

I-9 Audits and Employers

I-9 Audits, also known as “Forensic Audits” are requests by Immigration and Customs Enforcement, ICE, to check work authorization of your employees.

If ICE requests I-9 Forms for an Audit, contact an immigration lawyer and notify your workers and their union representative about it, including all communications from ICE.

During an I-9 audit, ICE requests employment forms, takes them to their office and checks the information against SSA, IRS, USCIS and others, and comes back to you indicating that some information does not match such databases and most likely some workers are undocumented.



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

START HERE: Read instructions carefully before completing this form. The instructions must be read in paper or electronically, during completion of this form. Employers must retain this form for 3 years after hiring or 1 year after the worker's last day of work, whichever is later.

ANTI-DISCRIMINATION: It is illegal to discriminate against a person's race, ethnicity, or national origin in the completion of this form. Employers CANNOT specify which documents an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documents presented have an expiration date may constitute discrimination.

Section 1. Employee Information and Attestation (Employer must complete and sign Section 1 of Form I-9 no later than the first day of employment, but before accepting new hire.)

Last Name (Family Name) _____ First Name (Given Name) _____ Middle Initial _____ Other Names Used (if any) _____

Address (Street Number and Name) _____ City or Town _____ State _____ ZIP Code _____

Date of Birth (mm/dd/yyyy) _____ U.S. Social Security Number _____ Employee's E-mail Address _____ Employee's Telephone Number _____

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States (See instructions)

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____

☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____
Some aliens may write "N/A" in the expiration date field. (See instructions)

Alien authorized to work must provide only one of the following document numbers to complete Form I-9: _____

QR Code - Section 1

Form I-9 is required for all new employees, and should be kept on file for 3 years after hiring or 1 year after the worker's last day of work, whichever is later.

The law gives you 3 work days to produce your I-9 Forms. Do not provide your documents early. You can also ask ICE for more time. This will give you more time to prepare, and allow affected workers more time to talk to an immigration lawyer.

You have the right to speak to your lawyer before answering questions or signing ICE documents, and, legally, workers represented by a labor union have the right to have representatives present when discussing I-9 audits.

However, the Immigration and Nationality Act contains a “safe harbor” provision, recognizing that employers are not experts on immigration documents. As long as you believe in good faith that workers presented valid documents, you should not face fines or penalties.

More about Form I-9
in the Handbook for
Employers at



Arise Chicago, 1700 W. Hubbard St., Suite 2E, Chicago, IL 60622

After an I-9 Audit



Usually ICE does not detain workers after an I-9 audit, but it might happen. This could impact your business and the morale of your workers. You can provide them with some support.

- Offer leave in case affected workers can change their immigration status, or allow them to return to their same positions with full seniority and benefits once they provide their authorization papers.
- Pay all owed wages and any accrued benefits as soon as possible when employment ends. If you have a separation policy, 401K, pension funds, etc., explain how they can use that money. Workers who can't return to work will need money to support themselves and their families, and maybe legal assistance. Consider giving extra funds to workers in this situation, such as "seniority pay" for long term workers.
- Create or contribute to an immigration legal fund.
- Let your workers know you can provide a reference to their potential future employers.
- Connect to community immigration response organizations and networks. They might have immigration attorneys, organize response teams to workplace raids or other immigration actions and provide immigration workshops.

For a full guide on What to Do if Immigration Comes to Your Workplace, check the National Immigration Law Center (NILC) in the QR code

www.arisechicago.org

