

# I-9 Compliance & E-Verify Regulations Under Trump Administration

Wednesday, March 18th

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# Housekeeping

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Recording will also be emailed to all that registered for this webinar



This webinar is 60 minutes with a Q&A at the end



Questions can be submitted via the **GoTo Webinar** toolbar

## Today's presenters



**Desirée Throckmorton**

VP I-9 Operations – **OutSolve**

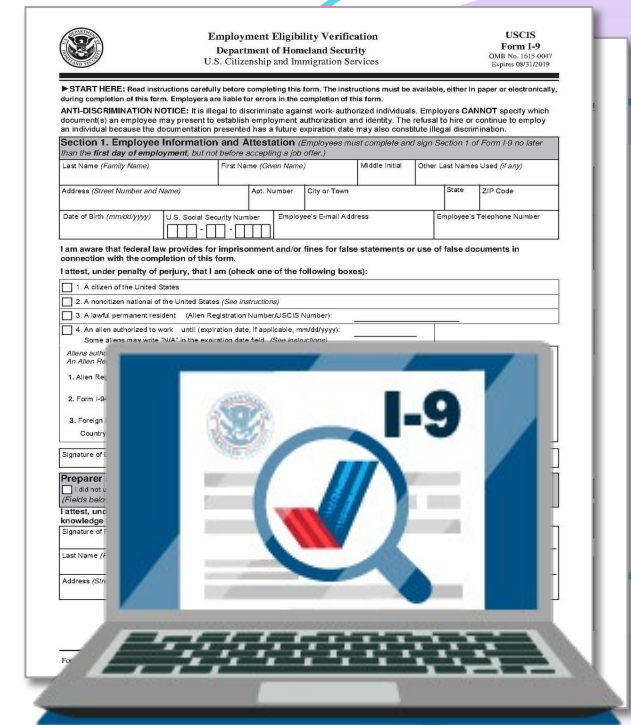


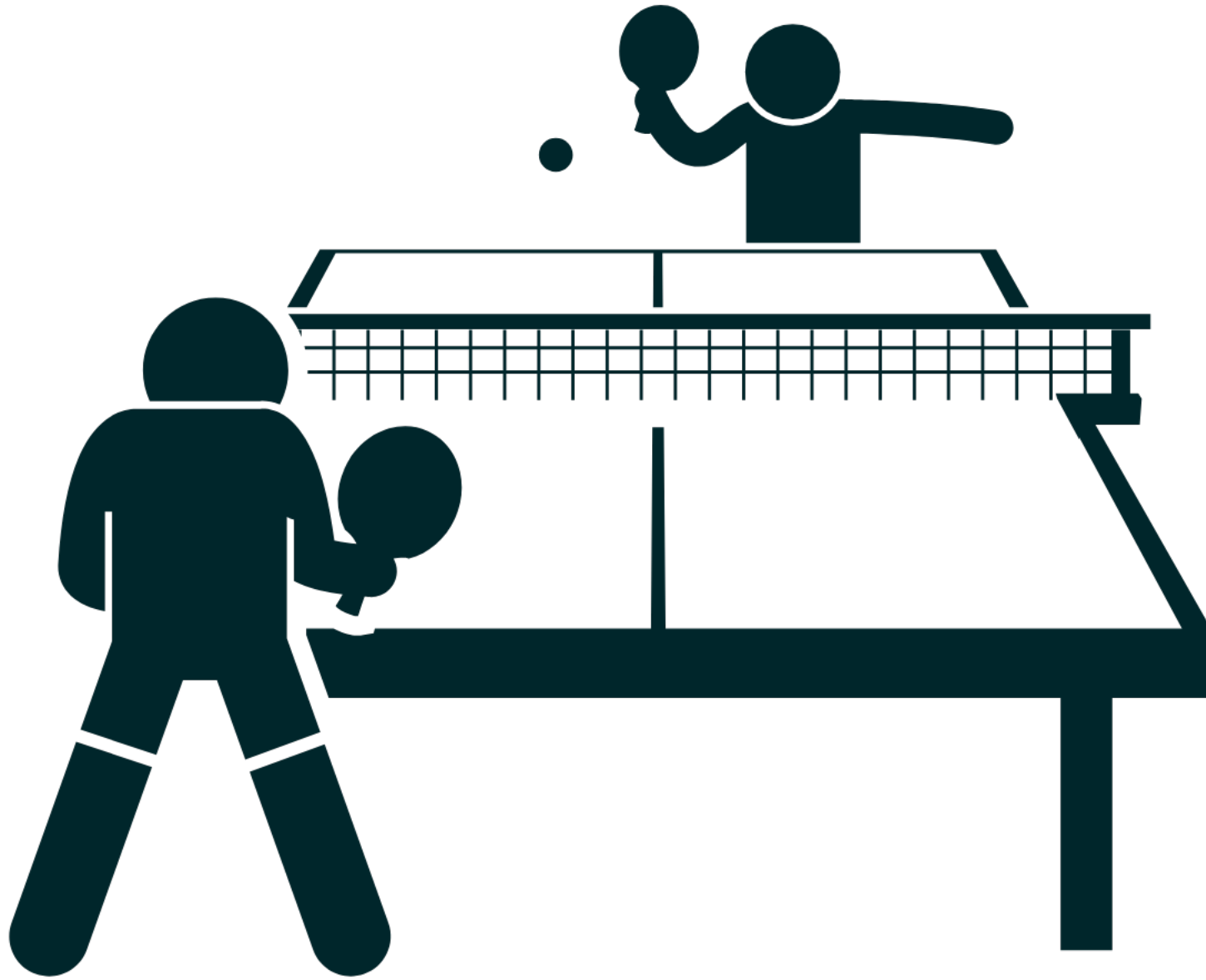
**Alissa Horvitz**

Member Attorney – **Roffman Horvitz**

# Agenda

- What to Expect From the Trump Administration
- Raids vs. ICE Audits
- Employer Responsibilities & Deadlines
- Civil and Criminal Violations, and Recent Penalties for Non-Compliance
- Implementing a Follow-Up Strategy for Temporary Work Authorizations
- Determining Internal Practices on Retaining I-9 Forms
- Conducting a Self-Audit and Correcting Mistakes





# Form I-9 Information Feeds into E-Verify DHS/SSA data confirms an employee's eligibility to work in the United States

**Supplement A, Preparer and/or Translator Certification for Section 1**  
USCIS Form I-9 Supplement A  
OMB No. 1615-0047  
Expires 05/31/2027

**Supplement B, Reverification and Rehire (formerly Section 3)**  
USCIS Form I-9 Supplement B  
OMB No. 1615-0047  
Expires 05/31/2027

**Employment Eligibility Verification**  
USCIS Form I-9  
OMB No. 1615-0047  
Expires 05/31/2027

**START HERE:** Employees must ensure the form instructions are available to employees when completing this form. Employees are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

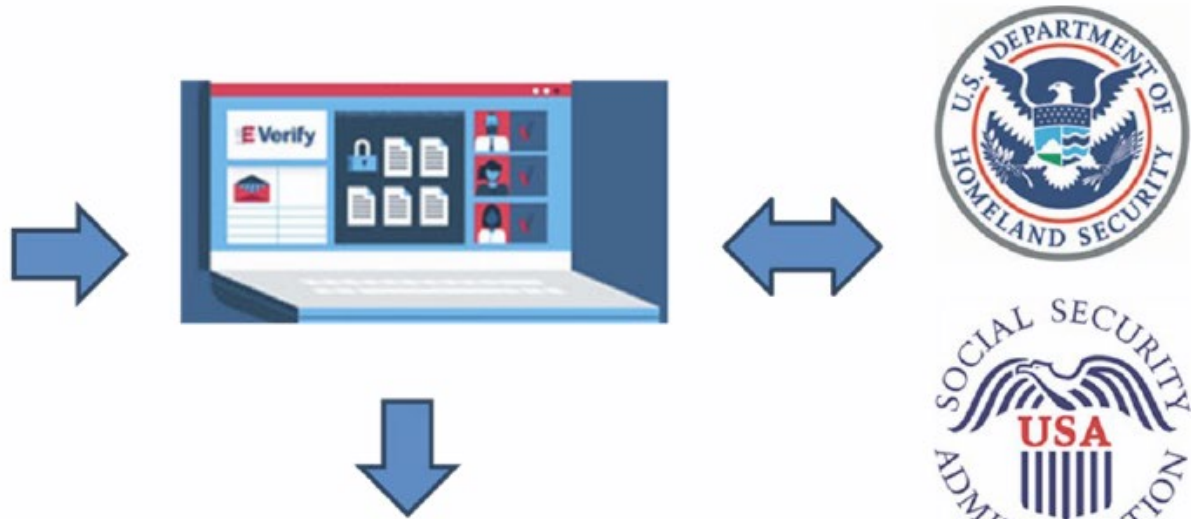
**ANTI-DISCRIMINATION NOTICE:** All employees can choose which acceptable documentation to present for Form I-9. Employees cannot ask employees for documentation to verify information in Section 1 or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification 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.

**Section 2. Employer Review and Verification:** Employers must complete the Program, right to work, and sign Section 2 when they have reviewed the employee's information and determined that the employee is authorized to work in the United States. If the employee is not authorized to work in the United States, the employer must complete Section 3 of Form I-9.

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**Employment Authorized**

**Tentative Nonconfirmation (Mismatch)**

**E-Verify Needs More Time**

## What to Expect From the Trump Administration

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- Renewed focus on worksite immigration enforcement
- Increased use of ICE audits (Notices of Inspection)
- Higher civil penalties for I-9 and verification errors
- Less tolerance for repeat or technical non-compliance
- Greater emphasis on employer accountability and documentation
- Focus by industry



## Poll Question

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How prepared do you feel your organization is for increased worksite enforcement under the Trump Administration?

- A. Very prepared
- B. Somewhat prepared
- C. Not very prepared
- D. Not prepared at all

# RAIDS VS. ICE AUDITS



## ICE Raids vs. ICE Audits

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- ICE Raid
  - DHS arrives at the employer's premises without warning
  - Agents will surround the worksite and may have aerial support
  - Agents enter the business with a criminal search warrant, which will describe where agents are going to search and what they may seize
    - Payroll; I-9s; bank records; Social Security Administration documents; IRS Forms 940 and 940 employment tax documents; and/or other financial and employee records
  - ICE may detain and arrest unauthorized workers
  - The employer should make an inventory of seized property and arrested employees

## ICE Raids vs. ICE Audits

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- ICE Audit (slide 1 of 3)
  - ICE serves a Notice of Inspection (NOI) on the employer and attaches a list of requested items
    - Normally, two agents serve the NOI and/or subpoena on the employer and demand production of the information within three days
    - The agents may ask the employer if it wishes to waive the three days (not recommended)
  - The employer should contact counsel urgently
  - Similar records as in the raid will be requested (I-9s, payroll, list of current employees and list of former employees for the past one-to-three years; SSA documents; IRS forms 940 and 940 employment tax documents; business licenses, etc.)

## ICE Raids vs. ICE Audits

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- ICE Audit (slide 2 of 3)
  - ICE agents have a right to receive and inspect original I-9 Forms
  - Employer should copy all paper documents it turns over to ICE
  - The ICE agent is inspecting the forms to ensure they comply with the law
  - The ICE agent is principally looking for incomplete or missing forms, or employment of unauthorized workers
  - There also may be technical violations, which the employer has 10 days to remedy
  - ICE Fines (next slide)

## ICE Raids vs. ICE Audits

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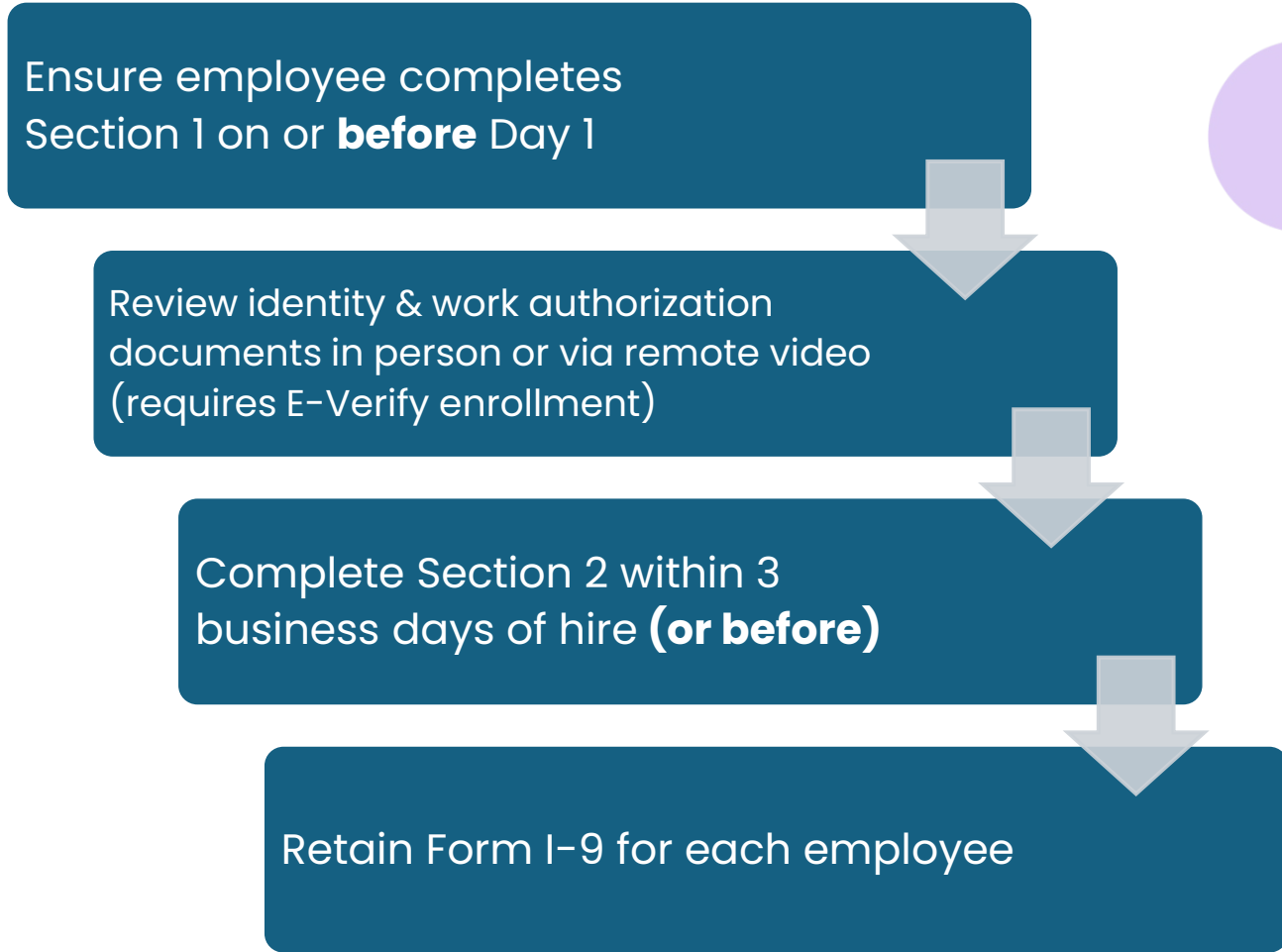
- ICE Audit (slide 3 of 3)
  - ICE Fines can be steep (2025–2026 Penalty Structure)
    - Substantive/Uncorrected Paperwork violations: \$288–\$2861 per form
    - Knowingly Hiring/Continuing to Employ an Unauthorized Worker
      - First Offense: \$716 – \$5,724 per worker
      - Subsequent Offenses: Up to \$28,619 per worker
  - ICE determines the final fine based on five factors:
    - Business size
    - Good faith effort to comply
    - Seriousness of the violation
    - Whether unauthorized workers were involved
    - History of prior violations
  - ICE Audit outcomes: <https://www.ice.gov/factsheets/i9-inspection>

# EMPLOYER RESPONSIBILITIES & DEADLINES

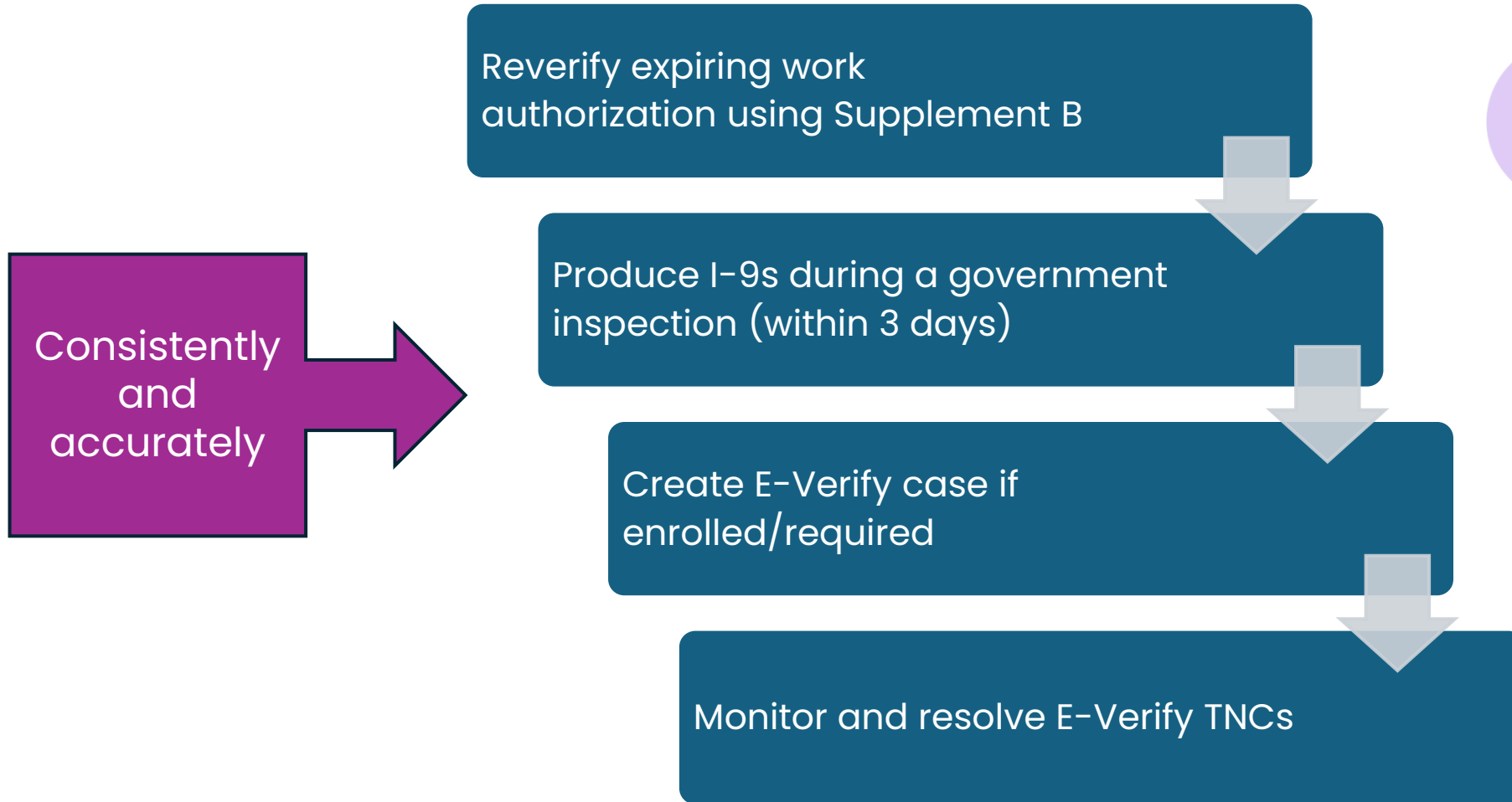


# Employer Responsibilities & Deadlines

Consistently  
and  
accurately



# Employer Responsibilities & Deadlines



# Employers MUST NOT

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### Prescreen

- Do not complete Form I-9 prior to an offer being accepted

### Section 1

- Never fill out Section 1 for the employee
- Never influence how the employee attests to citizenship or status

### Documents

- Don't specify I-9 documentation an employee must present
- Or don't reject reasonably genuine looking documents

### Discriminate

- Never discriminate against individuals based on national origin, citizenship, or immigration status

### Corrections

- Never back date
- Never conceal errors

# Employers participating in E-Verify

## MUST NOT

### Prescreen

- Never use E-Verify to pre-screen an applicant for employment

### Adverse Action

- Employers may not take adverse action against an employee while a TNC is being resolved.

### Discriminate

- **Never** use E-Verify to discriminate against any job applicant or employee based on their national origin, citizenship, or immigration status

### Enrollment

- Do not use E-Verify for employees hired before enrolling in E-Verify
  - Except for certain federal contractors

### Share Credentials

- Never share any E-Verify user ID or passwords

# **CIVIL AND CRIMINAL VIOLATIONS, AND RECENT PENALTIES FOR NON-COMPLIANCE**



## Civil and Criminal Violations, Penalties

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- Civil Violations
  - Knowingly hiring, or knowingly recruiting or referring for a fee, an unauthorized alien for employment in the United States or knowingly continuing to employ an unauthorized alien in the United States
  - Failing to comply with Form I-9 employment verification requirements
  - Committing or participating in document fraud for satisfying a requirement or benefit of the employment verification process or the INA, or committing document abuse
  - Unlawfully discriminating against an employment-authorized individual
  - Failing to notify DHS of a Final Nonconfirmation (FNC) of an employee's employment eligibility
  - Requiring an individual to post a bond or security or to pay an amount or otherwise to provide financial guarantee or indemnity against any potential liability arising under the employment verification requirements
- Criminal Violation: engaging in a pattern or practice of hiring, recruiting, or referring for a fee unauthorized aliens

## Civil and Criminal Violations, Penalties

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- Examples of Penalties Arising Out of I-9 Audits
  - CCS Denver, Inc. – Fined \$6,186,171 after a 100% substantive violation rate and evidence of knowingly hiring and employing at least 87 unauthorized workers.
  - PBC Commercial Cleaning Systems, Inc. – Fined \$1,599,510 for a 74% violation rate and a pattern of knowingly employing at least 12 unauthorized workers.
  - Green Management Denver – Fined \$270,195 after a 100% violation rate and identification of 44 unauthorized employees.
- From the DOJ, Office of the Chief Administrative Hearing Officer, Final Orders, After 7/1/2026
  - Granuband Macon, LLC, Section 1 and 2 of the I-9, 31 individuals, fine \$80,658.35

# **IMPLEMENTING A FOLLOW-UP FOR STRATEGY TEMPORARY WORK AUTHORIZATIONS**



## Follow-Up for Temporary Work Authorizations: Reverification

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- Purpose of reverification
- Who needs reverifying and the timing of reverifying
  - Maintain a secure, updated spreadsheet that includes information on I-94, I-797, and EAD expiration dates
  - Use the E-Verify Status Change report to identify EAD extension dates
- How to reverify
- Avoid common mistakes (cite to OutSolve blog: Form I-9 Reverification: What Is It and Who Needs It For Compliance)

## Poll Question

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How does your organization currently track employees with expiring temporary work authorizations?

- A. Automated system with alerts
- B. Manual tracking (spreadsheets/calendar reminders)
- C. We do not have a formal process

# **DETERMINING INTERNAL PRACTICES ON RETAINING I-9 FORMS**



# Determining Internal Practices on Retaining Form I-9s

**Learning Objective:** Apply I-9 retention rules correctly & determine when to retain vs. purge Form I-9s to ensure compliance.

## Why I-9 Retention Matters

- ✓ Federal Compliance Requirement
- ✓ Risk of Fines & Penalties
- ✓ Inability to Produce I-9s on Demand

Retention decisions *must be*  
**Intentional & Consistent**



## Internal Best Practices

- ✓ Keep I-9s Separate from Personnel Files
- ✓ Use Standardized Retention Logic
- ✓ Document Retention & Purge Procedures

## Retain or Purge? Ask These Questions:

1. Has the employee terminated?

No: Retain the I-9

Yes: Go to Question 2

2. Has the retention period expired?

No: Retain the I-9

Yes: Purge the I-9

## Common Mistakes to Avoid:

- ✗ Indefinite Retention "Just in Case"
- ✗ Purging I-9s Immediately After Termination
- ✗ Retention Based on Citizenship or Visa Type
- ✗ Inconsistent Handling of Paper vs. Electronic I-9s

## Audit-Ready Strategy:

- ✓ Be Prepared for ICE Inspections
- ✓ Purge Eligible I-9s Timely
- ✓ Ensure Consistent Compliance



## Key Takeaway:

**I-9 Retention is a Compliance Obligation, Not a Preference.**  
Follow federal rules with clear, consistent practices.

# CONDUCTING A SELF AUDIT AND CORRECTING MISTAKES



# CONDUCTING A SELF AUDIT AND CORRECTING MISTAKES



Jan 1

## Prepare and Define

- Define scope of the audit & neutrally select sample
- Document the intent of the audit
- Gather current roster and terminated staff



Jan 15

## Gather Forms

- Collect Form I-9 and Supporting Documents per audit scope

*Note: You only have 3 days to gather and submit when inspected by HSI*



Jan 17

## Review Each Form

- Verify timeliness
- Check for completeness
- Identify if any forms are missing
- Review for accuracy
- Document errors found

2026

2026

2026



Mar 1

## Create a Plan to Correct

- Only employees can correct Section 1. Prioritize corrections based on severity of errors



Apr 1

## Post Audit Actions

- Document the process and adjust process where necessary per audit findings

# Common Form I-9 Errors | Paper I-9s vs. Electronic I-9 Systems

Error Category	Paper I-9s	Electronic I-9 Systems
<b>Missing or Late Forms</b>	Forms not completed or completed late; missing I-9s found during audits.	Forms started but never finalized; incomplete workflows.
<b>Section 1 Errors</b>	Missing employee signature/date; incomplete fields.	Incorrect data entered; employee not prompted to correct Section 1.
<b>Section 2 Timing</b>	Section 2 completed after the 3-business-day deadline.	System allows late completion or lacks timing enforcement.
<b>Document Errors</b>	Expired documents accepted; over-documentation.	Invalid document combinations allowed by system logic.
<b>Illegibility / Data Quality</b>	Unreadable handwriting; damaged or incomplete forms.	Blurry or incomplete document uploads accepted.
<b>Improper Corrections</b>	White-out, erasures, backdating; no initials/dates.	Edits overwrite original data; no compliant correction trail.
<b>Reverification Failures</b>	Missed reverification deadlines due to no tracking.	Alerts or workflows not triggered.
<b>Audit Trail Issues</b>	No record of who changed what and when.	Missing or incomplete audit trail.
<b>Retention &amp; Storage</b>	Forms lost, purged too early, or stored improperly.	System does not meet DHS storage requirements.

# Questions?

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## Upcoming OutSolve Sessions

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**APRIL 22 | 2pm ET**

Pay Transparency Best Practices:  
A Practical Playbook for HR and Total Rewards

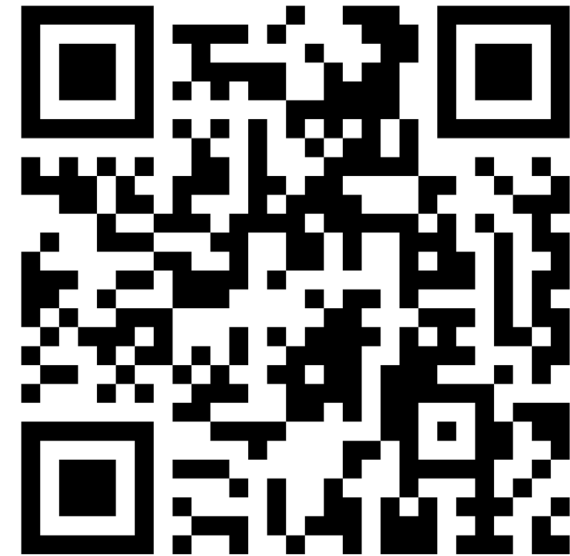
**MAY 13 | 2pm ET**

Compliant Recruiting, Executed:  
From Job Post to Day One

**JUNE 24 | 2pm ET**

Compliance Checkup:  
The Mid-Year Review HR Cannot Skip

**Save Your Spot:**



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