



HELPING YOU GET READY FOR INSPECTION DAY

THE TRUE COST OF I-9 ERRORS



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**“Helping employers create
an awesome workforce
with the infusion of
foreign talent”**

Helping you Get Ready for Inspection Day

The True Cost of I-9 errors



Overview

The I-9 form appears to be a simple two-page document at first glance. However, it is a trap for errors and mistakes, which lead to fines and other significant consequences.

Employers must ensure that those involved in the I-9 process are trained regularly and can complete the form accurately and timely.

Employers who fail to comply with employment verification requirements can be subject to civil fines, criminal penalties, debarment from government contracts, back pay and other negative consequences.

Impact of Worksite Enforcement Actions

- ✓ **3,000 + Notices of Inspection**
- ✓ **640 + Final Orders**
- ✓ **540 + Owners, Managers, Supervisors, HR employees arrested**
- ✓ **275 + Businesses and Individuals Debarred**
- ➔ **\$16 + Million in Administrative Fines Imposed**

The figures above are representative of the enforcement actions for 2014, 2015 and 2016.

Enforcement is intensifying. The DHS budget sets aside \$314 million to hire and train 10,000 new Immigration and Customs Enforcement (ICE) personnel.

Your company could be at greater risk than you realize.

The Cost of Non-Compliance

Employers are subject to fines for failing to comply with the I-9 employment verification requirements. Some of these fines are:

- ✓ Fines for failing to comply with Form I-9 employment verification range from \$216 per form to \$2,156 per form
- ✓ Fines for document abuse range from \$178 per violations to \$1,782 per violation
- ✓ Fines for failing to notify DSH of a Final Nonconfirmation range from \$751 per violation to \$1,502 per violation

➔ **Twenty I-9 mistakes can easily lead to over \$40,000 in fines, but this is just a small portion of the costs involved.**

Additional Costs of Non-Compliance



6 Critical Mistakes to Avoid in Employment Verification

1

- Missing I-9 Forms
- This is the most commonly found and costly violation.

2

- Telling employees what documents to present
- Employees must have an independent choice.

3

- Not verifying original documents
- The law requires an in-person review of the employee's documents. This can be difficult with remote hires.

4

- Failing to ensure the proper completion of the form
- Employers are responsible for the full and correct completion of sections 1 and 2, even if section 1 must be completed by the employee.

5

- Allowing employees to work without presenting required documents
- Some HR professionals rely on the Employees' promise to bring the required documents, but they do not.

6

- Failing to provide regular training
- The I-9 process involves comprehension and retention of information from over 900 pages of data. Regular training is essential.



Why use the help of the Marks Gray Business Immigration & Compliance Team?

- ✓ Over 20+ years of combined immigration and compliance legal experience
- ✓ Experience conducting I-9 audits and defending employers during ICE's audits and mitigating fines
- ✓ Experience defending employers during investigations by the Office of Special Counsel for alleged immigration discrimination and document abuse
- ✓ Attorney-client privilege of your I-9 process and audit
- ✓ Efficient and timely advice to protect you now and in the future

We help employers take a proactive approach to avoid harsh fines and penalties

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