

All Signs Point to an Increase in Worksite Enforcement in 2018

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U.S. Immigration and Customs Enforcement Acting Director Thomas Homan recently announced that ICE would increase worksite audits by “four or five times” in the next year. This comes after a January Executive order and a more recent statement by ICE announcing plans to hire 10,000 new worksite enforcement officers. Worksite inspections involve auditing of the employer’s Form I-9 records and other related investigations. Acting Director Homan also indicated that worksite investigations will involve the arrest and removal of any employees who do not have valid work authorization.

What Should Employers Do to Prepare?

Because employers now have an increased chance of being audited or investigated by ICE, it is increasingly important to make sure that I-9 forms are completed correctly. We recommend that employers conduct periodic internal I-9 audits to ensure that each employee has a Form I-9, and that it was prepared accurately and on the correct version of Form I-9. The Department of Justice and ICE have provided joint guidance on conducting internal audits. This provides a short window for many companies to shore up their immigration compliance efforts or else face substantial penalties.

Second, the employer should always make sure it is using the most current version of the Form I-9, as it gets revised frequently. Most recently, on July 17, 2017, US Citizenship and Immigration Service issued a new version of the I-9 Form, which went into effect on September 18, 2017.

Finally, employers should consider providing refresher training to Human Resource professionals and other managers responsible for completing Section 2 of the I-9 and Review I-9 processes and policies to ensure they are up to date with the recent changes in I-9 best practices. We can certainly assist with this.

Why is This So Important?

Even simple mistakes, like paperwork violations, can cost companies between \$220 and \$2,191 per each employee’s Form I-9. The most recent increased penalties are available [here](#). As an example of the kinds of penalties that can be imposed, it was recently reported that ICE assisted the Department of Justice during a lengthy audit and investigation spanning 6 years that resulted in a tree trimming company – one of the largest privately-held companies in the United States – pleading guilty to unlawfully employing illegal workers and agreeing to pay \$95,000,000, the largest payment ever levied in an immigration audit case.

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