

ICE ANNOUNCES NEW WAVE OF I-9 AUDIT NOTICES— 180 COMPANIES IMPACTED

Last year Immigration & Customs Enforcement (ICE) publicly announced large-scale investigations that resulted in two waves of Notices of Inspection to more than 1,600 businesses nationwide. This week ICE announced another wave of investigations with a news release on March 2, 2010, announcing the service of Notices of Inspection to 180 businesses in Louisiana, Mississippi, Alabama, Arkansas, and Tennessee.

In the ICE [news release](#), Raymond R. Parmer, Jr., Acting Special Agent in Charge of the ICE Office of Investigations in New Orleans, spoke of his agency's commitment to the use of employer sanctions as a means of curbing unlawful employment. "ICE is committed to establishing a meaningful I-9 inspection program to promote compliance with the law. This effort is a first step in ICE's long-term strategy to address and deter illegal employment," Parmer said. Special Agent Parmer's comments signal employers that this newest wave of large-scale ICE investigations will not be the last.

ICE has received increased funding for I-9 investigations, and the government has expressed continued commitment to the use of I-9 audits as an enforcement tool. Enforcement efforts by ICE could lead to both civil and criminal penalties. All employers are encouraged to seek counsel and a third-party Form I-9 audit in order to take appropriate, proactive steps to mitigate potential liability before an audit notice is served. Because ICE affords employers only a very short response time, ordinarily 3 days, employers should take proactive steps in order to be prepared in advance. In the current environment, the government is routinely denying requests for extensions of time to respond to Federal subpoenas.

An independent Form I-9 audit conducted by qualified legal counsel can reduce liability for fines and penalties. FosterQuan audits also identify recurring errors that indicate policy or procedural errors that must be addressed. Undergoing an independent audit with FosterQuan's patented I-9 Solver process will ensure the greatest degree of mitigation possible, and will afford officers of the company the peace of mind of knowing the company is prepared in the event of an ICE investigation. With the advice of Board Certified attorneys on the implementation of effective compliance policies, FosterQuan clients can be assured that all possible steps have been taken to establish to ICE inspectors the company's culture of compliance.

For more information on conducting an independent Form I-9 audit or for advice and consultation in connection with preparing an effective response to an audit notice, please contact your FosterQuan immigration attorney. Response deadlines for a Notice of Inspection are usually only 3 days, so immediate action and contact to FosterQuan is required upon receipt of any ICE subpoenas or notices.

As always, FosterQuan will continue to monitor developments in the area of workforce compliance and will provide additional information via our firm's [website](#) and future Immigration Updates©.