



New Round Of I-9 Audits

Insights

2.18.11

U.S. Immigration and Customs Enforcement (ICE) has started to serve another round of I-9 Notices of Inspection (NOIs) to businesses nationwide. ICE is expected to issue NOIs to over 1,000 businesses in the next few days. The NOIs require in-person inspection of I-9 employment verification forms and payroll documentation. Targeted employers are given three business days to prepare for a meeting with federal officials for review of the requested documentation. In the recent past, ICE has selected businesses for audit based on specific leads and information regarding allegations of hiring unauthorized workers, exploiting workers, and paying unfair wages. ICE also has targeted certain industries, including hospitality, manufacturing, and construction. Fines for uncorrected technical and substantive errors on the forms range from \$110 to \$1,100. Higher fines apply for knowing employment of unauthorized workers. Even if you do not receive an NOI in this round of audits, we recommend that you take this opportunity to conduct an audit of your I-9 compliance and policies.

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 or for more information 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.

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