



## U.S. Immigration and Customs Enforcement

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### Form I-9 Inspection Overview

On November 6, 1986, the enactment of the Immigration Reform and Control Act required employers to verify the identity and employment eligibility of their employees and created criminal and civil sanctions for employment related violations. Section 274A (b) of the Immigration and Nationality Act (INA), codified in 8 U.S.C. § 1324a (b), requires employers to verify the identity and employment eligibility of all individuals hired in the United States after November 6, 1986. 8 C.F.R. § 274a.2 designates the Employment Eligibility Verification Form I-9 (Form I-9) as the means of documenting this verification. Employers are required by law to maintain for inspection original Forms I-9 for all current employees. In the case of former employees, retention of Forms I-9 are required for a period of at least three years from the date of hire or for one year after the employee is no longer employer, whichever is longer.

The administrative inspection process is initiated by the service of a Notice of Inspection (NOI) upon an employer compelling the production of Forms I-9. U.S. Immigration and Customs Enforcement (ICE) typically will allow 3 business days to present the Forms I-9. Often, ICE will request the employer provide supporting documentation, which may include a copy of the payroll, list of current employees, Articles of Incorporation, and business licenses.

ICE agents or auditors then conduct an inspection of the Forms I-9 for compliance. When technical or procedural violations are found, pursuant to INA §274A(b)(6)(B) (8 U.S.C. § 1324a(b)(6)(B)), an employer is given ten business days to make corrections. An employer may receive a monetary fine for all substantive and uncorrected technical violations. Employers determined to have knowingly hired or continued to employ unauthorized workers under INA § 274A(a)(1)(a) or (a)(2) (8 U.S.C. § 1324a(a)(1)(a) or (a)(2)) will be required to cease the unlawful activity, may be fined, and in certain situations may be prosecuted criminally. Additionally, an employer found to have knowingly hired or continued to employ unauthorized workers may be subject to debarment by ICE, meaning that the employer will be prevented from participating in future federal contracts and from receiving other government benefits.

Monetary penalties for knowingly hire and continuing to employ violations range from \$375 to \$16,000 per violation, with repeat offenders receiving penalties at the higher end. Penalties for substantive violations, which includes failing to produce a Form I-9, range from \$110 to \$1,100 per violation. In determining penalty amounts, ICE considers five factors: the size of the business, good faith effort to comply, seriousness of violation, whether the violation involved unauthorized workers, and history of previous violations.<sup>1</sup>

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<sup>1</sup> See INA §274A(e)(5) (8 U.S.C. 1324a (e)(5))

Prepared by: Worksite Enforcement Unit  
Office of Investigations

ICE will notify the audited party, in writing, of the results of the inspection once completed. The following are the most common notices:

- Notice of Inspection Results – also known as a “compliance letter,” used to notify a business that they were found to be in compliance.
- Notice of Suspect Documents - advises the employer that based on a review of the Forms I-9 and documentation submitted by the employee, ICE has determined that the employee is unauthorized to work and advises the employer of the possible criminal and civil penalties for continuing to employ this individual. ICE provides the employer and employee an opportunity to present additional documentation to demonstrate work authorization if they believe the finding is in error.
- Notice of Discrepancies - advises the employer that based on a review of the Forms I-9 and documentation submitted by the employee, ICE has been unable to determine their work eligibility. The employer should provide the employee with a copy of the notice, and give the employee an opportunity to present ICE with additional documentation to establish their employment eligibility.
- Notice of Technical or Procedural Failures – identifies technical violations identified during the audit and gives the employer 10 business days to correct the forms. After 10 business days, uncorrected technical and procedural failures will become substantive violations.
- Warning Notice - issued in circumstances where substantive verification violations were identified but circumstances do not warrant a monetary penalty and there is the expectation of future compliance by the employer.
- Notice of Intent to Fine (NIF) - may be issued for substantive, uncorrected technical, knowingly hire and continuing to employ violations.

In instances where a NIF is served, charging documents will be provided specifying the violations committed by the employer. The employer has the opportunity to either negotiate a settlement with ICE or request a hearing before the Office of the Chief Administrative Hearing Officer (OCAHO) within 30 days of receipt of the NIF. If the employer takes no action after receiving a NIF, ICE will issue a Final Order. If a hearing is requested, OCAHO assigns the case to an Administrative Law Judge (ALJ), and sends all parties a copy of a Notice of Hearing and government’s complaint, thus setting the adjudicative process in motion.

The Notice of Hearing spells out the procedural requirements for answering the complaint and the potential consequences of failure to file a timely response. Many OCAHO cases never reach the evidentiary hearing stage because the parties either reach a settlement, subject to the approval of the ALJ, or the ALJ reaches a decision on the merits through dispositive prehearing rulings.



**Determination of Recommended Fine**

The cumulative recommended fine set forth in the Notice of Intent to Fine is determined by adding the amount derived from the **Knowing Hire / Continuing to Employ Fine Schedule** (plus enhancement or mitigation) with the amount derived from the **Substantive / Uncorrected Technical Violations Fine Schedule** (plus enhancement or mitigation). Typically, the date of the violation shall be the date ICE conducted the Form I-9 inspection and not the date the Form I-9 was completed by the employer.

**Penalties for Knowing Hire / Continuing to Employ Violations**

Employers determined to have knowingly hire or continuing to employ violations shall be required to cease the unlawful activity and may be fined. The agent or auditor will divide the number of knowing hire and continuing to employ violations by the number of employees for whom a Form I-9 should have been prepared to obtain a violation percentage. This percentage provides a base fine amount depending on whether this is a First Tier (1<sup>st</sup> time violator), Second Tier (2<sup>nd</sup> time violator), or Third Tier (3<sup>rd</sup> or subsequent time violator) case. The standard fine amount listed in the table relates to each knowing hire and continuing to employ violation. The range of the three tiers of penalty amounts<sup>2</sup> are as follows:

**Knowing Hire / Continuing to Employ Fine Schedule  
(For violations occurring on or after 3/27/08)**

Knowing Hire and Continuing to Employ Violations	Standard Fine Amount		
	First Tier \$375 - \$3,200	Second Tier \$3,200 - \$6,500	Third Tier \$4,300 - \$16,000
0% - 9%	\$375	\$3,200	\$4,300
10% - 19%	\$845	\$3,750	\$6,250
20% - 29%	\$1315	\$4,300	\$8,200

<sup>2</sup> Since the passage of IRCA in 1986, federal civil monetary penalties have been increased on two occasions in 1999 and 2008 pursuant to the Federal Civil Penalties Inflation Act of 1990, as amended by the Debt Collection Improvement Act of 1996. These adjustments are designed to account for inflation in the calculation of civil monetary penalties and are determined by a non-discretionary, statutory formula. (See 73 FR 10130 (February 26, 2008))

<b>30% - 39%</b>	<b>\$1785</b>	<b>\$4,850</b>	<b>\$10,150</b>
<b>40% - 49%</b>	<b>\$2255</b>	<b>\$5,400</b>	<b>\$12,100</b>
<b>50% or more</b>	<b>\$2,725</b>	<b>\$5,950</b>	<b>\$14,050</b>

**Knowing Hire / Continuing to Employ Fine Schedule  
(For violations occurring between 9/29/99 and 3/27/08)**

	<b>Standard Fine Amount</b>		
	<b>First Tier \$275 - \$2,200</b>	<b>Second Tier \$2,200 - \$5,500</b>	<b>Third Tier \$3,300 - \$11,000</b>
<b>Knowing Hire and Continuing to Employ Violations</b>			
<b>0% - 9%</b>	<b>\$275</b>	<b>\$2,200</b>	<b>\$3,300</b>
<b>10% - 19%</b>	<b>\$600</b>	<b>\$2,750</b>	<b>\$4,600</b>
<b>20% - 29%</b>	<b>\$925</b>	<b>\$3,300</b>	<b>\$5,900</b>
<b>30% - 39%</b>	<b>\$1250</b>	<b>\$3,850</b>	<b>\$7,200</b>
<b>40% - 49%</b>	<b>\$1575</b>	<b>\$4,400</b>	<b>\$8,500</b>
<b>50% or more</b>	<b>\$1,900</b>	<b>\$4,950</b>	<b>\$9,800</b>

**Penalties for Substantive and Uncorrected Technical Violations**

The agent or auditor will divide the number of violations by the number of employees for whom a Form I-9 should have been prepared to obtain a violation percentage. This percentage provides a base fine amount depending on whether this is a first offense, second offense, or a third or more offense. The standard fine amount listed in the table relates to each Form I-9 with violations. The range of penalty amounts are as follows:

**Substantive / Uncorrected Technical Violation Fine Schedule**

Substantive Verification Violations	Standard Fine Amount		
	1st Offense \$110 - \$1100	2nd Offense \$110 - \$1100	3rd Offense + \$110 - \$1100
0% - 9%	\$110	\$550	\$1,100
10% - 19%	\$275	\$650	\$1,100
20% - 29%	\$440	\$750	\$1,100
30% - 39%	\$605	\$850	\$1,100
40% - 49%	\$770	\$950	\$1,100
50% or more	\$935	\$1,100	\$1,100

**Enhancement Matrix**

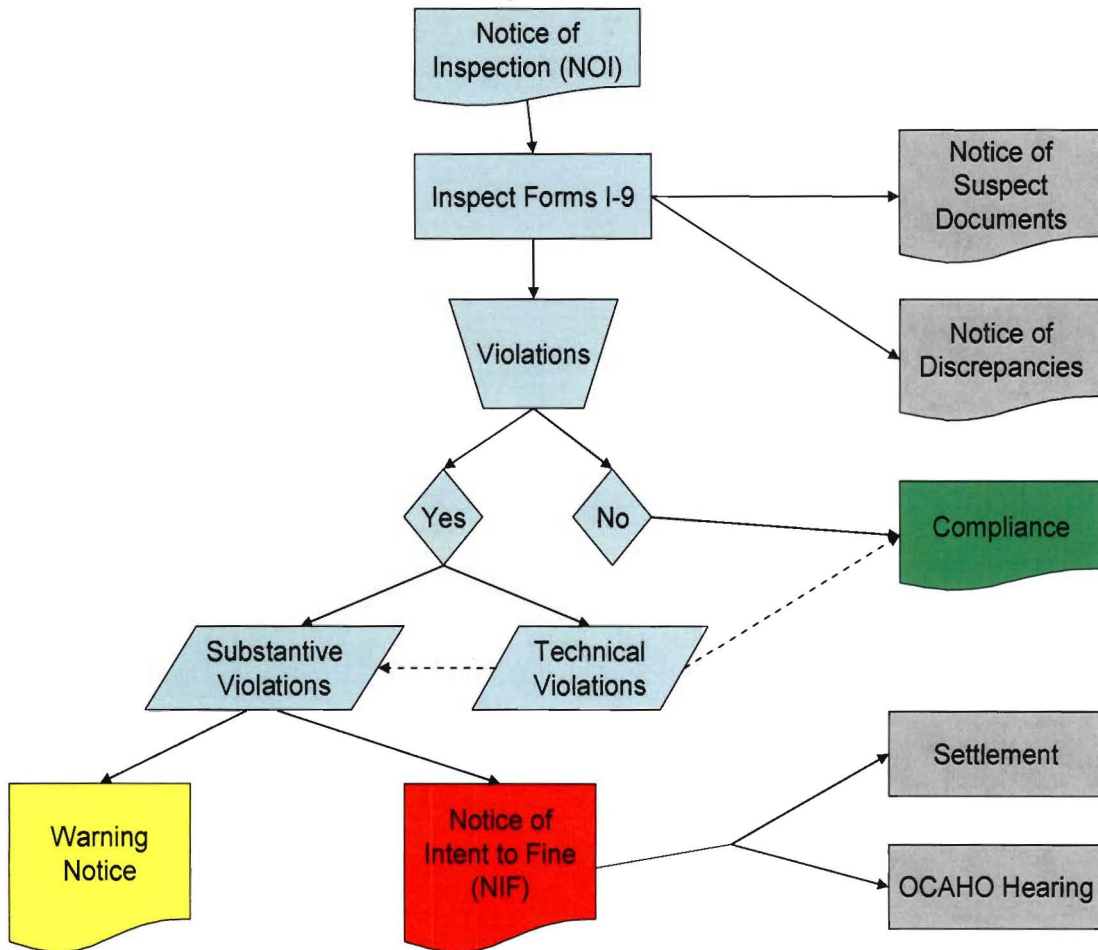
The following matrix will be used to enhance or mitigate the recommended fine contained on the Notice of Intent to Fine.<sup>3</sup>

<u>Factor</u>	<u>Aggravating</u>	<u>Mitigating</u>	<u>Neutral</u>
Business size	+ 5%	- 5%	+/- 0%
Good faith	+ 5%	- 5%	+/- 0%
Seriousness	+ 5%	- 5%	+/- 0%
Unauthorized Aliens	+ 5%	- 5%	+/- 0%
History	<u>+ 5%</u>	<u>- 5%</u>	<u>+/- 0%</u>
Cumulative Adjustment	+ 25%	- 25%	+/- 0%

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<sup>3</sup> *Id.*

## Form I-9 Inspection Process





U.S. Immigration and Customs Enforcement

NOTICE OF INSPECTION

[Date]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify employment eligibility of persons hired after November 6, 1986 using the Employment Eligibility Verification Form I-9.

U.S. Immigration and Customs Enforcement (ICE) regulations require the provision of three days notice prior to conducting a review of an employer's Forms I-9. This letter serves as advance notice that ICE has scheduled a review of your forms for Insert date and time. You may, however, waive the three-day period, should you wish to do so, by annotating and signing the bottom of this letter and advising this office of your decision.

During the review, Insert name and title of ICE point of contact will discuss the requirements of the law with you and inspect your Forms I-9. The purpose of this review is to assess your compliance with the provisions of the law. ICE will make every effort to conduct the review of records in a timely manner so as not to impede your normal business routine.

Sincerely,

Insert name

Insert title (GS or above)

I wish to waive the three day notice to which I am entitled by regulation.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)





U.S. Immigration  
and Customs  
Enforcement

## NOTIFICATION OF INSPECTION RESULTS

[Date]

[Case Number]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

On Insert date of inspection, Special Agents of U.S. Immigration and Customs Enforcement (ICE) conducted a compliance review and inspection of Insert name of employer. During this review, the requirements of Section 274A of the Immigration and Nationality Act were discussed and your Forms I-9 reviewed.

As a result of that inspection, ICE has determined that there is no basis for further investigation to be conducted at Insert name of employer.

We greatly appreciate your cooperation.

Sincerely,

Insert name

Insert title (GS or above)



U.S. Immigration  
and Customs  
Enforcement

NOTICE OF DISCREPANCIES

[Date]

[Case Number]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

On *Insert date of inspection*, Special Agents of U.S. Immigration and Customs Enforcement (ICE) conducted an inspection of *Insert name of employer* to determine compliance with Section 274A of the Immigration and Nationality Act. During that inspection, the requirements of the law were discussed and Forms I-9 were inspected.

This letter is to inform you that, according to the records checked by ICE, the identity and employment eligibility of the following individuals were unable to be verified. This letter does not mean that ICE has determined that these employees are not authorized to work. There are many reasons that discrepancies may appear in a work authorized employee's record. **You should not fire the employees on the attached list or take adverse action against them based upon this letter.**

*Insert name(s) or attach list*

In order to resolve these cases, ICE is requesting your assistance and cooperation in order to make arrangements to interview the employees identified in this letter. An ICE representative will contact you to schedule date(s) for interviews to be conducted at your facility. Rather than interviewing each employee, ICE may request your assistance in completing the attached certification notice, along with providing the appropriate documentation to verify the identity and continued employment authorization of the person(s) named.

We understand that some of these employees may be authorized to work and that the records we reviewed did not confirm this fact. We encourage employees whose names are on this list, but who believe they are authorized to work in the United States, to reconcile any discrepancy regarding their employment eligibility information with you before we arrive at your location for interviews. When you obtain the appropriate information, please call *Insert name and title*

SUBJECT: Notice of Discrepancies

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of ICE point of contact at *Insert telephone number*. ICE will re-verify the information provided about the employees, including any new information provided by you or the employees. You will then be notified of the employee's status in writing regarding whether the discrepancy has been resolved or if a personal interview will be required.

If any employees on this list do not wish to clarify their employment eligibility through your personnel department, we will request your cooperation in order to personally interview them during our visit to your business.

Attached is a notice that we are requesting you provide to each employee identified in this letter. This notice identifies each employee by his or her name, Social Security number, and alien registration number (if applicable). We ask that you give a copy of this notice to each employee immediately. The notice also includes space for you and your employee to document the employee's receipt of the notice. Please ensure that each employee understands what steps he or she must take to resolve this situation, including providing you with more information.

If you or the employees feel that this determination is in error and the employees are authorized to work, or if you or the employees have any other questions, you or your employees may call the ICE contact noted above.

Sincerely,

*Insert name*

*Insert title (GS or above)*



U.S. Immigration  
and Customs  
Enforcement

**NOTICE OF SUSPECT DOCUMENTS**

[Date]

[Case Number]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

On Insert date of inspection, Special Agents of U.S. Immigration and Customs Enforcement (ICE) conducted an inspection of Insert name of employer to determine compliance with Section 274A of the Immigration and Nationality Act. During that inspection, the requirements of the law were discussed and Forms I-9 were inspected.

This letter is to inform you that, according to the records checked by ICE, the following individuals appear, at the present time, not to be authorized to work in the United States. The documents submitted to you were found to pertain to other individuals, or there was no record of the alien registration numbers being issued, or the documents pertain to the individuals but the individuals are not employment authorized or their employment authorization has expired. Accordingly, the documentation previously provided to you for these employees does not satisfy the Form I-9 employment eligibility verification requirements of the Immigration and Nationality Act.

Insert name(s) or attach list

Unless the above employee(s) present valid identification and employment eligibility documentation acceptable for completing the Form I-9, other than the documentation previously submitted to you, they are considered by ICE to be unauthorized to work in the United States. If you continue to employ these individuals without valid documentation, you may be subject to a civil money penalty ranging from \$375 to \$3,200 per unauthorized alien for a first violation. Higher penalties can be imposed for a second or subsequent violation. Further, criminal charges may be brought against any person or entity which engages in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens. This is a very serious matter that requires your immediate attention.



SUBJECT: Notice of Suspect Documents

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If you or the employees feel that this determination is in error and the employees are authorized to work, immediately call Insert name and title of ICE point of contact at Insert telephone number. ICE will re-verify the information provided about the employees, including any new information provided by you or the employees. You will then be notified of the employee's status in writing. In these instances, do not terminate the employees whose status is in question until you receive written notification from ICE. If you or the employees have any other questions, please call the ICE contact noted above.

Sincerely,

Insert name

Insert title (GS or above)



U.S. Immigration  
and Customs  
Enforcement

**NOTICE OF UNAUTHORIZED ALIENS**

[Date]

[Case Number]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

On Insert date of apprehension, U.S. Immigration and Customs Enforcement (ICE) apprehended the following individual(s):

Insert name(s) or attach list

You employed the individuals at your place of business, Insert name of employer. The individuals have been deemed by ICE to be unauthorized to work in the United States.

Unless they present valid identification and employment eligibility documentation acceptable for completing the Form I-9, other than the documents previously presented, they are unauthorized to work in the United States.

Any continued employment of the individuals without satisfying the employment eligibility verification requirements may subject you to civil penalties for knowingly continuing to employ unauthorized aliens in violation of Section 274A(a)(2) of the Immigration and Nationality Act. A civil money penalty ranging from \$375 to \$3,200 per unauthorized alien may be imposed for a first violation of knowingly hiring or continuing to employ an unauthorized alien. Higher monetary penalties can be imposed for a second or subsequent violation. Further, criminal charges may be brought against any person or entity which engages in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens. This is a very serious matter that requires your immediate attention.

SUBJECT: Notice of Unauthorized Aliens

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If you or the employees feel that this determination is in error and the employees are authorized to work, or if you or the employees have any other questions, you or the employees may call Insert name and title of ICE point of contact at Insert telephone number.

Sincerely,

Insert name

Insert title (GS or above)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**WARNING NOTICE**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
File Number: \_\_\_\_\_

On \_\_\_\_\_, officers of U.S. Immigration and Customs Enforcement conducted an inspection of Forms I-9 and related employment records for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Business Name and Address)

The following deficiencies were identified:

**SEE ATTACHMENT**

The U.S. Government encourages voluntary compliance with the law. As a matter of discretion, we have chosen to issue only this WARNING NOTICE in lieu of imposing any sanctions at this time. However, we anticipate your full cooperation in correcting the violation or violations which resulted in the issuance of this WARNING NOTICE and any other violations which may exist in your Forms I-9. If it is determined that the listed violations are not immediately corrected or other violations are detected, civil or criminal proceedings may be instituted against you.

A follow-up inspection of Forms I-9 and related employment records is scheduled for \_\_\_\_\_.

Should you have any questions, you may contact this office at \_\_\_\_\_.  
(Telephone Number)

Sincerely,

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

**SERVICE OF WARNING NOTICE**

I hereby certify that, on \_\_\_\_\_, I served the above Warning Notice and The Handbook for Employers  
(Month/Day/Year)

to \_\_\_\_\_  
(Name and Title)

of \_\_\_\_\_  
(Name of Entity)

by \_\_\_\_\_  
(Personal Service or Certified Mail)

at \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(Name & Signature) \_\_\_\_\_  
(Title)



## **PURPOSE OF THIS WARNING NOTICE**

This WARNING NOTICE is issued to bring to your attention your responsibilities under the Immigration and Nationality Act (Act), as amended. Representatives of U.S. Immigration and Customs Enforcement (ICE) are available to discuss these responsibilities with you. The Handbook for Employers (M-274) provided to you with this WARNING NOTICE discusses the requirements of the law. Should you have any questions, you may contact the office noted in the front of the WARNING NOTICE.

## **PROHIBITED PRACTICES**

Section 274A of the Act renders it unlawful for a person or entity, after November 6, 1986, to hire, or to recruit or refer for a fee for employment, an individual, knowing that he or she is not authorized by law to work in the United States. The Act prohibits a person or entity from continuing to employ an individual hired after November 6, 1986, knowing that he or she is or has become unauthorized to work in the United States. The Act also prohibits a person or entity from requiring a person to post bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability for employer sanctions violations.

In addition, under this law you may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or protected individual, because of his or her citizenship status. The Office of Special Counsel for Immigration-Related Unfair Employment Practices, U.S. Department of Justice, enforces the anti-discrimination provisions of the Act.

## **VERIFICATION REQUIREMENTS**

The law requires employers and those recruiters or referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors to verify on the "Employment Eligibility Form," Form I-9, the identity and employment eligibility of all individuals hired, or recruited, or referred for a fee for employment in the United States after November 6, 1986. However, a Form I-9 need not be completed for individuals who were hired after November 6, 1986, but who quit or were terminated prior to June 1, 1987.

Employers and recruiters or referrers for a fee must produce Forms I-9 for inspection upon request of officers of ICE, the Employment Standards Administration, or the Office of Special Counsel.

## **ADDITIONAL INFORMATION**

The law imposes civil penalties consisting of fines up to \$10,000 per unauthorized alien for violations of the provision pertaining to the hiring, recruiting, or referring for a fee, or continued employment of an individual hired after November 6, 1986, knowing that he or she has become unauthorized to work in the United States, fines up to \$11,000 per violation occurring on or after September 29, 1999, and fines up to \$16,000 per violation occurring on or after March 27, 2008. For those who engage in a pattern or practice of violations of these provisions, the law imposes criminal penalties consisting of a fine of up to \$3,000 for each unauthorized alien, imprisonment for up to 6 months for the entire pattern or practice, or both. Failure to adhere to the verification requirements of the law will result in civil penalties consisting of a fine ranging from \$100 to \$1,000 per violation for each individual with respect to whom such a violation occurred before September 29, 1999 and not less than \$110 and not more than \$1,100 per violation occurring on or after September 29, 1999.



U.S. Immigration  
and Customs  
Enforcement

**NOTICE OF TECHNICAL OR PROCEDURAL FAILURES**

[Date]

[Case Number]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

On Insert date of inspection, Special Agents of U.S. Immigration and Customs Enforcement conducted an inspection of Insert name of employer to determine compliance with Section 274A of the Immigration and Nationality Act (INA). At that time, Insert number of Forms I-9 Employment Eligibility Verification Forms (Forms I-9) were presented for inspection. During the inspection of the Forms I-9 presented, technical or procedural failures to meet the employment verification requirements of Section 274A(b) of the INA were discovered. Pursuant to Section 274A(b)(6) of the INA, these technical or procedural failures are considered violations of Section 274A(b) of the INA if they remain uncorrected.

Note: Additional failures to meet the employment verification requirements of Section 274A(b) of the INA may have been discovered. These failures are not included in this notification and may result in the issuance of a Notice of Intent to Fine. If a Notice of Intent to Fine is issued, it will be served separately from this notification.

This letter and accompanying documents are to notify Insert name of employer of the technical or procedural failures encountered and to provide Insert name of employer a period of not less than ten business days within which to correct these failures. Accompanying this letter are copies of Insert number of Forms I-9 being returned Forms I-9 that contain technical or procedural failures. The technical or procedural failures found on each Form I-9 have been highlighted or circled in ink. They include one or more of the following technical or procedural failures:

- Employee's maiden name, address or birth date missing in Section 1
- No alien registration number next to the phrase in Section 1, "A Lawful Permanent Resident" where the number is in Sections 2 or 3 of the I-9 (or on a document retained with the Form I-9 and presented at the I-9 inspection)

- No alien registration number or admission number next to the phrase in Section 1, "An alien authorized to work until" where the number is in Sections 2 or 3 of the I-9 (or on a document retained with the Form I-9 and presented at the I-9 inspection)
- Employee attestation date missing in Section 1
- Employee attestation not completed at the time of hire in Section 1
- Name, address or signature of the preparer and/or translator missing in Section 1
- No date in the preparer and/or translator certification box in Section 1
- No document identification number of a List A, B or C document in Section 2 where a copy of document(s) is retained with the Form I-9 and presented at the I-9 inspection
- No document expiration date of a List A, B or C document in Section 2 where a copy of document(s) is retained with the Form I-9 and presented at the I-9 inspection
- Business title, name or address missing in Section 2
- Date of hire missing in Section 2
- No employer attestation date in Section 2
- Employer attestation in Section 2 not completed within 3 business days of the hire or, if the employee is hired for 3 business days or less, at the time of hire
- No document identification number of a List A, B or C document in Section 3 where a copy of document(s) is retained with the Form I-9 and presented at the I-9 inspection
- No document expiration date of a List A, B or C document in Section 3 where a copy of document(s) is retained with the Form I-9 and presented at the I-9 inspection
- Date of rehire missing in Section 3

You must correct the noted failures directly on the Form I-9. Initial and date the corrections made. A written explanation must be provided for corrections that cannot reasonably be made (e.g., information unavailable, individual's employment terminated). Verification failures that are not technical or procedural have not been highlighted or circled on the Forms I-9 accompanying this letter.

Insert name of employer is being provided until Insert date by which Forms I-9 must be corrected to correct the highlighted or circled failures on the accompanying Forms I-9. Within one week of this date, ICE will make arrangements to review these forms to ensure that the noted failures have been corrected. Be aware that any uncorrected technical or procedural failures may result in the issuance of a Notice of Intent to Fine.

If you have any questions regarding this notification or your requirements under the law, you may call Insert name and title of ICE point of contact at Insert telephone number.

Sincerely,

Insert name

Insert title (GS or above)

SUBJECT: Notice of Technical or Procedural Failures  
Page 3



DEPARTMENT OF HOMELAND SECURITY  
 U.S. Immigration and Customs Enforcement  
**NOTICE OF INTENT TO FINE PURSUANT TO SECTION 274A  
 OF THE IMMIGRATION AND NATIONALITY ACT**

United States of America

Office Address \_\_\_\_\_

File Number \_\_\_\_\_

In the matter of (Respondent):
Address (Street Number and Name, City, State, and Zip Code)

Upon inquiry conducted by U.S. Immigration and Customs Enforcement (ICE), it is alleged that:

--

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provision(s) of law:

--

**Wherefore**, pursuant to Section 274A of the Immigration and Nationality Act and Part 274a, Title 8, Code of Federal Regulations, it is the intention of ICE to **order you to pay a fine in the amount of \$** \_\_\_\_\_.

Signature of Chief Counsel or Designee	Signature of Issuing Officer
Name of Chief Counsel or Designee	Name of Issuing Officer
Title of Chief Counsel or Designee	Title of Issuing Officer
Date	Date

- I. You have the right to contest this Notice. If you desire to contest this Notice, you must:
  - 1. Submit a written request for a hearing before an administrative law judge within 30 days from the service of this Notice. The hearing will be conducted pursuant to Title 5, United States Code, Sections 554 - 557.
  - 2. Submit the written request for a hearing either in person or by certified mail to the following address:
  
- II. You may submit to ICE a written answer responding to each allegation listed in this Notice either in person or by certified mail, at the above address.
  
- III. If a written request for a hearing is not received on a timely basis, ICE will issue a final and unappealable order in 45 days directing you to pay a fine in the amount specified in this Notice. If the charge specifies violation(s) of subsection 274A(a)(1)(A) or subsection 274A(a)(2) of the Immigration and Nationality Act, the order will also require that you cease and desist from such violation(s).
  
- IV. You have a right to representation by counsel of your choice at no expense to the U.S. Government.
  
- V. Any statement given may be used against you in these proceedings.

<i><b>Certificate of Service</b></i>	
Served by (print name)	_____
Date served	_____
Method of service	_____
Person or entity served	_____
Place of service	_____
Signature of employee or officer	_____
Name and title of employee or officer	_____

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**FINAL ORDER TO CEASE VIOLATIONS AND PAY FINE**

**Pursuant to:**

Section 274A of the Immigration and Nationality Act and Part 274a, Title 8, Code of Federal Regulations

or

Section 274C of the Immigration and Nationality Act and Part 270, Title 8, Code of Federal Regulations

<b>United States of America</b>	Office Address
A-File Number	Fines Case Number
In the Matter of (Respondent):	
Address (Street Number and Name)	
City, State, and ZIP Code	

On \_\_\_\_\_, a Notice of Intent to Fine (copy attached) was served upon you stating the allegation(s) and charge(s), and the penalty to be assessed against you.

**The Notice of Intent to Fine** advised you of your right to contest the fine by requesting a hearing before an administrative law judge within 30 days of the service of the Notice. The Notice also advised you that failure to request a hearing on a timely basis would result in the issuance of a final and unappealable order by U.S. Immigration and Customs Enforcement (ICE).

- ICE has not received on a timely basis a written request for a hearing before an administrative law judge.
- Your request for a hearing before an administrative law judge was withdrawn in writing pursuant to an agreement between the parties.
- The parties have agreed to settle this matter without an administrative hearing.

**Therefore, it is ordered that you:**

Pay a fine in the amount of \$ \_\_\_\_\_  
and cease and desist from such violations (with the exception  
of Section 274A(a)(1)(b) violation(s)).

Payment must be in the form of a cashier's check, money order, or bank check made payable to "U.S. Immigration and Customs Enforcement." Payment must be submitted within 30 days of the receipt of this order to the following address:

Signature of Issuing Officer
Name of Issuing Officer
Title of Issuing Officer
Date

**- NOTICE -**

Failure to comply with this final order may result in ICE filing suit in the appropriate district court to seek compliance with this order.

In the Matter of (Respondent):

<i>Certificate of Service</i>	
Served by (print name)	_____
Date served	_____
Method of service	_____
Person or entity served	_____
Title of person served	_____
Place of service	_____
Signature of employee or officer	_____
Name and title of employee or officer	_____