

# E-VERIFY, a Ruby Red Alert?

Proactive Business Practices Due to  
Changes in Worksite Enforcement

# Worksite Investigations

## Testimony of Marcy M. Forman, Director, Office of Investigations, Immigration and Customs Enforcement, before the House Appropriations Committee Subcommittee on Homeland Security "Priorities Enforcing Immigration Law"

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Release Date: April 2, 2009

### Ra Worksite Enforcement

(R) Opportunities for employment remain a primary motivation for aliens seeking illegal entry into the United States. As noted recently by Secretary Napolitano, ICE's worksite enforcement program targets  
Ch unscrupulous employers who prey upon these aliens by subjecting them to poor or unsafe working  
Se conditions or paying them sub-standard wages. ICE's multi-faceted worksite enforcement strategy targets  
dis employers, whose business model is based upon exploiting an unauthorized workforce, and employers who  
mx place our national security at risk by employing unauthorized workers in the sensitive industries in our  
Se Nation's critical infrastructure.  
ot

Employers hire undocumented workers for reasons such as: obtaining a financial advantage over their competitors by paying lower wages, offering few if any benefits, failing to comply with tax laws, and avoiding health and safety related complaints. ICE focuses on the most egregious violators, namely employers who engage in human smuggling, identity theft, and social security fraud. ICE also focuses on employers who use undocumented workers at our Nation's critical infrastructure sites, including airports.

In crafting our worksite enforcement strategy, ICE has restructured the worksite administrative fine process to build a more vigorous program. ICE has established and distributed to all field offices guidance about the issuance of administrative fines and standardized criteria for the imposition of such fines. We expect that the increased use of the administrative fines process will result in meaningful penalties for those who engage in the employment of unauthorized workers.

# Worksite Investigations

THE WALL STREET JOURNAL.

WSJ.com

AUGUST 18, 2009

## U.S. Intensifies Audits of Employers

### ■ MIRIAM JORDAN

LOS ANGELES -- A senior U.S. immigration official said Monday that his agency will intensify a crackdown on employers of workers in the country illegally as part of the Obama administration's new immigration strategy.

John Morton, the new chief of U.S. Immigration & Customs Enforcement, a unit of the Department of Homeland Security, said that the agency is set to increase the number of companies it will audit and systematically impose fines on violators. Violations could also lead to criminal charges, he said.

On July 1, Homeland Security Secretary Janet Napolitano announced an audit of employers to verify whether their employees were eligible to work. Mr. Morton said that 654 companies are currently being audited and that many more employers will be notified soon that they also will be under scrutiny by the government.

Region III NAFSA Conference \* October 26-29, 2009

# E-Verify Required of Government Contractors

- President Bush amended an Executive Order to require E-Verify participation by federal contractors—the Obama Administration agreed.
- Not all contracts are covered by the proposed regulation.
- When applicable, the regulation applies to existing employees as well as new hires working on contract fulfillment.
- If your district competes for federal contracts, you really need to:
  - Determine whether the contracts will likely be covered by regulation.
  - Develop a plan for assessing and remediating existing Form I-9 liability prior to enrolling in the E-Verify program.





# Federal Appropriation Requirements

- As of September 8, 2009, the Federal Appropriation Regulations will require that participating vendors (and flow-down subcontractors) initiate E-Verify for **active and** new employees.
- Accordingly, districts who contract with the federal government for goods or services (including construction)—with certain exceptions for institutions of higher learning—will likely see existing contracts modified to require E-Verify review of
  - (i) all persons hired during the contract term; and
  - (ii) **all persons assigned by the contractor to perform work on the federal contract.**
- Some employers assume that E-Verify only relates to foreign nationals because it is administered by US Customs and Immigration Services. That is not the case--an E-Verify requirement potentially touches upon every employee in the country and is not limited to foreign nationals working in the United States.

# So, why be concerned:

- USCIS is data mining E-Verify;
- Historical E-Verify compliance failures (including some related to historical Forms I-9s of existing employees) may be identified during the data mining; and,
- The monitoring will result in referrals to Immigration and Customs Enforcement for follow-up inspection.



# Compliance Requires Vigilance: How Does ICE Initiate an Investigation?

ICE acts on “leads” provided by private individuals, including disgruntled employees, competitors, or other government agencies.

ICE targets specific industries, such as those more likely to employ unauthorized workers and those working near critical infrastructures, such as ports.

Trend toward Task Groups

Priorities: promote national security, protect critical infrastructure, enforce fair labor standards





# What are some Investigation Techniques?

Undercover operations

Identity Theft Investigations

Public Records

- No Match Letters

- State Workforce Agency

E-Verify

- Potential for misuse

Subpoenas

- Grand Jury subpoenas

- Form I-9 Audit—SSA and other Agency discrepancies

- Obstruction of Justice

Search Warrant

- Material witnesses/benefits/coordination – Yamato raid

- Imaging computers



# Recognizing the Government's Litigation Strategies

Social Security No Match letter – sent to company by SSA showing absence or mismatch of SSA record for a number reported by employer on W2.

The Social Security Number Verification System – unauthorized use

Department of Justice position – protected by 6103 because the record is generated from information company puts on W-2

Therefore, the backdoor work around: Plea agreements – 6103 disclosure language:

## **Disclosure of No Match Letter Information**

14. Pursuant to Title 26, United States Code, Section 6103(c), SHIPLEY DO-NUTS hereby authorizes agents of the Internal Revenue Service (IRS) to disclose for any purpose Educational Correspondence Letters sent by the Social Security Administration to the company or any related entities (including L&S Management) to the extent the IRS deems that information to be protected by Section 6103 as “return information.”



# Kahlon et al. Indictment (Action Rags USA)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA §  
§  
v. §  
§  
MUBARIK KAHLON aka “Baco”, §  
CIRILA BARRON aka “Cici”, §  
and §  
VALERIE RODRIGUEZ, §  
Defendants. §

CRIMINAL NO. 08-496

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE  
(Conspiracy)

A. INTRODUCTION.

At all times material hereto:

1. The Company.

a. Action Rags, USA (“Action Rags”) is an export company based in Houston, Texas. Action Rags is a grader and exporter of used clothing, specializing in selling used clothes to worldwide markets including Africa, South America, India and Pakistan.

b. Action Rags employs approximately 300 workers and operates at

a warehouse located at 1225 Port Houston Street in Houston, Texas.

c. During the course of an Immigrations Customs Enforcement (ICE) investigation into Action Rags, ICE confidential informants reported worker complaints about the working conditions at the company including inadequate water supply and ventilation.

2. Company Owner and Managers.

a. Defendant MUBARIK KAHLON, also known as “Baco,” is the owner of Action Rags.

b. Defendant CIRILA BARRON, also known as “Cici,” was a manager and supervisor at the Action Rags’s warehouse.

c. Defendant VALERIE RODRIGUEZ held herself out as the office manager and a stamp used in connection with the review of Employment Eligibility Verification Forms and which was found by ICE agents at Action Rags’s Houston warehouse indicated that VALERIE RODRIGUEZ was affiliated with the human resources department at Action Rags.

d. Mayra Herrera-Gutierrez was a manager of the Action Rags’s warehouse.

3. Employee Immigration Forms.

a. Section 274A of the Immigration and Nationality Act, as amended



United States

[title 1](#) Organization and Functions  
[title 2](#) Appeals  
[title 3](#) EOUSA  
[title 4](#) Civil  
[title 5](#) ENRD  
[title 6](#) Tax

[US Attorneys](#) > [USAM](#) > [Title 9](#) > [USAM Chapter 9-28.000](#)  
[prev](#) | [next](#) | [Criminal Resource Manual](#)

9-28.000

1. Nature and seriousness of the offense
2. Company's history and similar conduct
3. Company's timely and voluntary disclosure
4. Existence and effectiveness of pre-existing compliance program
5. Company's remedial actions
6. Collateral consequences
7. Adequacy of prosecution of individuals
8. Adequacy of civil or regulatory remedies

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# Standard Non-Prosecution Agreements

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

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§ Criminal Sec. H-08.57.5

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**U.S. Department of Justice**  
*United States Attorney's Office*  
Southern District of Texas

919 J Nam Street, # 1500  
P.O. Office Box 6118

Phone (713) 567-9000  
Fax (713) 718-3300

## Immigration Work-Site Enforcement<sup>51</sup>

- Appoint compliance officer
- Terminate responsible employees
- Become a member of the IMAGE program (submit to Form I-9 audit by ICE, verify SSNs of workers)
- Use Basic Pilot Verification System
- Establish ICE internal training program (to be updated semi-annually) conducted by knowledgeable individuals to teach employees how to fill out I-9s, implement supervisory review, comply with training, and teach the employees how to detect fraud.
- Arrange I-9 review by outside audit firm.
- Establish a self-reporting system to report violations to ICE
- Establish a protocol for responding to "No Match" letters from the Social Security Administration (SSA) that state that the social security numbers for employees reported by the employer do not match SSA's records
- Require contractors to state whether or not the company uses ICE's Basic Pilot Employment Verification program and whether they've received "No Match" letters
- Report results of compliance program to ICE

## E-Verify is now required for Federal Contractors!

- E-Verify is used to confirm that all current employees working on federal contracts and all new hires-*regardless of whether they are working on federal contracts or not*- are authorized to legally work in the United States.

## What Government contracts are exempt from EVerify?

- with less than the simplified acquisition threshold of \$100,000.00
- where all work is performed outside the United States
- for a period of performance less than 120 days
- Subcontracts (even if they flow from the prime acquisition contract) that only provide supplies, rather than construction or services
- Commercially available Off-The-Shelf (COTS) items, and related services
- Subcontracts of less than \$3,000.00



## What about Colleges and Universities grants and cooperative agreements? Are those agreements covered under “contracts” that are subject to the E-Verify requirement?

- No, the regulations defines the term ‘contract’ and the term does not include grants or cooperative agreements.
- An executive agency shall use a **grant** agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when--
  - (1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry put a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for direct benefit or use of the united States Government; and
  - (2) Substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement. 31 U.S.C. § 6304
- An executive agency shall use a **cooperative agreement** as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when-- . . . 31 U.S.C. § 6305

**So if it doesn't apply to grants and cooperative agreement,  
why should the University be concerned with E-Verify?**

In my opinion, because the trend is that E-Verify  
will eventually become part of the employment  
practices of governmental institutions.

*If I am granted a government contract, when do I have to enroll in E-Verify?*

- *Within 30 Days of Contract Award Date: Enroll in E-Verify*
- Note: Contractors may enroll before the contract award date as well, and should probably do so in order to avoid last minute pressure to meet initial deadlines.

## OK, so how do I enroll in E-Verify?

- Go to the E-Verify website at <https://www.vis-dhs.com/EmployerRegistration>.
- Register your company as a federal contractor.
- Select the federal contractor category that best describes your institution, and what groups of current employees you plan to verify (i.e. current employees assigned to the federal contract or your entire workforce). Select the option to verify only current employees assigned to the federal contract.
- Receive an email from the U.S. Citizenship and Immigration Services (USCIS) activating your account and providing you with login instructions, user ID, and password.
- Access E-Verify, once enrolled, through one of 3 methods:
  - 1) Employer—performs verification queries for your own employees
  - 2) Corporate Administrator—oversight of multiple hiring sites
  - 3) Designated Agent—performs verification queries for a client company
- Complete online tutorial before performing queries.
- Access User Manual.
- Post notice of E-Verify participation and an Anti-Discrimination Notice in a visible area for prospective employees (provided by E-Verify).

## *Within 90 Days of Initial Enrollment*

- Initiate verification queries for employees already on-staff.
- Begin verification for new employees.



## *After 90 Day Period, Within 3 Days of Start Date of a New Hire*

- Initiation can begin before the start date if the employee has accepted the job and filled out an I-9.
- *Important: E-Verify can not be utilized as a tool in any pre-screening process for employment. For example, you can not submit the employee's name in E-Verify in order to see if you will receive a confirmation, and subsequently offer the job. The employee must have already accepted the job before using E-Verify.*
- Initiate verification of new hire.

## *Performing an E-Verify Query: Basics*

- Log-in to E-Verify.
- Submit information provided on the Employee's Form I-9.
- *If E-Verify authorizes employment:*
- Record a verification number on the I-9. (That's it, pretty simple!)

*If E-Verify shows an information mismatch with the SSA or DHS\*:*

- Prints the non-confirmation notice.
- Review the notice with the employee.
- Refer employee to the proper agency, allowing the employee 8 Federal Government work days to rectify the problem with that agency.
- Employee continues to work while the case is in process of resolution.
- \*If E-Verify notes that DHS verification is in process, the usual response is within 24 hours (instead of immediately) with either an authorization or a tentative non-confirmation.

*If employee is able to reach resolution:*

- Employee informs employer upon resolution.
- Employer checks/receives a response through the E-Verify system.
- Resolve the case in E-Verify.

*What if employee decides not to resolve the situation, or is unable to provide evidence of resolution within 8 Federal Government work days?*

- Employer may terminate the employee.
- Resolve the case in E-Verify.



## Who do I contact if I have a problem?

- E-Verify Website: [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)
- E-Verify Customer Support: 1-888-464-4218

# E-Verify and the Campus: Overview

- All new hires are e-Verified at OU
- 90% USC hires are immediately approved through e-Verify
- 30% international hires are immediately approved through e-Verify
- 70% international hires are returned as tentative non-confirmations (2008 – 80%)
- “Profiling” does not seem to be a culprit in FN tentative non-confirmations—attribute greater number of non-confirmations due to document/visa issues
- Only one final non-confirmation at OU since e-Verify launched



# E-Verify and the Campus: Front-end Process

- OU Payroll Services desk executes I-9
- E-Verify and international payroll specialist help with questions
- All new hires are e-Verified with the exception of transfers with no BIS
- OU requires SSN within 90 days of hire
  - New hires can be e-Verified with SSN receipt.
  - New hire must submit SSN receipt to Payroll as proof of SSN application
  - State of Oklahoma assigns temporary tracking number to all new FN hires – temporary tracking number functions as SSN until SSN is issued



# E-Verify and the Campus: e-Verify Process

- Lag time between e-Verify and I-9 execution due to SSN application period
- International hires are not held to the 3-day rule for I-9 execution due to the SSN
- Payroll emails international hires after three weeks regarding the SSN card
- 2/10 day rules (POE and SEVIS registration)
- Tentative non-confirmations quickly resolved
- Website generates alert list of tentative non-confirmations for campus
  - USC's can receive tentative non-confirmations for name mismatches
  - International hires – most common issue is name mismatch



# E-Verify Issues

- Non-confirmations with no student follow-up
- Student must personally call DHS (they do not like this!)
- Responses cannot be “coached”
- DHS has high data integrity expectations – exact matches on name on passport , visa and OU new hire paperwork
- 30+ days prior to new program start date will result in a tentative non-confirmation
- Slow SSA response rate
- Very quick DHS response rate





# General Notes on E-Verify

- OU added one FTE to work with e-Verify after 2007 launch
- Full-time responsibilities to comply with e-Verify in August
- Increased responsibilities to comply with e-Verify in January
- All new hire paperwork has been affected – all new employees must be e-Verified
- E-Verify very user friendly
- Photo match database (LPR cards)
- A few e-Verify anecdotes from the field



# Best Practices for Employers in the I-9 process

Don't get caught between a rock and a hard place.

First the Rock: Avoid Unlawful Discrimination in the gathering and use of information in the I-9 Process.

# What is Unlawful Discrimination?

Generally the Act has defined four basic areas of unlawful conduct:

- (1) citizenship or immigration status discrimination;
- (2) national origin discrimination;
- (3) unfair documentary practices during the Form I-9 process (document abuse); and
- (4) retaliation.

## **Also, don't forget about the types of discrimination prohibited by Title VII.**

- Title VII prohibits employment discrimination on the basis of national origin, race, color, religion, and sex. (Applies to Employers that employ 15 or more employees for 20 or more weeks in the preceding or current calendar year.)

# What is the purpose of the I-9 Form?

- The purpose of the I-9 is both to ensure that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.
- Every employee hired after 11/6/1986 must complete the I-9 at the time of hire, regardless of immigration status.
- Failure to comply carries the possibility of both civil and criminal penalties.



# Form I-9 (Rev. 08/07/09)

OMB No. 1515-0047; Expires 08/31/12  
**Form I-9, Employment Eligibility Verification**  
 Department of Homeland Security  
 U.S. Citizenship and Immigration Services

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification** (To be completed and signed by employee at the time employment begins.)  
 Print Name Last First Middle Initial Reason Name

Address (Street Name and Number) Apt. # Date of Birth (mm/dd/yyyy)

City State Zip Code Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I declare under penalty of perjury that I have not and will not do the following:

- ☐ A citizen of the United States
- ☐ A naturalized citizen of the United States (see instruction 4)
- ☐ A lawful permanent resident alien
- ☐ An alien authorized to work (Alien # or Admission #) until August 14, 2009 (if applicable - month/day/year)

Employer's Signature Date (month/day/year)

**Preparer and/or Transmitter Certification** (To be completed and signed by Section 1 preparer by a person other than the employee's father, mother, or family of persons that have resided in the household of the form and used to the best of his knowledge the information it contains.)

Preparer's Signature Print Name

Address (Street Name and Number, City, State, Zip Code) Date (month/day/year)

**Section 2. Employer Review and Verification** (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	List B	AND	List C
Document title				
Issuing authority				
Document #				
Expiration Date (if any)				
Document #				
Expiration Date (if any)				

**CERTIFICATION:** I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agency may omit the date the employee began employment.)

Signature of Employer or Authorized Representative Print Name Title

Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) Date (month/day/year)

**Section 3. Updating and Reverification** (To be completed and signed by employer.)

A. New Form (if applicable) B. Date of Review (month/day/year) (if applicable)

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document title Document # Expiration Date (if any)

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative Date (month/day/year)

Form I-9 (Rev. 08/07/09) Page 4

## LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad (Form PS-845)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed number on a machine-readable immigrant visa	3. School ID card with a photograph	3. Certification of Report of Birth (issued by the Department of State (Form DS-1579))
4. Employment Authorization Document that contains a photograph (Form I-766)	4. Voter's registration card	4. Original, or certified copy of birth certificate issued by a State, territory, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	5. U.S. Military card or draft record	5. Native American tribal document
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A (indicating nonimmigrant admission under the Compact of Free Association between the United States and the FSM or RMI)	6. Military dependent's ID card	6. U.S. Citizen ID Card (Form I-197)
	7. U.S. Coast Guard Merchant Marine Card	7. Identification Card for Use of Resident Citizen in the United States (Form I-175)
	8. Native American tribal document	
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Form I-9 (Rev. 08/07/09) Page 5

# Checklist for Completing Form I-9

## For New Hires: Within Day One of Starting Work

- Check to assure use of a current Form I-9.
- Employee completes and signs Section 1.
- Employee provides proper documentation of their choice (among the options provided on the form.)
- Record document details in Section 2.
- If term of employment is to be *less than three days*, complete Sections 2 & 3.

The employee is not obliged to provide his/her Social Security number in Section 1 of the Form I-9, unless he or she is employed by an employer who participates in E-Verify

## *Within Three Business Days of Employee Start Date*

- Original documents must always be submitted by the employee. If they are authorized to work, but are unable to submit the required documents within three business days, they must present a receipt for application of the document(s) within the three days, and the actual document within 90 days.
- Examine original evidence of identity and employment eligibility (not a photocopy) for Section 2.
- Photocopy original evidence of identity and employment eligibility and staples to the back of the I-9.
- Calendar for updating any future expiration dates on any documents.
- Sign and date the certification for Section 2.

## *Updating/ Re-verification of Expiring Documents (Section 3)*

Section 3 applies only to employees who are not U.S. citizens or permanent residents, and requires the employer to update and re-verify the employment authorization of an employee whose previously valid authorization has expired.

- Request and secure from employee proper new documentation (among the options provided on the form.)
- Check name on document(s) and record any changes in Section 3.
- Examine new original evidence of identity and employment eligibility and record document details in Section 3.
- If within 3 years of original hire, and employee is still eligible on same basis, note date of new eligibility in Section 3.
- Note any additional upcoming expiration dates for future updating.

## *What should you do with I-9's For All Employees?*

- The I-9 must be available for inspection by authorized U.S. Government officials (e.g., Department of Homeland Security, Department of Labor, Office of Special Counsel).
- File the form, along with the attached copies of the original evidence of identity and employment eligibility, in a file dedicated to I-9 documentation. *The I-9 should be kept separate from the employee's personnel file. Do not use the documents provided by employee for any other purpose.*



## *How long do I have to retain the Form I-9?*

*If Employee term is less than 2 years:*

- Retain I-9 for 3 years from date of hire.

*If Employee term is more than 2 years:*

- Retain I-9 for 1 year after termination

## What if didn't complete all of my I-9's correctly?

- If the employer can show that he or she has in good faith complied with the Form I-9 requirements, then the employer has established a “good faith” defense with respect to a charge of knowingly hiring an unauthorized alien, unless the government can show that the employer had actual knowledge of the unauthorized status of the employee.
- A good faith attempt to comply with the paperwork requirements of Section 274A(b) of the Act may be adequate notwithstanding a technical or procedural failure to comply, unless the employer has failed to correct the violation within 10 days after notice from DHS.

## What are the Employers' criminal penalties for allowing unauthorized alien employees to work?

- Persons or entities who are convicted of having engaged in a pattern or practice of knowingly hiring unauthorized aliens continuing to employ aliens knowing that they are or have become unauthorized to work in the United States, may face fines of up to **\$3,000 per employee and/or six months imprisonment.**

## Best Wishes from,

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