



LEGAL ALERT

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**Do You Need IMAGE?
ICE to Present on Changes to the 'ICE
Mutual Agreement Between Government
And Employers'**

by Manuel H. Cairo

Agents from U.S. Immigration and Customs Enforcement ("ICE") recently met with Snell & Wilmer attorneys to discuss the ICE Mutual Agreement between Government and Employers ("IMAGE") program. The idea of IMAGE was born in response to an April 1999 Government Accountability Office report that noted a high percentage of unauthorized workers employed in certain industries. By July 2006, the Department of Homeland Security ("DHS") introduced IMAGE as a joint government and private sector initiative to assist employers in complying with immigration laws through outreach, education and partnership. IMAGE has always been, and remains, a voluntary program.

Despite its lofty goals and intentions, IMAGE failed to convince employers to join the program. In an effort to make IMAGE more attractive to employers, DHS recently streamlined the certification process in which employers will: (1) Enroll in the E-Verify program within 60 days; (2) Establish a written hiring and employment eligibility verification policy that includes internal Form I-9 audits at least once per year; and (3) Submit to a Form I-9 inspection. In return, ICE will: (1) Waive potential fines if substantive violations

are discovered on fewer than 50 percent of the required Forms I-9; (2) Mitigate fines or issue at the statutory minimum of \$110 per violation in instances where more than 50 percent of the Forms I-9 contain substantive violations; (3) Not conduct another Form I-9 inspection of the company for a two-year period; and (4) Provide information and training before, during and after inspection.

To learn more about the IMAGE program, ICE has asked Snell & Wilmer to inform employers of a free informational seminar hosted and presented by ICE. Although Snell & Wilmer is not hosting, endorsing or otherwise providing input as to the information presented at this seminar, ICE will discuss several informative topics from their perspective that may be worthwhile to consider. Those topics include the new IMAGE program, how to establish an immigration compliance program, proper hiring procedures, detecting fraudulent documents, use of E-Verify and anti-discrimination procedures. Attorneys Manuel Cairo and/or Rebecca Winterscheidt will be in attendance at this event.

Below is the information pertaining to the seminar:

Thursday, September 8, 2011
Registration: 8:30 A.M.
Program: 9:00 A.M. to 4:15 P.M.
The Four Seasons Resort Scottsdale
10600 East Crescent Moon Drive
Scottsdale, AZ 85262

You may register to attend the program by visiting www.ice.gov/image. **Please do not submit your reservations to Snell & Wilmer.**

If you have any questions about the content of this legal alert, you may contact the author or another Snell & Wilmer attorney by email or by calling 602.382.6000.



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