

ALERTS

ICE launches nationwide I-9 Audit Initiative

MVA Immigration Team

Immigration Update

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ICE Official Statement: U.S. Immigration and Customs Enforcement (ICE) is launching a bold, new audit initiative today by issuing Notices of Inspection (NOIs) to 652 businesses nationwide - which is more than ICE issued throughout all of last fiscal year. The notices alert business owners that ICE will be inspecting their hiring records to determine whether or not they are complying with employment eligibility verification laws and regulations. Inspections are one of the most powerful tools the federal government has to enforce employment and immigration laws. This new initiative illustrates ICE's increased focus on holding employers accountable for their hiring practices and efforts to ensure a legal workforce.

"ICE is committed to establishing a meaningful I-9 inspection program to promote compliance with the law. This nationwide effort is a first step in ICE's long-term strategy to address and deter illegal employment," said Department of Homeland Security Assistant Secretary for ICE John Morton.

Employers are required to complete and retain a Form I-9 for each individual they hire for employment in the United States. This form requires employers to review and record the individual's identity document(s) and determine whether the document(s) reasonably appear to be genuine and related to the individual.

The 652 businesses being presented with a NOI today for a Form I-9 audit have been selected for inspection as a result of leads and information obtained through other investigative means. Due to the ongoing, law enforcement sensitive nature of these audits, the names and locations of the businesses will not be released at this time.

In FY 2008, ICE issued 503 similar notices throughout the year. In April, ICE implemented a new, comprehensive strategy to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce. Under this strategy, ICE is focusing its resources on the auditing and investigation of employers suspected of cultivating illegal workplaces by knowingly employing illegal workers. The nationwide initiative being launched today is a direct result of this new strategy.

MVA Analysis: There is no random selection in this new ICE initiative - every employer that is sent an NOI was chosen based on information provided to ICE to indicate the chosen company may be violating I-9 laws and/or other immigration laws. NOI's are often the federal government's first step in launching a federal criminal investigation into a company's I-9 and immigration compliance and should be treated very seriously. Companies that do not employ unauthorized aliens may still face civil or criminal liability for I-9 deficiencies identified in the course of an ICE audit. Our attorneys have experience in representing companies in I-9 audits and worksite enforcement actions.

ICE LAUNCHES NATIONWIDE I-9 AUDIT INITIATIVE

If you have concerns regarding your company's I-9 compliance or would like advice in developing an I-9 and immigration compliance program or implementing any of ICE's I-9 Best Practices, please call or email your MVA Immigration Team contact.