



Compliance Chatter Virtual Meetings

March Session

March 5, 2025

Seyfarth Shaw LLP

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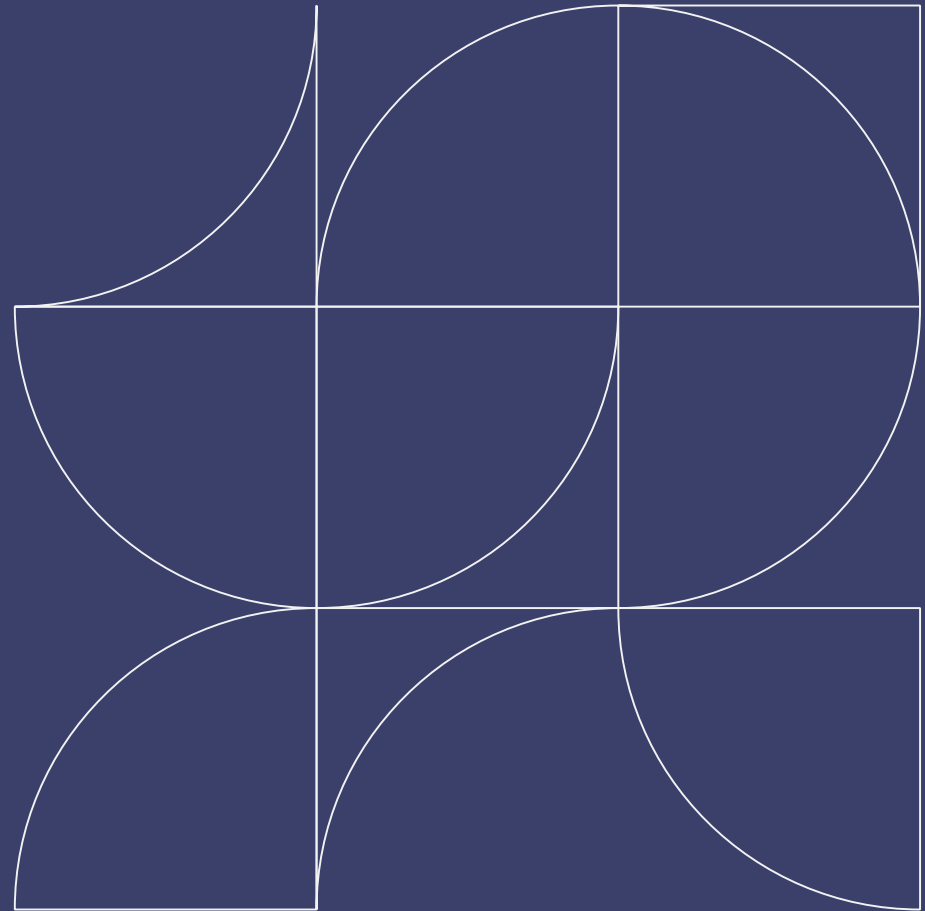


Agenda

- 1** Latest in in Enforcement Trends
- 2** Overall Readiness
- 3** Strategies for Handling Government Audits & Investigations
- 4** Navigating Electronic I-9s

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Latest in Enforcement Trends



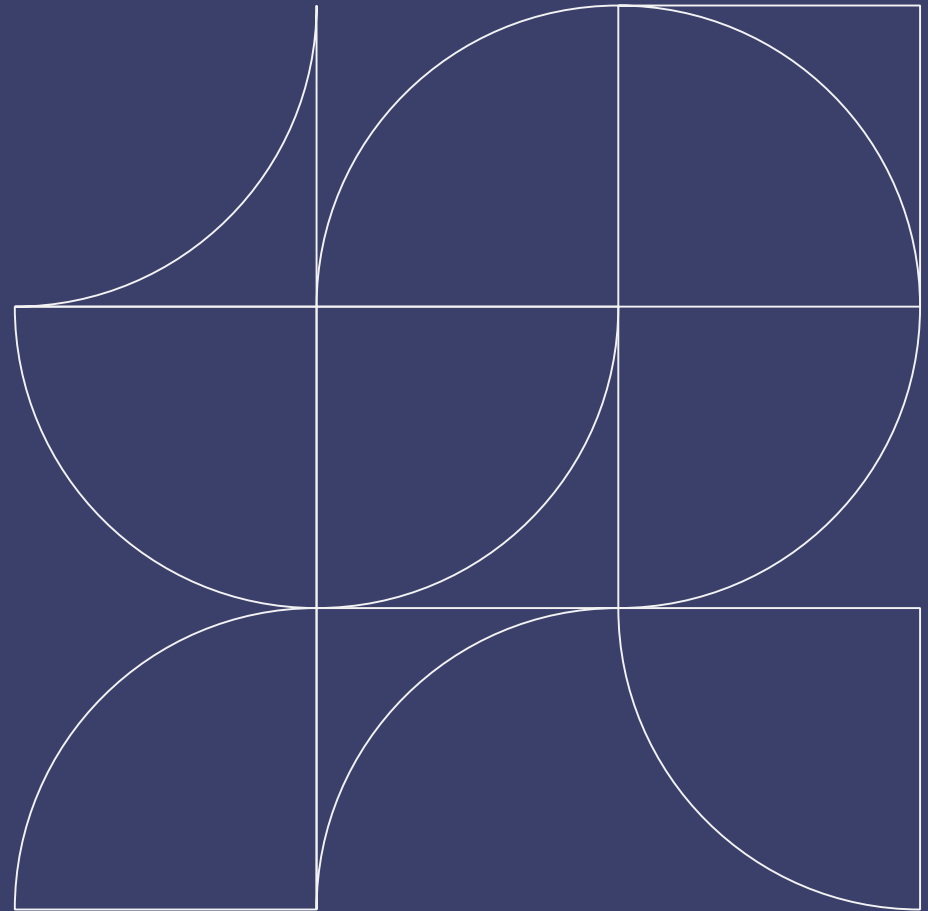


Overall state of play- Administration Focus on Enforcement

- **"America First" Approach** – Stricter enforcement of both legal and illegal immigration
 - Mass Deportation
- **Rollback of Programs** – Many temporary legal protections for essential workers are being rescinded
- **Increased worksite enforcement** – More “touches/taps”
- **General Chaos and Fear**
- **What are we seeing in the field in terms of worksite?**
 - Decentralized approach
 - Sanctuary cities limiting cooperation by law enforcement
 - Cooperation and secondment of other agencies
 - Community visits
 - Focus on criminals only has expanded
 - Traffic stops in certain states
 - small to medium businesses for now
 - targeted industries-anyone with immigrant workers

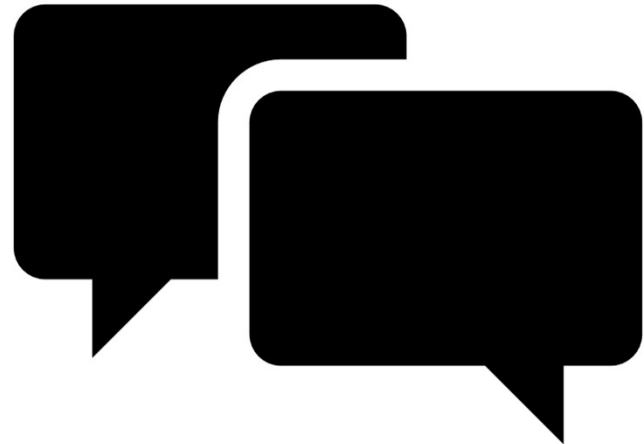
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Overall Readiness



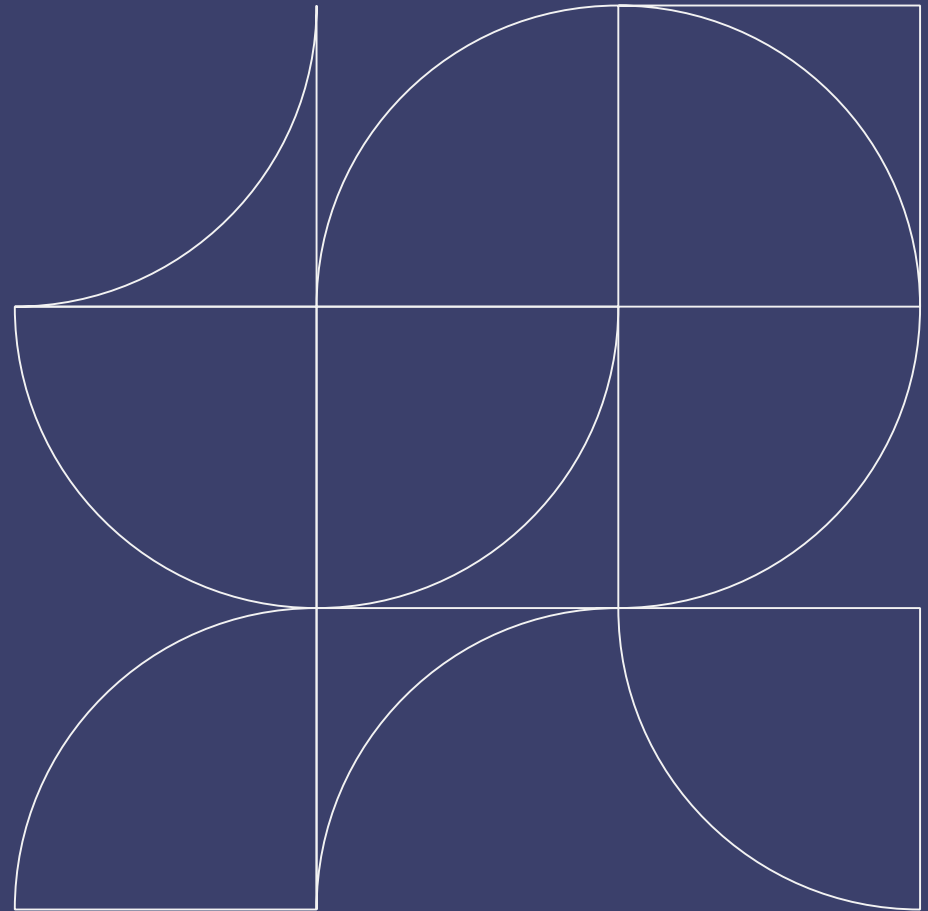
Proactive Focus

- Worksite is now a priority
 - big shift and hard to be so popular!
- Steps to ensure your I-9 records and policies withstand government scrutiny
- Assess your current state of compliance
- Trust but verify
- Inventory I-9s, complete for missing and reverifications
- Review SOPs



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Strategies for Handling Government Audits & Investigations



Three Main Types of ICE Visits

Notice of Inspection (NOI) for I-9 Audit

- Homeland Security Investigations (HSI) delivers a request for the production of Forms I-9, including documentation and sometimes business information
- Administrative Subpoena sometimes
- Appearing with in larger groups of agents

Employee-Specific Investigation/Possible Arrest

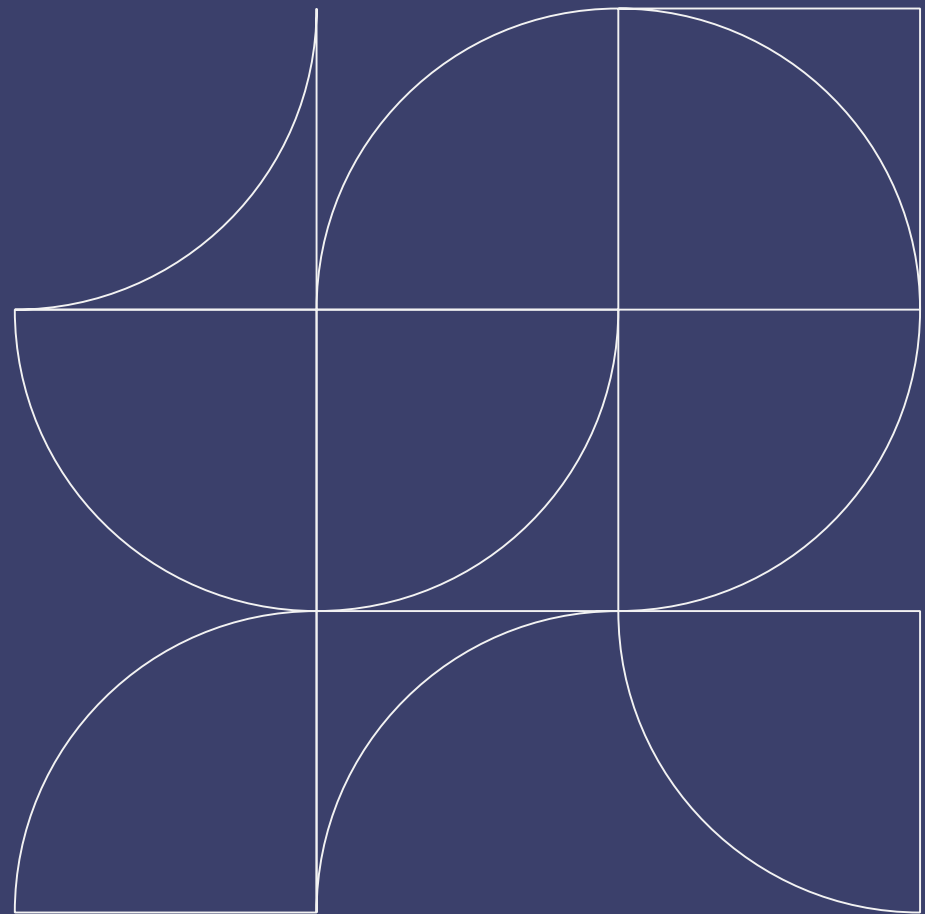
- HSI visits your business
- May want to see an employee or contractor
- May want information on an employee or contractor
- sometimes with admin warrant or subpoena, sometimes just passing by
- Several agents visiting

Worksite Enforcement Actions

- This is the raid scenario
- Surprise
- Logistically supported and planned
- 8-12 months
- coordination between agencies
- 20+ raids under Trump 1.0
- Detaining workers that cannot show authorized status on site

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Navigating Electronic I-9s



“Is there anything I can do in advance, in collaboration with my vendor?”

Your company may provide the requested Forms I-9 and any related supporting documentation to the HSI office named in the letterhead of this Notice in one of the following ways: certified mail, courier service, delivery service (e.g., FedEx, UPS, DHL), hand-delivery, or by contacting the HSI Special Agent identified in this Notice to schedule a time for these items to be collected by the HSI Special Agent at your company's place of business. Your company may also wish to provide a list of the items it will present to HSI, including the total number of Forms I-9 submitted for inspection. Upon receipt of the original (wet ink) Forms I-9, electronically generated and/or retained Forms I-9, as applicable, any related supporting documentation, and/or any property (e.g., CD, external hard drive, etc.) containing such items, as requested, an HSI Special Agent will provide a receipt that documents such items received from your company. Only original (wet ink) Forms I-9, electronically generated and/or retained Forms I-9, as applicable, any related supporting documentation, and/or any property containing such items (e.g., CD, external hard drive, etc.), as requested in this Notice and/or an administrative subpoena, if any, will be documented on the receipt provided by HSI.

During the inspection, Special Agent Jason [REDACTED] will discuss the requirements of the applicable federal laws and regulations with you. In addition to presenting your company's Forms I-9, your company will need to present copies of any identity and/or employment authorization documents copied as part of the employment eligibility verification process. If your company utilizes an electronic system or software product to create electronically generated Forms I-9, you will need to present: the name of the electronic system or software product utilized; the internal business practices/protocols related to the generation of, use of, storage of, security of, and inspection and quality assurance programs for, your electronically generated Forms I-9. In addition, you will need to present: the indexing system identifying how the electronic information contained in the Form I-9 is linked to each employee; documentation describing the system used to capture the electronic signature, including the identity and attestation of the individual signing the Form I-9; and the audit trail for each electronically generated Form I-9. Further, pursuant to 8 C.F.R. Section 274a.2(e)(8)(ii), Special Agent Jason [REDACTED] may contact you to schedule a demonstration of the generation of an electronic Form I-9 by the electronic system or software product used by your company.



- What are audit trails?
- What is an index?
- Let's talk electronic signatures
- What do vendors generally provide?
- Business compliance package
- Why are format and information important?



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Please reach out to us with any questions:

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