

# **The Role of Federal Government Agencies in Immigration Compliance and Employment**

## Agenda

Part I.

5:30-7:00 pm

### **Immigration Related Unfair Employment Practices**

Elizabeth Hack, Special Litigation Counsel

Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices

Civil Rights Division, U.S. Department of Justice (DOJ)

- Types of employment practices investigated by the OSC
- Citizenship and national origin discrimination
- Recent OSC enforcement activity
- Legality of various pre-employment hiring and recruiting inquiries under the anti-discrimination provisions of the Immigration and Nationality Act (INA)
- Complaints, investigations, and remedies

### **Administrative Hearings**

Hon. Ellen K. Thomas, Administrative Law Judge

Office of the Chief Administrative Hearing Officer (OCAHO)

United States Department of Justice (DOJ), Executive Office for Immigration Review (EOIR)

- Jurisdiction of OCAHO
- Employer Obligations Under 8 U.S.C. § 1324a
- Technical or procedural failures versus substantive violations
- Employer's rights: notice and correction period of I-9 Technical or Procedural Violations
- Distinction between substantive violations and those that are technical or procedural
- Recent case examples and types of issues
- Constructive Knowledge
- Due process and judicial review
- Examples of employer misconduct
- Factors in assessing penalties

### **Wage and Hour Enforcement**

Diane Koplewski, Immigration Branch Chief

Wage and Hour Division, U.S. Department of Labor

- Jurisdiction of the Wage & Hour Division (WHD)
- WHD responsibilities and goals in relation to other federal agencies
- Employer obligations
- Audits and complaint process
- Recent investigations

- Opportunity for a hearing
- Assessing remedies and penalties

7:00 – 7:15 pm

Break

Part II.

7:15 –8:45 pm

### **Civil Rights & Civil Liberties**

Bruce Friedman, Senior Policy Advisor  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security (DHS)

- A brief history of the Immigration Reform and Control Act of 1986 from a civil rights perspective
- The scope and limitation of CRCL jurisdiction
- The relationship between civil rights and immigration enforcement
- E-Verify and worker rights

### **Worksite Enforcement**

Brett Dreyer, Unit Chief, Worksite Enforcement Unit  
U.S. Department of Homeland Security Investigations  
Immigration and Customs Enforcement (ICE)

- ICE's focus on criminal prosecution of employers and Congressional appropriation for worksite enforcement this year
- Recent enforcement statistics and successes
- IMAGE-based ICE Best Employment Practices, including E-Verify, annual I-9 administrator training, ICE's Employment Best Practices List related to annual I-9 self-audits, SSN no-match letter resolution procedures, nondiscrimination and contractor compliance procedures
- The Best Way to Prevent I-9 Disasters
- Employer Immigration Compliance Plans, Policies and Procedures

### **Employment Verification**

Michael Mayhew, Chief of our Special Operations branch  
United States Citizenship & Immigration Service (USCIS)  
Verification Division

- Problems with I-9 Compliance
- Federal Contractor responsibilities under E-Verify
- Employer responsibilities under E-Verify
- States that mandate E-Verify
- Monitoring of E-Verify by USCIS and ICE for law enforcement purposes

- I-9 and the examination of IRCA Rules and the Interplay with E-Verify
- Addressing the 2009 Westat findings on E-Verify
- The next generation of E-Verify
- The SAVE program

**NLRA Remedies for Undocumented Workers**

Ellen Farrell, Deputy Associate General Counsel

Division of Advice

National Labor Relations Board (NLRB)

- How employee rights protected under the NLRA apply to immigrant workers
- Remedies available to undocumented workers for violations of those rights
- The development of the law with respect to NLRA remedies for undocumented workers