

Trends in Immigration Enforcement: Hiring Preferences, Virtual I-9s, and More

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Agenda

- Form I-9 updates
- E-Verify updates
- Immigrant and employee rights updates

When poll is active, respond at pollev.com/asaasa640

Text **ASAASA640** to **22333** once to join

Did you rely on virtual I-9 verification when it was first announced in March 2020?

A - Yes

B - No

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Are you still relying on virtual I-9 verification?

A - Yes

B - No

Form I-9 Updates

- **Covid-19 relaxation of in-person document review policy extension**
 - What does it mean?
 - Who is covered?
 - Who is not covered?
 - What should I do now?

Form I-9 Updates

- **Permanent virtual?**
 - How likely are we to get it?
 - What would it look like?

Form I-9 Updates

- **Expiration of Covid-19 policy on List B identity documents**
 - Which cases does it apply to?
 - What do I have to do?
 - Timeline to do it

Form I-9 Updates

- **List of acceptable documents (LOAD)**
 - Not the full universe of acceptable documents
 - Expired vs. unexpired
 - Receipts and temporary documents
 - C7 and other mysteries
 - Consequences for NOT accepting one of the “other” acceptable documents not listed on LOAD

Form I-9 Updates

- **Proposed new I-9 form**
 - Comment period closes May 31
 - Anything new?

E-Verify Updates

- **What is E-Verify?**
- **Is it mandatory (state and federal contractors)?**
- **Account compliance**
- **What have they been focusing on?**
 - Closing open TNCs
 - Noncompliance—enrolling but not using
 - Misuse—using it, but using it incorrectly
 - Risk of having account terminated
 - What should your company be doing?

IER Updates

■ What do they do?

- The Immigrant and Employee Rights Section enforces the antidiscrimination provision of the Immigration and Nationality Act
- This federal law prohibits 1) citizenship status discrimination in hiring, firing, or recruitment or referral for a fee; 2) national origin discrimination in hiring, firing, or recruitment or referral for a fee; 3) unfair documentary practices during the employment eligibility verification, Form I-9, and E-Verify; 4) retaliation or intimidation
- Protected class includes
 - U.S. citizens
 - U.S. nationals
 - Lawful permanent residents
 - Asylees and refugees

IER Updates

- **What triggers an IER investigation?**
 - Standard does not need to be intentional
 - Document abuse—asking for more or different documents than law requires
 - New issues relating to electronic systems
 - Discriminatory hiring practices:
 - U.S. citizens only
 - “Preference” for foreign workers