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BLOGS

Archives;Immigration

Another Day, Another 500 Audit Notices from ICE

Here at the Modern Workplace, we encourage employers to adopt the Scout Motto when it comes to immigration paperwork: Be Prepared. Immigration enforcement through silent raids, or workplace audits of Forms I-9 and other documents, continues apace and doesn't look like its going to slow down anytime soon. Just last week, U.S. Immigration and Customs Enforcement (ICE) informally confirmed that it has issued audit notices to another 500 employers.

ICE has issued thousands of Notices of Inspection since 2009. The Notices often request not only I-9 documentation, but also payroll records, copies of immigration filings, copies of Social Security Administration communications requesting corrections, information on independent contractors, and other documents. Generally, an employer must produce the requested information within three business days of receiving the Notice. Moreover, paperwork errors can be extremely costly to both employers and employees. Abercrombie and Fitch paid over \$1 million in fines to ICE after an audit uncovered numerous technology-related deficiencies in the Company's I-9 verification system. Chipotle laid off hundreds of workers from Minnesota restaurants after an ICE audit identified problems with worker documents, bringing on union protests and, as of last month, an SEC probe. The SEC is seeking information regarding [Chipotles] compliance with employee work authorization requirements, [their] related public statements and other disclosures, and related information, according to a company filing.

As we reminded employers back in November, it is more important than ever for businesses to have an effective immigration compliance plan, which includes, at a minimum, a written I-9 policy, an audit response plan, and procedures for responding to information that may constitute constructive knowledge that a worker lacks proper work authorization. For more on the I-9 audit process and tips for how to respond to a Notice of Inspection, see our July 1, 2011 Modern Workplace blog post or visit our I-9 Compliance Audit Program web page. Having your immigration compliance house in order before ICE stops by is a worthwhile endeavor Scouts Honor.