



The Employer's Immigration Compliance Desk Reference

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Book Outline

The Employer's Immigration Compliance Desk Reference will help human resource managers, immigration counsel, and others charged with the task of guiding employers through these turbulent immigration waters. The array of statutes and regulations are discussed in an easy-to-understand, question-and-answer format and easy-to-understand illustrations, checklists, and sample documents are included to give you tools that will help in implementing or improving your immigration compliance program.

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MS.1 What is the new law regarding employing workers unauthorized to work?

MS.2 What is the state's new E-Verify mandate?

MS.3 What penalties do employers face for violating Mississippi law?

MS.4 Are there any "safe harbors" for employer?

MS.5 What are the obligations of out-of-state employers who send workers into the state?

MS.6 How are U.S. citizen workers affected by the new law?

MS.7 What is the new felony provision in Mississippi applicable to those accepting unauthorized employment?

Missouri

MO.1 What does the new law in Missouri say generally with respect to hiring "unauthorized aliens"?

MO.2 What is a "federal work authorization program" under H.B. 1549?

MO.3 Who is a "public employer"?

MO.4 How does H.B. 1549 affect public employers?

MO.5 How does H.B. 1549 affect employers contracting with state agencies?

MO.6 Is there a safe harbor in H.B. 1549?

MO.7 Are businesses liable for the actions of contractors and subcontractors?

MO.8 How are complaints filed and handled under H.B. 1549?

MO.9 What penalties may a court impose when the attorney general brings an action under H.B. 1549?

MO.10 What happens if someone files a frivolous complaint?

MO.11 How are employer tax deductions for the wages paid to unauthorized aliens affected?

MO.12 Does the new law contain transporting provisions?

MO.13 When did H.B. 1549 become effective?

MO.14 What does the Executive Order 87- 02 do?

Nevada

NV.1 How does Nevada regulate employer compliance?

New Hampshire

NH.1 How does New Hampshire regulate employer compliance?

North Carolina

NC.1 When did S.B. 1523 go into force?

NC.2 What does the law do?



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NC.3 Which employers are covered?

Oklahoma

OK.1 What are OTCPA's transporting and harboring provisions?

OK.2 What are the penalties for violating the transporting and harboring provisions?

OK.3 What are OTCPA's "status verification system" provisions?

OK.4 What is OTCPA's unfair trade practices provision?

OK.5 Is there a safe harbor provision under the Oklahoma law?

Pennsylvania

PA.1 How does Pennsylvania regulate employers who fail to comply with immigration law?

Rhode Island

RI.1 What does the executive order require of state employers?

RI.2 What does the executive order state with regard to private employers doing business with state agencies?

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SC.1 What obligation does the new law impose on government employers?

SC.2 What obligations does the new law impose on employers engaged in contracts with state agencies?

SC.3 Are there requirements applicable to all private employers?

SC.4 How are complaints against private employers investigated and violations punished?

SC.5 What is the new "employment license" created by the new law?

SC.6 When does the new law take effect?

SC.7 Is there a safe harbor for employers in the new law?

SC.8 Are there penalties for those filing false complaints?

SC.9 What is the new requirement for reporting violations?

SC.10 What does the new law change with respect to deducting wages paid to unauthorized employees?

SC.11 What is the new transporting bar contained in the new law?

SC.12 What does the new law change with regard to identity theft?

SC.13 Does the law give any rights to discharged U.S. workers?

Tennessee

TN.1 How does Tennessee define "knowingly" Public Chapter No. 529?

TN.2 Who is an "illegal alien"?

TN.3 How does the commissioner of Labor and Workforce Development (LWD) determine when to go after a company?

TN.4 If the commissioner determines there is evidence the new law has been violated, what is the process that occurs before a company's business license is affected?

TN.5 If the business license is revoked, how can it be reinstated?

TN.6 What happens if a subsequent violation is found to have occurred?

TN.7 Is there an appeals process?

TN.8 Is an employer liable for work performed by independent contractors?

TN.9 Are there any safe harbors in the bill?



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TN.10 What steps can a company take to reduce the likelihood of being found to have violated Tenn. Code Ann. §50-1-103?

TN.11 Are there other Tennessee laws covering employers and immigration?

TN.12 What limits does Public Chapter No. 878 impose on state agencies?

TN.13 What happens if a contractor is found to have employed an "illegal alien"?

TN.14 How are state agencies to ensure compliance?

TN.15 How often must the attestation be updated?

TN.16 When did the law go into effect?

TN. 17 What does Public Chapter No. 220 do?

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TX.1 What does H.B. 1196 do?

TX.2 Does the law apply to companies related to the company receiving the subsidy?

TX.3 How is "public subsidy" defined?

TX.4 How is "undocumented worker" defined?

TX.5 What happens if a business violates its certification?

TX.6 When did the law become effective?

Utah

UT.1 What is the new verification requirement for state agency employers in Utah?

UT.2 What new requirements are imposed on contractors doing business with state agencies?

UT.3 When does the requirement that contractors use a status verification system take effect?

UT.4 Is the contractor responsible for the work of other contractors or subcontractors?

UT.5 How are U.S. citizen workers affected by the new law?

UT.6 What are the new Utah law's transporting and harboring provisions?

UT.7 What are the penalties for violating the transporting and harboring provisions?

UT.8 Are there exceptions to the transporting and harboring provisions?

UT.9 When does the transporting and harboring law take effect?

Virginia

VA.1 What kinds of violations will trigger a termination of the right to do business in the state?

VA.2 What does S.B. 517 say with respect to contractors?

VA.3 What changes are made regarding public agencies?

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WV.1 What does S.B. 70 do?

WV.2 What penalties are faced by employers who violate the law?

WV.3 How does S.B. 70 affect business deductions for unauthorized employees' salaries?

WV.4 Can a business license be revoked under S.B. 70?

Part II: An Overview of the U.S. Immigration System

Chapter 17. Nonimmigrant Visas

17.1 What are the five major immigration status/visa categories?



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- 17.2 What are the major types of nonimmigrant visas and to whom are they available?
 - 17.3 What kinds of questions are relevant for H-1B visa applicants?
 - 17.4 How long is the H-1B visa valid?
 - 17.5 Can an H-1B visa holder also apply for a "green card"?
 - 17.6 Are spouses or children of H-1B visa holders permitted to work?
 - 17.7 Are H-1B visa holders required to maintain ties to their home countries?
 - 17.8 How many H-1B visas are provided each year?
 - 17.9 Are H-1B visa holders permitted to change employers?
 - 17.10 Are H-1B visas permitted for self-employment?
 - 17.11 What happens in the event the H-1B applicant lacks an appropriate degree?
 - 17.12 What kinds of questions are relevant for B-1 and B-2 visa applicants?
 - 17.13 How long is the B-1 or B-2 visa valid?
 - 17.14 Are B-1 and B-2 visa holders allowed to work in the United States?
 - 17.15 Nationals from which countries are eligible for the Visa Waiver Program (VWP)?
 - 17.16 What kinds of questions are relevant for F-1 visa applicants?
 - 17.17 What are the requirements for the F-1 visa holder?
 - 17.18 Can an F-1 visa holder work in the U.S. after completing an educational program?
 - 17.19 What limitations are there on the spouses and children of F-1 visa holders?
 - 17.20 What kinds of questions are relevant for J-1 visa applicants?
 - 17.21 Is there a requirement for J-1 visa holders to return home before switching to another visa?
 - 17.22 What are the time requirements for J-1 visa holders?
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 - 17.24 What kinds of questions are relevant for O-1 visa applicants?
 - 17.25 What is the time limit on the issuance of O-1 approvals?
 - 17.26 Are O-1 visa holders required to maintain a residence abroad?
 - 17.27 May O-1 visa holders apply for a "green card"?
 - 17.28 What kinds of questions are relevant for L visa applicants?
 - 17.29 What are the time limits for L visa holders?
 - 17.30 Are "green cards" easy to get for L visa holders?
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 - 17.32 Which type of employee has a difficult time getting an L visa?
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 - 17.34 What are the time limits for E visa holders?
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 - 17.36 What is the impact of permanent residency applications on E visas holders?
 - 17.37 What kinds of questions are relevant for R visa applicants?
 - 17.38 What is the time limit for R visa holders?
 - 17.39 At what point may R visas convert to "green cards"?
 - 17.40 Has the USCIS changed the process to acquire an R visa recently?
 - 17.41 What kinds of questions are relevant for TN visa applicants?
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 - 17.43 Are TN Visa holders required to demonstrate an intent to immigrate to the United States?
 - 17.44 How do Canadians apply for TN visa status?
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- 17.45 How do Mexicans apply for TN visa status?
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- 17.48 What kinds of questions are relevant for E-3 visa applicants?
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- 18.2 What kinds of questions and waiting periods are relevant for Family-Sponsored Immigrants?
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- 18.5 Can a person convert from one immigrant preference or immediate relative category to another?
- 18.6 What kinds of questions are relevant for Diversity Visa (DV) applicants?
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- 18.8 What kinds of questions are relevant for the EB-1-1 "green card"?
- 18.9 Is employment necessary to get the EB-1-1 "green card"?
- 18.10 What kinds of questions are relevant for the EB-1-2 "green card"?
- 18.11 Is the EB-1-3 "green card" identical to the L-1 visa?
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- 18.14 Is employment a requirement for the EB-2 application?
- 18.15 Who is eligible for the EB-3 "green card"?
- 18.16 What is the subcategory of the EB-3 "green card"?
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- 18.19 What does the USCIS consider when granting the EB-5?

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- 19.1 What are asylees and refugees?
- 19.2 What is the difference between an asylee and a refugee?
- 19.3 Are there other protected groups?

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- A. Notable ICE Worksite Enforcement Operations in 2006-2008
- B. M-274, Handbook for Employers
- C. Electronic I-9 and E-Verify Vendors



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