



Ahola's Lunch and Learn Webinar Series:

Navigating Increased ICE Enforcement – Expert I-9 Compliance Strategies

Thursday, May 22nd @ 11:00 AM EST

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Today's Presenter



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Learning and Development Specialist

Special Thanks



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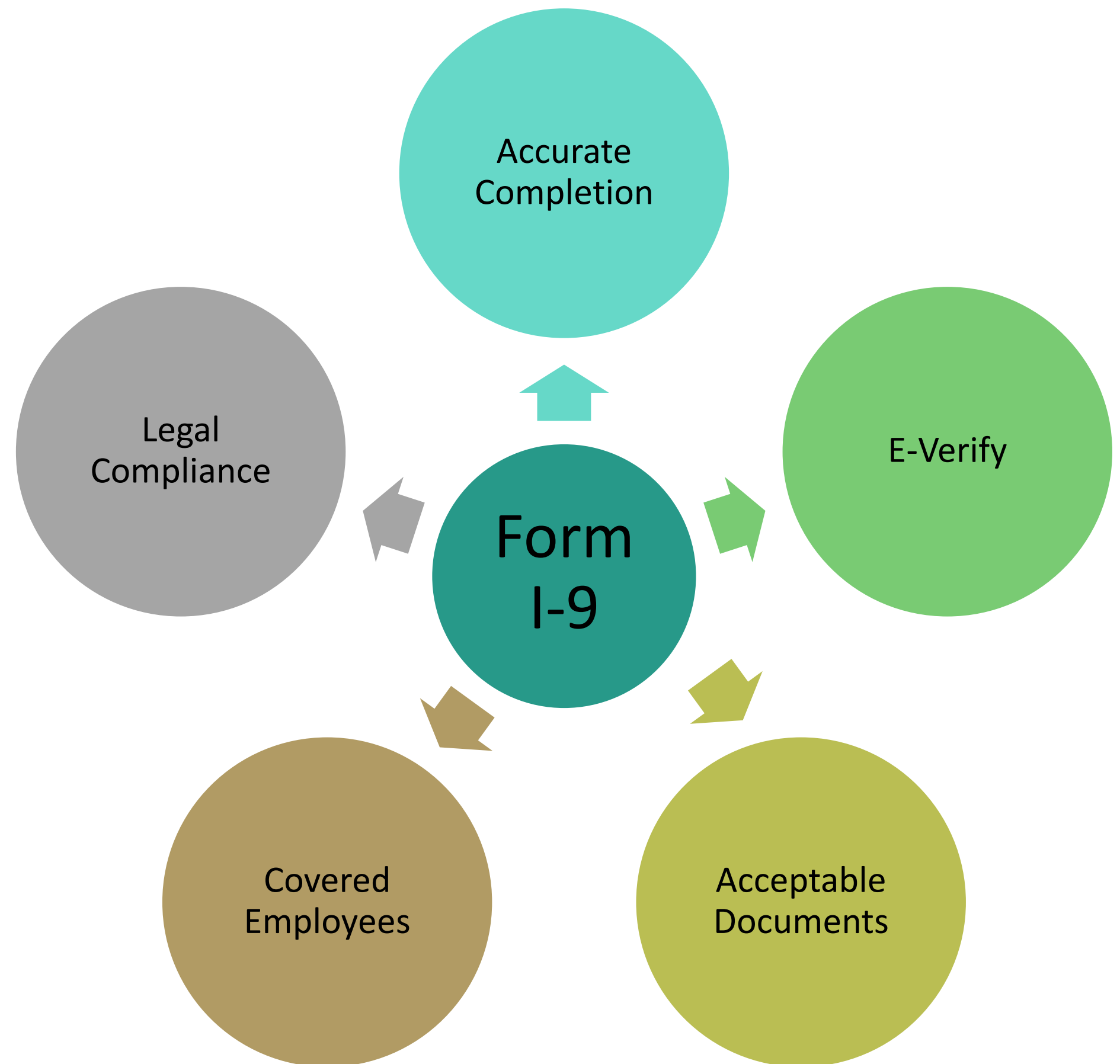
Agenda

- Form I-9 basic requirements and general best practices
- Conducting internal reviews and rectifying errors
- Avoiding common mistakes, including avoiding discrimination and human error
- Potential penalties associated with I-9 audits



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What is the purpose of Form I-9?



Enforcement Agencies

The Department of Homeland Security (DHS)

- DHS is responsible for 22 different federal departments, including the U.S. Immigration and Customs Enforcement agency.
- The mission of the DHS is to secure the nation's air, land, and sea borders to prevent illegal activity while facilitating lawful travel and trade.

Immigration and Customs Enforcement (ICE)

- ICE is a federal law enforcement agency under the Department of Homeland Security.
- The mission of ICE is to protect the U.S. from the cross-border crime and illegal immigration that threaten national security and public safety.
- Conducts Form I-9 Audits and issues penalties.



**U.S. Immigration
and Customs
Enforcement**

Significance of Form I-9

Purpose

- Mandatory document
- Verifies an individual's identity
- Verifies the eligibility of an employee for employment
- Form I-9, otherwise known as Employment Eligibility Verification, is a United States Citizenship and Immigration Services (USCIS) document.

Employment Eligibility Verification		USCIS	
Department of Homeland Security		Form I-9	
U.S. Citizenship and Immigration Services		OMB No. 1615-0047	
		Expires 05/31/2017	
START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the Instructions .			
ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1 , or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.			
Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment , but not before accepting a job offer.			
Last Name (Family Name)		First Name (Given Name)	
Middle Initial (if any)		Other Last Names Used (if any)	
Address (Street Number and Name)		Apt. Number (if any)	
City or Town		State	
ZIP Code			
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number	
Employee's Email Address		Employee's Telephone Number	
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):	
☐ 1. A citizen of the United States		☐ 2. A noncitizen national of the United States (See instructions.)	
☐ 3. A lawful permanent resident (Enter USCIS ID or A-Number.)		☐ 4. An alien authorized to work until (exp. date, if any)	
If you check item Number 4., enter one of these:		Foreign Passport Number and Country of Issuance	
USCIS A-Number		Form I-94 Admission Number	
Signature of Employee		Today's Date (mm/dd/yyyy)	
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.			
Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.			
List A		List B AND List C	
Document Title 1			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 2 (if any)		Additional Information	
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 3 (if any)			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
		☐ Check here if you used an alternative procedure authorized by DHS to examine documents.	
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.		First Day of Employment (mm/dd/yyyy):	
Last Name, First Name and Title of Employer or Authorized Representative		Signature of Employer or Authorized Representative	
		Today's Date (mm/dd/yyyy)	
Employer's Business or Organization Name		Employer's Business or Organization Address, City or Town, State, ZIP Code	

Basic Requirements and Best Practices

Essential Tips and Best Practices Include:

1. Always use the latest version of the form
2. Make sure the information is clear and can be read
3. Check that the date entered in Section 2 as the date employment began matches payroll records
4. Know how to examine the I-9 accurately
5. Understand proper record retention
6. Prepare for an audit even when compliant
7. Understand E-Verify
8. Prevent the preventable

Section 1 of Form I-9

Common Mistakes to Avoid

Employment Eligibility Verification		USCIS	
Department of Homeland Security		Form I-9	
U.S. Citizenship and Immigration Services		OMB No. 1615-0047	
		Expires 05/31/2027	
START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the instructions .			
ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1 , or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.			
Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.			
Last Name (Family Name)		First Name (Given Name)	Middle Initial (if any) Other Last Names Used (if any)
Address (Street Number and Name)		Apt. Number (if any)	City or Town State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's Email Address	Employee's Telephone Number
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):	
		☐ 1. A citizen of the United States	
		☐ 2. A noncitizen national of the United States (See instructions.)	
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)	
		☐ 4. An alien authorized to work until (exp. date, if any)	
		If you check Item Number 4, enter one of these:	
		USCIS A-Number	OR Form I-94 Admission Number OR Foreign Passport Number and Country of Issuance
Signature of Employee		Today's Date (mm/dd/yyyy)	
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.			
Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.			
List A		OR	List B AND List C
Document Title 1			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 2 (if any)		Additional Information	
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 3 (if any)			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
		☐ Check here if you used an alternative procedure authorized by DHS to examine documents.	
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.			First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative		Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name		Employer's Business or Organization Address, City or Town, State, ZIP Code	
For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.			

Section 1 of Form I-9

Common Mistakes to Avoid



The employee has missing, incomplete or incorrect information in one or multiples areas.



Employee must complete within a certain timeframe.



Preparer/Translator has missing, incomplete, or incorrect information in one or multiple areas of their designated portion.

Section 2 of Form I-9

Common Mistakes to Avoid

Employment Eligibility Verification		USCIS	
Department of Homeland Security		Form I-9	
U.S. Citizenship and Immigration Services		OMB No. 1615-0047	
		Expires 05/31/2027	
START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the instructions .			
ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.			
Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.			
Last Name (Family Name)		First Name (Given Name)	Middle Initial (if any)
Address (Street Number and Name)		Apt. Number (if any)	City or Town
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number	Employee's Email Address
			Employee's Telephone Number
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):	
		☐ 1. A citizen of the United States	
		☐ 2. A noncitizen national of the United States (See instructions.)	
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)	
		☐ 4. An alien authorized to work until (exp. date, if any)	
		If you check Item Number 4, enter one of these:	
		USCIS A-Number OR Form I-94 Admission Number OR Foreign Passport Number and Country of Issuance	
Signature of Employee		Today's Date (mm/dd/yyyy)	
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.			
Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.			
List A		OR	List B AND List C
Document Title 1			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 2 (if any)		Additional Information	
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
Document Title 3 (if any)			
Issuing Authority			
Document Number (if any)			
Expiration Date (if any)			
		☐ Check here if you used an alternative procedure authorized by DHS to examine documents.	
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.			First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative		Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name		Employer's Business or Organization Address, City or Town, State, ZIP Code	
For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.			

Section 2 of Form I-9

Common Mistakes to Avoid



Employer has missing, incomplete, or inaccurate information on employee.



Employer has missing, incomplete, or inaccurate information concerning acceptable documents from employee.



Employer's authorized representative has missing, incomplete or inaccurate information on employee.



The section is not filled out within designated timeframe.

Supplement B Form I-9

Common Mistakes to Avoid

Supplement B, Reverification and Rehire (formerly Section 3)		USCIS Form I-9 Supplement B OMB No. 1615-0047 Expires 05/31/2027	
Last Name (Family Name) from Section 1.		First Name (Given Name) from Section 1.	
Middle Initial (if any) from Section 1.			
Instructions: This supplement replaces Section 3 on the previous version of Form I-9. Only use this page if your employee requires reverification, is rehired within three years of the date the original Form I-9 was completed, or provides proof of a legal name change. Enter the employee's name in the fields above. Use a new section for each reverification or rehire. Review the Form I-9 Instructions before completing this page. Keep this page as part of the employee's Form I-9 record. Additional guidance can be found in the Handbook for Employers: Guidance for Completing Form I-9 (M-274)			
Date of Rehire (if applicable)	New Name (if applicable)		
Date (mm/dd/yyyy)	Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Additional Information (Initial and date each notation.)			☐ Check here if you used an alternative procedure authorized by DHS to examine documents.
Date of Rehire (if applicable)	New Name (if applicable)		
Date (mm/dd/yyyy)	Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Additional Information (Initial and date each notation.)			☐ Check here if you used an alternative procedure authorized by DHS to examine documents.
Date of Rehire (if applicable)	New Name (if applicable)		
Date (mm/dd/yyyy)	Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Additional Information (Initial and date each notation.)			☐ Check here if you used an alternative procedure authorized by DHS to examine documents.

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Supplement B Form I-9

Common Mistakes to Avoid

Rehiring employees, name changes and work expiration



Employer does not carry down accurate information from Section 1.



Employers does not re-verify acceptable documentation.



Employer has missing, incomplete, or inaccurate information at time of rehire.



Employer does not complete in designated timeframe for compliance.

Preventing Discrimination in the Form I-9 and E-Verify Processes



Employers must accept any valid document an employee presents as long as the document reasonably appears to be genuine and relate to the employee, and must reject documents that do not.



List of acceptable documents is listed Form I-9 for easy reference.



Employer cannot request specific documentation.

Form I-9 Audit Process

1. Notice of Inspection



2. Form I-9 Inspection/Audit



3. Determine Violations



4. Written Notification of Findings

Potential Penalties Associated with I-9 Inspections by ICE



Base fine is established by the number of infractions divided by the number of Forms I-9 that should have been presented for inspection.



Total penalty determined by base amount, size of business, good faith of employer, seriousness of violation(s), involvement of unauthorized workers, and history of previous violations.



Fines increase for second and third offenses and can range from \$288-\$28,619 per offense.

Checklist for Surviving an I-9 Audit

What do you need to do?



Make a list of current employees and a list a employees terminated in the last three years.



Have copies of all I-9 forms (electronic or physical) for current employees.



Make sure you are using the current version of Form I-9.



Collect missing Forms I-9

Checklist for Surviving an I-9 Audit

What do you need to do?



Audit Current Employees

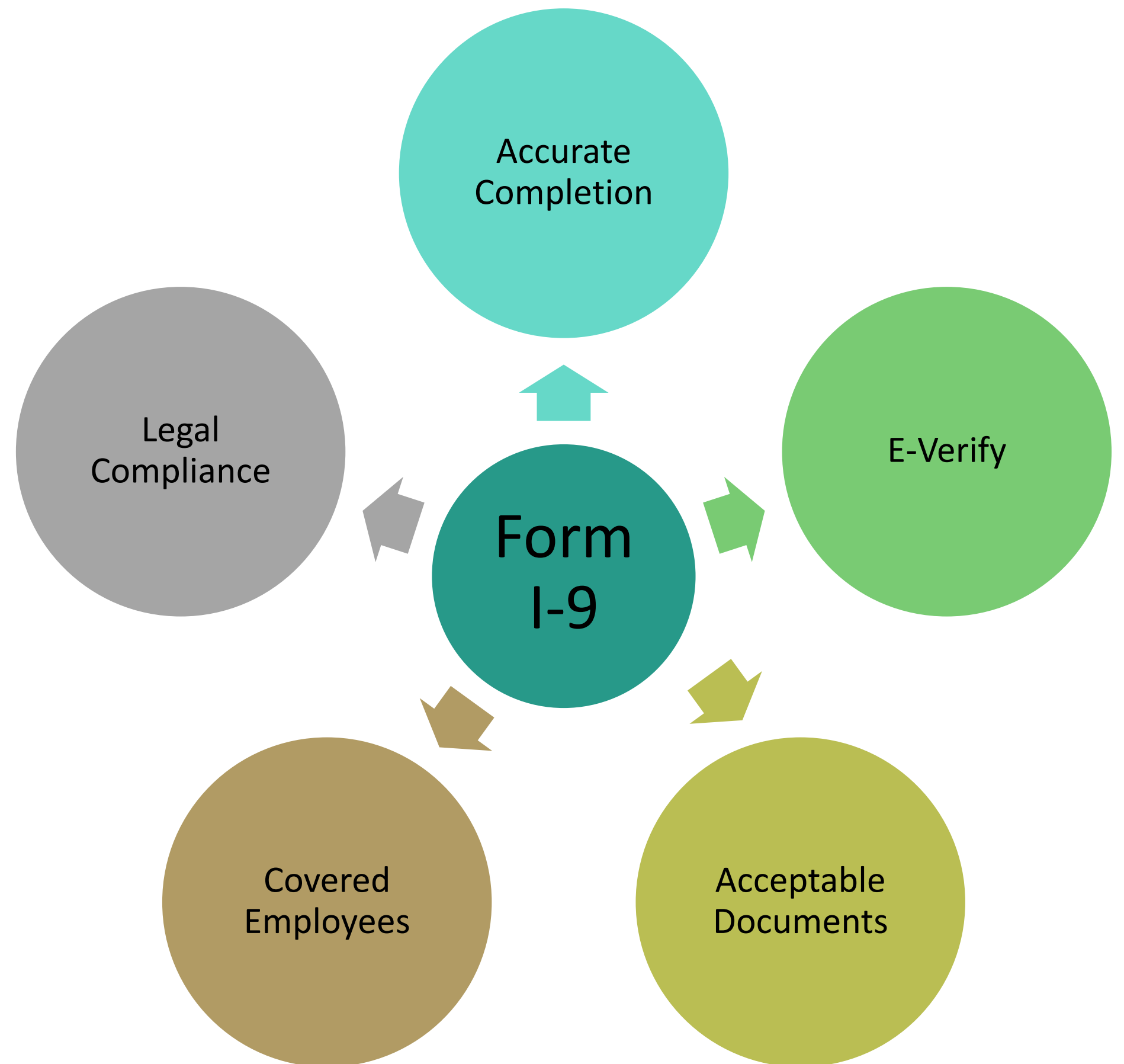


Review Errors



Organize and Correct Terminated
Employee I-9s

Tying it Together



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*Introducing **ProActive HR Inspire**, a free, bi-weekly email update, where we share trending HR topics, tips and best practices for small businesses.*

Trending HR Question:

We have no formal disciplinary process or procedure. How do we address an employee who is being inappropriate?

Answer:

This question is why having a handbook with updated policies, including a disciplinary process, is so important. From time to time, you will need a manual to guide you through these situations and to ensure fairness in your response to and education for the employee in question. Having a process also helps to correct any shortcomings to coach employees to be valuable, contributing members of the workforce. Documentation created as a result of the discipline process can also help protect an employer if termination or other adverse employment decision becomes necessary.

Before all else, establishing a workplace code of conduct as well as other workplace standards is necessary. Employees must have fair and reasonable notice of what is expected of them. They must know the parameters of permissible and prohibited conduct in the workplace. Once you establish a policy, you will want to investigate and address the behaviors deemed inappropriate per your disciplinary method. The ultimate objective of progressive discipline is to help employees correct conduct problems and resolve performance issues in the earliest stages. Depending on the situation and how overt the behavior is, you will want to meet discipline with the degree of misbehavior.

For example, if the employee cursed in front of a customer you may choose to write them up and file the write-up in their personnel file. However, if the employee got physical with another coworker or engaged in any criminal activity, you likely should terminate pending thorough investigation. Of course, every instance is different and should be assessed on a case-by-case basis.

As always, be sure to properly document and have ongoing conversations about expectations such as professionalism and behavior to avoid future issues. In the interim of creating your policy, let the employee know that inappropriate behaviors were reported and ask them to explain themselves. Continue to monitor and document the situation while providing factual feedback to the employee. Here are some [typical examples of employee discipline](#).

Thank You!



Alec Brown

Learning and Development Specialist