

Article

How Middle Market Businesses Are Coping With The Immigration Problem

You suspect your workforce contains a significant number of illegal immigrants — What do you do? Do you bury your head in the sand and hope the problem goes away or Congress institutes a fix? Or do you work to resolve the problem?

The law says that an employer is required to complete a Form I-9 for each prospective hire as a condition of employment. Each prospective employee is required to furnish supporting documentation evidencing the worker's identity and employment eligibility, and the employer is not entitled to question the supporting documentation unless it has reason to know that the documents submitted are fake. Failure to comply with immigration laws can result in criminal fines and other punishment.

Most employers comply with the law that requires them to complete the Form I-9s. But what happens after the end of the year when the Social Security Administration sends you a “no-match” letter notifying you that a significant portion of your workforce has social security numbers that don't tie to their names? The law requires you to not knowingly employ an illegal alien — are you now on notice that they are illegal? And if you act to clean up the problem, will your wage structure get out of line with your competitors? In 2004, the Social Security Administration sent employers 126,000 of these no-match letters.

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