

OUR PRACTICE

Compliance and Audit Representation

Aside from getting visas for workers they want to hire, employers have issues that relate to immigration, even when no alien workers are employed. Since 1986 all U.S. employers have been required to fill out a Form I-9 for each person hired, even a 10th generation American-born citizen, to make sure the worker is not an unauthorized alien. Knowing use of undocumented workers, even those of contractors, can lead to fines, criminal liability, and even racketeering suits by other employees or competitors.

But going too far to avoid hiring illegal aliens can result in [wrongful discrimination](#) against legal workers who may look or sound foreign. For the most part, even illegal aliens may be protected by [workplace laws](#) about discrimination, collective bargaining, and workers compensation. Special rules affect [taxation](#) of aliens in the U.S. and of U.S. nationals transferred to other countries. Click on one of the items at left or below to explore a topic.

- [I-9 Procedures and Penalties](#)
- [Workplace Rights of Aliens \(nondiscrimination, collective bargaining, unemployment compensation, workers compensation, etc.\)](#)
- [Taxation of Aliens and Expatriates](#)

How We Can Help

Baker Donelson's Immigration Group regularly counsels employers on I-9 compliance. We perform private audits of I-9 documents, prepare compliance programs, and train managers and workers in implementing those programs. We evaluate particular questionable documents and situations. We help employers decide whether and how to create or store I-9 forms electronically, to use Social Security Administration's Number Verification System, or to participate in the Department of Homeland Security's "E-Verify" program. We defend sanctions actions by ICE for paperwork and "knowingly hire" violations of I-9 rules. We work with our strong [Litigation Department](#) to bring and defend claims against competitors based on employment of unauthorized aliens. We advise and defend employers and managers in the increasingly common criminal investigations and proceedings relating to employment of aliens. We coordinate our Team's services closely with our firm's well-respected [Labor and Employment Law Group](#) and with our firm's [White Collar Crime Group](#). We provide advice and coordinate with U.S. and foreign preparers concerning U.S. taxation of international companies doing business in the U.S., and concerning the U.S. taxation of international workers placed in the U.S. and abroad.