

Update: February 2011

I-9 Compliance Bulletin



Wall Street Journal reports I-9 audits for 1,000 employers

Continuing recent publicity efforts, federal authorities leaked word to the Wall Street Journal that they plan to audit I-9s of “as many as 1,000 companies.” The Wall Street Journal said these audits represent the biggest such operation since 2009.

As noted in earlier bulletins, the Immigrations and Customs Enforcement (ICE) division of the U.S. Department of Homeland Security, (DHS), has been increasing I-9 audits.

In January, an ICE official told a Wall Street Journal reporter it was establishing an office with the purpose of increasing its capacity to audit large employers. That ICE was planning to establish additional audit capabilities had been previously known. But it was clear that ICE wished to broadcast a public signal about its determination to increase I-9 audits.

[The Wall Street Journal](#) (link good until Feb. 23) story notes: “The enforcement approach allows both Democrats and Republicans to argue that they’re tackling illegal immigration even in the absence of major new legislation on the issue.” It is clear that **support at the federal level for efforts to curtail illegal workers by targeting employers is growing**. While past attempts to introduce E-Verify requirements at the federal level have failed, this remains a potential threat to employers in the future.

In addition to interest at the federal level, regulatory activity has picked up sharply at the state level. More than **80 bills have been introduced in 32 states since the beginning of the year, with E-Verify requirements**.

The requirements vary widely. Some merely create an affirmative defense for employers who use E-Verify against accusations of hiring undocumented workers. Other bills would require contractors to the state to use E-Verify and others go as far as requiring all employers doing business in the state to use E-Verify. Four states currently require this: Arizona, Utah, Mississippi, and South Carolina. **Texas, Virginia and Montana** are particularly notable for the large number of bills introduced with E-Verify requirements.

Bottom Line

The increasing audit activity means **employers must be sure their I-9 audit process is fully compliant and includes capability to quickly respond to an audit without creating an expensive burden on HR departments**.

E-Verify is a Web-based program operated by USCIS that allows employers to check the employment eligibility of new hires. The detailed rules are complex, but most federal contractors must use E-Verify both for new hires and existing employees engaged in work related to the federal contract. The TALX I-9 service includes optional enablement for E-Verify and allows seamless integration with the entire I-9 process.

To learn more about how TALX can help with E-Verify and I-9 compliance, please contact Melinda Hanson at (314) 214-7143 or mhanson@talx.com. To read more about I-9 compliance developments, visit our corporate blog at <http://blog.talx.com>.