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Compliance Bulletin

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Plan to ramp up I-9 audits draws Wall Street Journal coverage

The Wall Street Journal published an article about plans for ramping up I-9 audits of large employers.

The Department of Homeland Security had previously indicated plans for a new worksite enforcement “fusion center” staffed with nearly 20 forensic auditors committed to examining Forms I-9 of large employers.

The Wall Street Journal article, appearing on page A4 of the Jan. 20 editions, described the new office as the “Employment Compliance Inspection Center.” The article provided few details about the office. But John Morton, chief of U.S. Immigration and Customs Enforcement, was quoted as saying the office would “address a need to conduct audits even of the largest employers.”

You can read more about the Wall Street Journal in [this TALX blog](#).

It is believed that in addition to the forensic auditors, the office will have several special agents.

The addition of 20 auditors may not, in itself, create an immediate spike in audits, but the creation of the office appears to be a signal to employers – and large employers in particular – that ICE is serious about its focus on employers’ I-9 practices. That DHS and ICE are seeking to publicize their efforts by granting interviews to major publications such as the Wall Street Journal is further evidence of this development.

The Wall Street Journal also noted the rise in audits, reported earlier in these bulletins. The Journal understated the number of fines, however.

A summary of the audit and enforcement activities in fiscal year ended Sep. 30, 2010:

- ICE **criminally charged a record-breaking 180 owners, employers, managers and/or supervisors** – up from 135 in FY 2008 and 114 in FY 2009.
- ICE conducted more than **2,200 I-9 audits** – up from more than 1,400 in FY 2009.
- Since January 2009, ICE has imposed approximately **\$50 million in financial sanctions**.

In addition, in recent months, several employers have recently been fined for I-9 procedures that were not deliberately aimed at hiring illegal workers, but were only inconsistent or potentially discriminatory.

It is crucial for all employers to have checks in place to insure that all HR representatives are following correct and complete I-9 procedures. For more information on how an electronic I-9 process can help enforce consistent procedures and reduce errors, please send an email to moreinfo@talx.com with “I-9 assistance” in the subject line.

USCIS gears for mandatory nationwide use of E-Verify

While nationwide mandatory use of E-Verify, if it ever comes about, is likely to be several years in the future, employers should be aware that USCIS is taking steps to be ready for it.

A [recent report](#) by the Government Accountability Office report, the USCIS recently noted that “USCIS and SSA have taken actions to prepare for possible mandatory implementation of E-Verify for all employers nationwide.”

The USCIS said in [its response](#): “In partnership with the SSA, USCIS has used widely accepted industry practices to effectively manage the E-Verify System capacity and availability. USCIS is also in the process of developing a written service-level agreement with SSA.”

A number of other E-Verify improvements are discussed in the response, including improvements to safeguards for employees’ private information and steps to reduce the frequency of tentative non-confirmations.

USCIS provides details of E-Verify Self Check feature

USCIS has posted [detailed information in the Federal Register](#) about the upcoming Self Check feature of E-Verify and provided release information in response to a recent GAO report.

USCIS plans to deploy Self Check in spring 2011 through a phased pilot implementation and USCIS will consider expanding to more users as early as 2013.

E-Verify has highest customer satisfaction among federal programs

USCIS [announced](#) that E-Verify achieved the highest American Customer Satisfaction Index (ACSI) score in the federal government this year.

USCIS said the survey was conducted by CFI Group, a consulting firm specializing in customer satisfaction measurements. CFI developed the survey in July of 2010 and questioned more than 4,500 random employers who currently use E-Verify.

The ACSI is used to measure customer satisfaction with more than 100 federal government programs and allows benchmarking between the public and private sectors and among federal agencies.

E-Verify’s customer service operation scored 89 on ACSI’s customer satisfaction scale. E-Verify scored 82 overall, well above the federal government’s average of 69, according to USCIS.

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