



## **Obama Administration Increases Scrutiny of Employers' I-9 Records**

June 28, 2011

**By Abizer Zanzi**

On Wednesday, June 15, 2011, the Department of Homeland Security's Immigration and Customs Enforcement (ICE) agency notified 1,000 employers that their personnel records will be audited by federal investigators to determine their compliance with employment eligibility verification laws.

ICE did not release the identities of the target employers, but as reported by ***The Wall Street Journal***, they include entities of all sizes, located in every state in the country, with an emphasis on businesses relating to "critical infrastructure and key resources, including food production, information technology, financial services and construction."

Business advocacy groups, such as the U.S. Chamber of Commerce, have expressed concerns that the increased audits impose a huge burden on employers including lost productivity and legal expenses.

The Immigration Control and Reform Act (IRCA) mandates procedures for employers to verify the employment eligibility of their workforce. Failure to comply with IRCA can lead to substantial civil penalties and, in some cases, criminal charges.

The Obama Administration has made enforcement of IRCA a priority. This year alone, the federal government has initiated 2,338 employer audits, up dramatically from past years, made more than 150 criminal arrests and levied more than \$7 million in fines on employers.

ICA audits happen suddenly and swiftly. Employers generally must produce their I-9 records and related personnel information within three days of a notice of inspection. Employers can reduce their liability by ensuring their own compliance with IRCA, including self-audits with the assistance of legal counsel or trained professionals, before receiving a notification from the government.

### **More Information**

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