paperwork violations even if all employees are legally permitted to work in the US.

Employers are also required to maintain certain documentation in a public access file and provide other workers in the same profession with notice that the company is petitioning the US Citizenship and Immigration Services (USCIS) to employ someone in H-1B status. The US Department of Labor (USDOL) is holding employers liable for compliance with regulations relating to the payment and placement of H-1B employees. Failure to comply with regulations can lead to the award of payment for back wages and debarment from filing future petitions and applications with the USCIS and the USDOL.

The area of employer compliance is becoming more complex and enforcement, both in the areas of I-9 form inspections and H-1B public access file investigations, is increasing dramatically. In order to effectively deal with these issues and avoid the very severe consequences for non-compliance, employers must take the time to develop a strategy and be prepared in advance with an Immigration Compliance Program that includes training and internal audits.

Butzel attorneys have extensive experience in counseling clients on all aspects of employer compliance, from properly completing the I-9 form and the H-1B public access file to providing in-house training to employers regarding compliance

### People

**Clara DeMatteis Mager**

Director  
313 225 7077  
mager@butzel.com

**Linda J. Armstrong**

Shareholder  
313 983 7476  
armstrong@butzel.com

**Reginald A. Pacis**

Shareholder  
313 983 6929  
pacis@butzel.com

**Bushra A. Malik**

Shareholder  
248 258 4470  
malik@butzel.com

**Amany Kasham**

Shareholder  
313 983 6916  
kasham@butzel.com

**Christopher J. Ammori**

Senior Attorney  
313 983 7431  
ammori@butzel.com

**Yasmeen Farran**

Associate  
313 225 5303  
farran@butzel.com

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issues. We work with employers in developing customized programs in order to promote compliance and reduce the risk of violations and penalties. Butzel attorneys are experienced in representing employers in I-9 audits and H-1B public access file investigations and have successfully negotiated with the US Department of Homeland Security in reducing fines and penalties.