



Workforce
Solutions

The ICE Storm is Coming

How to Weather a Potential I-9 Enforcement Surge

February 27, 2025



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Questions?

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Recording

This webinar is being recorded. You will receive an email with a link to view the recording in the coming days.



To Keep Our Lawyers Happy



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Today's Presenters



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Agenda



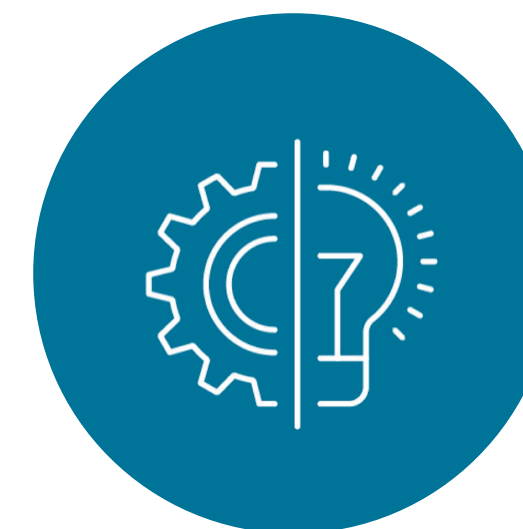
ICE Preparation

- Planning for potential I-9 inspections and worksite enforcement actions
- Conducting internal I-9 assessments



I-9 Policy Updates

- Reviewing changes to TPS and humanitarian parole
- Implementing proactive strategies



Questions and Answers

- Responding to pre-submitted questions
- Live Q&A

But wait, there's more....

- Polling questions
- How Equifax can help



ICE Encounters

Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI)

Form I-9 Inspection

Employer receives a Notice of Inspection (NOI) demanding production of I-9s, related documentation, and business information



Worksite Enforcement Action

Unannounced visit from ICE special agents and other agency personnel entering the workplace to possibly detain unauthorized workers

See ICE website for more information on worksite enforcement:
<https://www.ice.gov/features/worksite-enforcement>



Form I-9 Inspection

The Process

HSI (ICE) serves the employer with a Notice of Inspection (NOI) and provides at least **three business days** to produce the Forms I-9

The Scope

The NOI may will specify the scope of the investigation (e.g., I-9s for all current employees, employees hired within a given time period, or all employees within the retention obligation)

As part of the NOI, ICE will request you produce other documents



- Copy of payroll
- List of all active and terminated employees
- Articles of Incorporation
- Business licenses
- E-Verify information
- Electronic I-9 software vendor information



Responding to a Notice of Inspection

Best Practices

- Employer has three business days to produce the I-9s - don't give up your 3 days!
- Timeline for production of other documents may be negotiable
- Do not inadvertently expand the audit request
- Ensure chain of custody including copies
- Get counsel involved as soon as possible



Form I-9 Inspection (Electronic I-9 Considerations)



- Identify all current I-9 storage systems in use, including whether any contain scanned paper I-9s
- Prepare to provide ICE with requested information relating to audit trails, electronic signature data, indexing, data security, and system controls
- Define your electronic I-9 and document receipt and delivery processes
- Confirm readiness to conduct a live demonstration of the creation and maintenance of electronic I-9s for ICE (if requested)

See Chapter 10.1 in the M-274 Handbook for more information on electronic I-9 requirements:

<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>



Notification Considerations

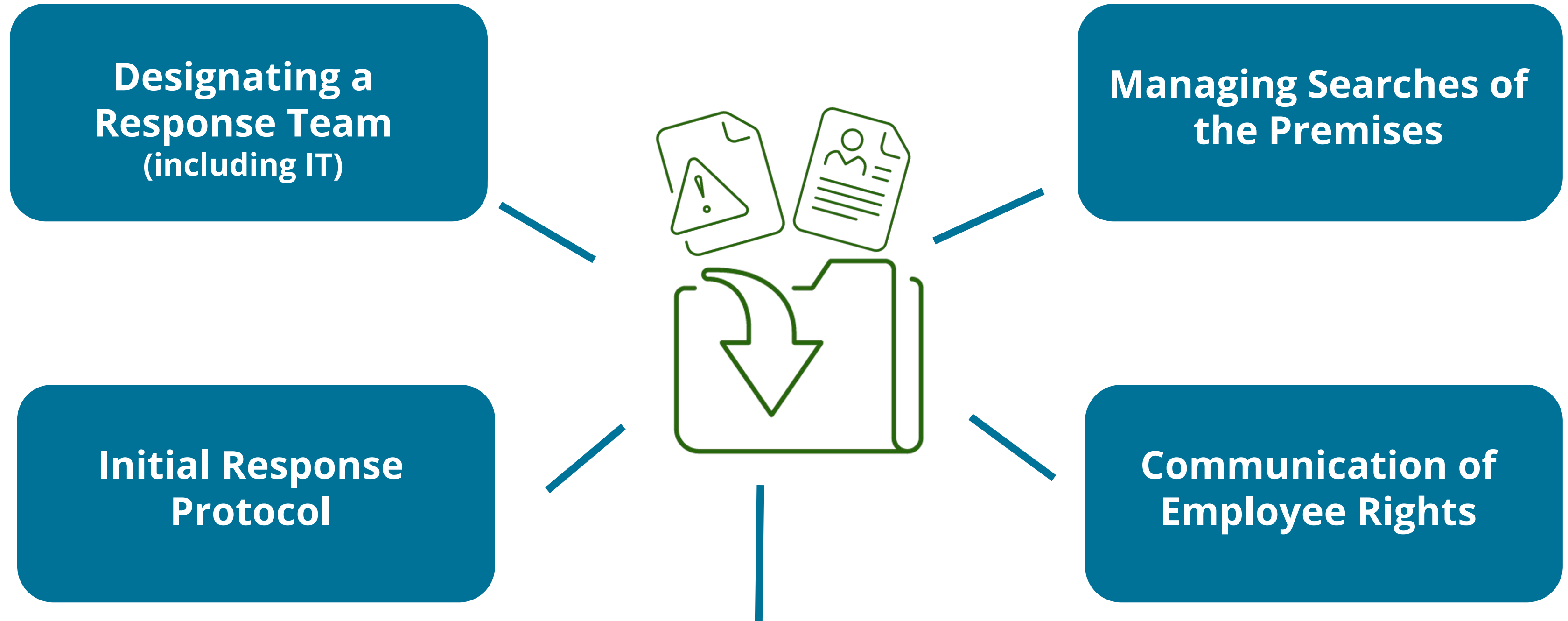
- Investigate whether state law requires notification to employees of an I-9 inspection (e.g., California, Illinois, Oregon, etc.)
- Unions and Collective Bargaining Agreements may require negotiation during an internal I-9 audit or ICE I-9 inspection

See the following for more information:

1. [California I-9 Notice Template](#)
2. [Oregon I-9 Notice Requirement](#)
3. [Illinois I-9 Inspection Notice Template](#)

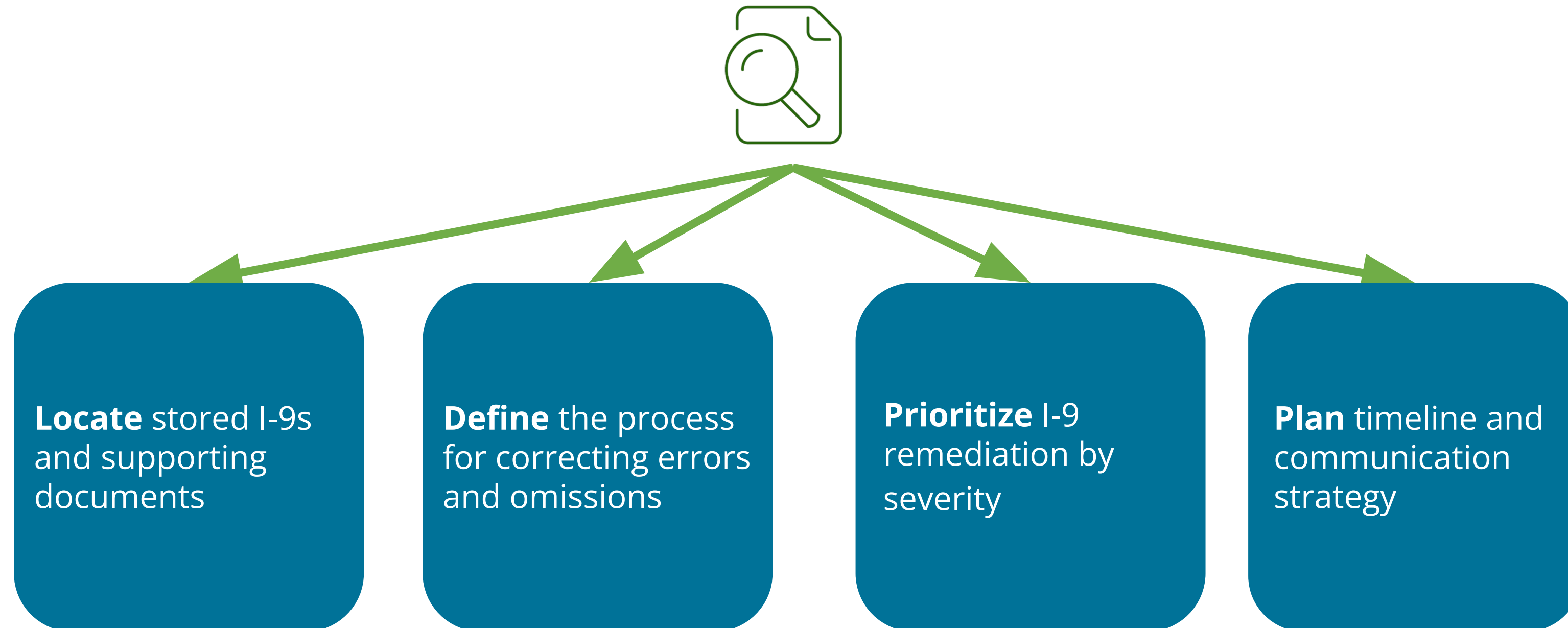
Worksite Enforcement Action Plan

Ideally, to be prepared in coordination with your counsel



How to Help Minimize Risk

Internal I-9 Assessment



See DOJ/ICE Joint Guidance on Internal Audits for more information: <https://www.justice.gov/crt/file/798276/dl>



Responding to Recent Policy Changes

Recent Changes to Humanitarian Parole and TPS

Potentially impacting employees working pursuant to these programs



Humanitarian Parole

As of Jan. 28, 2025, the Department of Homeland Security (DHS) has ended the “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans” (CHNV) program¹ and has paused the Uniting for Ukraine program²

Temporary Protected Status (TPS)

- **Venezuela:** DHS has terminated Venezuela’s 2023 TPS designation, effective April 2025; this termination does not affect individuals granted TPS under Venezuela’s 2021 designation, which remains valid until Sept. 10, 2025³
- **Haiti:** DHS has reduced the designation period from 18 months to 12 months; as a result, the Haiti TPS designation will now expire on August 3, 2025, instead of February 3, 2026.

Sources: 1 [Executive Order 14165](#); 2. [USCIS alert](#); 3. [Federal Register Notice](#)



Work Authorization for Venezuelan TPS

Look for category code of A12 or C19



Review the expiration date

A qualifying Venezuelan TPS employee may present:

- An **unexpired EAD** with Card Expires date of **April 2, 2025** under the 2023 TPS designation which has been terminated.
- An **unexpired EAD** with Card Expires date of **Sept. 10, 2025** under the 2021 TPS designation.
- An **expired EAD** with Card Expires date of **March 10, 2024** or **Sept. 9, 2022** issued under the 2021 TPS designation. These were automatically extended through **March 10, 2025**.

Sources:

1. [Termination of 2023 Venezuelan TPS \(I-9 Central\)](#)
2. [TPS for Venezuela](#) (USCIS site)
3. [Automatic Extensions for TPS \(M-274\)](#)



Completing I-9s for Haiti TPS

- USCIS indicated they will NOT provide updated EADs with the amended **Aug. 3, 2025** expiration date to individuals who previously received EADs with the **Feb. 3, 2026** expiration date
- **New hires:** if a TPS Haiti beneficiary presents an EAD with a Category Code of A12 or C19 and any of the following Card Expires dates, the employer should enter **Aug. 3, 2025** on the Form I-9 as the expiration date:
 - Feb. 3, 2026
 - Aug. 3, 2024
 - June 30, 2024
 - Feb. 3, 2023
 - Dec. 31, 2022
 - Oct. 4, 2021
 - Jan. 4, 2021
 - Jan. 2, 2020
 - July 22, 2019
 - Jan. 22, 2018
 - July 22, 2017
- **Existing hires:** Employers are instructed to correct previously completed I-9s for each employee that presented an EAD with a **Feb. 3, 2026** expiration date to include the amended expiration date of **Aug. 3, 2025**

Source: [USCIS I-9 Central News Post \(Feb. 24, 2025\)](#)



Proactive I-9 Management

1. Know your population

Review EAD category codes on document copies (if retained) or if separately recorded

Example Codes

(full list is available on [USCIS website](#))

EAD Category	Description
A12 or C19	TPS
C11	Humanitarian Parole
C33	DACA

2. Stay on top of reverifications

- Keep close watch of upcoming reverification deadlines
- Remember that employees should always be provided the opportunity to present any document that demonstrates continuing work authorization
- Work with immigration counsel when questions arise



How Equifax can help



EQUIFAX

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So you got a Notice of Inspection (NOI)... Now what?



Audit assistance at the ready. We can help you:

By providing information to assist you in pulling your identified forms, audit trails, and E-Verify details (if applicable) to help you meet the typical 72 hour timeframe.

By giving you information on the I-9 platform.

By providing you with our Electronic Storage Policy document.

The information provided is intended as general guidance and is not intended to convey any tax, benefits, or legal advice. For information pertaining to your company and its specific facts and needs, please consult your own tax advisor or legal counsel.



Help to Gain Greater Confidence in Your Forms I-9

I-9 Inspect helps you review your Forms I-9 that have been digitally converted to help you detect and prioritize potential issues while simplifying the process of making your corrections and helping you reduce your organization's risk.

I-9 Inspect helps identify possible errors and helps you remediate your information with guided prompts and notifications

Changes are tracked with a detailed audit trail, resulting in form storage in your locations that helps you become more audit-ready



Only 72 hours to prepare

What to do when you get a Notice of Inspection (NOI)

Without a plan in place...

You might have to:

- Pull documents in multiple storage and office locations
- Deal with mislabeled files
- Search for missing forms
- Organize electronic and paper forms
- All within a short time frame!



With I-9 Inspect[®]

Responding is quicker and easier:

- Search, view and print tools
- Structured storage to help facilitate audits and administration at both corporate and location levels
- Detailed audit trails of new I-9s and changes to I-9s created in the system

REMEMBER: You are responsible for all I-9s in your possession, even if past retention requirements. Any errors on any I-9s could result in fines.



I-9 Anywhere Employer Features

I-9 Anywhere helps you:



Simplify workflows

Engage local and/or virtual completers

More safely capture documents

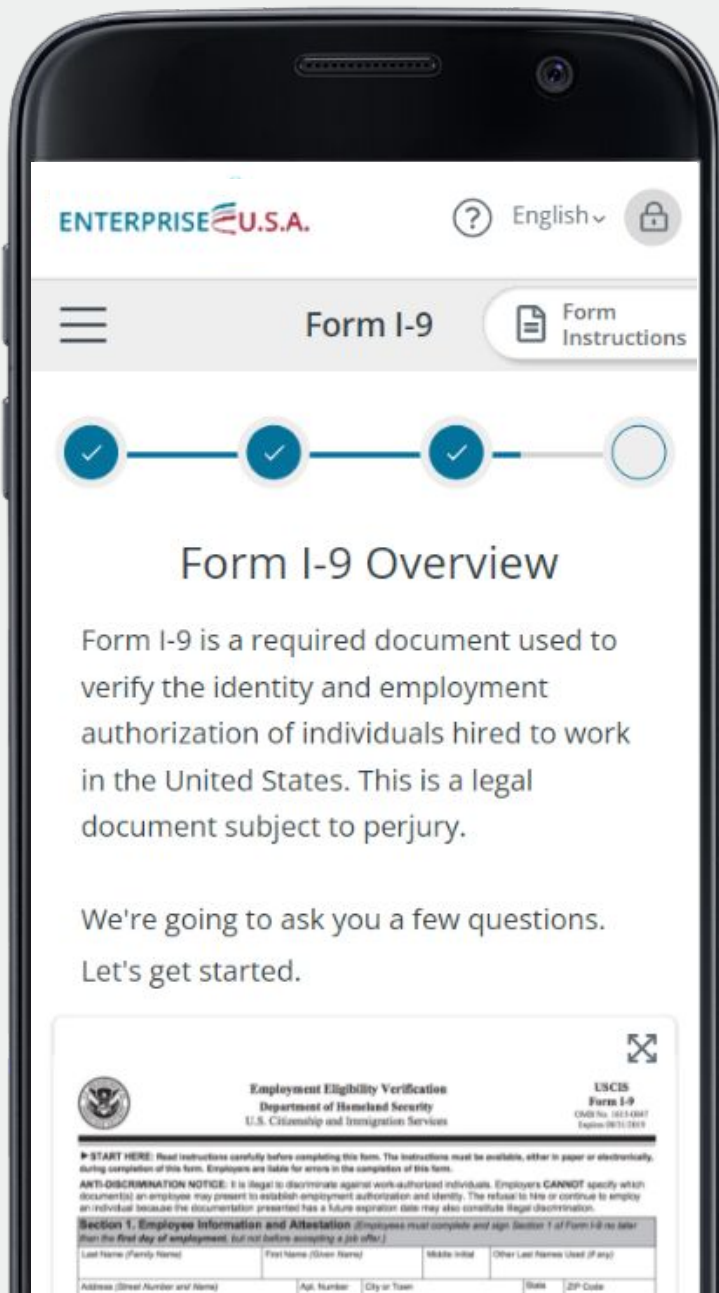
Standardize the Form I-9 completion process



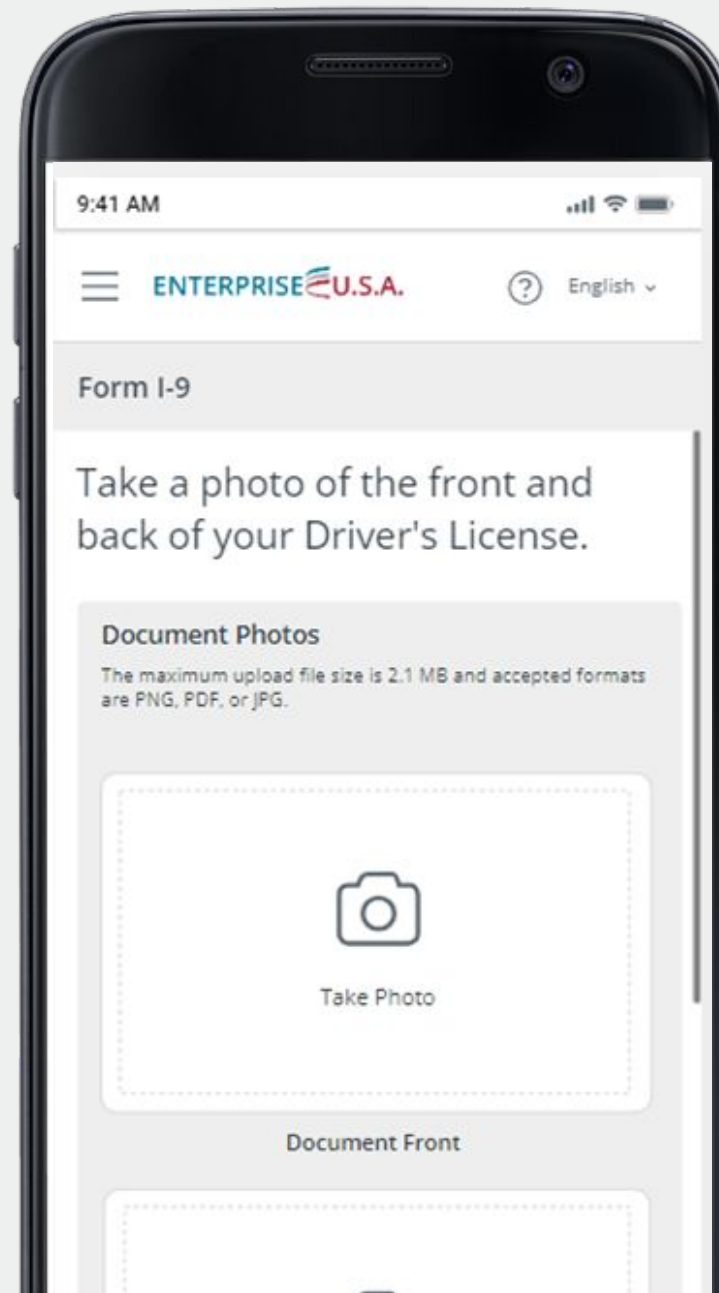
How It Works For Your Employees

Virtual I-9 completion with I-9 Anywhere is as easy as 1,2,3...

1 Complete Section 1 from any device



2 Easily upload verification documents



3 Join video call with virtual completer



Q & A

**Have a
question?**
Enter it in the
chat now!

Next Steps



1 SURVEY

Complete the survey through the webinar console.



2 CONTACT

Want to talk to someone about your onboarding, active employment, or offboarding processes? Click on the **“Want to Get In Touch”** button on your webinar console or contact us at:

workforce.equifax.com/contact



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Activity ID:
25-G4AAA

