



WORKSITE ENFORCEMENT

The Immigration and Customs Enforcement (ICE) division of Department of Homeland Security focuses on worksite enforcement through worksite audits, resulting in civil penalties and criminal charges against employers and their employees.

ICE has identified Form I-9 audits as the most important administrative tool in building criminal cases and bringing employers into compliance with the law. Form I-9 audits may result in civil penalties and lay the groundwork for criminal prosecution of employers who knowingly violate the law.

With constant changes to the I-9 and increased worksite enforcement actions, completing and maintaining the Form I-9, once viewed as a simple HR function, has become more complicated and riddled with significant liability. Employers are well advised to conduct internal Form I-9 audits, organize Form I-9 trainings for human resource professionals charged with this critical internal function, and devise a corporate compliance program to reduce liability in the event of an audit and critical first steps for employers to follow when government agents arrive at the workplace.

We have compiled some useful resources for employers that are easily located on the internet:

The Government Form M-274

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

This handbook for employers in completing the Form I-9 has photos of some of the common forms of documentation presented by employees during Form I-9 completion. Remember: don't overly critique documents that appear genuine, but the employer does have an obligation to recognize the commonly presented forms of identity and work authorization documents.

The E-Verify Handbook

<https://www.e-verify.gov/book/export/html/3625>

E-verify is now common-place among many employers, including federal contractors, those employing students requiring additional work authorization, and employers otherwise required by law. This handbook answers common questions regarding E-Verify for employers.



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Form I-9

<https://www.uscis.gov/sites/default/files/document/forms/i-9-paper-version.pdf>

The Form I-9 is constantly updated. Please ensure your company is using the most recent version of the form, as ICE will consider usage of an outdated form an I-9 violation.

Social Security Number Verification Service-

<https://www.ssa.gov/employer/ssnv.htm>

Each year, employers file a Wage and Tax Statement (Form W-2) with the Social Security Administration and the Internal Revenue Service (IRS) to report how much they paid their employees and how much they deducted in taxes from employees' wages throughout the year.[2] SSA sends a no-match letter when the names or Social Security numbers (SSNs) listed on an employer's Form W 2 do not match SSA's records. The no-match letter may list one or more workers whose personal information does not match SSA's records. Use of the social security number verification service will reduce the occurrence of these no-match letters. Use of this service enables employers to check multiple social security numbers for their employees.

The Law Office of Melissa Harms is pleased to offer internal I-9 audits for its clients. Additionally, we conduct on-site I-9 trainings for your employees. Please contact us at info@harms-law if you are interested in scheduling a training or audit at your company.

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