



## I-9 Compliance

July 18, 2011

Dear Client:

Recently, the Immigration and Customs Enforcement (ICE), the Federal Agency in charge of enforcing immigration laws, issued (1,000) additional worksite investigations. The targeted industries included: food manufacturing, fast food, restaurants and agriculture. In Fiscal Year 2010, ICE collected more than \$6.9 billion in civil fines resulting from worksite investigations. Criminal fines, restitution and forfeitures totaled more than \$36 billion.

Companies should assess the current state of I-9 documents to ensure compliance and minimize exposure to audits.

### Best Practices Recommendations

Using our knowledge, experience and insight in workplace regulations, SCI recommends the following HR *Best Practices* to our Clients:

1. Conduct a voluntary audit of I-9 forms currently on file – By reviewing I-9s for errors, corrections can be made legally. The audit can point out common errors so that training can be implemented to correct these issues.
2. Prepare an I-9 Process – Develop a written policy and process to maintain I-9 compliance. Clients have access to SCI resources, as well as the [USCIS I-9 Employer Handbook](#); this handbook provides great resources including:
  - a. What is the appropriate action to take when an employee fails to present documentation in a timely manner
  - b. What to do when the Company is notified of a Social Security mismatch
  - c. When re-verification is not available because an employee has expired work authorization documents.
3. Appoint a Final Reviewer – Assign one person to view I-9 documents before they are processed. If there is an error, the person who signed off on Section 2 of the form, must correct the mistakes or provide any missing information or documentation.
4. Make note of common errors – According to ICE, the most common errors found during an I-9 audit are:
  - a. No Form I-9 completed for an employee;
  - b. Employee citizenship or employment eligibility attestation is not completed in Section 1 of the form;
  - c. Employee's signature is missing in Section 1 of the form;
  - d. Employer or its authorized representative has failed to complete Section 2 of the form verifying employment and identity documents; and
  - e. Employer's signature is missing in Section 2 of the form.

Establishing verification procedures could be viewed as a good faith effort of compliance. Any Company who is not complying with the I-9 verification procedures should take immediate steps to ensure full compliance. The rise in ICE investigations and the financial impact of fines and penalties associated with inaccurate or incomplete I-9 forms should compel Companies to verify compliance with I-9 verification requirements.

All content in this notice is based on current information and supersedes previous communications regarding this topic. If you have any questions or concerns, please contact your assigned SCI Professional.

Sincerely,  
SCI Companies

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