



ICE Issues Third Round of I-9 Notices of Inspection

Insights

3.04.10

On March 3, 2010, U.S. Immigration and Customs Enforcement (ICE) announced the issuance of Form I-9 Notices of Inspection to 180 businesses in Louisiana, Mississippi, Alabama, Arkansas and Tennessee. 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 third round of immigration audits within the last year. The first round occurred on July 1, 2009, when ICE issued Notices of Inspection to 652 businesses. The second round of immigration audits occurred on November 19, 2009, affecting an additional 1,000 businesses nationwide.

If you receive a notification of inspection, you will be 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, you may be asked to turn over payroll documentation and other employee documentation.

According to Raymond R. Parmer, Jr., Acting Special Agent in charge of the ICE Office of Investigations in New Orleans, "ICE is committed to establishing a meaningful I-9 Inspection program to promote compliance with the law. This effort is a first step in ICE's long-term strategy to address and deter illegal employment."

Employers who escape 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's clear that ICE will continue auditing I-9 forms to ensure that 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 is issued is the best way to minimize your company's risk for administrative fines ranging from \$110 to \$1100 per violation.

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. Moreover, our "ICE Audit" feature generates an I-9 data report that is acceptable to ICE in lieu of having to produce actual I-9 forms.

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.

This Global Immigration Alert covers highlights of a specific federal action. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.