



Avoid the Costly Penalties of Incorrect Employee Paperwork

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Is Your Paperwork in Order?

Immigration and Customs Enforcement (ICE) opened a record number of worksite investigations in 2018, and there's no indication of slowing down this year. The agency focuses on criminal cases against employers and deporting employees who are in the country illegally. Employers can avoid the ugly press, legal fees and disruption of service nightmares equated to an ICE I-9 audit, by keeping proper hiring practices and paperwork procedures.

ICE doesn't send an announcement before they show up at a worksite. Whether an unexpected visit from ICE was triggered by a disgruntled employee or customer that (anonymously) reported your company or your organization has become an ICE target – there's no way to know when ICE could show up, so employers need to have paperwork in order at all times.

Check out your paperwork

Randomly select a few of your employee I-9 records to check for accuracy. There are some common mistakes that can land you in hot water if you find yourself in an actual audit situation. Top mistakes include:

- No employee signature on the document
- Failure to provide BOTH List B and List C identification documentation
- Missing employment start date
- Employers failed to complete Section 2 within 3 days of the employee's start date

You can find a complete list of common mistakes on the U.S. Citizenship & immigration Services page.

Fix the Forms and Your Process

If you find a few incorrect I-9s, that's a warning sign to review all of your I-9 forms. Protect your organization by hiring an attorney that can help you review the forms and provide guidance on how to correct them.

it is time to conduct a full audit. If you're not knowledgeable about I-9 requirements, you should consider hiring an attorney to conduct them and provide legal guidance on how to correct them. An attorney can also give you guidance for implementing the best practices that will keep your process compliant in the future. This may include

- Creation of a spreadsheet that tracks reverifications and temporary visas that will expire
- Improved form storage and security, as I-9s should be kept separate from personnel files and have limited access
- Creation of the documented processes and results from your internally conducted audit
- Secure active employee records in a separate location from previous employees
- Manage proper destruction process of forms that exceed the retention date requirements

Maintaining Files Maintains Order

Keeping your I-9 records accurate and organized will not only keep your organization out of legal trouble with the U.S. Government, but it will also protect ALL of your workforce. Whether ICE shows up with an administrative warrant or a judicial warrant to review your records, productivity will be impacted by their visit. Employees and customers who have no personal immigration concerns can be distracted and even troubled by the disruption.

With accurately maintained records, employers can not only minimize the consequences of noncompliance, but they can implement more rewarding benefits for the talented workforce that they employ. Having the knowledge that your records are in order, frees up the time and resources that go into fixing the problem.