



News & Types: Client Advisories

Immigration Compliance Applies to All Employers – Not Just those Sponsoring Visas

4/6/2021

Practices: Immigration

Many employers believe that immigration law only applies to businesses that sponsor visas or that are multinational companies. That is a dangerous assumption. Immigration law affects every single U.S. business, small and large, in every industry. Every U.S. business must verify that it only hires individuals that have authorization to work in the United States. This process is achieved via the Form I-9, Employment Eligibility Verification. Fines for not having this form or for not completing/maintaining it correctly range from \$230 to \$1,948 per I-9 depending on the percentage of violations.

In addition to the employment eligibility verification requirement, businesses should be aware of the immigration anti-discrimination provisions that prohibit rejecting valid documents in the I-9 completion process and unfairly rejecting U.S. workers based on citizenship or immigration status. How might this happen? Here are a few examples:

- Requiring Lawful Permanent Residents to provide a green card during the I-9 process
- Re-verifying green cards during the I-9 process
- Having “U.S. citizen only” language in the recruitment process
- Rejecting an applicant for a job because they may require visa sponsorship in the future even though they have current valid work authorization
- A Social Security Number mismatch occurs, and the employee is fired before an investigation is conducted

Do not run afoul of this tricky area of legal compliance. Regardless of whether you are a U.S.-based company that does or does not sponsor visas, compliance in this area is compulsory and companies should consult with their immigration specialist to understand their legal obligations. For additional information, please contact Esther Contreras or any other member of Masuda Funai's Immigration Practice Group.