

BEWARE STRANGERS (FROM ICE) BEARING GIFTS FOR THE THANKSGIVING HOLIDAY.

U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton today announced the issuance of Notices of Inspection (NOIs) to 1,000 employers across the country associated with critical infrastructure—alerting business owners that ICE will audit their hiring records to determine compliance with employment eligibility verification laws.

“ICE is focused on finding and penalizing employers who believe they can unfairly get ahead by cultivating illegal workplaces,” said Assistant Secretary Morton. “We are increasing criminal and civil enforcement of immigration-related employment laws and imposing smart, tough employer sanctions to even the playing field for employers who play by the rules.”

The 1,000 businesses served with audit notices this week were selected for inspection as a result of investigative leads and intelligence and because of the business’ connection to public safety and national security—for example, privately owned critical infrastructure and key resources. The names and locations of the businesses will not be released at this time due to the ongoing, law enforcement sensitive nature of these audits.

Audits involve a comprehensive review of Form I-9s, which employers are required to complete and retain for each individual hired in the United States. I-9 forms require employers to review and record each individual’s identity and work eligibility document(s) and determine whether the document(s) reasonably appear to be genuine and related to that specific individual.

Protecting employment opportunities for the nation’s lawful workforce and targeting employers who knowingly employ an illegal workforce are major ICE priorities, for which ICE employs all available civil and administrative tools, including audits. Audits may result in civil penalties and lay the groundwork for criminal prosecution of employers who knowingly violate the law.

In April, DHS issued updated worksite enforcement guidance emphasizing ICE’s major enforcement priorities—specifically focusing on dangerous criminal aliens and employers who cultivate illegal workplaces by breaking the country’s laws and knowingly hiring illegal workers. In this strategy, ICE identified form I-9 audits as the most important administrative tool in building criminal cases and bringing employers into compliance with the law.

Should anyone receive an inspection notice, it is imperative that you contact an immigration attorney immediately to verify compliance. We believe that ICE has picked this week specifically because many people will be away on vacation and they will take company’s by surprise. BE PREPARED, BE READY, AND BE VIGILANT. THE ICE MEN COMETH!