

I-9 Audit / Maintenance

Many employers penalized for I-9 violations are not being fined on account of illegal workers, but rather on administrative/technical paperwork violations. In fact, an estimated one-third to one-half of companies that have been audited by ICE, have still been fined on account of poor bookkeeping and clerical errors. This is important to understand, because the audits are not necessarily about immigration- they are largely about demonstrating to employers the importance of keeping good employment records.

Potential penalties for non-compliance are as follows:

- Up to \$3,200 per unauthorized worker (1st violation)
- Up to \$6,500 per unauthorized worker (2nd violation)
- Up to \$16,000 per unauthorized worker (after 2nd violation)
- Up to \$1,100 per worker for paperwork mistakes—such as simply transposing a phone number and SSN

In the current climate of increasing investigations and even criminal prosecution of employers, it is imperative that each company understands and complies with the requirements of the I-9.

All employers must comply with the Immigration Reform and Control Act (IRCA), which introduced the Form I-9 in 1986. The law requires that the employee complete Section 1 at time of hire or when the employee begins work. The employer must complete Section 2 within three business days of hire and certify that the employee's documents of identity and work authorization appear to be genuine.

The Department of Homeland Security's Immigration and Customs Enforcement Agency (ICE), who oversees enforcement of the IRCA, can audit any company on a random basis or following a lead from the public, other companies, or employees at the workplace, has shifted to a policy of "quiet paper raids" as compared to the previous showy spectacles of immigration raids.

In fiscal year (FY) 2007, ICE conducted only 250 audits. In FY12, ICE I-9 audits had risen to more than 3,000 and nearly \$13 million in fines were issued.

Making a **good faith effort** is one of the most important rules applied in ICE enforcement audits and investigations. In order to establish a good faith effort, it makes sense to do a careful self-audit. **Also, retain gbac to audit your current I-9 files, and upgrade your procedures to ensure they include the most effective I-9 verification system to help you avoid simple pitfalls that could cost you thousands in government fines.**

Contact us today to see how we can assist you!