COURSE NAME: Corporate Immigration Compliance [Short]

[Long course name]: Employer Immigration Compliance Plans, Policies and Procedures: How to Protect Your Corporate Client from Going to Jail for Immigration Law Violations While Making Sure They Do Not Discriminate

COURSE NUMBER: 8738C

PROFESSOR: Mdivani

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: None

COURSE MATERIALS:

1. Immigration and Nationality Act
   www.uscis.gov Look under Laws and Regulations

2. Code of Federal Regulations, Title 8
   www.uscis.gov Look under Laws and Regulations

3. Employer Immigration Compliance Plans, Policies and Procedures

4. Additional materials will be assigned from on-line sources and/or distributed may be distributed in class.

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:

Pass/Fail

There will be assignments for each class, such as legal research memo(s), drafts of Client Meeting Agenda(s), drafts of Employer Immigration Compliance Policy, I-9 Checklist, I-9 Audit Sheet(s), I-9 Preliminary Audit Summary, I-9 Final Audit Summary, drafts of letters to clients, client’s
contractors/vendors, and the government, and drafts of memos to colleagues and the file. I will review assignments and give individual feedback to each student.

SUMMARY DESCRIPTION OF COURSE:

We will learn what civil and criminal risks await companies, their owners, executives and management in cases of immigration law non-compliance. We will learn what employers should do to comply with immigration law while balancing immigration compliance with non-discrimination obligations of Immigration Reform and Control Act and other applicable law, including I-9, E-Verify and ICE Best Practices requirements. We will learn how to conduct initial client meetings with employers in various stages of compliance, how to work with in-house counsel and HR professionals, how to draft employer immigration compliance plans, policies and procedures, how to prepare checklists for clients, and how to conduct I-9 Employment Eligibility Verification Form self-audits and how to defend employers in I-9 inspections/investigations conducted by Department of Homeland Security/Immigration and Customs Enforcement.

Corse Content:

I. **Overview of Employer Immigration Compliance Obligations Under Immigration Reform and Control Act, as Amended, and Other Applicable Law**
   
   A. Obligations Under IRCA and IIRARA
   
   B. “Knowledge” and “Constructive Knowledge” Standard
   
   C. Other Applicable Law: RICO, Recent Executive Orders and Regulations
   
   D. Overview of Applicable Cases
   
   E. ICE Best Practices
   
   F. Overview of Balance Between Immigration Compliance and Non-Discrimination
   
   G. How to prepare for client meetings: Meetings Agenda

II. **I-9 Employment Eligibility Verification Form**
III. E-Verify and FAR E-Verify for Federal Contractors
   A. E-Verify Memorandum of Understanding
   B. Procedures
   C. FAR E-Verify for Federal Contractors
      1. Timelines
      2. Section D and Section C(v) Obligations
      3. Unusual Uses of E-Verify for Federal Contractors

IV. ICE Best Practices
   A. Differentiating IMAGE: How to explain difference between IMAGE and Best Practices to Client
   B. Employer Immigration Compliance Plans, Policies and Procedures
      1. E-Verify
      2. Annual I-9 Administrator Training
      3. Designated I-9 and E-Verify Administrators and Secondary I-9 Review
      3. Annual I-9 Audits
      4. Keeping Management Aware of Immigration Compliance or Non-Compliance
      5. SSN No-Match Letter Procedures
      6. Open Door Policy to Report Violations
      7. Non-Discrimination Policies and Procedures
8. Contractor Immigration Compliance

9. Employer’s Role in procuring employment authorization/visas/green cards for their workers

B. How to Prepare Written Employer Immigration Compliance Plan, Policies and Procedures
   1. How to Draft a Policy
   2. How to Procedures and Schedules

C. How to Work with Clients on Implementation
   1. Training
   2. Annual Updates

V. Non-Discrimination
   A. Review of the Law and Department of Justice’s Training Materials
   B. How to Implement at Client’s organization

VI. I-9 Self-Audits
   A. How to Prepare for the I-9 Self-Audit
      1. Preparing a Client
      2. How to Draft Audit Notes - Audit Conditions
   B. I-9 Audit Sheets and Preliminary I-9 Audit Report
      1. How to draft I-9 Audit Notes
      2. How to draft I-9 Preliminary Audit Report
   C. Corrections, Policies and Procedures Updates, Training
1. How to Help Client Bring I-9s to Compliance
2. How to Update Policies and Procedures Following I-9 Audit
3. Client Training
D. Final I-9 Self-Audit Report

VII. Defending Clients in I-9 Inspections/Investigations By Department of Homeland Security/ICE
   A. Representing Employers Before ICE
   B. Government Audit Procedures
   C. Communicating with the Government

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RELEVANCY of COURSE for CAREER PURPOSES:

Corporate immigration compliance is a new cutting-edge specialty of law. Not many practicing attorneys have knowledge in this area because policy, legislation and case law are so new. Yet, faced with possibility of criminal and civil consequences for immigration violations, businesses need practical legal advice on how to comply with immigration law requirements. Having corporate immigration compliance on your resume helps you stand out as a lawyer with cutting-edge expertise needed by business firms or corporate counsel.