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ICE Launches Intensified Form I-9 Audit Initiative

Earlier this month, the U.S. Immigration and Customs Enforcement (ICE) launched an aggressive Form I-9 audit initiative by issuing Notices of Inspection to 652 businesses nationwide. ICE is inspecting the hiring records of these businesses to determine whether or not they are in compliance with employment eligibility verification laws and regulations. It seeks to hold employers accountable for their hiring practices and efforts to ensure a legal workforce. The initiative is focused on employers who knowingly employ illegal workers.

All employers are required to complete Form I-9 for each employee hired after November 6, 1986 to work in the United States. To complete the form, employers must review and record the individual's identity and employment authorization document(s) and determine whether the document(s) reasonably appear to be authentic and related to the individual. The newest (and only acceptable) edition of the form and an updated M-274, *Handbook for Employers, Instructions for Completing the Form I-9* are available as downloadable PDFs at www.uscis.gov.

Employers in violation of employment eligibility and verification laws could face various punishments, ranging from fines to criminal charges. Recently, as a result of an ICE Form I-9 audit, Krispy Kreme Doughnut Corporation was fined \$40,000.

We strongly urge all clients to review their hiring records to ensure compliance with employment eligibility verification laws. If you have any questions regarding the ICE audit initiative or employment eligibility verification, or would like assistance in reviewing your hiring records, please contact Joanna L. Silver at (718) 780-0198 or jsilver@cullenanddykman.com, or Hayley M. Kelch at (718) 780-0004 or hkelch@cullenanddykman.com.