Today, employers are facing an unprecedented assault on the workplace. In the past seven months prior to the publication of this masterful work, Homeland Security Investigations (HSI) initiated 2,282 I-9 audits and made 594 criminal arrests and 610 administrative worksite-related arrests. Arrests and convictions are no longer merely limited to violations of immigration statutes, but as this book well documents, also includes charges of wire and mail fraud, harboring, identity theft, and other criminal acts. Debarment and forfeiture may then follow. If the employer is lucky enough not to be arrested, he or she will face a substantial fine. It is not surprising, therefore, that in FY 2017 businesses were ordered to pay $97.6 million in judicial forfeitures, fines, and restitution, and $7.8 million in civil fines.1

These enhanced efforts to prosecute and fine employers occur within the context of a new administration that aggressively seeks to severely limit immigration to the United States and to remove from the country persons who might otherwise be lawfully employed in our country. The assault on H-1B, L-1, and E-2 foreign nationals is well documented and is now a daily occurrence in the workplace.

An employer, faced with a complex and hostile environment, particularly when it employs foreign nationals, must have a strategy and plan to comply with the myriad regulations, statutes, and administrative fiat. As I write this, the administration has made sweeping and unprecedented policy changes as to when a student may be in an authorized status, as to when a person may receive and maintain the benefit of prosecutorial discretion to remain in the United States, or how a person who lawfully seeks to change or extend his or her status will be treated. These changes also directly affect the employer, who, as this book eloquently notes, must thread a needle between antidiscrimination laws and employer sanctions laws.

In light of these issues, astute counsel must not only shield his or her client from the dangers of past errors, but must look prospectively to create a compliance program for his or her client that addresses the sophisticated nuances of meeting today’s workplace challenges. As this work correctly and exhaustively details, a compliance program must consider SEC issues involving Sarbanes-Oxley Act compliance; past settlement agreements

1. ICE Official Website as of May 14, 2018, AILA Doc. No. 18051401.
with the government; a detailed knowledge of Federal Acquisition Regulations (FAR); technology and export law, including Export Administration Regulations; antidiscrimination provisions such as the Unfair Immigration-Related Employment Practices; and of course, immigration law as it relates to I-9 compliance, E-Verify, H-1B and LCA compliance, and other provisions. This book is so detailed and helpful that it delves into areas such as whether asylees and refugees are employment authorized in all circumstances, the process for Tentative Non-Confirmation (TNC) in E-Verify, and the pitfalls of joining the ICE IMAGE program. The chapter on FAR is particularly illuminating as it provides details rarely found in the literature such as how to treat existing versus future hired employees in complying with FAR.

It is no wonder that this book is so well written and helpful. The three authors are well-known and respected practitioners in this area and the American Bar Association was wise to choose the very best lawyers in this field to guide practitioners.

Charles Miller worked for the U.S. Immigration and Naturalization Service, the predecessor to Department of Homeland Security (DHS), before embarking on a stellar career in private practice resulting in national recognition for his work. He chaired the Compliance Auditing Standards Taskforce established by the American Immigration Lawyers Association to create model U.S. standards for the best practices and ethics for worksite compliance auditing. Chuck and taskforce members Marcine Seid and S. Christopher Stowe Jr. wrote the seminal American Bar Association treatise, *Immigration Compliance Auditing for Lawyers*.

Chuck Miller’s expertise in the areas of immigration compliance auditing and compliance is evident in Chapter 9, “Immigration Employment Compliance Strategy,” and Chapter 10, “Immigration Compliance Auditing,” of this excellent work. Without contest, these two chapters are the most critical and most helpful to a practitioner like me. They provide a very important roadmap for compliance in the future, including I-9 compliance and auditing. The sections discussing ongoing audit, training, and compliance programs and the lawyer’s role in such programs are critical to anyone who seriously practices in this highly charged area. The employer expects his or her lawyer to protect him and his company in the future by explaining a framework that the company may use. This book provides that framework.

I have known Marcine A. Seid for over twenty years. She is an outstanding immigration business lawyer whose experience is widely known and well respected in the field. Aside from her practice, which puts her in daily contact with many of the issues addressed and resolved in this book, she has co-authored the leading works in this area including *Immigration Law in the Workplace* and *Immigration Compliance Auditing for Lawyers*.

Co-author Dan Brown brings his important background to this endeavor. Dan served in numerous government positions at DHS, achieving prominence for his work on the electronic I-9 signature and storage regulation. He is currently a partner at Fragomen, Del Rey, Bernsen and Loewy LLP, where he is recognized for his careful, thoughtful work on employer compliance.

All three lawyers have collectively made a major contribution to our field in writing this important book. All three are recognized by their peers as true experts in the areas
covered by this book, and this work is a public service to all of us laboring in the fields of employment, labor, and immigration law.

**ABOUT THE AUTHOR OF THE FOREWORD**

Ira J. Kurzban is a partner in the law firm of Kurzban, Kurzban, Weinger, Tetzeli & Pratt, P.A., of Miami, Florida. He is a past-national president and former general counsel of the American Immigration Lawyers Association and is a fellow of the American Bar Association. He has litigated over fifty federal cases concerning the rights of aliens, including *Jean v. Nelson*, *Commissioner v. Jean*, and *McNary v. Haitian Refugee Center, Inc.*, which he argued before the U.S. Supreme Court. Mr. Kurzban is an adjunct faculty member in Immigration and Nationality Law at the University of Miami School of Law. He is the author of *Kurzban's Immigration Law Sourcebook*, the most widely used one-volume immigration source in the United States.