

# SNSFE QUARTERLY REVIEW

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A newsletter for our clients and friends



## From the President

As I closed my last note *From the President*, I promised a discussion of a change in focus at U.S. Immigration and Customs Enforcement (ICE). The focus is now upon you. On July 31, 2006 the New York Times (nytimes.com) headline announced: *U.S. Puts Onus on Employers of Immigrants*. The news was a 40 count federal indictment of an employer who allegedly violated our nation's immigration laws as to unauthorized employment. In April of this year, ICE arrested more employers and employees than they had in the whole of 2005.

The ICE enforcement effort has been spread across the spectrum of employers, large to small. An employer can not assume that it will be overlooked because it has only a few employees. Employers must comply with employment eligibility verification procedures. Those who fail to do so risk imposition of stiff civil and criminal penalties.

The compliance landscape is made more complicated by ICE's proposed regulations concerning "no-match" letters and defining "constructive knowledge" that an employee is an unauthorized worker; and, "safe harbor" provisions to be followed by employers who receive a no-match letter and who may then not be charged with having such constructive knowledge.

In brief, no-match letters are routinely sent by the Social Security Administration to employers, listing the names and Social Security Numbers (SSNs) of employees whose names do not match the SSNs provided to the employer. No-match letters may be sent to employers after inspections of employers' form I-9s. If you receive a no-match letter, under the proposed regulation, you may be deemed to have had constructive knowledge of the related unauthorized employment. If I-9 forms have not been properly completed, you may be charged with constructive knowledge of an unauthorized employment.

It is imperative that you know how to respond to no-match letters and how to cure errors or omissions in your I-9 compliance. Fixing errors in the wrong way might also subject you to penalties.

The space we have here is not sufficient to deal in necessary detail with each of these topics. If you would like to receive further information, please contact me.

On December 19th I will be reprising my webinar on managing risks in employment terminations. I will discuss employment topics critical to protecting your business, including managing the termination process and preparing for termination claims. You can register for this complimentary event from our website or call us at 312.621.4400.

Our next issue of the Quarterly Review will include articles on succession planning for business owners, the Illinois Home Repair and Remodeling Act, and a checklist for detecting stock-broker/financial advisor abuse.

Steven C. Filipowski

**What's All The Fuss About Variable And Equity Indexed Annuities? . . . . .2**

**Status Of Estate Tax Reform . . . . .3**

**Family Limited Partnerships . . . . .3**

**10 Steps Of Due Diligence For Real Estate Investments . . . . .3**

**Important Changes In Pension Laws . . . . .4**

**Upcoming Events . . . . .4**

**inside**