

LEGAL ALERT

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RECENT, QUIET IMPLEMENTATION OF NEW I-9 COMPLIANCE STANDARDS: US EMPLOYERS SHOULD PRIORITIZE PREPAREDNESS

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In March of 2026, U.S. Immigration and Customs Enforcement (ICE) updated its I-9 Inspection Fact Sheet reclassifying certain “technical” and correctable errors as “substantive” violations - significantly increasing the risk of immediate and substantial penalties in the event of an ICE I-9 Audit or Raid. Prior to updating the I-9 Inspection Fact Sheet, ICE began accessing other federal agencies’ data to identify discrepancies. US employers should take proactive steps to ensure ongoing compliance and mitigate dire consequences that extend beyond monetary fines. The most affected industries are those which rely on a large labor force such as construction, manufacturing, food production, hospitality, as well as those with a history of employing H-1B visas holders.

RECENT NATIONWIDE ACTIONS

3/16/2026: ICE updated its Form I-9 inspection fact sheet: 1/ switching technical errors (missing dob, signatures etc.) to the substantive error classification; US employers will not be able to correct the error during an ICE audit or raid; Fines are substantial and arrests can be instantaneous.

3/11/2026: ICE requested access to the largest workforce data: The Federal Parent Location Service; Although currently under Federal Court review, in 2025 DOGE appointees briefly accessed the data and retrieved substantial information to identify discrepancies.

4/7/2025: IRS and ICE signed a Memorandum of Understanding (MOU) allowing ICE to access IRS data. Although legally contested, substantial data was shared and courts have issued conflicting rulings across various jurisdictions, some blocking it, some allowing it. Litigation over data sharing is still pending.

RECENT OHIO ACTIONS

3/19/2026: Ohio E-Verify Workforce Integrity Act takes effect: All nonresidential construction contractors, subcontractors and labor brokers are required to E-Verify for new hires; Up to \$25K per violation and permanent license revocation for knowingly employing unauthorized workers.

Hahn Loeser will continue to monitor the effects of ICE activity and how businesses can remain prepared for an audit. For more information or guidance, visit the firm's [Immigration Law Practice](#).

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