CLIENT ALERTS & INSIGHTS

Worksite Enforcement Increasing Under Trump Administration

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With President Trump's focus on immigration enforcement, employers are seeing an uptick in the workplace audits being conducted by U.S. Immigration and Customers Enforcement ("ICE"). Employers can avoid big fines by developing a comprehensive I 9 compliance program, which should include training, self audits, and an investigation-day action plan. As a reminder, employers must promptly complete a form I 9 for each person they hire or be subject to criminal and civil sanctions. Monetary penalties for knowingly hiring and employing undocumented workers range from $375 to $16,000 per violation, with repeat offenders receiving penalties at the higher end. Penalties for technical violations, which include failing to properly complete a form I 9 range from $110 to $1,100 per violation.

To reduce and avoid such fines, employers should be conducting regular self audits. Self audits help identify deficiencies in the employer's process and spot trends. Self audits also allow for corrective action and additional training. If you have not self audited your I 9's recently, you should do so as soon as possible. Self audits should be completed annually and supervised by an attorney. That way, the entire process is conceivably protected. At Benesch, we offer a fixed fee program of $20 per I 9 for review, assessment, and recommended corrections to the form. But, whether you it yourself or as recommended with the assistance of an attorney, you should undertake the self audit as soon as possible if you have not done one recently. It is often too late when ICE comes knocking at your door.

If you have any questions, please contact a member of the firm's Labor & Employment Practice Group.

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