

2018 Has Shown A Significant Increase in ICE Form I-9 Audits – Is Your Company Ready?

Labor & Employment Law Update

By Sara Zorich on June 18, 2018

We have seen a major increase in 2018 of Form I-9 audits from the Immigration and Customs Enforcement (ICE). First we saw 122 companies audited in California in February 2018. Next, we saw a number of companies in the Chicagoland area and throughout the Midwest receive Form I-9 audits in March 2018. Then, just weeks ago ICE made a number of arrests in the Chicagoland area.

This increase in activity is not showing any signs of slowing. In fact, we anticipate I-9 audits to increase and are aware of ICE hiring additional agents in the Chicago area to assist in the increase of Form I-9 audits.

What should a company do in light of ICE's increased audits?

First, you need to ensure that your employees responsible for the Form I-9 process understand the Form I-9 requirements. The Form I-9 has changed a number of times over the last couple of years and we are finding that those changes are not necessarily understood by employers. Make sure you are using the most recent form.

Second, you should audit your Form I-9's, either on your own, or have an attorney assist you to help identify and correct technical Form I-9 errors. A self-audit before ICE arrives can assist in reducing your liability during an ICE audit.

Third, you need to have a plan if ICE audits your Form I-9's. Your plan needs to include what to do the day ICE arrives along with what to expect from the audit process and potential ramifications on your business.