

Be Prepared for Higher I-9 Fines and More I-9 Inspections Overview

On June 28, 2024, the Department of Homeland Security (DHS) published a final rule imposing increased fines on employers for failure to comply with I-9 regulations. In addition to higher fines, employers should expect an increase in government I-9 inspections. The new penalty amounts will be effective for penalties assessed after June 28, 2024, whose associated violations occurred after November 2, 2015. According to the new rule, the following increased fines will be imposed:

- I-9 paperwork violations: Increase from \$281 to \$2,789 per Form I-9 violation
- Knowingly employing unauthorized employees (first offense): Increase from \$698 to \$5,579 per violation
- Knowingly employing unauthorized employees (second offense): Increase from \$5,579 to \$13,946 per violation
- Knowingly employing unauthorized employees (third or more offense): Increase from \$8,369 to \$27,894

the impact of fine increases

Over the last two years, there has been an increase in fines for failure to comply with I-9 regulations, as well as increased awareness of I-9 compliance in general. Historically, when DHS departments (including I-9 and USCIS) increase fees, that typically leads to more money available for enforcement, which, in this case, includes I-9 inspections. Here are some quick tips to ensure compliance:

- Make sure you have a consistent and timely I-9 program whereby each new hire completes the I-9 process as part of the onboarding process.
- If you are not already enrolled, we strongly encourage your company to be enrolled in e-verify.
- Ensure that you are using the latest version of Form I-9.
- Proactively audit your current I-9 program to ensure compliance, which will provide insight into the strengths (or weaknesses) of your current I-9 program.

Now more than ever, it is critical for employers to ensure that their I-9 program complies with current regulations.

If you would like a consultation on how Cozen O'Connor can assist you, please do not hesitate to reach out to Scott Bettridge or David Adams.



Scott Bettridge

**Chair,
Immigration
Practice**

sbettridge@cozen.com
Phone: (305) 704-5953
Fax: (305) 704-5955



David S. Adams

Counsel

dsadams@cozen.com
Phone: (212) 453-3998
Fax: (212) 509-9492

Related Practice Areas

- Immigration Policy & Strategy