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ICE to Audit More U.S. Employers

Immigration and Customs Enforcement (ICE) announced in June that it was issuing I-9 inspection notices to 1,000 U.S. employers. The inspections will target employers of all sizes with an emphasis on businesses deemed critical in keeping the United States' food, energy and infrastructure safe. The sectors singled out for enforcement include food and agriculture, financial services, drinking water and water treatment, postal and shipping, commercial nuclear reactors, and healthcare and transportation.

Hiring Records Under Review

During its audits, ICE inspectors review hiring records to determine whether the businesses have violated U.S. employment laws by hiring undocumented workers. The ICE inspectors will also issue Notices of Intent to Fine for any technical and substantive violations found on the I-9 forms of the employers.

Federal authorities are becoming even more aggressive with I-9 audits in 2011. ICE has reported that last fiscal year it conducted 2,740 audits and recorded \$7 million in fines with businesses that employed illegal workers, compared to about \$1 million levied in 2009 and the \$700,000 levied in 2008.

Focus on Employer Compliance; Higher Fines

This recent announcement is the second wave of I-9 Audits this year. In February, ICE issued the first wave of 1,000 inspection notices as part of the Obama Administration's ongoing commitment to worksite enforcement strategy which focuses on employer compliance and much higher fines. The government's policy has shifted from targeting employees to targeting employers as workplace raids have been largely replaced with I-9 audits.

More additional rounds of I-9 audits are expected this year. Those companies who have not yet received a Notice of Inspection should take this time to ensure they are in compliance. ICE Audits give little advance notice, so implementing best practices now is highly recommended. Employers should regularly conduct I-9 self-audits, retain outside counsel to review their I-9 forms and make sure the individuals in the company who complete the I-9 process are properly trained. The attorneys at Hahn Loeser & Parks LLP are available to assist you with your immigration and related issues. Visit hahnlaw.com or call 216-621-0150 for more details.

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