

Immigration and Customs Enforcement Reports Significant Rise in I-9 Inspections and Fines

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As we have previously reported, immigration enforcement under the current administration is focused on employers which employ unauthorized aliens rather than the workers themselves. Consistent with that focus, Immigration and Customs Enforcement (“ICE”) recently announced that it has conducted a record number of employer I-9 audits. Since January 2009, ICE has audited more than 3,200 employers and imposed approximately \$50 million in fines relating to I-9 forms. In less than two years, the agency has conducted more audits and collected more fines than in the preceding eight years under the Bush administration. For example, ICE fined a Cincinnati food company \$536,000; a Missouri roofing company was fined \$36,000; and a food manufacturer agreed to pay \$4.5 million to avoid prosecution for hiring unauthorized aliens. While these examples involved serious violations of the law, ICE has fined employers for mere paperwork errors, and this trend will continue. In a recent agency memorandum, ICE announced that it intends to continue auditing a record number of employers in the coming months.

The Administration’s aggressive enforcement initiatives are a strong reminder to employers regarding the importance of the employment eligibility (I-9) verification process. Inadvertent errors on I-9 forms may result in fines and other penalties if ICE conducts an audit. For these reasons, we encourage employers to ensure that the I-9 process is being done correctly and to review their existing completed forms for errors. Employers should not wait until they receive a notice of inspection from ICE to learn about unintentional but avoidable paperwork errors in the I-9 verification process.

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