



Palooza! — 2024 — 1-9

Proactive Strategies For
Being More Audit Ready
(Or For Trying to Avoid One)

EQUIFAX[®]

Workforce
Solutions

Thanks for Joining I-9 Palooza!



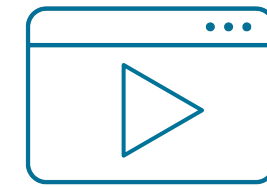
Welcome!

Thank you for joining our webinar. Stay tuned for more from Equifax Workforce Solutions!



Questions?





Please enter your questions in the chat box on your screen at any point during the presentation.



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

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Your Form I-9 Subject Matter Experts Today



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Agenda

Form I-9 Inspections

E-Verify Desk Reviews

- What to expect
- How to respond
- How to prepare

But wait, there's more....

- Live Q&A
- Polling questions

Poll #1

What is the most challenging aspect of I-9 and E-Verify at your organization?
(Please make it multi-select)

Completing Sections 1 and 2 on time

Ensuring accuracy of the forms

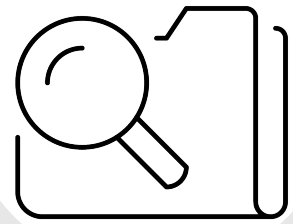
Determining if a document can be accepted for I-9 purposes

Dealing with remote hires

Managing E-Verify responses and deadlines

Audit Landscape

I-9 and E-Verify Enforcement



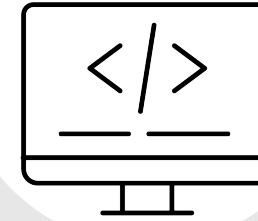
HSI (ICE) Form I-9 Inspection

Review of I-9s and related documents for errors or omissions



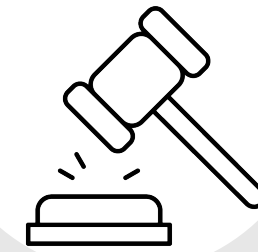
IER (DOJ) Investigation

Alleged discriminatory policies, practices, or processes



E-Verify (USCIS) Desk Review/Site Visit

Review of E-Verify cases and process



State (E-Verify) Audits

Investigations pursuant to state law

More information:

1. Form I-9 Inspection: <https://www.ice.gov/factsheets/i9-inspection>
2. E-Verify Desk Audits: <https://www.e-verify.gov/employers/account-compliance>
3. IER Enforcement: <https://www.justice.gov/crt/overview-immigrant-and-employee-rights-section>
4. State Audits: <https://workforce.equifax.com/e-verify-state-requirements>

Form I-9 Inspection

How are employers chosen?

- Tips and leads
- Joint investigations (in cooperation with other agencies)
- Targeted directives

INDUSTRIES MOST IMPACTED:

- Retail
- Restaurant
- Healthcare
- Critical Infrastructure
- Manufacturing
- Construction
- Staffing



RISK FACTORS

- High volumes of hiring
- High turnover
- History of past violations



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

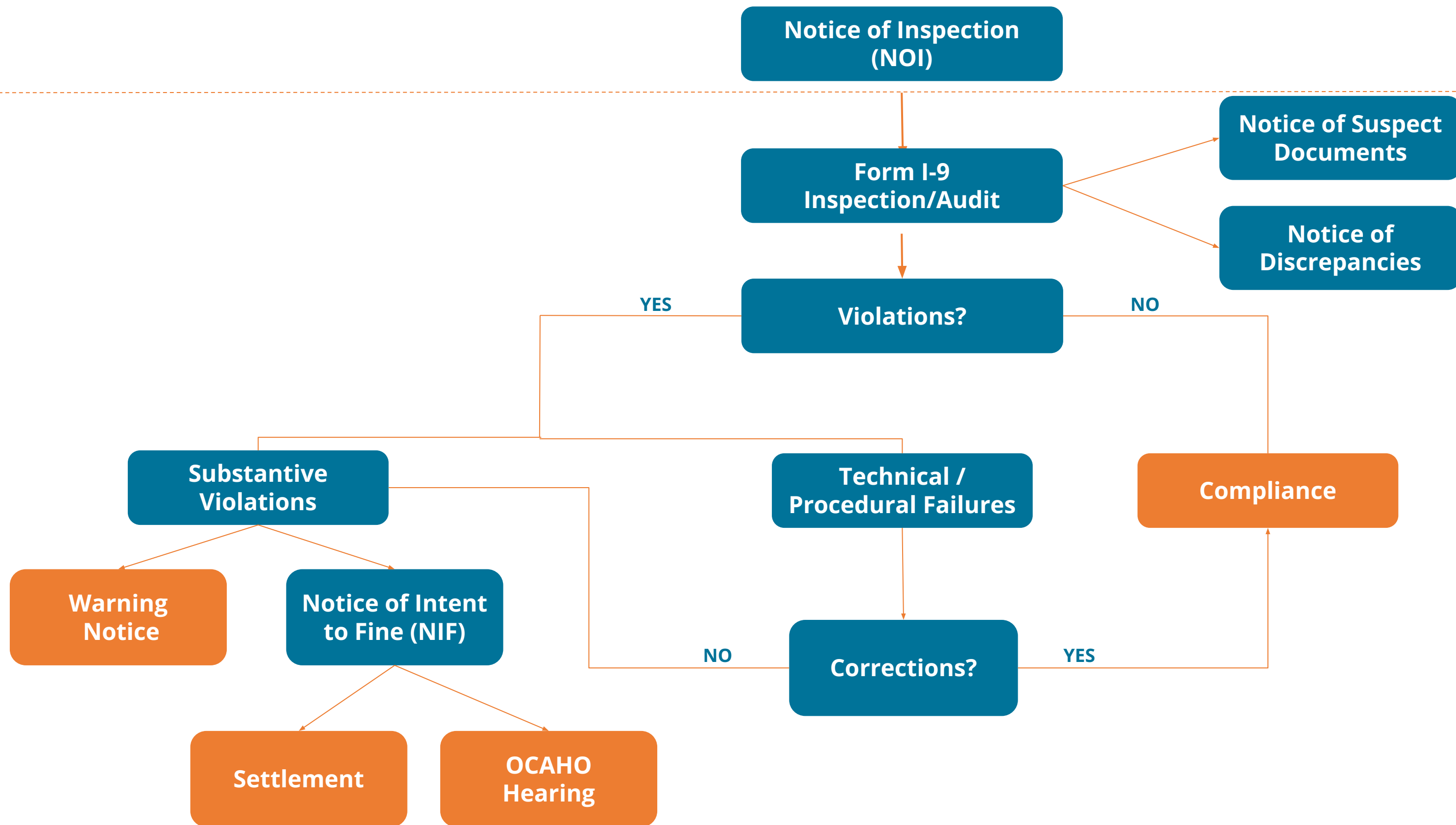
Notification Considerations

- Investigate whether state law requires notification to employees of an I-9 inspection (e.g., California, 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 Requirement](#)
2. [Oregon I-9 Notice Requirement](#)

Form I-9 Inspection Process Overview



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)



- ICE will request audit trails, electronic signature data, indexing, data security, and controls to ensure integrity, accuracy, and reliability of the electronic generation storage system
- When changing providers, employers must ensure all I-9 data from the prior system is converted or otherwise retained
- Employers should also consider importing E-Verify data to the extent available

Potential Consequences

Agency Enforcement

Civil Penalties

Hiring Violations
\$698 - \$27,894

I-9 Violations
\$281 - \$2,789

Debarment

Federal
Contracts
1 - 3 years

Per Executive
Order 2.13.1996

Criminal Prosecution

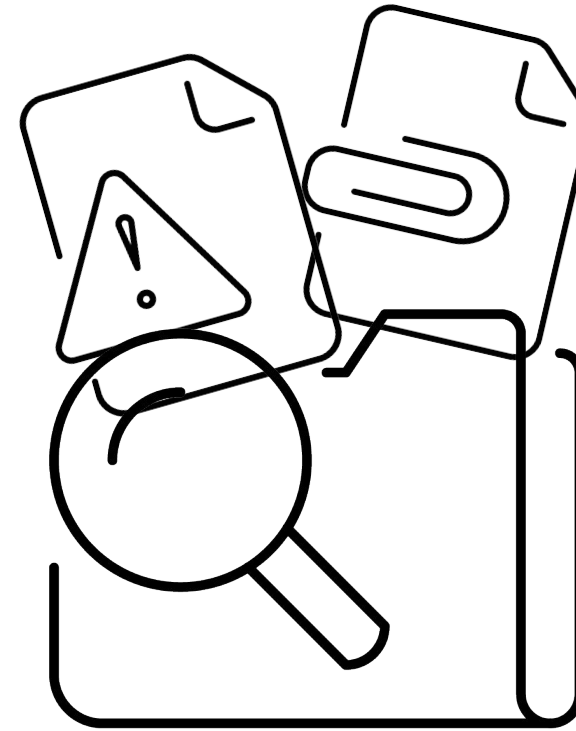
Felony and
Misdemeanor

Imprisonment,
Fines &
Forfeiture

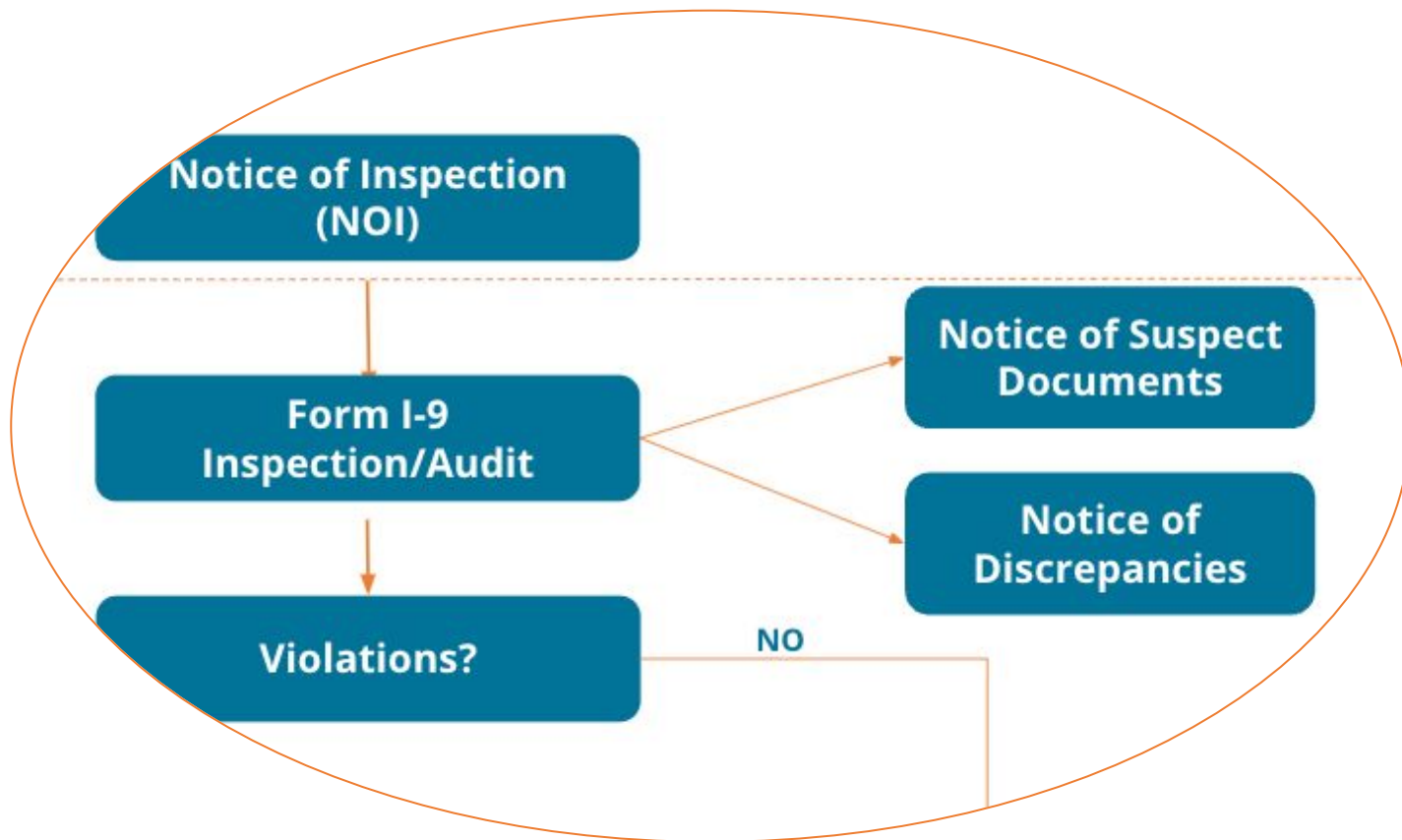
DOJ (IER) Enforcement

Unfair
Documentary
Practices

Citizenship
Status
Discrimination



Potential Business Consequences



- Disruption to operations (especially when a significant number of unauthorized workers are found)
- Financial repercussions (publicly traded companies may also have reporting obligations)
- Negative publicity and brand reputation

E-Verify Desk Reviews

Poll #2

Are you familiar with E-Verify account compliance?

- ☐ Yes, we've received compliance notifications via email
- ☐ Yes, we've received phone calls from E-Verify
- ☐ Yes, we've participated in an E-Verify desk review or site visit
- ☐ No, we have not interacted with E-Verify account compliance

What is an E-Verify Desk Review?

- Employers selected for a desk review provide E-Verify compliance staff with E-Verify documents, such as Tentative Nonconfirmation (mismatch) notices, referral letters, and employment verification procedures and process documents
- Compliance staff will assist E-Verify participants to correct any problems and provide an enhanced level of user assistance



Failure to cooperate with a desk review is a violation of the E-Verify MOU and may lead to further compliance action, up to and including termination

Source: e-verify.gov

²⁰²⁴
I-9
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E-Verify Account Compliance Activity

E-Verify Actual and Projected Workload for FY 2023- FY 2025			
	FY 2023 Actuals	FY 2024 Projection	FY 2025 Projection
Compliance Actions ¹	357,625	392,725	434,295
External Activity ²	849	810	960

1. Compliance actions include emails, compliance calls, desk reviews, site visits, and case reviews
2. External activity includes referrals to ICE (fraud), referrals to IER (discrimination), law enforcement requests, and referrals from DOJ

Source: [DHS Budget Request FY2025](#)

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I-9
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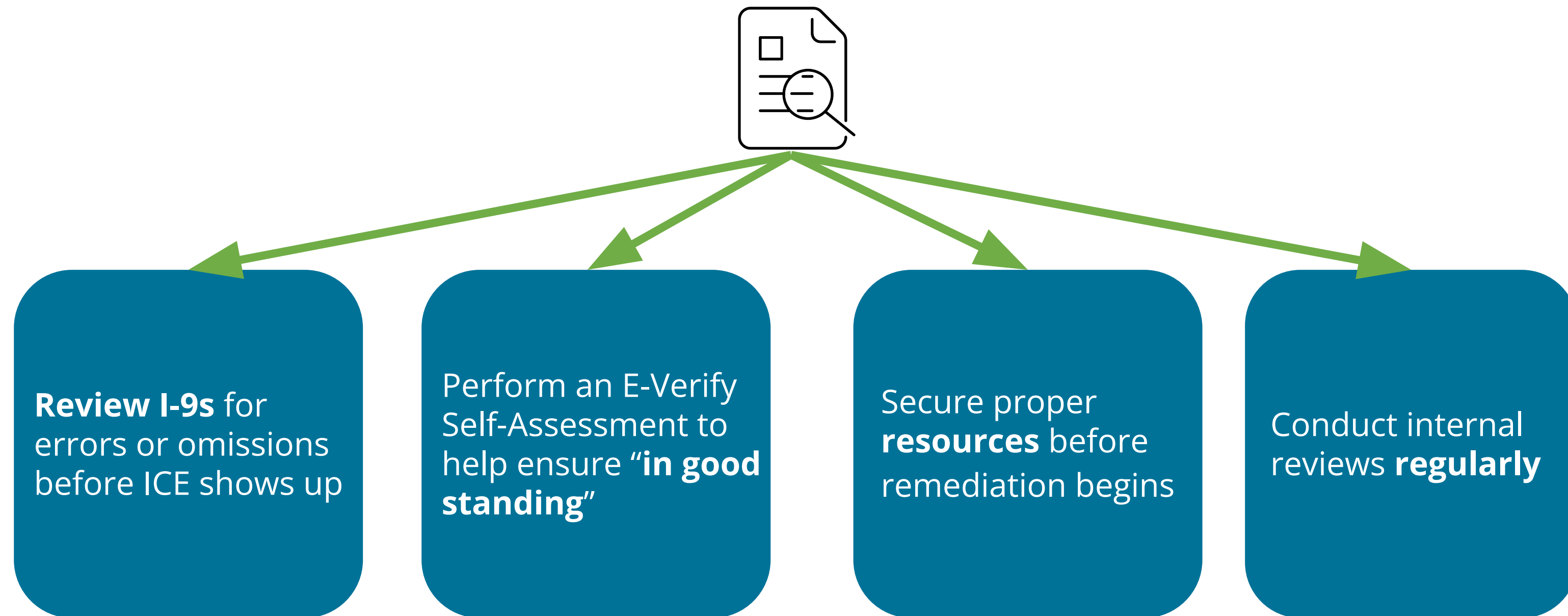
Responding to an E-Verify Desk Review



- E-Verify Account Compliance will typically send a Request for Documents which lists specific E-Verify cases (by case number) that have been selected for review
- Employers will be asked to provide I-9s, copies of Section 2 documents, TNC Notices, and E-Verify Case Details (if the verification number is not recorded on the I-9)
- Additional hiring documentation will also be requested
- Employer may also be asked to complete the E-Verify Self Assessment Guide

How to Prepare

Internal I-9 and E-Verify Compliance Review



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

Self Audit Blunders



- Throwing away all I-9s that are older than 3 years
- Redoing all the I-9 forms and throwing away the originals
- Separating copies of documents from Forms I-9 and throwing them away
- Not comparing information in Section 1 against documents recorded in Section 2
- Making changes without initialing and dating
- Inserting backdated information to make I-9s appear timely

Q&A

Next Steps



1 SURVEY

Complete the survey through the webinar console



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2 CONTACT

Want to talk to someone about your Form I-9 processes? Click on the “Want to Get In Touch” button on your webinar console or contact us at:

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