



MONTY & RAMIREZ LLP
EMPLOYMENT | IMMIGRATION | LITIGATION

Presented by Jacob M. Monty



IMMIGRATION FOR EMPLOYERS **PART II:**

Update on Enforcement, Identity Theft, 1095-C Errors & More



Donald J. Trump



@realDonaldTrump

Our great Farmers and people in the Hotel and Leisure business have been stating that our very aggressive policy on immigration is taking very good, long time workers away from them, with those jobs being almost impossible to replace. In many cases the Criminals allowed into our Country by the VERY Stupid Biden Open Borders Policy are applying for those jobs. This is not good. We must protect our Farmers, but get the CRIMINALS OUT OF THE USA. Changes are coming!

7.06k ReTruths **30.9k** Likes

Jun 12, 2025, 8:43 AM

ADMINISTRATION

ICE officials told to resume raids on hotels, restaurants, farms

BY REBECCA BEITSCH - 06/17/25 10:37 AM ET



UNDERSTANDING THE TYPES OF ICE-RELATED EVENTS

ICE Raids: Surprise enforcement– ICE agents arrive unannounced to detain undocumented workers. Employers may face criminal charges if they knowingly employ unauthorized workers.

I-9 Audits: Advance notice- Employers receive a NOI and they have 3 days to respond. This is a formal document base proceeding focused on employer compliance.

Targeted Arrest: Individuals with criminal backgrounds or prior deportation orders are located and detained.

RECENT ENFORCEMENT ACTIONS **BY ICE: IN-PERSON NOI DELIVERY**

- Starting on May 6, 2025 ICE conducted a four-day operation in Washington, D.C., where 187 businesses, including numerous restaurants, received Notices of Inspection for I-9 employment verification forms.
- While no arrests occurred on-site at restaurants, the presence of agents caused significant disruption and concern within the industry.
- This operation signifies a shift toward more aggressive, in-person enforcement, moving away from traditional mailed audits.



SAN DIEGO RESTAURANT RAID



Buona Forchetta: June 6, 2025

- On February 20th, Buona Forchetta received an NOI to produce I-9's.
- Of 40 I-9's produced, 19 were deemed to be fraudulent, or 47.5% of the workforce.
- ICE agents entered the San Diego restaurant before it was scheduled to open with a search warrant.

WARNING!

Speed Fab-Crete(Speed Fab) was audited by Immigration and Customs Enforcement and was revealed to have 41 undocumented workers on its payroll. To avoid liability Speed Fab fired these workers and rehired them through a third-party staffing company, Take-Charge Staffing. (Dallas, 2020)

Criminal Consequences:

- Owner of Speed Fab: Pled guilty to a felony charge of conspiracy to unlawfully harbor illegal aliens + 5 years in federal prison
- Co-Owners & CFO of Speed Fab: Pled guilty to misdemeanor charges for unlawful employment of illegal aliens + 6 months in federal prison
- Owner of Take-Charge: Pled guilty to a felony charge of conspiracy to unlawfully harbor illegal aliens + 5 years in federal prison
- Civil:
 - Speed Fab: \$3 million fine + \$276,000 total from each executive
 - Take-Charge: \$69,000 in fines



Employment Eligibility Verification

Department of Homeland Security

U.S. Citizenship and Immigration Services

USCIS

Form I-9

OMB No. 1615-0047

Expires 05/31/2027

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)
Address (Street Number and Name)			
Apt. Number (if any)		City or Town	State
ZIP Code			
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's Email Address	Employee's Telephone Number
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.			
Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):			
☐ 1. A citizen of the United States			
☐ 2. A noncitizen national of the United States (See instructions.)			
☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)			
☐ 4. A noncitizen (other than item numbers 2. and 3. above) authorized to work until (exp. date, if any)			
If you check item number 4., enter one of these:			
USCIS A-Number		OR	Form I-94 Admission Number
		OR	Foreign Passport Number and Country of Issuance
Signature of Employee		Today's Date (mm/dd/yyyy)	

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the [Preparer and/or Translator Certification](#) on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.

List A	OR	List B	AND	List C
Document Title 1				
Issuing Authority				
Document Number (if any)				
Expiration Date (if any)				
Document Title 2 (if any)		Additional Information		
Issuing Authority				
Document Number (if any)				
Expiration Date (if any)				
Document Title 3 (if any)				
Issuing Authority				
Document Number (if any)				
Expiration Date (if any)				
☐ Check here if you used an alternative procedure authorized by DHS to examine documents.				
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.				First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative				Today's Date (mm/dd/yyyy)
Signature of Employer or Authorized Representative				
Employer's Business or Organization Name		Employer's Business or Organization Address, City or Town, State, ZIP Code		

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

FORM I-9

FORM I-9

- As immigration enforcement gets more aggressive employers must be prepare to tackle an increase in I-9 audits.
- All employers must properly complete Form I-9 for every individual they hire for employment in the U.S.
- A person without proper documentation cannot under any circumstances sign the I-9 as an “authorized representative of the employer”
- Employees MUST fill out section 1 and Employers MUST fill out section 2 of the I-9 form.
- Documents that on their face reasonably appear to be genuine MUST be accepted as the employee has the discretion to elect which documents to present from the list of accepted documents.

Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last <u>N [REDACTED] Y</u>		First <u>A</u>	Middle Initial <u>N. A</u>	Maiden Name
Address (Street Name and Number) <u>1105 [REDACTED]</u>		Apt. # <u>[REDACTED]</u>	Date of Birth (month/day/year) <u>05/ [REDACTED]</u>	
City <u>Houston</u>		Zip Code <u>77074</u>	Social Security # <u>634- [REDACTED]</u>	
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.		I attest, under penalty of perjury, that I am (check one of the following):		
		☐ A citizen or national of the United States ☐ A Lawful Permanent Resident (Alien # <u>A</u>) ☐ An alien authorized to work until <u>1/1</u> (Alien # or Admission #)		
Employee's Signature <u>N [REDACTED] S</u>		Date (month/day/year)		

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): <u>1/1</u>		<u>1/1</u>		<u>1/1</u>
Document #: _____		_____		_____
Expiration Date (if any): <u>1/1</u>		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) 1/1 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name		Date (month/day/year)
Address (Street Name and Number, City, State, Zip Code)		

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
Document Title: _____	Document #: _____ Expiration Date (if any): <u>1/1</u>



Verificación de Elegibilidad de Empleo

Departamento de Seguridad Nacional
Servicio de Ciudadanía e Inmigración de Estados Unidos

USCIS
Formulario I-9
OMB No. 1615-0047
Expire 07/31/2026

COMIENCE AQUÍ: Los empleadores deben asegurarse de que las instrucciones del formulario estén disponibles para los empleados cuando completen este formulario. Los empleadores son responsables si no cumplen con los requisitos para completar este formulario. Ver la Información y las Instrucciones.

AVISO CONTRA LA DISCRIMINACIÓN: Todos los empleados pueden elegir qué documentación aceptable presentarán para el Formulario I-9. Los empleadores no pueden solicitar a los empleados documentación para verificar la información de la Sección 1, ni especificar qué documentación aceptable deben presentar para la Sección 2 o el Suplemento B, Reverificación y Recontratación. Tratar a los empleados de manera diferente según su ciudadanía, estatus migratorio u origen nacional puede ser ilegal.

Sección 1. Información y Certificación del Empleado: Los empleados deben completar y firmar la Sección 1 del Formulario I-9 antes del primer día de trabajo, pero no antes de aceptar una oferta de trabajo.

Apellido (Nombre de Familia)	Primer Nombre (Nombre de Pila)	Inicial de Segundo Nombre (si alguno)	Otros Apellidos Utilizados (si alguno)		
[REDACTED]	[REDACTED]	[REDACTED]			
Dirección (Número y Nombre de la Calle)	Número de Apartamento (si corresponde)	Ciudad o Pueblo	Estado	Código Postal	
[REDACTED]	[REDACTED]	GILROY	CA	95020	
Fecha de Nacimiento (mm/dd/aaaa)	Número de Seguro Social de EE. UU.	Dirección de Correo Electrónico del Empleado	Número de Teléfono del Empleado		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Estoy consciente de que la ley federal establece penas de prisión y/o multas por declaraciones falsas o el uso de documentos falsos al llenar este formulario. Declaro, bajo pena de perjurio, que esta información, incluida mi selección en la casilla que certifica mi ciudadanía o estatus de inmigración, es verdadera y correcta.					
(Consulte las páginas 2 y 3 de las Instrucciones):					
☐ 1. Ciudadano de Estados Unidos					
☐ 2. Nacional no ciudadano de Estados Unidos (Vea las Instrucciones) Unidos					
☒ 3. Residente permanente legal (Ingrese el Número de Registro de Extranjero, Número A, o Número de USCIS: [REDACTED])					
☐ 4. No ciudadano (distinto de los ítems número 2 y 3 anteriores) autorizado para trabajar hasta (fecha de expiración, si alguna, mm/dd/aaaa):					
Si marca el artículo número 4, ingrese uno de estos:					
USCIS/Número A		OR	Formulario I-94 Número de Admisión		OR
[REDACTED]			[REDACTED]		
Firma del Empleado			Fecha de Hoy (mm/dd/aaaa)		
[REDACTED]			04/17/2025		
Si un preparador y/o traductor lo ayudó a completar la sección 1, esa persona DEBE completar la certificación de preparador y/o traductor en la página 4.					



Verificación de Elegibilidad de Empleo

Departamento de Seguridad Nacional
Servicio de Ciudadanía e Inmigración de Estados Unidos

USCIS
Formulario I-9
OMB No. 1615-0047
Expire 07/31/2026

Sección 2. Revisión y Verificación del Empleador: Los empleadores o representantes autorizados deberán completar y firmar la Sección 2 dentro de tres días laborales después del primer día de trabajo del empleado y deben examinar físicamente, o examinar de manera consistente con un procedimiento alterno autorizado por el secretario de DHS, la documentación de la Lista A o una combinación de documentación de la Lista B y la Lista C. Ingrese cualquier documentación adicional en la casilla Información Adicional. Vea las instrucciones.

Lista A	Lista B	Y	Lista C
Título del Documento 1	Resident		
Autoridad Emisora	USCIS		
Número de Documento (si corresponde)	[REDACTED]		
Fecha de Expiración (si alguna) (mm/dd/aaaa)	[REDACTED]		
Título del Documento 2			
Autoridad Emisora			
Número de Documento (si corresponde)			
Fecha de Expiración (si alguna) (mm/dd/aaaa)			
Título del Documento 3			
Autoridad Emisora			
Número de Documento (si corresponde)			
Fecha de Expiración (si alguna) (mm/dd/aaaa)			
☐ Marque aquí si usó un procedimiento alterno autorizado por DHS para examinar documentos.			
Certificación: Doy fe, bajo pena de perjurio, que (1) he examinado la documentación presentada por el empleado mencionado anteriormente, (2) la documentación antes indicada parece ser genuina y estar relacionada con el empleado y (3) a mi mejor entender, el empleado está autorizado a trabajar en Estados Unidos.			
Apellido, Nombre y Cargo del Empleador o Representante Autorizado		Firma del Empleador o Representante Autorizado	Fecha de Hoy (mm/dd/aaaa)
[REDACTED]		[REDACTED]	4/21/25
Nombre de la Empresa u Organización del Empleador		Dirección de la Empresa u Organización del Empleador (Número y Nombre de la Calle, Ciudad o Pueblo y Código Postal)	
[REDACTED]		[REDACTED]	



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the instructions.

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Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Print Name)		First Name (Print Name)		Middle Initial (if any)		Other Last Names Used (if any)	
Address (Street Number and Name)		Apt. Number (if any)		City or Town		State	ZIP Code
				Dallas		TX	75216
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number	
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.				Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):			
				☐ 1. A citizen of the United States.			
				☐ 2. A noncitizen national of the United States (See instructions.)			
				☒ 3. A lawful permanent resident (Enter USCIS or A-Number.)			
				☐ 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any)			
				If you check Item Number 4., enter one of these:			
				USCIS A-Number		OR	Form I-94 Admission Number
						OR	Foreign Passport Number and Country of Issuance
Signature of Employee				Today's Date (mm/dd/yyyy)			

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.

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	List A	OR	List B	AND	List C
Document Title 1	Permanent Resident		Social Security		
Issuing Authority	USIS - DHS		SSA		
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)	Additional Information				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
☐ Check here if you used an alternative procedure authorized by DHS to examine documents.					

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

Last Name, First Name and Title of Employer or Authorized Representative		Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	
				12-01-2024	
Employer's Business or Organization Name		Employer's Business or Organization Address, City or Town, State, ZIP Code			

For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.

You are NOT a document expert but avoid the...

Hall of Shame



**SOCIAL SECURITY
NUMBERS WILL NOT
START WITH 9, 666, OR
000 AND WILL HAVE A
SIGNATURE LINE**



**ANY MISSPELLING
SHOULD FLAG A
DOCUMENT AS
FRAUDULENT**

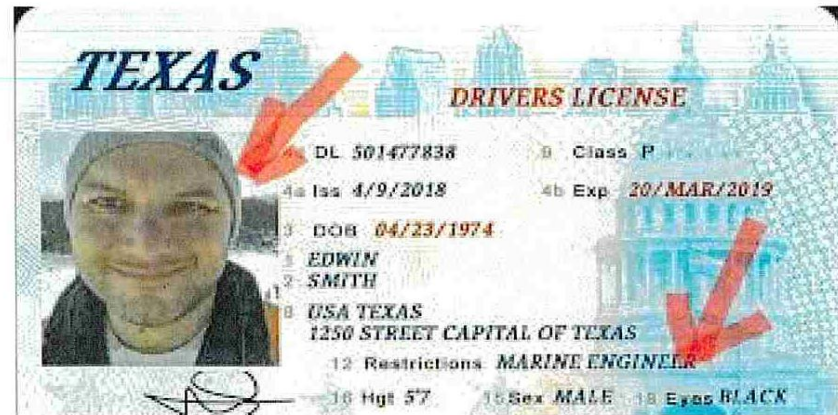


**PHOTOS MUST BE A
HEADSHOT AND ONLY
ONE PERSON**



**MATRICULA CONSULAR
CARDS ARE NOT AN
APPROVED DOCUMENT**

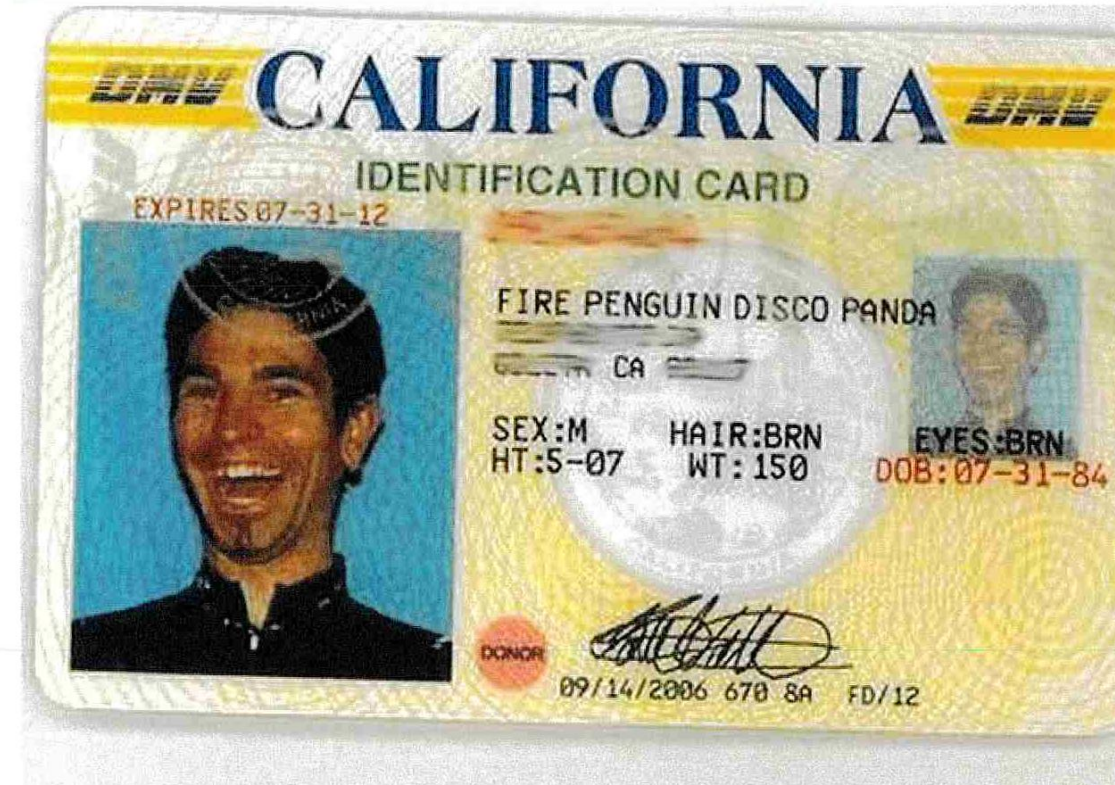




Driver License/ID Number



Audit / DD Number



INVESTIGATION PROCESS: FINES

- “ICE” fines for **substantive errors** (incomplete I-9s, timeliness errors, etc.) and **technical errors** (missing date of birth, missing date of hire, etc.), if uncorrected
- Fines for *substantive violations* currently range from **\$288 to \$2,789 per I-9**
- ICE can also impose civil penalties for *hiring or continuing to employ unauthorized workers* (such as when an employer fails to re-verify a current employee) ranging from **\$716 to \$5,724** per unauthorized worker



\$8M IN I-9 FINES FOR COLORADO EMPLOYERS IN 2025

- ICE fined three Colorado businesses nearly \$8 million after uncovering widespread I-9 violations during worksite audits.
- Violations included knowingly employing unauthorized workers and substantial paperwork failures.
- **Companies Penalized:**
 - CCS Denver, Inc.
 - Fined **\$6.2M** for a **100%** violation rate and a pattern of knowingly employing **87 unauthorized employees**
 - PBC Commercial Cleaning Systems
 - Fined **\$1.6M** for **74%** violation rate and a pattern of knowingly employing **12 unauthorized employees**
 - Green Management Denver
 - Fined **\$270K** for **100%** violation rate and **44 unauthorized workers**



ICE INVESTIGATION LEADS TO ARREST OF OWNERS: *HARBORING*

On February 12, 2025, ICE and HSI agents raided Abby's Bakery in Los Fresnos, Texas, arresting 8 undocumented workers.

- The owners, now face felony charges under 8 U.S.C. § 1324, for knowingly harboring undocumented immigrants.
- The complaint alleges the owners willfully concealed and housed the workers, violating federal anti-harboring statutes.
- Employees reportedly confirmed the owners knew their immigration status and still allowed them to live on-site or nearby.

Key takeaway?

- Providing housing, transportation, or other forms of concealment to undocumented workers can trigger criminal liability under federal law.



II: POTENTIAL INNOCENT VICTIM OF IDENTITY THEFT

- Identity theft is a serious issue that affects not only the innocent bystander but also employers and employees as they may trigger an investigation into the business immigration compliance.
- With heightened scrutiny on workplace compliance it is important for employers to develop a response plan to third-party notices.
- Potential Innocent victim of identity theft scenarios
 - ICE Tip Lines (1-866-DHS(347)-2ICE(423))
 - ACA Error messages
 - Social Security no match notices



INNOCENT BY-STANDER VICTIMS OF IDENTITY THEFT

- What should employers do when someone calls in to inform HR that wages were reported under their social security number, but they have never worked for there?

Protocol

- Review company records to identify if and when the victim's social security number was used by any former or current employees.
- It is important to avoid the knee-jerk reactions in these types of situations.
- Sometimes the issue arises due to administrative errors, such as typographical mistakes made when entering the information.
- Complete and submit the current version of Form W-2c and W-3c for every year you reported the employee's wages under the victim's social security number to the social security administration.
- For form W-2c, complete boxes a-i.
- In box d, "employee's corrected SSN", write in zeros, "000-00-0000." Be sure to mark the box that indicates you are correcting the employee's social security number. You do not need to complete boxes 1- 20.

COMPLAINTS TO THE ICE HOTLINE CAN TRIGGER AN AUDIT: COMMON SCENARIOS

- When your business receives a call from someone claiming that wages have been improperly reported under their social security number, employers must act or risk an I-9 Audit.
 - Employers should gather as much information as possible from the caller and inform them that the company will investigate the matter.
 - Please note that such calls are not inherently legitimate.

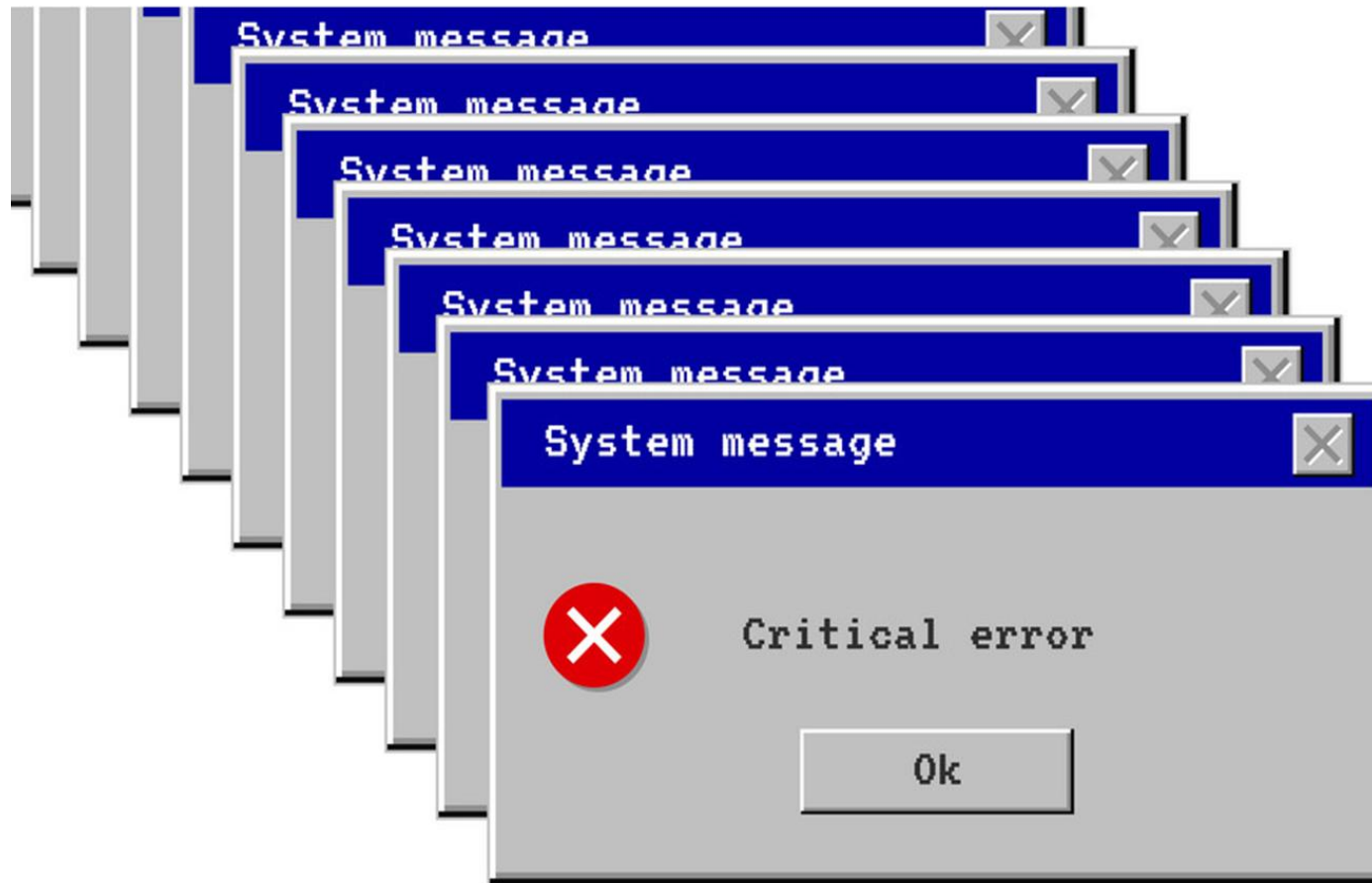




Help your country locate and arrest illegal aliens.

To report criminal activity, call 866-DHS-2-ICE (866-347-2423).





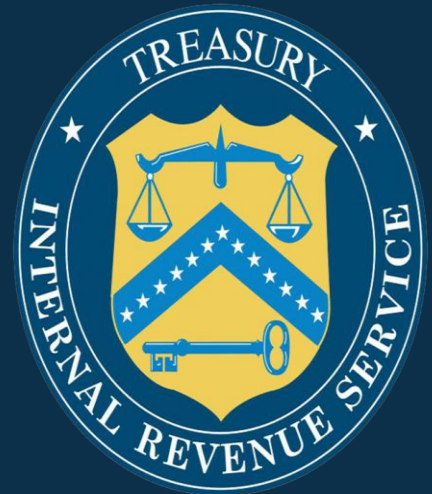
THIRD PARTY NOTICES

IRS AND DHS INFORMATION SHARING AGREEMENT

- IRS has agreed to share taxpayer information with ICE.
- Currently the exchange of information is very limited.
 - IRS will only share information regarding undocumented persons facing final deportation orders and are under federal criminal investigation.
- Enforcement in this area is unknown but are predicted to occur in many forms by triggering workplace raids, audits, administrative requests, and more.
- Protective measures:
 - Ensuring I-9 Compliance
 - Paying attention to ACA Error Messages

WHAT IS AN ACA ERROR MESSAGE?

- The Affordable Care Act requires employers to file form 1095-C with the IRS.
- Error code “010-01” is generated when the first four letters of the employee’s last name and the Taxpayer Identification Number (“TIN”) on the Form 1095-C do not match the IRS database.
- THIS IS NOT EVIDENCE OF IDENTITY THEFT AND THE EMPLOYER DOES NOT HAVE TO TERMINATE THE EMPLOYEE.



WHAT SHOULD AN EMPLOYER DO?

- 1. Review your records and verify that the information entered is correct.**
 - The error message may have been triggered due to:
 - A typo when entering the employee's name or TIN ;
 - An employee recently married and changed their legal name;
 - Confusion over which name should be considered the last name on ACA filings when an employee has multiple last names;
 - An error with IRS's database.
- 2. If the information that was given matches your records, to avoid IRS penalties an employer must be able to demonstrate that they acted responsibly before and after the error occurred.**
 - Acting responsibly = following the solicitation rules.

REASONABLE CAUSE WAIVER

- To demonstrate that the failure to include the correct TIN was due to a reasonable cause employers must establish that they acted in a responsible manner before and after the failure occurred, by making solicitations, and that there were significant mitigating factors **OR** events beyond the employer's control.
- A solicitation is a request made by employers to employees to furnish a correct TIN.
- Employers must document solicitations.



SOLICITATIONS: WHAT SHOULD AN EMPLOYER SAY OR DO?

- **Electronic communication: Permissible only for initial solicitations**
 - The system must create the ability for the employer to be reasonably certain that the person accessing the system and submitting the form is the employee.
- **Mail:**
 - Must include a letter stating that the employee (or payee) must provide an accurate TIN and that failure to do so may result in a \$50 penalty under IRC § 6723 for failure to furnish correct information.
 - Include applicable tax forms (e.g., W-4 for employees; W-9 for payees), and optionally include a return envelope (postage optional).
- **Phone:**
 - Must inform each employee of the missing or incorrect name/TIN combination and that failure to do so may result in a \$50 penalty under IRC 6723.
 - Employer must maintain contemporaneous records showing that the solicitation was properly made and provide the records to the IRS if requested.



SOCIAL SECURITY NO MATCH NOTICES

DISCONTINUED BUT ARE PREDICTED TO RESUME

- No match notices were sent by SSA to notify employers that the social security number provided, and name combination do not match their record.
- No match notices were discontinued in 2021 but are predicted to return.
 - President Trump resumed the practice during his first term of presidency.
- This is not evidence of an employee's status or ability to work.
- **THIS IS NOT EVIDENCE OF IDENTITY THEFT AND THE EMPLOYEE DOES NOT HAVE TO BE TERMINATED.**

BALANCING IMMIGRATION COMPLIANCE AND DOCUMENT ABUSE

- Unfair documentary practices occurs when an employer discriminates against someone's identity and employment authorization by treating them differently from other individuals.
- Examples are:
 - Requesting that someone produce more or different documents than are required by the Form I-9.
 - Requesting that someone produce a specific document rather than allowing them to elect from the list attached to the form.
 - Rejecting documents that reasonably appear to be genuine and relate to the person presenting them.
 - Asking for documentation prior to giving a job offer based on perceived legal status.

DOCUMENT ABUSE IS AGAINST THE LAW

- Unfair documentary practices are prohibited by the INA.
- Employers should be mindful of the significance of third-party notices but must also proceed with caution.
- Over verification could expose businesses to other legal consequences.
- Employers are simply required to verify documents to ensure that they reasonably appear to be genuine and relates to the person presenting it.



MY SOCIAL SECURITY # IS 457-55-5462

I'm Todd Davis, CEO of LifeLock,

and this really is my social security number.* I give it just to prove how safe your identity can be with LifeLock. All of us, no matter how careful, can become victims of identity theft. In fact, every three seconds another identity is stolen.

Do you ever worry about identity theft? If so, it's time you got to know LifeLock. We work to stop identity theft before it happens. We're so confident, we back our clients with a \$1 million dollar guarantee. If for any reason you fall victim to identity theft, we will spend up to \$1 million to hire the finest professionals to repair the damage and restore your good name. Period.

Security, peace of mind, protection – that's what LifeLock provides, along with the added bonus of reduced junk mail and pre-approved credit card offers. Normally it's just \$10 a month, but now you can try us *free for 30 days*. Protect yourself, your family and all you've worked for. Guarantee your good name today.



Here's what LifeLock offers you:

- **Proactive Identity Theft Protection**
- **\$1 Million Protection Guarantee**
Full details available on our website
- **Reduction of Unsolicited Mail**
- **Reduction of Credit Card Offers**
- **Free Annual Credit Reports**
We order your annual free credit report for you

FREE TRIAL

Use promo code **ADV01**
to take advantage of this offer.

LifeLock.com • 877 LIFELOCK (543-3562)

*No payment, no obligation for 30 days.
*After 30 days your credit card will be automatically billed.
*You can cancel at any time without penalty.

LifeLock.com
877 LIFELOCK
(543-3562)



*Do not share your Social Security Number or personal information unnecessarily.

CONCLUSION

- As a business owner/manager it's your job to Calm the Storm.
- Advocacy is powerful! Don't underestimate the power of TRA, NRA & your involvement.
- Establish a plan if government agencies come to your business
- "Test" your Form I-9s Before ICE does
 - **Perform Mock Audits**
- Be proactive and establish a plan for when you receive NOIs, Error Messages, No Match Letters, and reports by Innocent Bystander Victims of Identity Theft.

QUESTIONS?



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DISCLAIMER

- DISCLAIMER. Please note that this presentation is for informational purposes only and provides general information concerning employment law to help you identify when you may need additional legal advice. It is not an exhaustive treatment of the statutes, case law or regulations that are involved with the subject. Please recognize that the law is developing rapidly in this area and you will want to obtain current legal advice on your specific situation before taking action. Employment law liabilities are often highly dependent on the particular facts and circumstances of the individual case or situation. As such, employers should seek the advice of counsel prior to making their determinations. Monty & Ramirez LLP is available to answer any employment or immigration related issue(s) with Your Company.

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