Immigration Compliance for Employers

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About the Author

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About the Co-Author

Marco A. Moreno is an immigration attorney with Lewis & Kappes, P.C., and his practice focuses on U.S. Immigration, Nationality, and International Law. Marco works closely with related agencies and tribunals, such as Citizenship and Immigration Services, National Visa Center, Department of State, Department of Labor, Department of Justice, Customs and Border Protection, Immigration and Customs Enforcement, and Consular Offices. For corporate clients, Marco advises employers on how to obtain proper immigration benefits for foreign born employees and students interns. Likewise, he advises employers on their obligations and responsibilities under Indiana and federal laws and regulations, including I-9 and compliance, E-verify, no-match letters, and related anti-discrimination compliance and violation prevention. Marco regularly evaluates eligibility and prepares applications for labor certification with the U.S. Department of Labor and related nonimmigrant (H-1B, O-1, P-1, L-1) and immigrant visa petitions with a focus on engineers, medical professionals and researchers, persons with extraordinary ability and with skills warranting national interest waivers.

For individual clients, Marco evaluates eligibility and prepares family based immigrant visa petitions for individual clients in all family sponsored categories, including resolving issues related to the Child Status Protection Act (CSPA), recapturing of priority dates, Temporary Protected Status (TPS), NACARA affirmative applications, VAWA petitions, I-601 Waivers of Inadmissibility, and I-212, Applications for Admission after Deportation. Marco regularly defends individuals in removal proceedings before immigration court in Chicago with a focus on cancellation of removal and 212(a)(h) Document Fraud Waivers. He assists in the acquisition of Post Conviction Relief for foreign nationals convicted of criminal offenses amounting to aggravated felonies and crimes involving moral turpitude which can render foreign nationals inadmissible or removable. In October, 2005, Marco was appointed by the Mexican Secretary of Foreign Relations to represent the Consulate of Mexico in Indianapolis. He advises the Consul of Mexico through the Mexican Secretary of Foreign Relations for the Consulate of Mexico in Indianapolis on issues relating to admissibility and eligibility under the North American Free Trade Agreement (NAFTA). Marco is a member of the American Immigration Lawyers Association; International Law Section of the Indianapolis Bar Association; American Bar Association; Latino Affairs Committee; and the Latino Coalition Against Sexual & Domestic Violence. Marco graduated from Indiana University School of Law in Indianapolis.

IMMIGRATION COMPLIANCE FOR EMPLOYERS

Thomas R. Ruge
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I. Introduction

This article addresses the fundamentals of I-9 compliance laws, immigration-related hiring violations, government worksite enforcement efforts, and how to develop an immigration corporate compliance program. *

In 1986, Congress enacted the Immigration Reform and Control Act ("IRCA") in order to curb unauthorized employment[1]. In essence it places law enforcement responsibilities on employers by establishing certain obligations for employers to screen new employees for proper immigration status and by setting penalties for failure to comply. IRCA also established the Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC") to enforce the anti-discrimination provision of the Immigration and Nationality Act ("INA"). IRCA, for the first time in our country's history, made it unlawful to hire or recruit employees who are not eligible for employment under our immigration laws. Since its enactment over twenty years ago, illegal immigration has increased substantially. Thus, many question an approach to immigration enforcement that imposes complex obligations and potential civil and criminal penalties on employers. Regardless of the criticisms, IRCA remains in effect, and any comprehensive immigration legislation likely will increase the burdens placed on employers.

II. I-9 Compliance Laws

A. The Basics

Under IRCA, employers are required to fill out Form I-9, Employment Eligibility Verification Form, for all employees hired on or after November 6, 1986, regardless of whether a newly hired employee is a foreign national or a U.S. worker. The I-9 provides three (3) sections and a list of acceptable documents that may be used by the employee in order to demonstrate eligibility to work in the U.S.

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* Important resources for this article include: government agency web sites, www.uscis.gov, www.dol.gov, www.dhs.gov; "Handbook for Employers – Instructions on Completing the Form I-9 (found at www.uscis.gov); Guide to Selected U.S. Travel and Identity Documents (found at www.ice.gov); and various publications by the American Immigration Lawyers Association, particularly AILA's Guide to Worksite Enforcement & Corporate Compliance, Josie Gonzales, editor, (2008).

[1] Immigration and Nationality Act (INA) 2774A, 274B, and 274C; 8 USC 1324, 1324b, 1324c. Regulations under IRCA are found at 8 CFR 274a.1 to 274a.10.

List A consists of documents, any one of which is sufficient to establish authorization for employment.

Two documents from lists B and C are required to prove employment authorization. Section one (1) is completed by the employee on or before the first day of hire. The employee must attest to the basis of his or her right to work as a U.S. citizen, lawful permanent resident, or foreign national with work authorization. The employer completes Section 2 of the I-9. The employer is required to inspect the original documents demonstrating the employee's identity and work authorization within three days of hiring[2]. Enforcement responsibilities are shared between the Department of Homeland Security, Immigration Customs and Enforcement and the Department of Labor, and these agencies are empowered to conduct random audits of an employer's I-9 files. Funding for these agencies has been increased significantly in recent years and I-9 audits are becoming more and more common.

The employer, usually a human resources employee, attests to the inspection of these documents in Section two (2) of the Form I-9. The employer must be careful to avoid common mistakes that violate discrimination laws. One common error employers commit in this area includes "document abuse." An employer commits document abuse if it requests particular documents or too many documents to prove identity and/or work authorization. Rather, to avoid a finding of discrimination, the employer is required to permit the employee decide which documents to present from the list attached to the Form I-9. When the employee is a foreign national, there are many possible types of documents that can be presented to prove identity and work authorization, and these are the documents listed in columns A, B and C on Form I-9 as discussed above. The employer must be very careful to place the information in the right columns on the form[3].

Employers who store I-9 information electronically must follow minimum standards that include: reasonable controls to ensure integrity, accuracy, and reliability; reasonable controls designed to prevent and detect the unauthorized or accidental creation of, addition to, alteration of, deletion of, or deterioration of an electronically completed or stored Form I-9; an inspection and quality assurance program; an indexed retrieval system; and the ability to produce legible hard copies[4]. As with all I-9 records, employers must grant access to authorized government agencies, and there are specific standards for demonstrating the integrity of an electronic storage system[5].

Civil fines can range from $110 to $1,100 for failure to properly complete or maintain I-9 documentation, for each violation. If too many mistakes are made the government may find the employer has a practice and pattern of unlawful hiring. If some employees turn out to be illegal workers, the government may find that the employer has knowingly been hiring unauthorized workers. Fines involving these types of violations

[2] See the attached Form I-9 with instructions.
[3] For additional information on completing the I-9 see, "The I-9 Process in a Nutshell" (USCIS Employer Information Bulletin 102), www.uscis.gov/files/article/EIB 102.pdf.
[4] 8 CFR 274a.2(e)(1).
[5] 8 CFR 274a.2(f)(1); 8 CFR 274a.2(g)(1).

range from approximately $375 to $16,000 and jail time for serious offenses and "pattern and practice" violations[6]. Also, it is a felony to bring undocumented persons into the U.S.; to transport undocumented individuals to further their unlawful presence in the U.S.; to conceal, harbor or shield undocumented persons from detection by authorities; to induce or encourage people to illegally enter the U.S., and for knowingly hiring for employment ten (10) or more individuals in a one year period.[7]

Employers are required to retain the Form I-9 for 3 years after the date the person begins work or 1 year after the person's employment is terminated, whichever is later. Because some of the documents used to prove employment authorization for Form I-9 have expiration dates, employers also are required to reverify the Form I-9 by examining new documents (before a foreign employee's original work authorization expires) and by again completing Section 3 of the Form I-9. If an employer has employed an undocumented worker, good-faith compliance with I-9 procedures provides a rebuttable presumption that the employer has not knowingly hired an unauthorized worker[8].

B. Independent Contractors

Many employers attempt to circumvent the I-9 requirement by subcontracting their work to independent contractors or by calling new employees "casual domestic workers" because both are exempt from the I-9 requirements. This is common in the construction industry, particularly home builders and developers. However, employers may not use independent contractors in order to circumvent immigration laws[9]. Independent contractors are individuals or entities that carry on independent business, contract to do a piece of work according to their own means and methods, and are subject to control only as to results. While I-9 regulations do not require an employer to check identity, employment eligibility and complete I-9 for independent contractors, workers must qualify under the law as impendent contractors in order for the employer to escape liability. The mere designation of a worker as an independent contractor or instructions to a contractor not to hire undocumented workers is not sufficient to insulate an employer from liability. ICE relies on common law factors to determine whether or not a worker is an independent contractor. Such factors can include whether the employer supplies the materials; is the business is the sole employer for the independent contractor; does the business direct the time and method of employment; and does the business have authority to hire and discharge workers.

These are treacherous waters. ICE has argued that if a company requires a contractor to complete I-9s and the company is given access to the I-9 records, then the

[6] 8 CFR 274a.10, 1274a.10

[7] 8 USC 1324(a). See also 18 USC 1957 providing for convictions for money laundering for engaging in a financial transaction with proceeds of unlawful activity, including immigration violations. Also, there is authority that there is not double jeopardy for a conviction and civil fine for the same immigration offense. Hudson v. U.S., 522 U.S. 93 (1997) and Memo, Virtue, INS General Counsel, reprinted in 76 No. 32 Interpreter Releases 1259, 1279-83 (Aug. 23, 1999).

[8] Cites to fines and penalties and "good faith"

[9] INA 274A(a)(1); 8 USC 1324a(a)(1).

company is liable for any undocumented workers hired by the contractor[10]. Also, contractors have in certain cases been offered a deal during prosecution to provide testimony against the ICE targeted company. Therefore, employers should be wary of the tactic of using subcontractors in order to shield them from liability. Employers who regularly use true contractors should require very specific and detailed provisions in a written agreement that addresses the contractor's I-9 compliance.

C. Constructive Knowledge and Social Security "No Match" Letters

Employers should be aware of recent developments involving I-9 compliance that have been used by the Department of Homeland Security ("DHS") to show that employers have constructive knowledge (i.e., should know) that its employees are not authorized to work in the U.S. As mentioned above the employer's "good faith" is a defense to an enforcement action[11]. "Good faith" can be demonstrated by properly completed I-9 forms that are retained by the employer[12]. The "good faith" defense can be lost if an I-9 is incomplete; if steps are not taken after receiving information that the employee may have lost employment authorization; recklessness in accepting referrals of employees; and in assigning I-9 responsibilities to an incompetent person[13].

On August 15, 2007, the DHS attempted to implement new regulations involving "no match letters." A no match letter is a letter sent by the Social Security Administration ("SSA") notifying an employer that the combination of employee's name and social security number do not match SSA's records. The regulation requires employers receiving no match letters to undergo rather complex and involved steps under a safe-harbor procedure to avoid liability in the event the employer receives a no match letter.

Based on the regulation, SSA was prepared to send out no match letters to millions of employers when the U.S. District Court for the Northern District of California enjoined (stopped) DHS from implementing its new regulation. The reason for the injunction was based on some narrow grounds that to some extent are readily resolvable. On March 21, 2008, the DHS released a Supplemental Proposed Rulemaking to the August 15, 2007 regulation. The Court will soon rule on whether the new revision makes the rule legal. If the Court rules in favor of the government, millions of employers will receive mismatch letters. In addition, DHS plans to send employers "notices of suspect documents," which are letters informing employers that there is some doubt concerning the work eligibility of their employees. Consequently, employers may face new

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[10] See J. Pearce, "The Dangerous Intersection of Independent Contractor Law and the Immigration Reform and Control Act: The Impact of the War-Mart Settlement," 12 Bender's Immigr. Bull. 9 (Jan. 1, 2007).

[11] 8 USC 1324a(b)(6)(A).

[12] Interesting and complex issues arise in the context of corporate transactions (particularly mergers and acquisitions) and maintenance of "good faith" by an employer. In this context it is recommended, at a minimum, that an audit of I-9s of the acquired company be conducted by the acquiring company and that written representations and warranties address I-9 compliance. In most circumstances it is recommended that the acquiring company complete its own I-9s. There are a number of other types of transactions that give rise to I-9 compliance issues. It is beyond the scope of this article to address these issues in detail.

[13] 8 CFR 274a.1(l)(1); U.S. v. Carter, 70 CAHO 931, #95 A00164 (May 9, 1997).

questions on how to deal with inquiries about the immigration status of some of their workers. Any employer that receives each notice likely will not be able to utilize a "good faith" defense to an enforcement action if the government's recommended reaction to such notice is not taken.

Although the final, post-injunction regulations have not been issued as of the date of this article, it is likely the substance of the proposed regulations will remain. The "safe harbor" provisions are most likely to remain intact, and therefore employers should understand and adopt the protocols found in the proposed regulations[14].

1. Within 30 Days of Receipt of a "No-Match" letter

   a. Check for Clerical Errors. If the mismatch was caused by a clerical error, correct it by filing a corrected W-2 with SSA, and verify that the corrected information now matches. Use SSA SSNVS (discussed below) to verify that SSA information is correct. Make a record of the manner, date, and time that the corrected information was verified with SSA, and retain the record with the I-9s.

   b. Check with the employee to ensure that his or her social security number information is correct. If the employee contends the social security number in the employer's records are incorrect, then correct the records and verify, using SSNVS. Make a complete record and maintain all information with the I-9. If the employee confirms that the SSN information in the Company's records is correct, ask for an explanation from the employee, advising the employee that he/she has 90 days to resolve the issue.

2. To be Completed within 90 Days of Receiving the "No-Match Letter

   The employee resolves the discrepancy. This requires the employee to personally visit SSA, bring his/her identity documents and obtain a new Social Security card or receipt from SSA confirming the correct number. If a new Social Security card is presented to the employer, file a corrected W-2 and verify using SSNVS. Make detailed records and retain with the I-9; and make any necessary changes to the I-9 as well.

3. To Be Completed Within 93 Days of Receiving the "No-Match" Letter

   The employee cannot resolve the discrepancy. The employer must reverify the information and complete a new I-9. Use the same procedures for the original I-9, but the employer cannot accept any document to establish identity or work eligibility that contains the SSN that is the subject of the "no-match" letter. The employee must present a document that contains a photograph to establish identity or both identity and work eligibility. The new I-9 should be retained with the original. If the employee cannot present acceptable

[14] 72 Fed. Reg. 45611 (amending 8 CFR 274a.1(l)(2)).

documents, continued employment will be at the employers risk of a violation without the "good faith" defense[15].

In addition to the E-Verify system, discussed below, the SSA had developed a verification system that may reduce the risk of receiving Social Security no-match letters, the Social Security Number Verification Service ("SSNVS")[16]. SSNVS is to be used in conjunction with Form I-9, and employers who utilize it should do so for each and every newly employed person. As many as ten (10) names and numbers can be provided to SSA for immediate response, or an employer can use a "batch" file for large numbers of employees. It is not proper to use SSNVS for non-wage reporting purposes such as identity checks. Further, if SSA provides a "no-match" result, the Handbook states that the "no-match" cannot be the basis for an adverse employment action.[17]

D. The "E-Verify" Program

E-Verify is a "no-cost, Internet-based" system that provides a means for employers to perform a secondary verification of a newly-hired employee's work authorization. The system is being upgraded, and now includes photographs of individuals, although the ability of DHS to match photographs of individuals remains a bugaboo[18]. To participate the employer must register online and agree to terms of a Memorandum of Understanding ("MOU") with DHS and the Social Security Administration ("SSA")[19]. The employer must designate a person within the company to be an administrator, who must review training materials and receive specific training and testing.

After the I-9 is completed, the employer makes an electronic inquiry. Participating employers must verify all newly hired employees within three (3) days of hire, and a copy of the system confirmation and other documentation associated with the inquiry must stored and available for inspection.

The employer will receive either a confirmation or a "Tentative Nonconfirmation" response. A "Tentative Nonconfirmation" triggers the following obligations for the employer:

1. Provide a copy of the response to the employee.

2. Provide the employee an opportunity to "contest" or explain the discrepancies.

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[15] The rule provides that whether an employer will be found to have constructive knowledge in any particular case will depend on "the totality of the relevant circumstances." 72 Fed. Reg. 45611 (amending * CFR 274a.1(l)(1).

[16] See the Handbook for this program at www.ssa.gov/employer/ssnvs_handbk.htm.

[17] Because of the limited use of this program (except in the case of no-match protocols discussed above), and the more comprehensive E-Verify system, the details of SSNVS are not discussed here. However, see the handbook cited in the previous foot note.

[18] 8 USC 1324a(b)(3)(B)(i), (ii).

[19] See a model MOU at www.uscis.gov/files/nativedocuments/MOU.pdf. After an employer is registered for E-Verify a Manual is available at www.uscis.gov/files/nativedocuments/E-Verify_Manual.pdf.

3. Input a referral for the employee so he/she can contact the appropriate agency to resolve the issue.

4. Resubmit the query.

5. If the employer receives a final nonconfirmation, it may terminate the employment. If the employee is not terminated the employer must notify the government of continued employment. Continued employment after final nonconfirmation is a violation that may result in penalties of $550.00 to $1,100.0 for each individual and for each violation in addition to the other fines and penalties mentioned above[20].

E. The IMAGE Program

IMAGE stands for the ICE Mutual Agreement between Government and Employers. It is a new program that currently is voluntary for employers who are willing to undergo government scrutiny in exchange for the benefits of avoiding unannounced raids and clear demonstration of compliance with U.S. immigration laws. The program requires participation in E-Verify, mandatory ICE audit, semiannual external audits, internal training on document fraud, "no-match" protocol, self-reporting procedures, assessing compliance of contractors, creating a tip line and ensuring practices are not discriminatory[21]. The IMAGE program is in its infancy; no regulations have been promulgated; and thus it is yet to be know how well this works for employers.

III. Enforcement Inspections, Investigations and Raids

ICE has at its disposal all traditional government investigative powers including confidential informants, cooperating witnesses, body wiretaps and statements from former employees. ICE uses data from other government sources such as SSA, DOL Wage and Hour Division, DHS, Office of the Inspector General and random or targeted I-9 Audits.

As mentioned above, more and more random audits are being conducted. A "random" audit differs from an investigation in that there is a three (3) day advance notice to the employer requirement[22]. Also, there is no subpoena or warrant required for an inspection, and it is a violation to delay or impede an inspection[23]**.** The employer may waive the advance notice, but it is recommended that employers receiving a "Notice of Inspection" review all I-9 files with their attorney in advance of the government audit. DO NOT attempt to mislead government investigators by altering documents; however, identifying any issues and taking corrective action may be appropriate. DO NOT

[20] 28 CFR 68.52(C)(6).
[21] See www.ice.gov/partners/opaimage/
[22] 8 CFR 274a.2(b)(2)(ii)
[23] 8 CFR 274a.2(b)(2)(ii)

overreact by firing employees whose I-9s are not completed properly (or, obviously, who may speak Spanish or who have brown skin). Assess each problem with the specific I-9 and take appropriate action. In many cases this will mean that the I-9 was not completed properly within the required time frame, and it is important to recognize that this itself is a violation.

An investigation, in contrast with a random audit or "inspection," can lead to a raid of the employer by ICE. Common scenarios triggering an ICE or DOL investigation include: (1) employee is arrested and is promised temporary work authorization if s/he agrees to work as a confidential informant; (2) employer receives "no-match" letters annually for the same employees and that the subject of the letters constitute a substantial percentage of a the workforce; (3) disgruntled employees who blow the whistle on the employer; and (4) ICE receives a tip from its toll free tip line.

After an investigation produces sufficient cause for further inquiry, ICE will make an application for a search warrant before a federal magistrate or judge to search the employer's property[24]. ICE also can seek an administrative subpoena[25]. The search must be conducted within 10 days, during daylight hours, and before a specific date. Armed ICE agents surround the premises and serve the search warrant on either a receptionist or other company representative. ICE agents question employees, while others are seizing computer equipment. The elements of surprise, intimidation, and shock are employed by ICE to catch the unprepared company off guard and to create disruption.

After an investigation, ICE may issue a warning notice or a Notice of Intent to Fine ("NIF")[26]. To preserve a right to a hearing before an Administrative Law Judge, the employer must file a written notice within thirty (30) days of receiving the NIF or thirty-five (35) days if the NIF is received by mail[27]. However, according to agency guidelines, ICE should give the employer notice of the specific violations found and allow ten (10) days for the employer to cure the problems before a NIF is issued[28].

A detailed discussion of the procedures for the hearing, discovery and appeals is beyond the scope of this article, but they can be found 28 CFR pt. 68. In addition to the defenses of good faith, casual domestic employment and independent contractor (discussed above), there are several other defenses available to employers. The statute of limitations is five years, although it is tolled by the filing of a complaint with an Administrative Law Judge[29]. In multi-bargaining unit situations, the employer may be protected against fines and penalties if the employee was first screened for I-9 purposes

[24] For a discussion of the parameters of search warrants for places of employment and limits on searches without a warrant, see: Marshall v. Barlow's Inc., 436 U.S. 307 (1978); Camera v. Municipal Court of City and county of San Francisco, 387 U.S. 523 (1967); Blackie's House of Beef, Inc., v. Castillo, 659 F.2d 1211(D.C.Cir. 1981; and U.S. v. Widow Brown's Inn, 3 OCAHO no. 399 (Jan. 15, 1992

[25] 8 USC 1324a(e)(2)(C)

[26] See 8 CFR 274a.9©, 1274a.9©, 274a.9(d)(1), 1274a.9(d)(1))

[27] 8 CFR 274a.9(e)

[28] INS Interim Guidelines issued March 1997, published in 74 No. 16 Interpreter Releases 706 (April 28, 1997).

[29] 28 USC 2462; U.S. v. Carran engineering Co., Inc. 7 OCAHO no. 975 (1997)

by another employer in the bargaining unit[30]. Employees hired before November 7, 1986 can be grandfathered, although a person whose employment is terminated and re-hired is not grandfathered[31].

An ICE raid is a frightening event for the employer and employees alike. It is important not to panic, and preparation in advance is recommended. A crisis team should be established with a designated person to interact with the ICE officer in charge of the operation. Receptionists and others should be instructed to refer the ICE officer to the proper person in the Company. Review the warrant, and tell the ICE officer the company does not consent, but will not interfere with execution of the warrant. Contact the company attorney. The company representative should accompany the agents and keep notes of what is done. Inform ICE agents of any safety concerns related to entering the premises. Do not chat informally with ICE officers and volunteer no information. Employees may choose to speak, but they are not required to answer questions. Ask that a company representative be present for any questioning of employees. If any property is seized, a signed and dated inventory should be obtained from ICE. Be prepared to manage media coverage, including limiting employee interaction with the media.

IV. Consequences for the Employee

Because of the complexities of immigration law, few employers fully understand the risks or exposure for undocumented workers. A conclusion that a person is present in the U.S. unlawfully or that a person is not authorized for employment should not be made lightly or hastily. Here are a few of the considerations.

An alien who attests on Form I-9 that he/she is a U.S. citizen or national or otherwise eligible for employment does so under penalties of perjury[32]. A false claim to U.S. Citizenship renders an alien removable/deportable and ineligible for almost any future application for a lawful immigration status[33]. A false statement on a document required under the Immigration and Nationality Act, or submitting an application without any basis in fact makes the alien ineligible for a lawful immigration status under most circumstances[34]. Employment without authorization makes an alien ineligible to apply for a lawful immigration benefit while remaining in the U.S., and also is evidence used against an alien in any application that permits an exercise of discretion by the government[35].

V. Immigration Corporate Compliance Program

The uncertainty created by new regulations involving no match letters and increased enforcement by ICE against employers has caused anxiety for employers.

[30] 8 USC 1324a(a)(6)
[31] 8 CFR 274a.7(a), 1274a.7(a), 274a.7(b), 1274a.7(b)
[32] 8 USC 1324a(b)(2). However, see Matter of Oduor A75 904 456 (BIA March 15, 2005).
[33] 8 USC 1182(a)(6)(C)(ii). See Atika v. Ashcroft, 384 F3d 954 (*th Cir. 2004).
[34] 8 USC 1546.
[35] 8 USC 1255(C)(2).

Management procedures and policies that integrate the requirements of I-9 compliance are paramount in protecting employers from unexpected liability, no matter the size of the business.

In general, a corporate compliance program consists of an internal audit of the company's I-9s to ensure compliance; an established procedure on how to respond to no match letters; training of staff on how to properly complete I-9s; knowing your right in the event of notices from DHS or an Immigration and Customs Enforcement ("ICE") raid. This program may include use of one of the online employment verification system, such as E-verify. The goal is to establish a system that shows good faith compliance with IRCA in order to preserve a rebuttable presumption of a good faith defense. Ti is recommended that all employers meet with their attorney to establish an immigration compliance program.

VI. Conclusion

Given the increased government enforcement efforts, it has become imperative for companies to develop an immigration corporate compliance program. Management procedures and policies that integrate the requirements of I-9 compliance are paramount in protecting employers from unexpected liability, no matter the size of the business.