

Publications

Client Alert: Guidance for Employers Conducting Internal I-9 Audits

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The U.S. Immigration and Customs Enforcement and Office of Special Counsel for Immigration-Related Unfair Employment Practices recently released guidance for employers conducting internal I-9 audits. The guidance covers topics including how to define the scope of an internal audit, how to communicate to employees regarding the audit, how to fix specific errors discovered during the audit, and other related questions. The full text of the guidance can be viewed [here](#).

The guidance is consistent with best practices identified by our lawyers experienced in counseling clients regarding I-9 audits. Some interesting points covered by the guidance include a caution against obtaining new I-9 forms from all employees (absent an acquisition or merger) without regard to whether a particular I-9 form contains deficiencies. The guidance also confirms that the employer should provide employees with a reasonable amount of time to address any deficiencies associated with their Forms I-9, but it is up to the discretion of the employer to set the timeframe. The reasonableness of the timeframe should be determined on a case-by-case basis, taking into consideration the specific nature of the deficiency and the time required to present alternative documentation.

If you have any questions regarding the topics covered by the guidance or regarding I-9 audits, please contact your Vorys attorney.