

# IMMIGRATION DUE DILIGENCE FOR MERGERS & ACQUISITIONS

In today's enforcement era careful consideration and proper due diligence should be afforded to immigration matters. Deciding if the acquiring company should stand in the shoes of the target company for immigration matters is not a decision to be taken lightly. Has your target company properly completed, documented, stored and reverified their I-9 forms? Was an I-9 intake procedure in place to protect the company from discrimination claims? Does the company create and maintain public access files for their H-1B employees? Is the company keeping up with their immigration responsibilities when transferring employees to different worksites? Has the company received and properly dealt with Social Security no-match letters?

The government has made it clear that they are targeting corporate America. Recent headlines tell the story of government raids and audits. Heavy fines are being levied and executives are going to jail. The government's efforts are not solely targeted to the employment of illegal aliens. The Citizenship and Immigration Services (CIS) and the Department of Labor (DOL) have undertaken a major shift in personnel and resources, redirecting their focus from service to enforcement.

Responsible due diligence should include a comprehensive look at your target company's immigration policies, practices and procedures. A thorough audit will help make the decision if an acquiring company should stand in the shoes of their predecessor for immigration purposes or if corrective measures will need to be taken. Corrective measures may include amended immigration filings, preparation of incomplete or missing immigration files and/or the creation of intake and maintenance procedures. These actions can be costly and should be considered prior to acquisition.

Including knowledgeable and experienced immigration counsel as part of your acquisition team is a must for survival in the new enforcement era.

**Contact the Business Immigration Practice Group of Segal McCambridge Singer & Mahoney for further information.**

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