NMVERIFY™
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NORRIS MCLAUGHLIN IMMIGRATION PRACTICE GROUP

Your Immigration <u>Matters</u>.

The Immigration Reform and Control Act ("IRCA") requires all U.S. employers to verify the identity and work authorization of every employee hired after November 1986. By properly completing the Form I-9, Employment Eligibility Verification, on or before the first day of starting to work, the employee attests to his or her identity and work authorization status. In addition, within three days of starting work, the employee presents

As part of our comprehensive immigration services, Norris McLaughlin's Immigration Practice Group offers a state of the art, detailed, and most up-to-date Form I-9 Service Center: NMVerify.

NMVERIFY: I-9 SERVICE CENTER

Understanding I-9s and IRCA Compliance

The Immigration Reform and Control Act ("IRCA") requires all U.S. employers to verify the identity and work authorization of every employee hired after November 1986. By properly completing the Form I-9, Employment Eligibility Verification, on or before the first day of starting to work, the employee attests to his or her identity and work authorization status. In addition, within three days of starting work, the employee presents documentation of his or choosing to evidence the information presented, and the employer attests that the documentation has been examined and found to be genuine and related to the employee, and that the employee is, to the best of his or her knowledge, eligible to work in the United States.

In addition to federal requirements under IRCA, several states also require certain employers to comply with state-specific employment authorization verification requirements, including verifying the work authorization of all new hires using the Basic Pilot Program and/or attestations. Some of these state laws also impose penalties for the knowing or intentional employment of unauthorized workers.

While IRCA compliance may appear to entail the mere completion of a simple, one-page government form (i.e., the I-9), in fact it represents a series of complex transactions that, unless performed with precision, expose companies to significant risk and liability. Paperwork violations alone can result in civil penalties of $1,100 for each individual for whom verification was improperly completed or omitted. Employers that entirely ignore the I-9 process could be subject to pattern or practice liability, which might result in a fine of up to $10,000 and/or a six-month prison sentence.

Challenges in I-9 Program Management

Some of the most difficult challenges in I-9 program management include:

- Establishing and maintaining visibility over I-9 compliance on a company-wide basis
- Keeping company representatives trained on how to efficiently and correctly process I-9s
- Making sure there is an I-9 on file for every employee who is required to complete one, and that the forms are easily accessible in the event of an audit

- Anticipating new hire start dates and having each new employee complete his/her part of the I-9 on or before the date of hire, with the company completing the rest of the I-9 within the first three days of employment
- Processing I-9s for remote employees
- Determining whether the documents that employees present are acceptable
- Avoiding over-documentation
- Identifying and tracking forms that need to be updated or re-verified in the future
- Monitoring and timely purging of forms for terminated employees

I-9s Online

Recent Department of Homeland Security regulations for digital handling of I-9 forms now make it possible for employers to adopt electronic tools that fully automate the completion, signature and storage of I-9 forms. This development gives permission for electronic processing, but it also raises the bar for employers, who will now increasingly be expected to maintain I-9 records with a high degree of accuracy and efficiency. At the same time, in a post-9/11 environment focusing on the security implications of illegal workers, the government is also increasing its attention to worksite enforcement and the importance of proper completion and storage of I-9 forms. Given these trends, it is more important than ever for companies to make sure that their I-9 forms are completed efficiently and correctly, and that they are readily accessible in the event of an audit. In addition, employers in certain states will need to prepare for compliance with additional requirements, potentially including verification via the E-Verify Program.

I-9 SERVICES

Norris McLaughlin's Immigration Group helps companies confront the specific I-9 challenges that arise from their particular business environment.

We offer flexible solutions that range from basic document processing to fully outsourced I-9 program management. Norris McLaughlin works with each client to develop I-9 workflows that maximize efficiency and minimize compliance risks, while also considering the company's distinct corporate culture.

I-9s Online, I-9 Verification Centers, and Mobile I-9

Our advanced, web-based technology fully automates the completion, signature, storage and tracking of I-9 forms – making a totally paperless I-9 process possible. Our customized client I-9 portals are maintained and supported by Norris McLaughlin's experts, and are continuously updated to reflect the latest developments in USCIS/ICE regulations and procedures.

Legal guidance and support during all phases of the I-9 process

Norris McLaughlin's Immigration attorneys and paralegals provide legal counsel and assistance during program planning and implementation, and are available for consultation at any time during the I-9 process.

Confirmation of employment eligibility and SSN verification via links to E-Verify and DHS databases

As designated agents for the E-Verify program, our tool seamlessly integrates with government databases for verification of work authorization and social security numbers, eliminating duplicated data entry and allowing for tracking of tentative non-confirmation letters and responses.

Ongoing education and training

Norris McLaughlin's Immigration Group makes training available to ensure that personnel are trained on the most up-to-date I-9 processes and requirements, as well as on the proper use of our technology. Additionally, our clients receive e-mail "I-9 Alerts" for notification regarding changes to relevant laws and regulations that may affect a company's I-9 policy.

Assistance with "historical" I-9 forms

Conversion of some or all your company's existing I-9 data into the I-9 Service Center system all helps to ensure overall company I-9 compliance, greatly reducing potential legal exposure. This can be accomplished in a variety of ways, from simple scanning and storage of historical I-9 forms, to a complete audit of the form, including spotting error trends and facilitating correction.

Secure physical and electronic document storage

Norris McLaughlin offers secure and reliable physical storage for all original I-9 forms and supporting documentation, as well as electronic (scanned) copies for easy recall from remote locations.

Assistance with ICE and DOL audits

In the event of an ICE audit, on-site consulting services and legal representation is available, regardless of time or day. All documentation required by the ICE that is in storage with Norris McLaughlin can be pulled, reviewed and expedited to the company within the required timeframe.

Cohesion with Immigration Programs

Norris McLaughlin's NMVerify I-9 Service Center functions as a natural adjunct to our global immigration practice. This ensures coordinated and effective overall representation for employee matters, including re-verification and screening of foreign national employees.

I-9 TECHNOLOGY

Norris McLaughlin's NMVerify.com I-9 Verification System is a secure, flexible, end-to-end I-9 software tool helps companies address the complexities and challenges of today's government compliance requirements and makes a totally paperless environment possible. NMVerify was specifically developed for NM's clients to complement legal representation and counsel. NMVerify's technology offers:

- Electronic completion, signature and storage of I-9 forms to make a totally paperless environment possible
- Step-by-step instructions for each phase of form completion
- Sample documentation for easy reference
- Standard and customizable reports
- Scalability – can handle millions of employee records
- Robust security – industry standard data protection measures
- Considers every possible immigration situation for built-in error notifications, alerts/reminders, and document references
- Prohibits over- and under-documentation, errors, omissions

- Tracks significant events to ensure timeliness of required actions such as completion of Parts 1 and 2, re-verification, and purging
- Stores and reports on information desired beyond just I-9 form data (e.g., employee ID, company branch/division, work location, etc.)
- Workflow is configurable to your company procedures and communications protocols
- Works with all DHS databases to provide immediate verification of an employee's work authorization and social security number
- Fully compatible with human resource information systems and other cloud and internal on-boarding software

I-9 VERIFICATION CENTERS & MOBILE I-9

To serve employers who wisely choose to leave the entire I-9 process by outside immigration counsel, rather than leave the task to an already overburdened member of human resources, Norris McLaughlin's Immigration Practice Group provides full-service I-9 processing, including three in-person I-9 Verification Service Centers: (1) Bridgewater, New Jersey; (2) New York, New York; and (3) Allentown, Pennsylvania. Just like sending an employee for certain, offsite pre-employment screenings, employees can be sent to any of the three I-9 Verification Centers for complete Form I-9 processing.

Additionally, for employers onboarding many employees or otherwise wish for the verification to take place onsite, Norris McLaughlin will send I-9 Verification personnel to meet your company's need.

CONTACT US TO LEARN MORE

To learn more about Norris McLaughlin's comprehensive employer immigration compliance team and services, please contact Attorney Raymond G. Lahoud, Chair of Norris McLaughlin's Immigration Practice Group, at rglahoud@norris-law.com.