

IMMIGRATION: Working in America

Using Technology to Master I 9 Intricacies

by Becki Young

I recently attended the INSZoom Power User Summit in Napa, Calif. INSZoom is an immigration forms and case management software product that I have used in my law practice since about 2005. We utilize the program to track our clients' status documents (so, for example, we can notify them when their visa is

expiring), to generate forms and letters for filings made with the government, and to prepare a variety of case management reports for our clients.

In addition to the case management software that my firm uses, INSZoom offers an I-9 compliance product called I9Zoom. The I-9, as you may know, is the form that all US employers must complete for all payroll employees within three business

days of hire, to verify US employment authorization.

A company that uses an electronic I-9 compliance system will be much better positioned to respond to a government audit should one occur; furthermore, use of such a system signals a good faith effort to comply with the immigration laws, and is likely to create a positive impression on government auditors.

US Immigration and Customs Enforcement (ICE) is responsible for enforcing I-9 compliance across the US workforce. Nearly 3,000 companies were audited in 2010, which is an increase of 100 percent from 2009. (Source: DHS/ICE News Releases - U.S. Expands Crackdown on Employers of Illegal Workers - WSJ.com; <http://online.wsj.com/article/SB10001424052748703951704576092381196958362.html>). In January 2011 ICE announced a new unit called the Employment Compliance Inspection Center, signaling its intention to continue conducting I-9 audits and imposing civil fines on employers at a record breaking pace.

As the nation's largest employer of immigrants and foreign-born employees, the restaurant industry is likely to be significantly impacted by the government's I-9 audits. Thus, it is critical for restaurant employers to ensure that they have a comprehensive I-9 compliance program in place.

Recent ICE audits on Chiptole resulted in the dismissal of unauthorized workers in Minnesota along with hefty fines. Other companies hit by the program are Abercrombie & Fitch Co., hip-clothing maker American Apparel Inc. and Gebbers Farms, a big apple grower in Washington state.

Thousands of workers have been caught in the net. The ICE audits and the news that they have generated are proving to be quite effective in terms of worksite compliance, according to experts. The expectation is that the federal government will continue and increase these audits as part of its expanding crackdown on businesses suspected of hiring unauthorized workers.

The Obama administration has made I-9 audits a cornerstone of its immigration enforcement strategy. With the creation of the Employment Compliance Inspection Center, employers can expect the number of ICE work-site immigration enforcement actions to increase substantially in 2011.

So what should a company do to be

better prepared for these anticipated audits?

The best way for a company to defend itself is to develop immigration plans, policies, and procedures related to its hiring practices, to track them electronically, and to conduct internal audits on a proactive basis (i.e. before ICE comes knocking).

Implementing an electronic I-9 compliance system such as the one offered by INSZoom can also be an important step.

Features of the I9Zoom Product include:

Support for organization and multiple HR divisions with secure authorized access for Medium to Large Enterprises.

- HRMS Systems Integration (SAP, PSFT, etc.)
- Support for Single Sign On (SSO) Integration
- Comprehensive Audit Tracking / Ad-Hoc Reporting
- Verification and Re-verification of I-9 forms
- Complete End-to-end solution for I-9 workflow
- Centralized system for storing digital I-9 forms
- Configurable, customizable, and role specific
- E-Verify for all Mandatory States and Beyond (Includes support for all future states that are expected to make E-Verify mandatory)

For more information on the INSZoom I9Zoom Product, contact INSZoom Sales (Abi.Kariguddaiah@inszoom.com or sales@inszoom.com).

The author is not affiliated with INSZoom



Becki L. Young has been working in the field of immigration law since 1995. Ms. Young's practice focuses on employment-based immigration law. She has represented employers in a variety of industries, including investment banking and securities, information technology, health care, and hospitality, providing advice on work permits and related immigration issues, and is the co-editor of *Immigration Options for Essential Workers* published by the American Immigration Lawyers Association. To learn more or to schedule a personal consultation, call 202-835-6160 or e-mail becki.young@bakermckenzie.com.

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