

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Technology Solutions for I-9 Compliance

Posted: March 18th, 2011

As the U.S. government raises its scrutiny on I-9 compliance, it is not surprising to find that many software vendors are pushing out products designed to streamline compliance management, reduce paper shuffling and create electronic records that will satisfy regulators who show up for inspection visits.

But employers would be well-advised to ascertain that any software solution is designed to meet applicable provisions of the Code of Federal Regulations (“CFR”) governing the use of electronic programs for I-9 verification and compliance.

Pursuant to Volume 8 of the CFR, Section 274a.2(e), Forms I-9 may be electronically completed and retained provided that an electronic system includes:

- Reasonable controls to insure integrity, reliability and accuracy;
- Reasonable controls designed to prevent and detect unauthorized or accidental changes to the electronic records;
- An inspection and quality assurance program, evidenced by regular evaluations of the electronic system and its data;
- A retrieval system for Forms I-9 that includes electronic indexing for accurate identification, retrieval and viewing of records;
- The ability to generate legible and readable hardcopies from the system.

In light of these CFR provisions and the practical needs of most companies, an employer should also insure that a vendor’s product has the following capabilities:

- The ability to provide security protections for the integrity of the data;
- The ability to password-protect data according to unique users;
- The ability to index data by keywords and/or other means;
- The ability to provide audit trails for inspectors to follow;

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- The ability to generate electronic summaries and spreadsheets according to various variables (such as hire dates, locations, etc);
- The ability to backup the data periodically to off-site locations;
- The ability to instantaneously confirm electronic signatures.

If requested by the government during an inspection of Forms I-9, the employer must also provide an audit trail showing exactly who has accessed a system and the actions performed on the system in a given period of time to prevent undetectable tampering.

If you are an employer and have questions about compliance with immigration laws, do not hesitate to call our offices at (847) 564-0712 for assistance. You are also welcome to check out the pertinent section of [our Website](#) for more information.