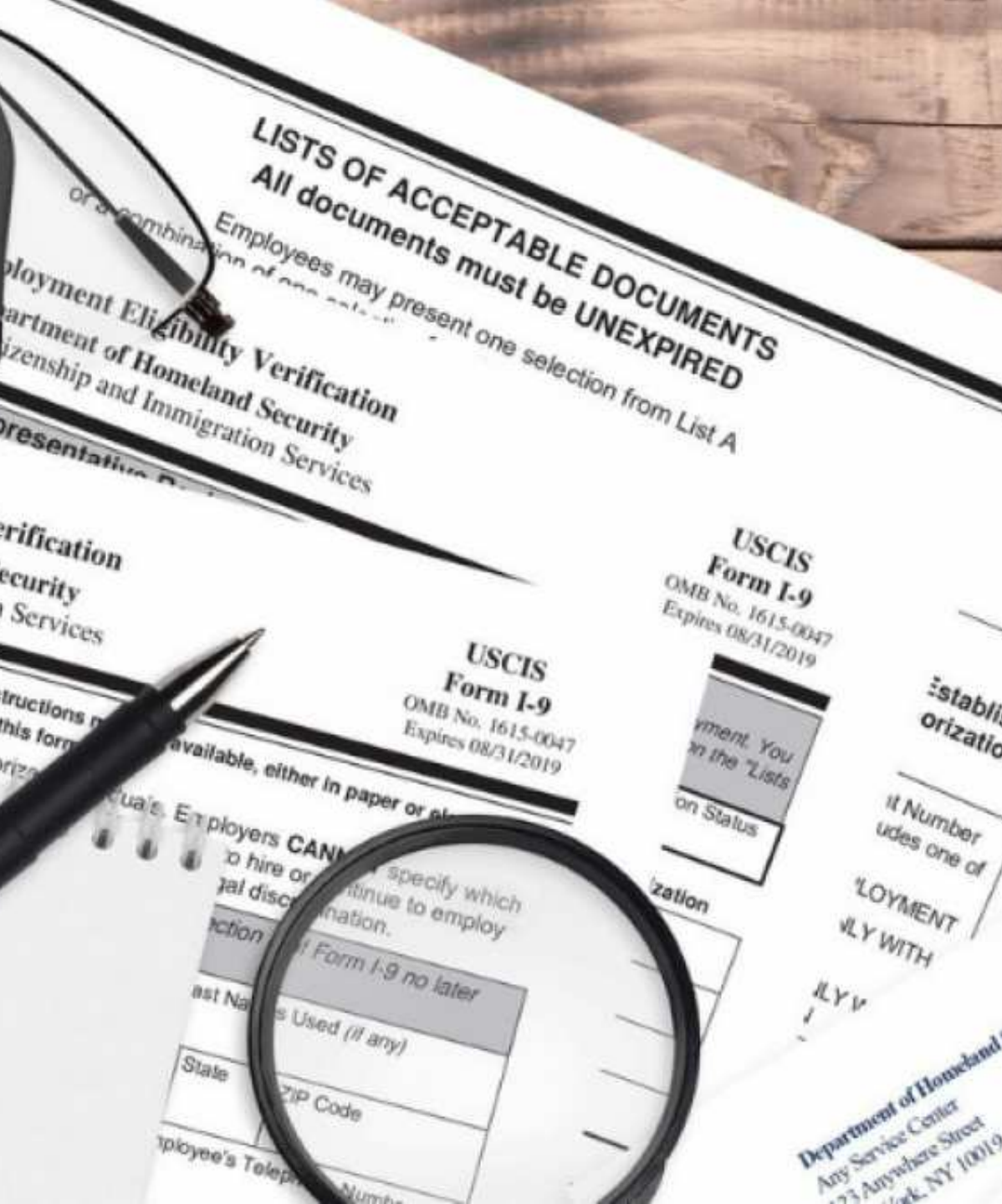




I-9 SURVIVAL GUIDE: STAYING COMPLIANT IN A COMPLICATED WORLD

Clear rules, best practices, and proactive steps to minimize risk and maintain compliance.

WCASHRM 2026

BEST PRACTICE TIPS FROM MULTIPLE SOURCES



The following information and discussion is NOT legal advice, but best practice suggestions derived from multiple sources!



Please thoroughly review all strategy and response plans with your organization's counsel if necessary.

PREPARING FOR AGENCY AUDITS

KNOW THE AGENCIES INVOLVED

- **Department of Homeland Security (DHS)**
- **U.S. Citizenship & Immigration Services (USCIS)**
- **Immigration and Customs Enforcement (ICE)**
- **Homeland Security Investigations (HSI)**
- **E-VERIFY**
- **Department of Labor**
- **Immigrant & Employee Rights Section (IER) – DOJ**
- **Fraud Detection & National Security (FDNS) – H-1B-related visits**
 - Resource: [USCIS FDNS Overview](#)



PREPARING FOR AGENCY VISITS



Identify Key Personnel

Designate a point of contact and backup personnel to interact with officials during the visit.



Gather Necessary Documents

Compile all relevant employee records, I-9 forms, and other required documentation for review.



Conduct an Audit

Review your company's compliance practices to ensure they meet all applicable laws and regulations.



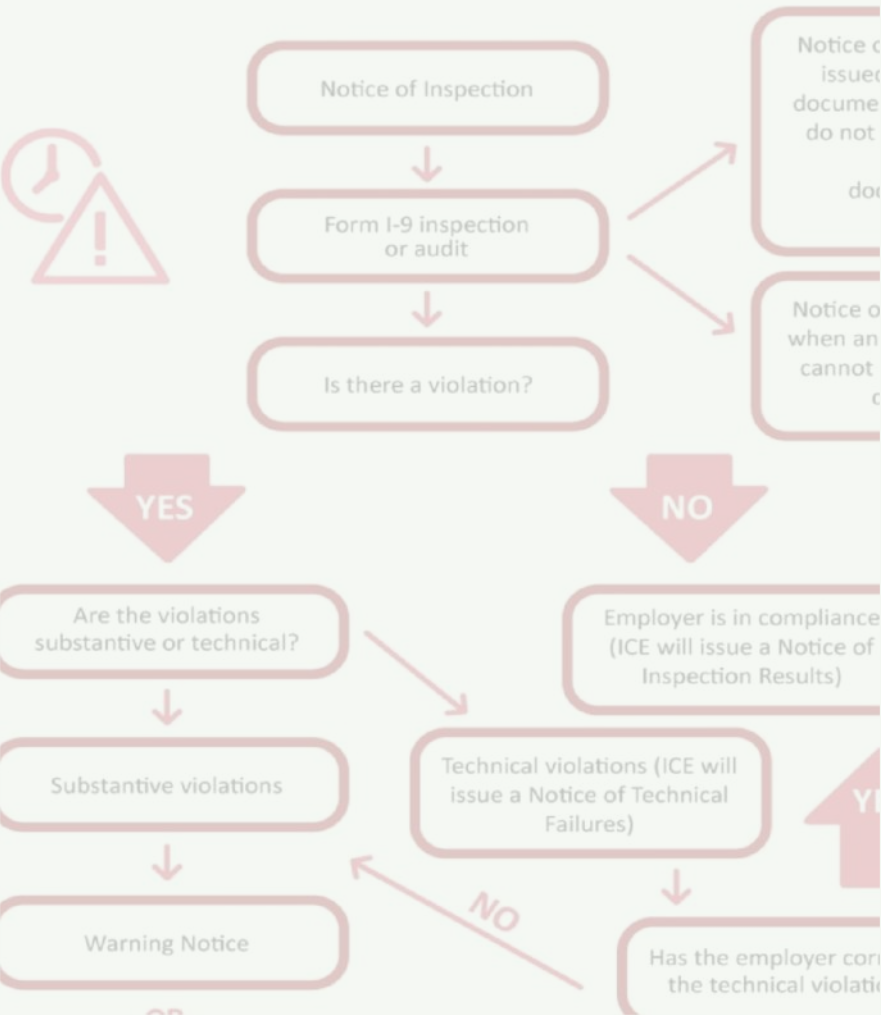
Prepare Interview Space

Set up a private, professional space for immigration officials to conduct interviews and review documents.

By taking proactive steps to prepare for agency visits, you can ensure a smooth and compliant process, minimize disruptions, and demonstrate your commitment to immigration compliance.

Form I-9 Inspection

Employers may be penalized for failing to meet Form I-9 requirements and Customs Enforcement (ICE) believes an employer has committed a violation, ICE will serve the employer with a Notice of Inspection, which is a subpoena for the employer's Forms I-9 and related documents. ICE will review each document for any substantive or technical paperwork violations. The following is the Form I-9 inspection process.



I-9 AUDITS AND NOTICES OF INSPECTION (NOI)

- **Employers may receive an NOIA, which requires them to submit I-9s for review.**
- **Failure to comply can lead to fines and penalties.**

The background features a dark blue world map with glowing blue lines and circular light effects. The text "BREAKING NEWS" is prominently displayed in the center. "BREAKING" is in red with a black outline, and "NEWS" is in white with a black outline. Both words have a 3D effect with shadows.

BREAKING **NEWS**

ICE FORM I-9 INSPECTION PROCESS (MARCH 2026)

Refer to the latest [ICE Fact Sheet on I-9 Inspections](#) for current compliance standards.

Inspection Trigger: HSI initiates inspections via a Notice of Inspection (NOI), requiring the production of Form I-9 records.

Employer Responsibilities:

- Ensure all I-9s are completed accurately and retained for the legally required period.
- Maintain organized records to allow for timely production upon request.
- Review internal processes to identify and correct potential errors before an audit occurs.

Compliance Risks: Understanding the distinction between technical and substantive violations is critical to minimizing potential penalties.



ERRORS RECLASSIFIED AS SUBSTANTIVE VIOLATIONS

March 2026 ICE Fact Sheet



Employee Information

Missing employee date of birth, failure to date Section 1.



Supplement A – Preparer/Translator

Incomplete or missing preparer/translator information (e.g., missing name, address, signature, or date).



Section 2 – Employer Review

Missing date of hire.



Section 2 – Employer Certification

Failure to date the Section 2 employer certification, missing employer or authorized representative title.



Section 2 – Document Information

Missing required document information (even where a legible photocopy of the document is retained).



Supplement B – Rehire/Reverification

Missing rehire date.



Form Usage

Using Spanish-language Form I-9 outside Puerto Rico.

ERRORS RECLASSIFIED AS SUBSTANTIVE VIOLATIONS

March 2026 ICE Fact Sheet



Reclassification recinds the 10 day allowance for correction during an audit

FORM I-9 TECHNICAL OR PROCEDURAL FAILURES AND POTENTIAL VIOLATIONS IF UNCORRECTED



1

Failure to use a version of the Form I-9 that is current at the time any part of the form is initially completed.

2

Failure to ensure that an individual provides his or her other last names used (if any) or a physical address in Section 1 of the Form I-9.

A missing email address or phone number in Section 1 will not constitute a violation.

3

Failure to, when enrolled and utilizing E-Verify for the employee, ensure that the employee's Social Security Number is correct.

EMPLOYER RESPONSIBILITIES FOR SECTION 1

FROM THE FORM I-9 INSTRUCTIONS

SECTION 2: EMPLOYER REVIEW AND VERIFICATION

BEFORE COMPLETING SECTION 2, YOU, THE EMPLOYER, SHOULD REVIEW SECTION 1. IF YOU FIND ANY ERRORS OR MISSING INFORMATION IN SECTION 1., THE EMPLOYEE MUST CORRECT THE ERROR, AND THEN INITIAL AND DATE THE CORRECTION.

FORM I-9 TECHNICAL OR PROCEDURAL FAILURES AND POTENTIAL VIOLATIONS IF UNCORRECTED

Supplement A Technical Failures

1

Failure to record the employee's full name at the top of Supplement A.

FORM I-9 TECHNICAL OR PROCEDURAL FAILURES AND POTENTIAL VIOLATIONS IF UNCORRECTED

Supplement B Technical Failures

1

Failure to record the employee's full name at the top of Supplement B.

2

Failure to record the employee's new name (if applicable) in the applicable section.

UNDERSTANDING IMMIGRATION RAIDS

ICE may conduct an unannounced enforcement action to search, collect documents, and interview employees.



- **Key Personnel Responsibilities:** Receptionists and frontline employees should be trained to handle agency visits.
- **Key managers must know what credentials and documents to request from agents.**
- **Organizations should prepare a contingency plan in case of seized records, computers, or detained employees.**

ESTABLISH A RAPID RESPONSE TEAM

Written Plan

Point Person

Employee Training



This could be situational depending on the agency and the action taken.

DEVELOP A WRITTEN RESPONSE PLAN



Outline Roles and Responsibilities

Clearly define the roles and responsibilities of key personnel involved in responding to immigration agency visits, such as the Rapid Response Team, point of contact, and legal counsel.



Establish Procedures for Different Scenarios

Develop detailed procedures for handling various types of immigration agency visits, including unannounced raids, audits, and requests for information or documentation.



Ensure Plan is Accessible to Staff

Make the written response plan readily available and accessible to all relevant staff members, so they can quickly refer to it and understand their responsibilities during an agency visit.

By creating a comprehensive written response plan, your organization can ensure a coordinated and lawful response to immigration agency visits, protecting the rights of both the company and its employees.

DESIGNATE A POINT OF CONTACT FOR AGENCY INTERACTIONS

Assign a Trained Spokesperson

Designate a specific individual who is trained to interact with immigration agents during agency visits. This ensures consistent and professional communication.

Provide Comprehensive Training

Ensure the designated point of contact receives thorough training on the company's response protocols, legal rights, and strategies for managing agency interactions.

Centralize Communication

Channel all communications with immigration agents through the designated point of contact to maintain control over the information being shared and the company's response.

Document All Interactions

Require the point of contact to meticulously document all interactions with immigration agents, including the agents' names, badge numbers, and details of any searches or communications.

Coordinate with Legal Counsel

Instruct the point of contact to immediately inform the company's legal counsel of any agency visits to receive guidance and ensure the company's rights and interests are protected.

DISTINGUISH BETWEEN PUBLIC AND PRIVATE AREAS



Clearly Mark Public Entrances



Restrict Access to Private Offices (type of warrant?)



Designate a Meeting Room to Meet With Agents



Communicate Policies to Relevant Employees

REVIEW AND VERIFY WARRANTS

Review Warrants Carefully

Designate trained personnel to thoroughly review any warrants presented by immigration agents. Ensure they understand how to verify the validity and scope of the warrant.

Check for Legal Compliance

Verify that the warrant complies with legal requirements, such as being signed by a judge, specifying the location and items to be searched, and not exceeding its authorized scope.

Understand Warrant Limitations

Determine the exact limitations of the warrant, such as which areas or documents the agents are legally allowed to access. Ensure personnel understand these boundaries.

WARRANTS

- **Employees should verify whether the warrant is judicial or administrative.**



Judicial Warrant

- **Judicial Warrant: This is a legally enforceable document signed by a judge or magistrate.**
- **If agents have a valid judicial warrant, they have the authority to carry out the arrest or search described in the document.**
- **If a judicial warrant is presented, agents must be allowed access only to the areas specified in the warrant.**
- **Resource: [Legal Review of Warrants](#)**

WARRANTS

- **Employees should verify whether the warrant is judicial or administrative.**
- **Administrative Warrant: This is an internal document issued by a federal agency, not a judge.**
- **It does not authorize agents to enter private or non-public areas without consent.**
- **If an administrative warrant is presented, the employer is not legally required to allow access to nonpublic areas.**
- **Resource: [Legal Review of Warrants](#)**



**Administrative
Warrant**



AVOID OBSTRUCTION DURING SEARCHES

- **Do Not Physically Interfere**

Refrain from physically obstructing or hindering the officers during their search. Comply with their lawful instructions and do not attempt to prevent them from conducting the search.

- **Avoid Providing False Information**

Do not give any false or misleading information to the immigration agents. Be truthful and transparent in all communications to maintain the integrity of the process.

- **Do Not Destroy or Hide Documents**

Resist the temptation to destroy, hide, or conceal any documents or records, as this could be considered obstruction of justice and lead to further legal consequences.

- **Do Not Assist Employees in Evading Officers**

Refrain from helping employees evade or avoid the immigration agents. Encourage all employees to cooperate with the officers to the extent required by law.



BE COOPERATIVE, BUT...

- **Answer the question that was asked.**
Don't begin explaining five additional things.
- **Never argue with the officer or agent.**
If you believe the action or warrant exceeds it authority, document your concern, escalate internally, let legal counsel address it.

DOCUMENT ALL INTERACTIONS

Agent Name / Agency	Badge Number
Agent John Doe - HSI	1234
Agent Jane Smith - DHS	5678



COMMUNICATE WITH LEGAL COUNSEL PROMPTLY

Notify Legal Counsel Immediately

Inform legal counsel as soon as any immigration agency visit occurs, to receive timely guidance and ensure the company's rights and interests are protected.

Obtain Legal Advice

Work closely with legal counsel to understand the scope of the agency's authority, the validity of any warrants, and the appropriate response to ensure compliance with the law.

Coordinate Legal Strategy

Collaborate with legal counsel to develop and implement a coordinated strategy for managing the agency's visit, including any necessary documentation, communications, or negotiations.

Protect Organizational Interests

Rely on legal counsel's expertise to safeguard the company's interests, rights, and compliance with relevant laws and regulations during the agency's visit.

CONDUCT POST-VISIT REVIEWS

Evaluate Response Effectiveness

Analyze the organization's response during the agency visit, identifying strengths and weaknesses in the execution of the written response plan.

Gather Feedback from Stakeholders

Collect input from key personnel involved in the incident, such as the rapid response team, legal counsel, and affected employees, to understand their perspectives on the effectiveness of the response.

Review Incident Documentation

Thoroughly review all records and documentation collected during the agency visit, including warrants, communications, and interactions with immigration agents, to identify areas for improvement.

Identify Training Gaps

Pinpoint any gaps in employee training that may have hindered the organization's ability to respond effectively, and determine the need for additional or more comprehensive training.

Update Response Plan and Protocols

Incorporate the lessons learned from the post-visit review to revise the written response plan, clarify roles and responsibilities, and enhance the organization's preparedness for future agency visits.

BEST PRACTICES FOR I-9 MANAGEMENT

ELECTRONIC SYSTEM COMPLIANCE

- Ensure digital I-9 storage and verification systems meet legal standards.
- Guidance: **DOJ Form I-9 Software Compliance**



WHAT TO AVOID WHEN USING FORM I-9 SOFTWARE PROGRAMS

EMPLOYERS MUST NOT:

- Automatically pre-populate the Form I-9 with employee information derived from information that the employer has accessed externally, such as by importing information from an employee's job application.
- Complete a Form I-9 on an employee's behalf unless the employer is helping an employee complete Section 1 as a preparer or translator. In such cases, the employer must complete the required fields for preparers and/or translators.
- Remove any Form I-9 fields, or request more or different information than the Form I-9 requires.
- Add or remove steps in the E-Verify process if the employer uses E-Verify. In addition, any software integration must comply with the E-Verify web services Interface Control Agreement. •



WHAT TO AVOID WHEN USING FORM I-9 SOFTWARE PROGRAMS

EMPLOYERS MUST *NOT*:

- Prevent preparers or translators from assisting an employee to complete Section 1.
- Auto-correct, use predictive text, or post-date a Form I-9.
- Fail to document any changes made to a Form I-9 in an audit trail.
- Change or update an employee's Section 1 citizenship or immigration status attestation. If an employee is correcting a previously made error, the employee (or their preparer or translator) must be the one to make the correction in Section 1.



WHAT TO AVOID WHEN USING FORM I-9 SOFTWARE PROGRAMS

EMPLOYERS MUST NOT:

- Request unnecessary documentation (such as reverifying an employee's identity or impermissibly reverifying an employee's permission to work in the United States). For example, employers should avoid Form I-9 software programs that generate notifications suggesting that an employee must show a different or additional document based on an expiring List B identity document or a Permanent Resident Card.
- Create new E-Verify cases due to corrections made to the Form I-9 if the employee already received an "employment authorized" result.



**IF YOU ARE TYPING SOMEONE'S SIGNATURE, OR
CLICKING AN ELECTRONIC SIGNATURE BOX FOR
THE EMPLOYEE IN SECTION 1...STOP!**





A photograph of a two-lane asphalt road winding through a dense forest. The trees are covered in autumn foliage, with shades of orange, yellow, and brown. The road has a dashed yellow center line and solid white edge lines. In the distance, the road curves to the right. A white rectangular box is superimposed over the center of the image, containing the text "TWO PART JOURNEY...".

TWO PART JOURNEY...

I-9 THREE-DAY RULE



- **The Three-Day Rule for I-9 Completion**

Employers must ensure that new hires complete Section 1 of the Form I-9 on or before their first day of employment...

...and that the employer completes Section 2 within 3 business days of the employee's first day of employment.

Don't request documents before it's legally appropriate to complete Section 2!

Don't ask for too much documentation!



Do not ask for SPECIFIC documentation!

I-9 EXPIRING WORK AUTHORIZATION DOCUMENTS

- **Updating prior to expiration**

Implement a system to monitor document expiration dates and update appropriate I-9 documents in a timely manner to avoid lapses in employment eligibility verification.

- **Watch for extensions (which are fewer after October 30, 2025) and potentially revocations.**

- **Do not update identification documents.**

- **Do not update permanent documents (PRC's, U.S. Passports, etc.).**



**Example
(I-766)**

REAL ID AND I-9 COMPLIANCE



REAL ID is not a federal document for I-9 purposes
REAL (Enhanced) ID *changes the appearance of the driver's license - it does not change who issued it.*

Employers must understand the differences between state-issued and federal documents to maintain proper I-9 compliance.

I-9 DOCUMENT COPIES FOR E-VERIFY



U.S. Passport
(with barcode page)



U.S. Passport Card



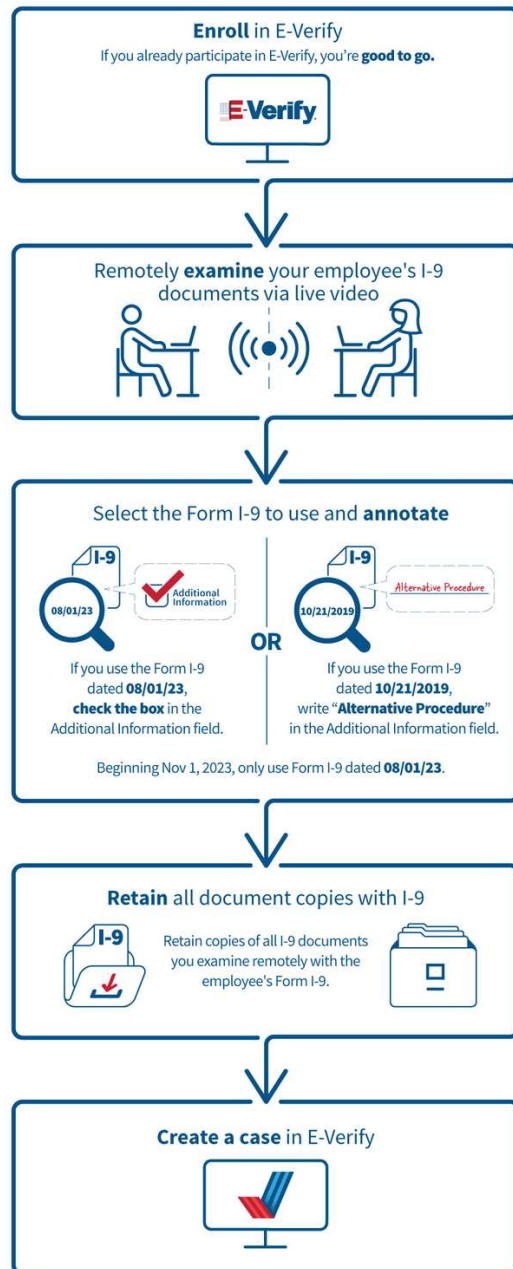
Permanent Resident
Card
I-551



Employment
Authorization Document
I-766

Ensuring that employers properly copy and retain the required documents for E-Verify is crucial for maintaining compliance with employment eligibility verification requirements.

How do I participate in the remote examination of Form I-9 documents?



REMOTE I-9 COMPLETION FOR E-VERIFY PARTICIPANTS



E-Verify Participation

Employers must be E-Verify participants to allow remote I-9 completion



Remote completion of I-9s

Includes a virtual (live) review of the documents presented and the employee.



A VERY specific process exists.

Must offer to all employees or hybrid employees.

BEST PRACTICES FOR I-9 MANAGEMENT

SEPARATE I-9 STORAGE

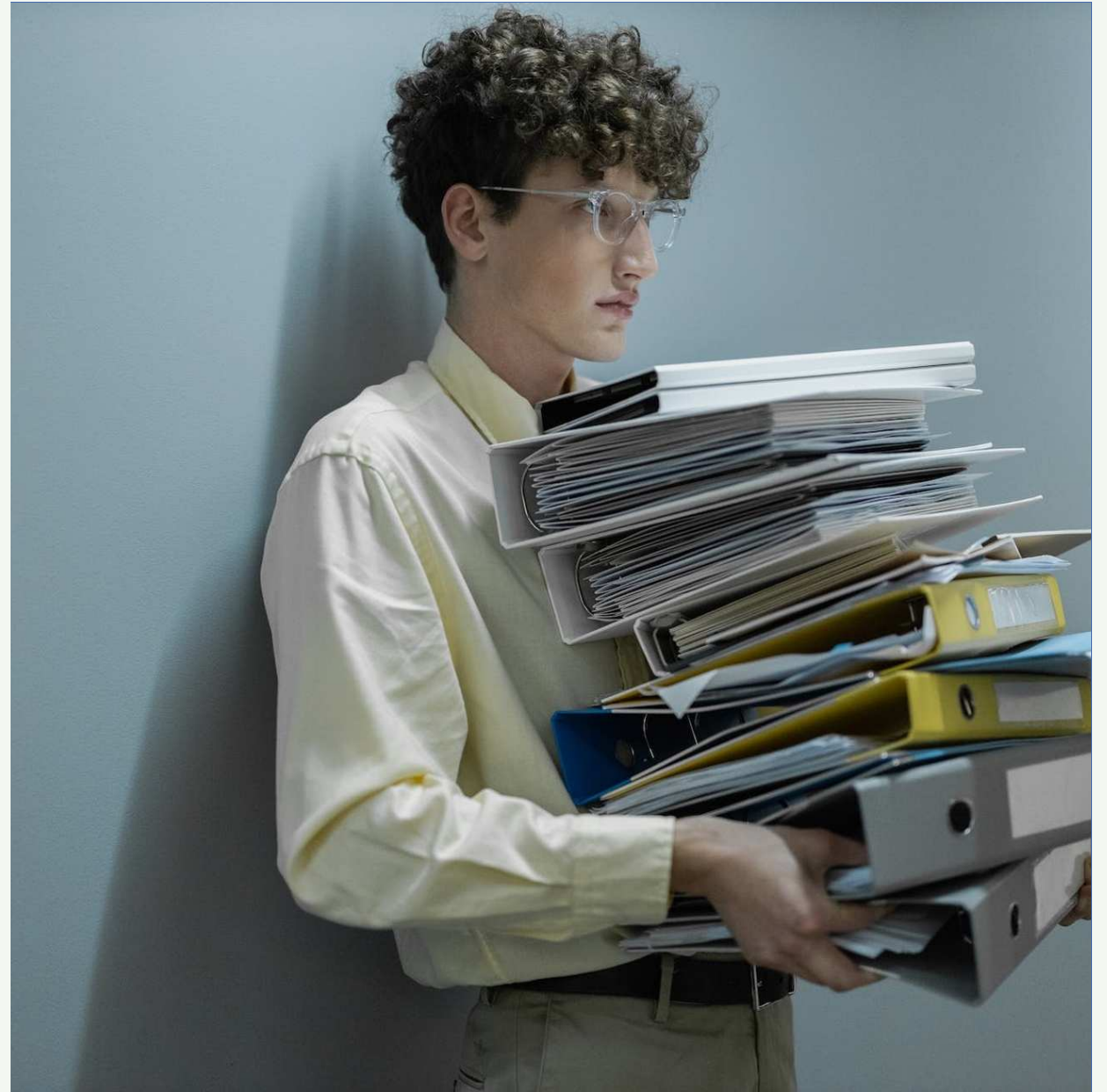
- **Keep I-9s and supporting documents in separate files (not in general employee files).**
- **Organize by active and terminated employees in secure, accessible storage.**



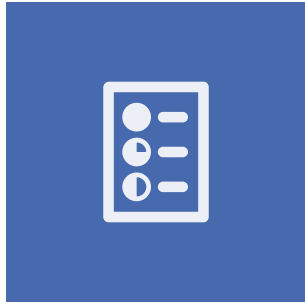
MAINTAIN ACCURATE EMPLOYMENT RECORDS

Regularly auditing and updating Form I-9s and other employment documentation is crucial to ensure compliance with employment eligibility verification requirements. Maintaining accurate and up-to-date records helps employers avoid penalties and demonstrates a commitment to legal hiring practices.

- **Resources:** [USCIS Self-Audit Guidelines](#)
- **Guidance:** [ICE I-9 Audit Guide](#)



PURPOSE OF AN INTERNAL I-9 AUDIT



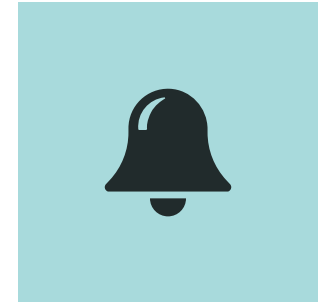
Purpose of an Internal I-9 Audit

Helps maintain compliance, even though not legally required



Audit Approach

Can review all I-9s or a neutral sample



Audit Considerations

Must avoid discrimination or retaliation
Penalties may apply even if audits are done incorrectly

Conducting a thorough internal I-9 audit, even though not legally mandated, can help organizations maintain compliance with employment eligibility verification requirements and mitigate potential penalties.

PLANNING THE AUDIT



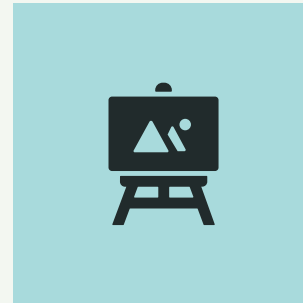
Define scope & purpose before starting

Clearly define the objectives and parameters of the audit process to ensure it is focused and effective.



Communicate process clearly in writing to relevant employees

Provide written guidance to employees on the audit process, their responsibilities, and expected outcomes.



Establish Q&A/support process for employees

Create a dedicated channel for employees to ask questions and receive assistance throughout the audit process.



Apply consistent standards for deficiencies

Develop and consistently apply clear criteria for identifying and addressing any deficiencies found during the audit.

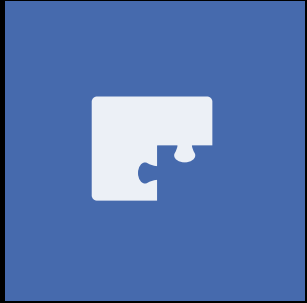
By following these best practices, organizations can ensure a comprehensive, transparent, and employee-centric audit process that promotes compliance and builds trust within the workforce.

CORRECTING ERRORS

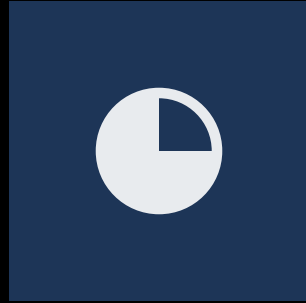


- ✓ **Only employee/preparer can correct Section 1**
- ✓ **Employer may correct Sections 2 & (3) Supplement B**
- ✓ **Best practice: line through, correct, initial & date**
- ✓ ***Never erase, white-out, or backdate forms***
- ✓ **Wrong form version? Attach explanation with correct version**

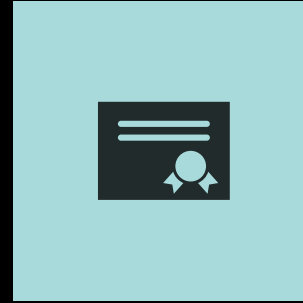
HANDLING MISSING OR INVALID FORMS



Missing I-9: complete current form ASAP (do not backdate)



Incomplete sections: complete now with explanation



Documents must have been valid at time of hire even if they have since expired



If questionable, employee may present new acceptable documents (employer cannot demand specific ones)

Properly handling missing or incomplete I-9 forms and documents is crucial for maintaining compliance and avoiding potential penalties.

E-VERIFY ISSUES DURING INTERNAL AUDIT



Missed Cases

Create immediately if omission was unintentional.

Watch MOU Date (hire date must be on or after)



Cannot retroactively E-Verify all hires

Employers cannot retroactively E-Verify all their employees unless it is a requirement for a federal contract. E-Verify should only be used for new hires going forward from MOU date.

Employers should focus on creating new I-9 forms immediately for any unintentional missed cases, but cannot retroactively E-Verify all their existing hires unless contractually required.

SPECIAL ISSUES

- Employees **NOW** authorized do not have to be terminated for past unauthorized status if they can provide current, valid evidence of identity and work authorization.
- Third-party auditors/representatives allowed, however, employers are ultimately responsible for the content of all I-9s.

BEST PRACTICES FOR I-9 MANAGEMENT

RETENTION REQUIREMENTS

- Retain I-9s for active employees hired since November 7, 1986.
- For terminated employees, retain records for the *LATER* of: Three years from the date of hire, or One year from the termination date.
- This means that *each* I-9 will have its own retention date...not a blanket date.
- Resource: [USCIS Retention & Storage Guidelines](#)



IMPORTANT I-9 LINKS AND INFORMATION 2026:

- **Form I-9/Instructions:**
<https://www.uscis.gov/i-9>
- **I-9 Central:**
<https://www.uscis.gov/i-9-central>
- **M-274 (I-9) Handbook for Employers:**
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>
- **ICE FACT SHEET MARCH 2026:**
<https://www.ice.gov/factsheets/i9-inspection>
- **DOJ Self Audit Guidance:**
<https://www.justice.gov/crt/file/798276/dl?inline>
- **USCIS Self Audit Guidance:**
<https://www.uscis.gov/i-9-central/completing-form-i-9/self-audits-and-correcting-mistakes>



WHY THIS MATTERS

Compliance isn't just about avoiding fines — it's about protecting your people and your organization. Every I-9 completed correctly is one less worry on your shoulders.

Stay consistent, stay confident, and know that preparation today means calm tomorrow.

THANK YOU!



Sheila Moss, SPHR, SHRM-SCP

smoss@infosolutionsteam.com



Contact Information



"I-9 Lady"

i9lady.com