



The New I.C.E.

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Trump's Campaign Strategy

Campaigned on ending “amnesty”, “cheap labor”, and “open borders”.

Considers immigration reform an out for “corporate patrons” and “globetrotting donors”.



ICE Growth and Directives

- Hire an additional 15,000 ICE officers
- Attempt to quadruple enforcement activities
- Aggressively pursue fines and arrests
- Focus on Sanctuary Cities



The Immigration Compliance Problem

- Total population of the United States: 321 million.
- Estimated undocumented: 11-13 million.
- An estimated 6% of our workforce is undocumented.
- Retail, construction, agriculture and hospitality tend to have riskier employee bases

Monetary Penalties

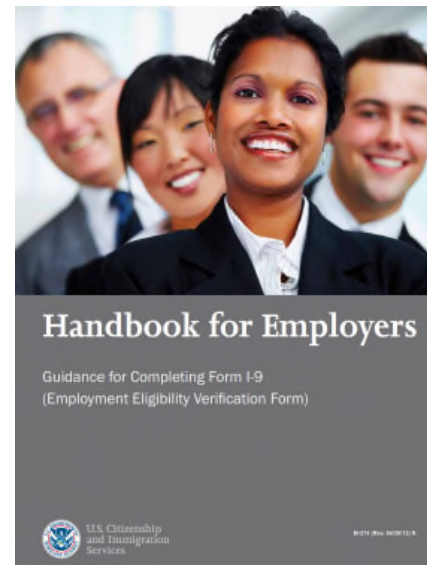
- I-9 substantive/uncorrected technical violations (e.g., missing I-9) range from \$216 to \$2,156 per violation.
- Knowing hire/continuing to employ violations range from:
 - \$539-\$4,313 (1st violation)
 - \$4,313-\$10,781 (2nd violation)
 - \$6,469-\$21,563 (Subsequent violation)



Changes to the I-9 Form

- New version (07/17/2017) expires 8/31/2019.
- Instructions for new form 15 pages.
- Instructions must be available for employee to review.
- I-9 Handbook for Employers has been updated.

Form I-9, Employment Eligibility Verification, Department of Homeland Security, U.S. Citizenship and Immigration Services. The form includes sections for Employee Information and Attestation, and Preparer or Translator Certification. It contains fields for name, address, date of birth, U.S. Social Security Number, and various identification numbers. There are also checkboxes for citizenship status and a signature line for the employee.



I-9 Basic Requirements

- All employees hired after November 6, 1986 must have a I-9 form on file.
- Section 1 - completed by employee no later than start date of employment.
- Section 2 - completed by employer by end of third business day after employee starts work.
- May complete form prior to start date if offer of employment is made and accepted.
- Insert N/A in all fields where no information is available.

- USCIS is now also offering a “smart” version of the Form I-9 which offers basic error-checking capabilities
- The USCIS continues to offer an unfillable (or “flat”) version of the Form I-9 as well which must be printed and completed by hand.
- The Smart Form I-9 is not an Electronic I-9.
- Be prepared to answer questions regarding the Preparer/Translator section of the new Form I-9 if using the smart version or electronic I-9.

Properly Completed Section 1

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.)

Last Name (Family Name) JONES		First Name (Given Name) Patricia		Middle Initial T.	Other Last Names Used (if any) Smith	
Address (Street Number and Name) 1000 Main Street		Apt. Number N/A	City or Town Anyville		State GA	ZIP Code 30309
Date of Birth (mm/dd/yyyy) 11/22/1979	U.S. Social Security Number 123 - 45 - 6789		Employee's E-mail Address pjones@yahoo.com		Employee's Telephone Number 404 255-5555	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
<input checked="" type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): <u>6/1/2017</u> Some aliens may write "N/A" in the expiration date field. (See instructions)
<i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i>
1. Alien Registration Number/USCIS Number: _____ OR
2. Form I-94 Admission Number: _____ OR
3. Foreign Passport Number: <u>UK1234567</u>
Country of Issuance: <u>United Kingdom</u>

QR Code - Section 1
Do Not Write In This Space

Signature of Employee Patricia Jones	Today's Date (mm/dd/yyyy) 11/26/2016
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Section 1 – Common Errors

- Employee completed Section 1 after commencing work – Not Correctable.
- Employee did not check box regarding authorization to work in the U.S. – Correctable.
- Missing Social Security number - Not required (unless using E-Verify at time of hire).
- Employee failed to check or fully complete Citizenship Status Box - Correctable.
- Employee did not sign/date – Correctable w/ current date.

Properly Completed P/T Section

Preparer and/or Translator Certification (check one):

I did not use a preparer or translator.

A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator <i>Susan Brown</i>		Today's Date (mm/dd/yyyy) <i>11/26/2016</i>	
Last Name (Family Name) <i>Brown</i>		First Name (Given Name) <i>Susan</i>	
Address (Street Number and Name) <i>1234 Maple Drive</i>		City or Town <i>Jonestown</i>	State <i>GA</i>
			ZIP Code <i>32222</i>

Properly Completed Section 2

Section 2. Employer or Authorized Representative Review and Verification
 (Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name) Jones	First Name (Given Name) Patricia	M.I. T	Citizenship/Immigration Status Alien Authorized
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title Foreign Passport		Document Title		Document Title
Issuing Authority United Kingdom		Issuing Authority		Issuing Authority
Document Number UK1234567		Document Number		Document Number
Expiration Date (if any)(mm/dd/yyyy) 2/6/2020		Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)
Document Title I-94 card		Additional Information		OR Gate - Sections 2 & 3 Do Not Write In This Space
Issuing Authority USCBP				
Document Number 01234567891				
Expiration Date (if any)(mm/dd/yyyy) 6/1/2017				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 11/26/2016 (See instructions for exemptions)

Signature of Employer or Authorized Representative Peter Nelson		Today's Date(mm/dd/yyyy) 11/28/2016	Title of Employer or Authorized Representative HR Manager	
Last Name of Employer or Authorized Representative Nelson	First Name of Employer or Authorized Representative Peter	Employer's Business or Organization Name ABC Company		
Employer's Business or Organization Address (Street Number and Name) 8888 North Street		City or Town Norcross	State GA	ZIP Code 33333

Section 2 – Common Errors

- No Start Date Listed in Certification Box - Correctable.
- Issuing Authority, Document Number, and/or Expiration Date missing for identity and work authorization document(s) - Correctable.
- Too many or too few documents listed - Correctable.
- Employer signature box incomplete – Correctable.



List of Acceptable Documents

List A – Documents that Establish both Identity and Employment Authorization

1. **U.S. Passport** or **Passport Card**
2. **Permanent Resident Card** or **Alien Registration Receipt Card** (Form I-551)
3. Foreign passport that contains a temporary **I-551 stamp** or temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)
4. **Employment Authorization Document (Card)** that contains a photograph (Form I-766)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a **foreign passport with Form I-94** or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's **nonimmigrant status**, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form
6. Passport from the Federated States of **Micronesia** (FSM) or the Republic of the **Marshall Islands** (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

List of Acceptable Documents

List B Identification & List C Work Authorization

LIST B: Documents That Establish Identity For individuals 18 years of age or older:

1. **Driver's license** or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
2. **ID card** issued by **federal, state, or local government** agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address
3. **School ID card** with a photograph
4. **Voter's registration card**
5. **U.S. military card** or draft record
6. **Military dependent's ID card**
7. **U.S. Coast Guard** Merchant Mariner Card
8. **Native American** tribal document
9. Driver's license issued by a **Canadian** government authority

For persons under age 18 who are unable to present a document listed above:

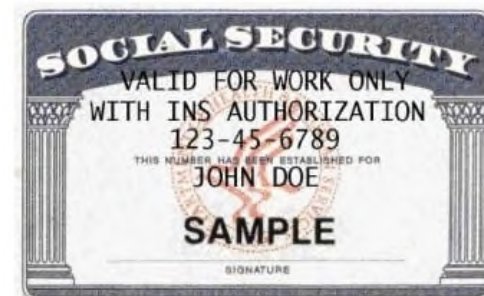
1. School record or report card
2. Clinic, doctor or hospital record
3. Day-care or nursery school record

LIST C: Documents That Establish Employment Authorization

1. **U.S. Social Security account number card, unless the card included one of the following restrictions:**
 - (1) Not valid for Employment
 - (2) Valid for work only with INS Authorization
 - (3) Valid for Work only with DHS Authorization.
2. **Certification of Birth Abroad** issued by the U.S. Department of State (Form FS-545)
3. **Certification of Report of Birth** issued by the U.S. Department of State (Form DS-1350)
4. **Original or certified copy of a birth certificate** issued by a state, county, municipal authority, or outlying possession of the United States bearing an **official seal**
5. **Native American tribal document**
6. **U.S. Citizen Identification Card** (Form I-197)
7. Identification Card for Use of **Resident Citizen** in the United States (Form I-179)
8. **Employment authorization document** issued by DHS

Social Security Number Card

- There are at least 50 valid versions of the Social Security Number Card:
 - Example 1: UNRESTRICTED SS cards: “Valid for Work Authorization”.
 - Example 2: RESTRICTED SS cards: “Not valid for Employment”; “Valid for work only with INS Authorization” and “Valid for Work only with DHS Authorization”.



Document Acceptance Standards

The I-9 states that you must review the original documents presented to determine if they are **“genuine”** and **“relate”** to the person presenting them to you.



Document Acceptance Standards

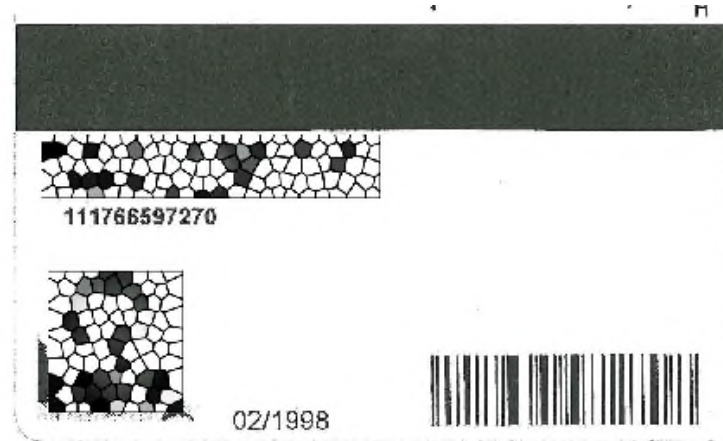


Outdated LPR/Green Card

- No longer resembles person, not acceptable



Example: Unacceptable List B Document



Section 3- Reverification and Rehires

Section 3. Reverification and Rehires <i>(To be completed and signed by employer or authorized representative.)</i>		
A. New Name <i>(if applicable)</i> Last Name <i>(Family Name)</i> First Name <i>(Given Name)</i> Middle Initial	B. Date of Rehire <i>(if applicable)</i> (mm/dd/yyyy):	

C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.		
Document Title:	Document Number:	Expiration Date <i>(if any)</i> (mm/dd/yyyy):

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of Employer or Authorized Representative:
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Section 3 - Reverification

- If employee's authorization to work in U.S. will expire – re-verify.
- If rehire employee within 3 years of original hire date – may re-verify – use current version of Form I-9.
- If employment authorization document originally presented is still valid, no need to review document.

E-Verify Overview

- Electronically compares information from Section 1 of Form I-9 with records contained in the DHS and SSA databases
- Cannot use system to pre-screen applicants
- Verification query must be performed within 3 business days of start date

E-Verify Rules

- New Hires/Rehires Only (unless Federal Contract requirement for existing employees)
- Must allow employees to contest a mismatch (Tentative Nonconfirmation)
- Makes Social Security Numbers in I-9 form Mandatory
- Cannot use to discriminate
- USCIS Compliance/Monitoring
- Posters

Photo Matching

- Occurs when you create a case for an employee who presents one of following for I-9 Form:
- U.S. Passport or Passport Card
- Permanent Resident Card (I-551)
- Employment Authorization Document (I-766)
- Must make a copy of the Employee's I-9 form photo document and retain with I-9 form



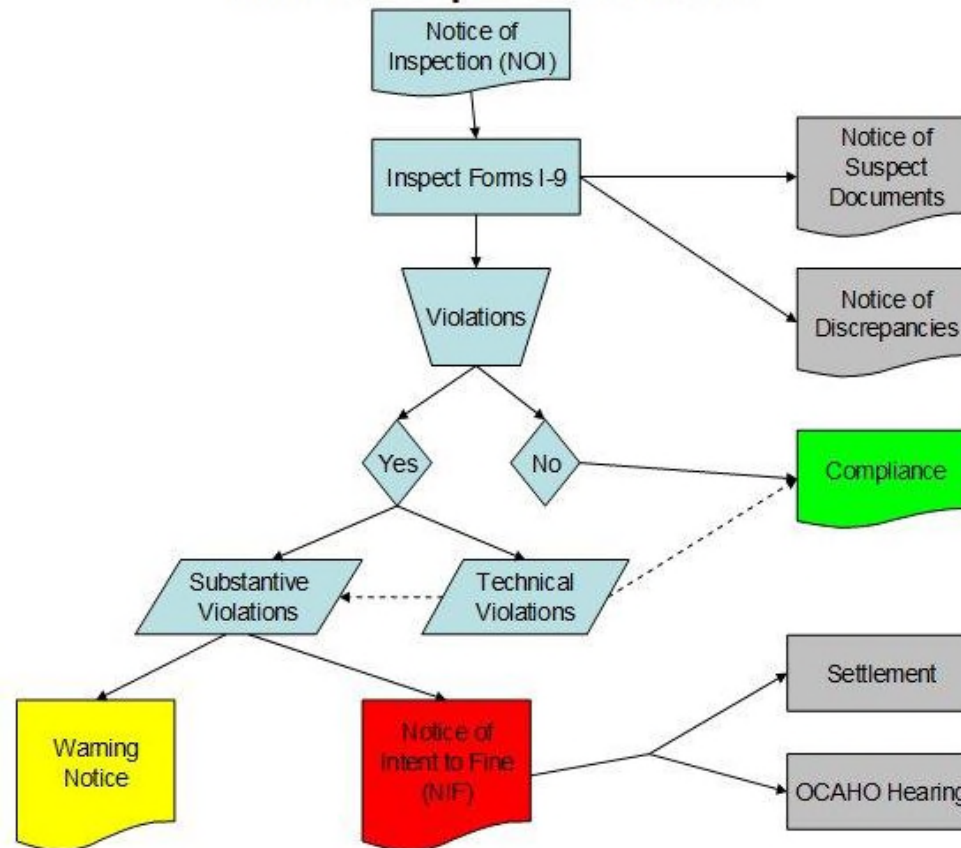
Retention Requirements

- Once employee terminated, you must retain I-9 form for:
 - At least three years from date of hire; and
 - At least one year from date of termination;
 - Whichever is later.
- Once retention requirements met, purge/shred form.



Worksite Enforcement Process

Form I-9 Inspection Process



<http://www.ice.gov/news/library/factsheets/i9-inspection.htm>

Largest Immigration Fine in History

- \$34 Million Dollar Fine – Texas software company fined for, among other immigration violations:
 - Failing to maintain I-9 records for many of its foreign nationals; and
 - Widespread failure to update and re-verify the employment authorization status of a large percentage of its foreign national employees.



Monetary Penalties

- I-9 substantive/uncorrected technical violations (e.g., missing I-9) range from \$216 to \$2,156 per violation.
- Knowing hire/continuing to employ violations range from:
 - \$539-\$4,313 (1st violation)
 - \$4,313-\$10,781 (2nd violation)
 - \$6,469-\$21,563 (Subsequent violation)



Determining Penalty Amounts

- Factors considered for enhancement of fine or mitigation:
 - Good faith effort to comply;
 - Seriousness of violation;
 - Whether the violation involved unauthorized workers;
 - Size of business; and
 - History of previous violations.
- Violation percentage calculated to determine amount of fine for first, second, subsequent violations.



Criminal Penalties

- 10 years and/or \$250,000 fine for harboring, smuggling, concealing, or transporting illegal aliens for financial gain.
- Criminal sanctions for conspiracy to harbor, smuggle, conceal, or transport.



Potential Immigration Changes Under New Administration

- Mandatory E-Verify nationwide.
- Tightening up/securing the border.
- Increased enforcement actions with focus on employers (e.g., I-9 audits, inspections, and raids).
- Increased deportations.
- Cancellation of DACA.
- Changes in the H-1B Professional Worker Category.





FINAL QUESTIONS