The New ICE Age: Are You Ready for an I-9 Audit?

Publication
4.06.10

In April 2009, Janet Napolitano, secretary of the U.S. Department of Homeland Security (DHS), announced new guidelines for worksite enforcement directing the U.S. Immigration and Customs Enforcement (ICE) to shift its focus and resources to investigating and prosecuting employers who knowingly employ undocumented workers in violation of U.S. immigration laws. This shift in strategy is based on the belief that employment is the driving force behind illegal immigration and that the only way to stem the tide is to eliminate that temptation. ICE Assistant Secretary John Morton recently stated one of the department's goals is to "create a culture of compliance within the employer community" by encouraging employers to follow U.S. immigration laws and by conducting I-9 audits and investigations and assessing fines against employers who flaunt the law. ICE will continue to arrest undocumented workers uncovered during a worksite enforcement action.

Worksite enforcement and ICE Notices of Inspection are going to continue to be the norm for the foreseeable future. Your company may be the next on the list. To avoid costly fines and criminal penalties, employers must ensure that they have proper I-9 compliance procedures in place, that employees who complete I-9 forms on behalf of the company are properly trained and that your I-9 forms are audited and corrected, as needed. Consider incorporating an electronic I-9 compliance system into your human resources toolbox. Create a culture of compliance, and be prepared to respond to an ICE audit with confidence.

This article appeared in the April 6, 2010 issue of *ChamberBiz*, the newsletter of the South Carolina Chamber of Commerce.

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.