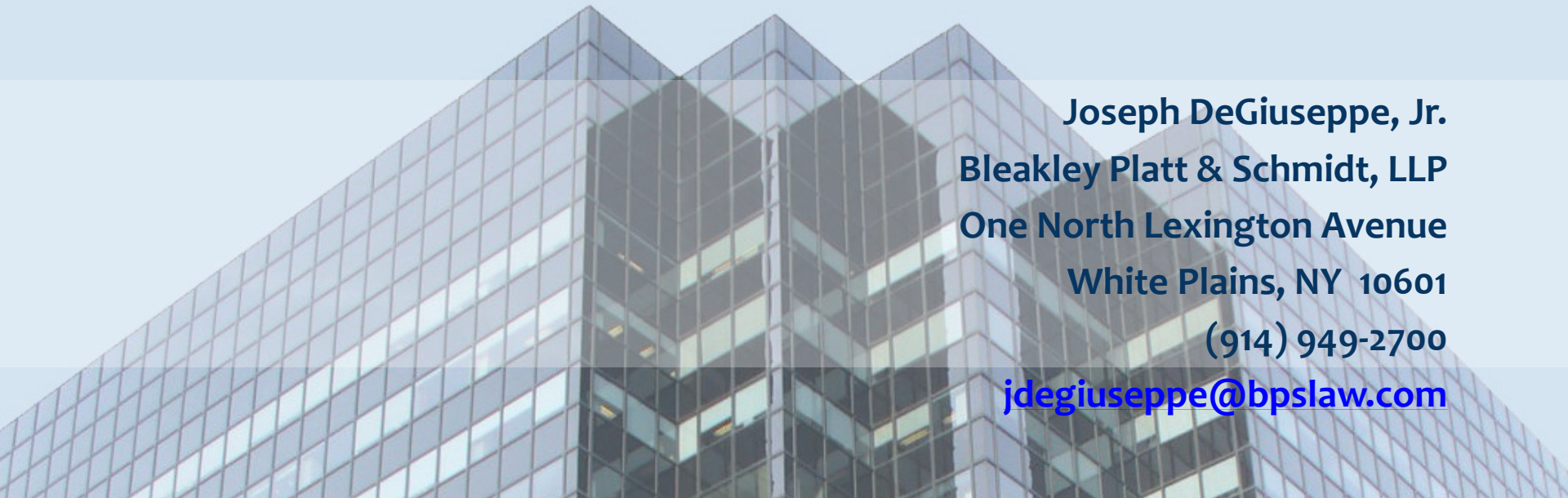
BLEAKLEY PLATT

IMMIGRATION COMPLIANCE ISSUES

An Overview of Relevant Issues and Recent Developments



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Introduction

- The U.S. Immigration and Customs Enforcement (ICE) has been very active with I-9 employment verification form audits in recent years.
- Audits of employer I-9 Forms increased from 250 in 2007 to more than 3,000 in 2012, an 1100% increase over a five-year period.
- Since January 2009, ICE has audited more than 8,900 employers suspected of hiring illegal labor; debarred 8,590 companies and individuals; and imposed more than $100.3 million in financial sanctions.
- For Fiscal Year 2013, ICE's worksite enforcement efforts resulted in the following record fines and penalties: 3,127 Notices of Inspection Issued; $15.8 million in Fines; 452 Arrests: 179 of which were either owners, managers, supervisors, or Human Resource employees; and 277 Debarred Companies.

Recent Inspection Results

- An assessment in March 2014 by the U.S. Department of Justice (DOJ), Office of the Chief Administrative Hearing Officer (OCAHO), resulted in an I-9 related penalty of over $228,000 to a Georgia construction company (M&D Masonry). This is one of the larger fines issued by ICE for such violations, even though it was reduced from the original assessed amount of nearly $332,000.

- ICE brought two counts against M&D Masonry. Count I alleged that M&D failed to ensure that 277 employees properly completed section 1 of Form I-9 and/or failed itself to properly complete section 2 of the form.

- Count II alleged that the company failed to prepare and/or present the forms for 87 employees. Though the construction company was brought to ICE's attention following a report about undocumented workers, all of the fines assessed against the construction company stemmed from paperwork violations.

- ICE found that M&D used a rubber stamped signature in Section 2 for a large number of Forms at a time the rest of the Form was entirely blank. OCAHO found that this practice fails to reflect a reasonable attempt by M&D to comply with its I-9 obligations and constitutes "false attestation."

Recent Inspection Results

- Owner of onion processing plant in North Dakota is sentenced for harboring and transporting undocumented workers; ordered to forfeit $100,000.
- Eight restaurant owners and managers in Pennsylvania are charged with conspiring to harbor, transport and conceal undocumented workers, working for less than minimum wage.
- Owners of gas station and convenience store in Kansas are charged with 45 counts of harboring undocumented workers, Social Security fraud, mail fraud, and making false claims to U.S. citizenship.

U.S. IMMIGRATION LAWS

- The Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101 *et seq.*, was created in 1952. The Act has been amended many times over the years, but is still the basic body of immigration law.
- The Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324, seeks to control illegal immigration by eliminating employment opportunity as an incentive for unauthorized persons to come to the United States, by prohibiting the hiring or continued employment of aliens who employers know are unauthorized to work in the United States.
- To comply with the law, all U.S. employers must verify the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986 by completing Employment Eligibility Verification forms (Forms I-9) for all employees, including U.S. citizens.
- Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States may face civil and criminal penalties.

U.S. IMMIGRATION LAWS

- The Immigration Marriage Fraud Amendments of 1986, 8 U.S.C. § 1325, sought to limit the practice of marrying to obtain citizenship by providing a penalty of five years imprisonment and a $250,000 fine for any "individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws."

- The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made further revisions to U.S. immigration laws, including the enactment of 3 and 10 year bars to admissibility for aliens "unlawfully present" in the US (those entering the US without any inspection or who overstay a nonimmigrant visa).

- Those aliens who are unlawfully present in the US for 180 days but less than a year are barred from being admitted in any legal status in the US for a 3-year period. Those who are unlawfully present in the US for more than a year are barred from being admitted in any legal status for 10 years.

U.S. IMMIGRATION AGENCIES

- The Department of Homeland Security (DHS) is responsible for providing immigration-related services and benefits such as naturalization and work authorization as well as investigative and enforcement responsibilities for enforcement of federal immigration laws, customs laws and air security laws.

- Within DHS, there are three different agencies – U.S. Customs and Border Enforcement (CBE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) .

- The CBE handles the INS's border patrol duties, the USCIS handles the INS's naturalization, asylum, and permanent residence functions, and the ICE handles the INS's deportation, intelligence, and investigatory functions.

U.S. IMMIGRATION AGENCIES

- The U.S. Department of Justice (DOJ), Civil Rights Division, Office of Special Counsel for Unfair Immigration-Related Practices (UIREP) enforces the anti-discrimination provisions of INA § 274B, 8 U.S.C. § 1324b.

- The U.S. Department of State (DOS), Bureau of Consular Affairs, through its "overseas" Consular Officers, is responsible for issuing immigrant and non-immigrant visas to foreign visitors (i.e., aliens) in accordance with the INA and applicable regulations.

- The U.S. Department of Labor (DOL) also has various roles in the visa process including overseeing the PERM labor certification process for the permanent employment of aliens in the United States, and the certification process for the employment of certain non-immigrant workers including Professional and Specialty Occupation Workers (H-1B, H-1B1 and E-3).

IMMIGRANT & NON-IMMIGRANT VISAS

- Under the INA, there are two types of visas: immigrant visas and nonimmigrant visas.

- Immigrant visas (or "green cards") permit their holders to stay in the United States permanently and eventually to apply for U.S. citizenship. Aliens with immigrant visas can also work in the United States.

- **Family-Sponsored Preferences**: **First**: Unmarried Sons and Daughters of Citizens; **Second**: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents; **Third**: Married Sons and Daughters of Citizens; **Fourth**: Brothers and Sisters of Adult Citizens.

IMMIGRANT & NON-IMMIGRANT VISAS

- **Employment-Based Preferences**:

- **First**: Priority Workers: This preference includes (i) Persons of extraordinary ability in the sciences, arts, education, business, or athletics; (ii) Outstanding professors and researchers with at least three years experience in teaching or research, who are recognized internationally; and (iii) Certain executives and managers who have been employed at least one of the three preceding years by the overseas affiliate, parent, subsidiary, or branch of the U.S. employer.

- **Second**: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability; **Third**: Skilled Workers, Professionals, and Other Workers; **Fourth**: Certain Special Immigrants; **Fifth**: Employment Creation.

IMMIGRANT & NON-IMMIGRANT VISAS

- Non-immigrant visas are issued to tourists, students and temporary business visitors. U.S. immigration law divides non-immigrant visas into 18 different types, but for most types, does not impose a cap on the number that may be granted in a year with the H-1B classification for Professional and Special Occupation Workers being the most notable exception with a total annual cap of 65,000.

- The non-immigrant classifications include the following temporary visas: B-1/B-2 Temporary Business Visitors/Tourists ; E-1/E-2 Treaty Traders and Investors; F-1 Academic Students; H-1B Specialty Occupations/DOD Workers; J-1 Exchange Visitors; L-1 Intra-Company Transfers ; TN Trade NAFTA Visas for Canadian & Mexican Citizens.

- The Visa Waiver Program (VWP) enables nationals of certain participating countries to travel to the United States for tourism or business (B-1/B-2 visitor visa purposes only) for stays of 90 days or less without obtaining a visa.

FORM I-9; E-VERIFICATION

- In order to comply with IRCA, all U.S. employers must verify the employment eligibility and identity of all employees hired to work in the U.S. after November 6, 1986 by completing Employment Eligibility Verification forms (Forms I-9) for all employees, including U.S. citizens.

- Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States may face civil and criminal penalties. All U.S. employers must complete and retain a Form I-9 for each individual they hire for employment in the United States.

- All employers must use the March 8, 2013 edition of the I-9 form published by the USCIS to verify the identification and employment authorization of each newly hired employee. This version of the I-9 Form was designed to minimize errors in form completion.

Form I-9, Section 1: "Employee Information and Attestation"

- Requires the employee to complete and sign this section before the **first** day of employment, but not before the employee accepts the job offer.
- Contains several data fields, including the optional fields for phone number and email address, but allows the employee to enter "N/A" if he/she chooses not to provide this information.
- Includes data fields for an employee's foreign passport information (if applicable).
- Employees may have assistance in completing the form, but employers are ultimately responsible for the accurate completion of Section 1.

Form I-9, Section 2: "Employer Review and Verification"

- Includes an expanded parenthetical explanation of the employer's responsibilities in completing and signing Section 2 of the I-9 form within three (3) business days of the employee's first day of employment.
- Provides additional fields to record up to three List A documents, if applicable.
- Includes specific designations of the four data fields in Lists B and C.
- Requires that the employer completing the form or the employer's authorized representative identify his/her title in the certification block of this section.
- Provides a separate line for the employer to record the first day of employment.

Form I-9, Section 3: "Reverification and Rehires"

- Includes a data field for printing the name of the employer, in addition to the employer signing the form.
- Explains that the employer must provide a record of List A or C documentation if a previous grant of employment authorization has expired.
- A copy of the required version of Form I-9 can be downloaded from the USCIS's website at www.uscis.gov.

Acceptable I-9 Verification Documents

- When employees are given a Form I-9, they should be asked to provide **either** one document from List A (identity and employment eligibility) **or** one document from each of Lists B (identity) and C (employment eligibility).

- Again, it is important to emphasize that an employer should not ask an employee to provide any particular document (*e.g.*, green card) for completing Section 2 of Form I-9.

- An employer must accept any document specified on Form I-9, provided that it appears genuine and relates to the employee.

List A Documents which prove both identity & employment eligibility

- United States Passport or Passport Card;
- Permanent Resident Card ("green card") or Alien Registration Receipt Card (I-551);
- Employment Authorization Document (I-766);
- Foreign Passport with temporary I-551 stamp or temporary I-551 printed notation on machine-readable immigrant visa;
- For aliens authorized to work only for a specific employer: Foreign Passport with Form I-94 authorizing employment with this employer; or
- Passport from the FSM or the RMI with Form I-94/FormI-94A indicating admission under the Compact of Free Association between the USA and the FSM or RMI

List B Documents that establish identity only

- Driver's license with photo or identifying information (name, DOB, height, weight, etc.) issued by a state or outlying USA possession;
- Identification card issued by federal, state or local government agencies with photo or identifying information (name, DOB, height, weight, etc.) issued by federal, state or local agencies or entities;
- School identification card with a photograph; United States military card or draft record; Voter's Registration Card; Military dependent's identification card; United States Coast Guard Merchant Mariner Card; Native American tribal document; Canadian driver's license or ID card with a photograph;
- School record or report card; daycare or nursery school record; or clinic doctor or hospital record *(for individuals under age 18 who are unable to produce any of the above-listed identity document).*

List C Documents that establish employment eligibility only

- Social Security account number card without USA employment restrictions;
- Native American tribal document;
- Certification of Birth Abroad issued by the Department of State, Form FS-545;
- Certification of Report of Birth issued by the Department of State, Form DS-1350;
- Original or certified copy of birth certificate issued by a State, county, municipal authority or outlying possession of the United States bearing an official seal;
- Native American tribal document;
- United States Citizen Identification Card, Form I-197;
- Identification card for use of a resident citizen in the United States, Form I-179;
- Employment authorization documents issued by DHS.

Reverification of I-9 Documents and Employees

- Employers or their authorized representatives should complete Section 3 of the new I-9 Form when reverifying that an employee is authorized to work.
- When rehiring an employee within three (3) years of the date on which the Form I-9 was initially completed, employers have the option to complete a new Form I-9 or to complete Section 3.
- When completing Section 3 in either a reverification or rehire situation, if the employee's name has changed, the employer should record the name change in Block A.
- For employees who provide an employment authorization expiration date in Section 1 of the I-9 Form, employers must reverify their employment authorization on or before the expiration date provided.

Reverification of I-9 Documents and Employees

- It should be noted that the obligation to reverify List A and List C documents does *not* extend to Form I-551 Alien Registration Receipt Cards or Permanent Resident Cards.

- USCIS and the Department of Justice Office of Special Counsel (which enforces the anti-discrimination provisions of the IRCA) take the position that while these cards may expire, the beneficiary's status as a Lawful Permanent Resident continues so long as he or she remains a resident of the United States and, therefore, does not need to be reverified.

- Form I-551 must have been valid at the time it was originally submitted as evidence of employment authorization.

E-Verify System Overview

- E-Verify is a free, Internet-based system operated by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA) that allows employers to verify the employment authorization of their employees.

- Based on the information provided by the employee on his or her Form I-9, E-Verify checks this information electronically against records available to DHS and SSA.

- For most employers, the use of E-Verify is voluntary and limited to determining the employment eligibility of new hires only. There is no charge to employers to use E-Verify.

- Employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to use E-Verify to determine the employment eligibility of certain employees.

ICE Inspections and Penalties

- Both ICE and the DOL inspect employers to ensure compliance with the I-9 requirements.
- Form I-9 must be kept by the employer either for three years after the date of hire or for one year after employment is terminated, whichever is later.
- The form must be available for inspection by authorized U.S. Government officials from ICE and the DOL.
- Do not file Form I-9 with ICE or the DOL.

ICE Inspections and Penalties

- During its inspection of the I-9 Forms, the ICE Auditor will be reviewing the I-9 Forms for suspect documents, document discrepancies, other substantive violations , and technical paperwork violations.

- Based on the findings of the investigation, one or more of the following Notices will be issued: Notice of Inspection Results (the "Compliance Letter"); Notice of Suspect Documents; Notice of Discrepancies; Notice of Technical or Procedural Failures; a Warning Notice; and/or a Notice of Intent to Fine ("NOI").

- Where there are both potential technical and substantive issues with respect to an Employer's Form I-9s, it is not likely that a Compliance Letter (or a Notice of Inspection Results) confirming that the Employer is in compliance with applicable I-9 rules and regulations will be issued.

ICE Inspections and Penalties

- **Notice of Suspect Documents:** This Notice would advise the employer that ICE's review of the I-9 Forms has determined that an employee may be unauthorized to work based on questions concerning the authenticity or appropriateness of the documents used to complete the I-9 Form in question. In this case, the employer and the employee in question would be provided with the opportunity to provide additional documentation to confirm the employee's authorization to work in the U.S.

- **Notice of Discrepancies:** This Notice would advise the employer that ICE's review of the I-9 Forms has determined that ICE cannot verify an employee's work authorization based on the documentation attached to the I-9 Form. In this case, the employer and the employee in question would be provided with the opportunity to provide additional documentation to confirm the employee's authorization to work in the U.S.

ICE Inspections and Penalties

- **Notice of Technical or Procedural Failures**: The employer will be given ten (10) business days to correct each identified technical violation before a fine may be issued.

- **Warning Notice**: Even where "substantive" violations are found, ICE may issue a Warning Notice where the facts and circumstances surrounding the violation do not warrant a monetary fine and there is an expectation of future compliance by the employer.

- **Notice of Intent to Fine**: ICE may issue monetary fines for (1) substantive violations, (2) uncorrected technical violations, and (3) knowingly and continuing to employ violations.

ICE Inspections and Penalties

- **Unauthorized Worker Penalties:**

- Penalties for knowingly hiring/continuing to employ an unauthorized alien range from $375 to $3,200 per each unauthorized worker for the first tier offenses; from $3,200 to $6,500 for the second tier offenses; and from $4,300 to $16,000 for third tier offenses.

- Criminal penalties of up to $3,000 in fines per each unauthorized worker and imprisonment of up to six months for the entire violation are possible where a "pattern or practice" of knowingly employing unauthorized workers is demonstrated.

ICE Inspections and Penalties

Recordkeeping Penalties:

- Penalties for I-9 record keeping violations range from $110 to $1,100 per each paperwork occurrence per employee regardless of the number of prior offenses for which the employer has been cited. Each mistake on the I-9 Form is considered to be a separate violation.
- Penalties for committing or participating in document fraud range from $375 to $3,200 for the first offense; and from $3,200 to $6,500 for each subsequent offense.
- 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.

ICE Inspections and Penalties

- **Review of Recommended Fines:**

- Once a NOI has been issued, the Employer can either negotiate with ICE to reduce the proposed fines or request a hearing before the Office of Chief Administrative Hearing Officer (OCAHO) within 30 days of the Employer's receipt of the NOI.

- If the Employer does not request a hearing before OCAHO, ICE will issue a Final Order. If a hearing is requested, the matter will be sent to OCAHO for a hearing before an Administrative Law Judge (ALJ).

- More often than not, employers get the NIF fine reduced. The Office of Chief Counsel at the ICE field office may authorize a 10% reduction. A greater reduction may be negotiated with concurrence from the ICE Special Agent In Charge. According to one source, in the 4-year period ending in 2012, 68% of NIFs were reduced, with an average reduction of 40%.

Unfair Immigration Related Employment Practices Penalties

- The anti-discrimination provisions of INA § 274B, 8 U.S.C. § 1324b, prohibit citizenship or immigration status discrimination with respect to hiring, firing, and recruitment or referral for a fee, by employers with four or more employees.
- Section 1324b prohibits unfair documentary practices related to verifying the employment eligibility of employees.
- Employers may not, on the basis of citizenship status or national origin, request more or different documents than are required to verify an individual's employment eligibility and identity, reject reasonably genuine-looking documents, or specify certain documents over others.
- All work authorized individuals are protected from document abuse.

Unfair Immigration Related Employment Practices Penalties

- Employers found to have engaged in UIREPs may be subject to penalties ranging from $275 to $2,200 per each individual discriminated against for the first offense; from $2,200 to $5,500 for the second offense; and from $4,300 to $16,000 for each subsequent offense.

- In addition, back pay for a period of up to two years from date of filing of the complaint may be issued, together with attorneys' fees if the losing parties' claims or defenses are "without a reasonable foundation in law and fact."

- An employer which demands more documents than the law requires or rejects documents that "on their face appear to be genuine" may be subject to civil penalties ranging from $110 to $1,100 per individual discriminated against.

- An employer which demands more documents than the law requires or rejects documents that "on their face appear to be genuine" may be subject to civil penalties ranging from $110 to $1,100 per individual discriminated against.

SSN "No-Match" Letters

- An SSN "No-Match" letter is a written notice issued by the Social Security Administration (SSA) to an employer, usually in response to an employee wage report, advising that the name or Social Security number (SSN) reported by the employer for one or more employees does not "match" a name or SSN combination reflected in SSA's records.

- The letter cautions employers against taking any adverse employment action against a referenced employee based solely on receipt of the letter, and explicitly states that the letter makes no statement about the referenced employee's immigration status.

- Rather, the letter simply reports an apparent error in either the employer's records or SSA's records, and seeks the employer's and, if necessary, the employee's assistance in conforming those records.

SSN "No-Match" Letters

- There are many possible reasons for a "No-Match" letter, many of which have nothing to do with an individual's immigration status or work authorization.
- Because of this, an employer should not assume that an employee referenced in a "No-Match" letter is not work authorized, and should not take adverse action against the referenced employee based on that assumption.
- Such action could subject the employer to liability under the antidiscrimination provision of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1324b, which prohibits discrimination on the basis of national origin, citizenship status or immigration status, document abuse during the employment eligibility verification process and retaliation.

SSN "No-Match" Letters

- An employer may take the following "reasonable" steps to resolve the mismatch, provided that these steps are uniformly applied to all employees listed in the enclosed SSA letter:
  - The employer should promptly (no later than 30 days) check its records to ensure that the mismatch was not the result of an error on its part;
  - If this does not resolve the problem, the employer should ask the employee to confirm the accuracy of the employer's records;
  - If necessary, the employer should ask the employee to resolve the issue with SSA;
  - If the employer is not able to successfully resolve the mismatch, the employer should make sure that it has followed all of the instructions in the applicable SSA "No-Match" letter;

SSN "No-Match" Letters

- The employer should also verify that the correction has been made by using the Social Security Number Verification System (SSNVS) administered by SSA, and retain a record of the date and time of the employer's verification; and

- If none of the foregoing measures resolves the matter within 90 days of receipt of this letter, the employer should complete, within three days, a new I-9 Form as if the employee in question were newly hired, except that no document may be used to verify the employee's authorization for work that uses the questionable SSN and no document may be used to verify the employee's identity that does not have a photograph of the employee.

- An employer's receipt of a "No-Match" letter or other "No-Match" notice does not, standing alone, constitute "constructive knowledge" on the part of an employer that the referenced employee is not work authorized. It is recommended that an employer give a referenced employee a reasonable period of time to address and correct information contained in a "No-Match" letter or other "No-Match" notice.

SSNVS Overview

- Employers can use the Social Security Number Verification Service (SSNVS). SSA offers this free online service that allows registered users (employers and authorized third-party submitters) to verify the names and SSNs of employees against SSA records.

- Verifying SSNs through SSNVS allows SSA to properly credit the correct earnings to the correct individual's earnings record. This service can only be used for wage reporting purposes.

- An employer's use of SSNVS for any other reason (*e.g.*, to verify work authorization) is improper and may violate the anti-discrimination provision of the INA.

SSNVS Overview

- On the SSNVS results web page, a table is displayed with the results for name and SSN verification requests submitted online. In addition, a tally is displayed showing the total number of: 1) Records submitted, 2) Failed, 3) Deceased, and 4) Verified.
- For failed SSN verifications, an employer may follow these steps:
- Compare the failed SSN with its employment records. If the employer made a typographical error, correct the error and resubmit the corrected data. If the name is hyphenated, the employer should consider trying different versions of the name.
- If the employment records match the employer's submission, the employer should ask its employee to check his/her Social Security card and inform the employer of any name or SSN difference between its records and his/her card. If the employment records are incorrect, the employer should correct its records and resubmit the corrected data.

SSNVS Overview

- If the employment record and the employee's Social Security card match, the employer should ask the employee to check with any local Social Security Administration (SSA) Office to resolve the issue. Once the employee has contacted the SSA Office, he/she should inform the employer of any changes. The employer should correct your records accordingly and resubmit the corrected data.

- If the employee is unable to provide a valid SSN, the employer should document its efforts to obtain the correct information. (Documentation should be retained with payroll records for a period of three years.)

- If the employer is unable to contact the employee, the employer should document its efforts.

SSNVS Overview

- If the employer has already sent a Form W-2 with an incorrect name and/or SSN, then it should submit a Form W-2c (Corrected Wage and Tax Statement) to correct the mismatch.
- A mismatch is not a basis, in and of itself, for the employer to take any adverse action against an employee, such as laying off, suspending, firing or discriminating.
- Company policy should be applied consistently to all workers.
- Any employer that uses the failure of the information to match SSA records to take inappropriate adverse action against a worker may violate State or Federal law.
- The information which an employer receives from SSNVS does not make any statement regarding a worker's immigration status.

CLOSING THOUGHTS

- Informal studies have found that a typical organization using pen and paper will have errors on at least 55% of their I-9 forms. These mistakes range from simple "technical" errors, such as providing the wrong birth date, to more serious "substantive" issues, including the failure to complete I-9s for certain employees or failure to reverify an I-9 that shows expired work authorization.
- Every employer must therefore adopt a consistent and comprehensive policy for the completion of I-9 Forms including periodic reviews and the correction of incomplete or otherwise defective employment authorization forms.
- During an employer's review of its I-9 Forms, the employer should look for basically two types of issues: technical paperwork issues and the more serious "substantive" issues.
- Technical violations can be corrected; substantive violations cannot, in most cases, be corrected. Technical violations would essentially include paperwork violations that can be corrected such as placing information on the wrong line of the form or not properly making a correction to the Form.

CLOSING THOUGHTS

- Examples of substantive violations would include the employment of unauthorized workers, the failure to complete an I-9 Form for workers, the "over-documentation" of workers by reviewing more documents than necessary, the acceptance of either improper or "suspect" documentation, and the failure to complete the Form I-9 in a timely fashion.

- Corrections made to the information supplied on the Form I-9 must be properly made (*i.e.*, the incorrect information should be crossed out with a single line and the new information supplied above the same); "white out" should not be used for corrections as the original information must remain visible; and the employer should ensure that identification numbers (*e.g.*, Alien Registration Numbers) are entered onto the correct lines in Section 1 of the I-9 Form.

- Corrections should always be dated as of the date of the correction and initialed by the proper person, namely employees for corrections made in Section 1 of the I-9 Form and employer representatives for corrections made in Section 2.