

I-9 Compliance More Important Than Ever!

If you are a small business owner, it's time to get your I-9 compliance in order. The government is cracking down on illegal aliens employed in the U.S. And they are cracking down hard on the businesses that keep them employed.

A recent investigation by the Immigration and Customs Enforcement (ICE) office lead to the arrest and conviction of a restaurant owner in Kentucky (<http://www.ice.gov/pi/nr/0901/090107louisville.htm>). The owner was sentenced to 8 months in prison for knowingly employing illegal aliens.

A plant manager in Postville, Iowa has been charged with conspiracy to harbor illegal aliens in a recent, widely publicized ICE raid at a meat packing plant. In addition to criminal charges, the plant manager is facing \$10 million in fines (<http://www.ice.gov/pi/nr/0901/090107louisville.htm>).

Closer to home, in March 2008, an ICE raid at CMC Concrete in Manassas resulted in the arrest of 34 illegal workers, although no employers were charged in that raid (<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/24/AR2008032402649.html>).

These 3 examples present very good reasons why employers need to be diligent about having employees fill out the Form I-9, Employment Eligibility Verification. The law requires that all employees complete Form I-9 within 3 days of hire. Employers must certify that they have carefully examined documents to show that their employees are legally authorized to work in this country. In some states, employers must also submit workers social security numbers to a federal database (known as E-Verify) for confirmation that each employee is authorized to work. Although E-Verify is mandatory in some states, and for federal contractors, employers can also voluntarily participate in the program. While this system offers no protection for a participating employer from ICE raids, the government does take voluntary participation as a sign of good faith on the employer's part.

So what can you do as a small business owner to ensure that ICE will not come knocking on your door? Conduct an audit. Businesses should periodically conduct internal audits to verify that all I-9 forms are completed properly. In addition to crossing all Ts and dotting all Is, an audit should look for missing signatures, forms that list expiration dates of work authorization, and confirmation that each employee has properly completed the I-9 form.

After an audit is complete, create a system for tracking and maintaining I-9 forms. This should include making and storing copies of documents verified during the I-9 process and creating a tickler system for those I-9 forms that need to be reverified upon expiration of work authorization.

And the most important thing that you can do to avoid an ICE raid – show good faith. If you know that you are hiring illegal workers, you know that you are breaking the law. Expect to be penalized if you are caught. Expect fines. Expect jail time. Expect a big legal hassle.