

# Comprehensive I-9 Compliance Services

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Preventive Strategies and  
Positive Solutions for the Workplace®

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**WORK.**





**Over the past several years, Immigration and Customs**

**Enforcement has intensified Form I-9 inspections,**

**sometimes prompting investigations by other**

**government agencies. In this heightened enforcement**

**era, employers should address their employee**

**verification policies and procedures to reduce the risk**

**of significant fines and business interruptions.**

**Jackson Lewis' Immigration Group helps clients**

**minimize their exposure by advising on best practices**

**in I-9 verification compliance.**

#### **DHS Focusing on Employers with Latest Worksite Enforcement Initiative**

The Department of Homeland Security (DHS) has directed Immigration and Customs Enforcement (ICE) to prioritize prosecuting employers and company officials who knowingly hire illegal workers. As a result, ICE has deployed a variety of tools to uncover noncompliance, including confidential informants, undercover agents, and thousands of Form I-9 audits affecting employers both large and small. During an I-9 audit, ICE not only reviews I-9 records for substantive and technical errors which can generate fines, but also scrutinizes the employer's hiring policies and procedures, staff training, payroll records, and the records of 1099 subcontractors in seeking other indications of possible legal violations.

In addition to dramatically increasing the number of employer I-9 audits across the country, ICE has committed additional resources toward collecting steep civil and administrative penalties, including hefty fines and the threat of debarment from all federal contracts. ICE is also making use of its ultimate deterrents against the employment of undocumented aliens—asset forfeiture and criminal prosecution of employers—with increasing frequency.

ICE has been more lenient, however, with employers who have taken steps to review and, when necessary, update their compliance programs by implementing procedures to prevent future violations. In many cases, where ICE finds technical violations but recognizes an employer's good faith compliance efforts, the agency has reduced monetary penalties. In the view of Jackson Lewis' Immigration Group, taking preventive action may be the best way for employers to reduce the chances of financial risk and public relations exposure.

In light of ICE's heightened scrutiny, employers should invest the time now to ensure that they are in compliance with the myriad of applicable immigration laws. Preventive measures include attorney-supervised audits of I-9s, correcting record errors, formalizing or updating employment eligibility verification practices and procedures, establishing ongoing I-9 training programs, and analyzing subcontractor and temporary staffing relationships.

#### **Jackson Lewis I-9 Compliance Services**

Building upon our extensive experience supporting employers in civil and criminal worksite investigations relating to employment eligibility, Jackson Lewis has developed a suite of I-9 compliance risk assessment tools to help employers understand and address any potential liabilities and be in the best possible position to withstand an ICE investigation should one occur.

### **I-9 Review Flexibility**

Jackson Lewis can conduct I-9 record reviews on site and work with the client's human resources team to identify and address problems, or we can handle the review at our offices and present our findings and recommendations to the company either live, in writing, or by virtual meeting. Our goal at all times is to work with clients to provide a level of legal support that fits the organization's needs.

### **I-9 Risk Assessment Services**

- **COMPREHENSIVE EMPLOYMENT ELIGIBILITY**

**COMPLIANCE REVIEW:** Comprehensive audits involve a review of the client's entire I-9 profile, including recruiting, hiring and employment eligibility verification policies and procedures, subject matter knowledge testing of responsible staff members, and forensic document training. We also work with clients to develop a program to ensure that everyone responsible for employment eligibility verification has the requisite tools to keep the company in compliance. Our review includes instructions on how to address identified errors, guidance on record retention "best practices," exploration of non-discrimination principles to avoid Civil Rights Act violations, and consideration of process management tools such as electronic I-9 software platforms and the government's E-Verify program.

- **SNAPSHOT REVIEW:** Jackson Lewis' Immigration attorneys can review a random sampling of a company's I-9 records and provide a brief assessment of potential violations and a penalty estimate should compliance levels overall match those identified in the sample. A significant percentage of errors may suggest the need for a more comprehensive record review.

- **ARCHIVAL I-9 REMEDIATION AND DIGITIZATION:** Employers moving to an electronic I-9 application will

create a two-tiered compliance process unless they also digitize historical paper I-9s. Our team can support an internal remediation project that results in a centralized E-Verify-ready I-9 database.

- **AUDIT TRAINING AND SUPERVISION OF INTERNAL AUDIT:** Some clients choose to conduct their own audits internally. In such cases, we can provide training on how the company can conduct its own comprehensive audit and correct I-9 records.

### **Government Audits and Investigations**

Jackson Lewis' Immigration attorneys regularly represent clients in ICE audits, providing assistance in both the review and, if necessary, negotiation process. With over 50 offices across the country, we can act quickly to assess the potential validity of any ICE findings, craft tailored responses to government allegations, prepare company personnel for ICE interviews, request all available discretionary relief and opportunities to correct issues, and negotiate a reduction of any assessed penalties.

### **Contact Jackson Lewis**

To learn more about our services, please visit us online at [jacksonlewis.com](http://jacksonlewis.com).



## About Jackson Lewis P.C.

With offices in major locations from coast to coast, Jackson Lewis provides creative and strategic solutions to employers in every aspect of workplace law. Recognized as the 2014 Law Firm of the Year in the category of Litigation – Labor & Employment, and ranked in the First Tier nationally in the categories of Employment and Labor Law on behalf of Management in *U.S. News – Best Lawyers® “Best Law Firms,”* our firm has one of the most active employment litigation practices in the U.S.

**All we do is work. Workplace law.**

