

[Alerts and Updates]

U.S. Immigration and Customs Enforcement Serves 652 Businesses with Notices of Inspection for a Form I-9 Audit

July 9, 2009

On July 1, 2009, U.S. Immigration and Customs Enforcement (ICE) served 652 businesses nationwide with Notices of Inspection (NOI) for an official Form I-9 audit. The 652 businesses were selected for the Notices of Inspection "as a result of leads and information obtained through other investigative means." In FY 2008, ICE issued 503 similar notices to employers. This latest action by ICE signifies an increase in the federal government's efforts to inspect employer and hiring documentation.

An NOI is usually an initial step into a broader investigation by ICE regarding an employer's compliance with immigration law. The determinations reached by ICE as a result of the inspection can lead to the imposition of fines, penalties, civil charges and, in more serious cases, criminal charges.

ICE's action follows several statements made by Obama administration officials of the administration's intention to take a more assertive approach to enforcing immigration law against employers. The Obama administration has avoided the high-profile raids that characterized employer-focused enforcement in the Bush administration. Instead, ICE appears to be following a more vigorous, if less dramatic, path to enforce U.S. immigration law in the workplace. Employers receiving an NOI should review the notice regarding the full scope of the intended inspection. It is important to note that an employer has three days after receiving an NOI to provide ICE with the requested materials. An employer receiving such a notice may want to seek legal counsel prior to the production of the requested materials, in order to take steps to potentially narrow issues and reduce exposure.

ICE's action may function as a wake-up call for employers to review their current immigration compliance practices for possible exposure and determine if their internal processes can be strengthened.

About Duane Morris

Duane Morris' Employment, Labor, Benefits and Immigration Practice Group has experience with immigration investigations and unites immigration, employment and white-collar criminal defense attorneys to assist employers that have already been informed of an inspection, as well as those who wish to strengthen their compliance programs.

For Further Information

If you have any questions regarding this Alert, please contact any of the [attorneys](#) in our [Employment, Labor, Benefits and Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.