

February 7th, 2012-

Stephen M. Brent spoke this morning in Rochester, NY on immigration workforce compliance before about 225 human resources professionals at a joint annual legal update meeting of the Society for Human Resources Management and the National Human Resources Association.

He addressed how to properly complete I-9 forms and the importance of administrative audits as a tool to protect employers from excessive fines in the event of a government-audit.

In remarks prepared for the presentation Brent said:

"Properly completing and maintaining I-9 files is a difficult job for employers. The requirements are in many cases counterintuitive. And when the employer becomes too conscientious about verifying employment eligibility, it runs the risk of penalties for civil rights violations.

Employers are subject to fines not only for hiring or retaining unauthorized aliens in employment, but also simply for making mistakes in completing and maintaining the I-9 files. A good administrative audit will find and correct most errors, which will result in eliminating or at least mitigating penalties. An audit is, in essence, a second bite of the apple.

The Department of Labor is authorized under IRCA to conduct audits of I-9 files. The law, however, requires that the service provide at least 72 hours? advance notice. The government is not required to produce a subpoena or warrant."