



ICE Issues Another Round of Immigration I-9 Notices of Inspection

Insights

11.20.09

On November 19, 2009, U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton announced the issuance of Form I-9 Notices of Inspection to 1,000 employers nationwide. The Notices of Inspection require employers to allow ICE to inspect their I-9 forms to determine compliance with employment eligibility verification laws. This is ICE's second round of immigration audits this year. The first round occurred on July 1, 2009, when ICE issued Notices of Inspection to 652 businesses.

Upon initial notification of the inspection, targeted employers are given three days to prepare for a meeting with federal officials in which the company's Form I-9 records will be reviewed. In addition to properly completed I-9 forms for all current and recently terminated employees, employers are being asked to turn over payroll documentation, any Social Security "no-match" letters they may have received, and other employee documentation.

According to ICE, the 1,000 businesses targeted in this nationwide audit have been selected as a result of specific leads and information obtained by the agency. Secretary Morton stated that "*ICE is focused on finding and penalizing employers who believe they can unfairly get ahead by cultivating illegal workplaces. We are increasing criminal and civil enforcement of immigration-related employment laws and imposing smart, tough employer sanctions to even the playing field for employers who play by the rules.*" As part of the agency's self-described "*bold, new audit initiative*," businesses in a wide range of industries have been affected including manufacturing, restaurants, construction and trucking.

If you receive a Notice of Inspection, contact your Fisher Phillips attorney, or any member of our Global Immigration Practice Group. Our Immigration Rapid Response Team can help you preserve your right to a three-day preparation window, and can conduct an emergency audit of all I-9 forms. The Team can be reached at (404) 240-4224 or via email at immigration@fisherphillips.com.

Employers who do not receive a Notice of Inspection in this round of audits should take this time to ensure that their I-9 forms are properly completed. Employers should conduct in-house I-9 audits, retain outside counsel to review their I-9 forms and assess their company's exposure for administrative fines and correct any errors on I-9 forms.

It is clear from recent events that ICE will continue auditing employers I-9 forms to ensure employers' are complying with federal immigration laws and not employing individuals who lack authorization to work in the U.S. Auditing your company's I-9 forms before another round of Notices of Inspection are issued is the best way to minimize your company's risk for administrative fines.

If you are using the Fisher Phillips Electronic I-9 Solution program to electronically complete and store I-9 forms, utilizing the "error report" feature can alert you to all I-9 forms that are incomplete, expired, or should be purged.

This Global Immigration Alert provides information about a specific immigration development. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.