



[Form I-9 Inspection Under Immigration and Nationality Act § 274A | ICE](#)

March 16, 2026

Background

The Immigration Reform and Control Act (IRCA), enacted on November 6, 1986, requires employers to verify the identity and employment eligibility of their employees and sets forth 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 (Form I-9), as the vehicle for documenting this verification. For current employees, employers are required to maintain for inspection original Form(s) I-9 on paper or as an on-screen version generated by an electronic system that can produce legible and readable paper copies. For former employees, the retention of Form(s) I-9 is required for a period of at least three years from the first day of employment or one year from the date employment ends, whichever is longer.

I-9 Inspection Process

The administrative inspection process is initiated with the service of a Notice of Inspection (NOI) upon an employer. Pursuant to 8 C.F.R. § 274a.2(b)(2)(ii), employers receive at least three business days to produce the Form(s) I-9 requested in the NOI. In addition, HSI generally requests that the employer provide supporting documentation, which may include, but is not limited to, a copy of the employer's payroll, a list of active and terminated employees, articles of incorporation, and business licenses.

When an employer responds to a NOI by producing Form(s) I-9, HSI agents and/or auditors conduct an inspection of the Form(s) I-9 for compliance. When HSI finds technical or procedural failures, the employer receives at least 10 business days to make corrections, pursuant to INA §274A(b)(6)(B) (8 U.S.C. § 1324a(b)(6)(B)).

An employer may receive a monetary fine for all substantive violations and uncorrected technical or procedural failures.

Outcomes

During the inspection process, HSI may inform the employer of its findings by issuing the following notice(s):

- **Notice of Suspect Documents:** Advises the employer that, based on a review of the Form(s) I-9 and documentation submitted by relevant employee(s), HSI has determined that the documentation presented by employee(s) do not relate to the employee(s) or are otherwise not valid for employment. This notice also advises the employer of the possible criminal and civil penalties for continuing to employ unauthorized aliens. HSI provides the employer and employee(s) an opportunity to provide documentation demonstrating valid U.S. work authorization if they believe the finding is in error.
- **Notice of Discrepancies:** Advises the employer that, based on a review of the Form(s) I-9 and any related documentation submitted by employee(s), HSI has been unable to determine the employees' eligibility to work in the U.S. The employer should provide the employee(s) with a copy of the notice, as well as an opportunity to present HSI with additional documentation establishing valid U.S. employment eligibility.
- **Notice of Technical or Procedural Failures:** Identifies technical or procedural failures found during the inspection of Form(s) I-9 and gives the employer at least ten business days to correct the forms. After this correction period ends, uncorrected technical or procedural failures become substantive violations.

Upon completion of the inspection process, HSI will issue written notification of its findings through one of the following notices:

- **Notice of Inspection Results:** Also known as a "Compliance Letter," this notice is used to notify a business that it is in compliance with applicable employee eligibility verification requirements.

- **Warning Notice:** Issued when substantive verification violations are identified, but there is an expectation of future compliance by the employer. However, a Warning Notice should not be issued in the following circumstances: (1) the employer was previously the subject of a Warning Notice or a Notice of Intent to Fine; (2) the employer was notified of technical or procedural failures and failed to correct them within the allotted 10-business day period; (3) the employer failed to prepare or present substantive violations; or, (5) there is any evidence of fraud in the completion of a Form I-9 (e.g., backdating) on the part of the employer. Companies that are served a Warning Notice may be subject to a follow-up NOI at a later date to ensure compliance.
- **Notice of Intent to Fine (NIF):** May be issued for substantive violations, uncorrected technical or procedural failures, knowingly hire violations, and/or continuing to employ violations.

Employers found to have knowingly hired or continued to employ unauthorized aliens under INA § 274A(a)(1)(A) or (a)(2) (8 U.S.C. § 1324a(a)(1)(A) or (a)(2)) **must immediately cease the unlawful activity, with no exceptions or reprieve.** Failure to do so may result in civil fines and/or criminal prosecution. Additionally, an employer found to have knowingly hired or continued to employ unauthorized aliens may be subject to debarment by HSI pursuant to 48 C.F.R. § 9.406-2(b)(2).

SECTION 274A ADMINISTRATIVE PROCEEDINGS

The NIF will outline the grounds for the charge(s), specify the alleged violations committed by the employer, and indicate the amount of the civil penalty fine to be imposed. Pursuant to 5 U.S.C. §§ 554-557, the employer is entitled to a hearing before an Administrative Law Judge before the Office of the Chief Administrative Hearing Officer (OCAHO) within the Executive Office for Immigration Review in the Department of Justice. This request must be made within 30 calendar days of receipt of the NIF.

If a written request for a hearing is **not** timely received, ICE will issue a Final Order. There is no appeal from a Final Order. If a written request for a hearing is timely received, the employer may request to engage in settlement negotiations with ICE regarding the charges or fine(s) imposed prior to a hearing before OCAHO. If the employer and ICE reach an agreement, ICE will not file a complaint with OCAHO. However, if the employer and ICE do not reach an agreement, ICE will file a complaint with OCAHO to initiate administrative proceedings. Additional information about OCAHO may be found at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer>.

FORM I-9 SUBSTANTIVE PAPERWORK VIOLATIONS

Each of the following is considered a substantive violation of Form I-9 requirements, including but not limited to the examples provided below. Additional specific violations related to each section of Form I-9 are outlined in the subsequent sections.

1. Failure to prepare the Form I-9.
2. Failure to present the Form I-9 for inspection upon request (8 C.F.R. § 274a.2(b)(3)).
3. Failure to ensure the timely preparation of Section 1 of the Form I-9 and/or failure to timely prepare Section 2 of the Form I-9 (and/or Supplement B of the Form I-9, if applicable).
4. Completion of a Spanish-language version of the Form I-9 outside of its authorized area. The Spanish-language version of the Form I-9 can only be officially completed and retained by employers and employees in Puerto Rico.
5. Failure to meet the standards for the electronic completion, retention, documentation, security, reproduction, electronic signature(s) for the employee, and electronic signature(s) for the employer, recruiter, or referrer for a fee, or representative, as set forth in 8 C.F.R. § 274a.2(e), (f), (g), (h), and (i).

For Section 1 of the Form I-9, failure to:

- a. Ensure that the employee completes his or her printed or typed legal name and date of birth.
- b. Ensure that the employee checks only one box attesting to whether the employee is a citizen of the United States, a noncitizen national of the United States, a Lawful Permanent Resident, or an alien authorized to work until a specified date.

- c. Ensure that the employee completes the Alien Registration Number/U.S. Citizenship and Immigration Services (USCIS) Number field next to the phrase “A lawful permanent resident (Alien #).”
- d. Ensure that the employee completes the Alien Registration Number/USCIS Number field or the Form I-94 Admission Number field or, if applicable, the foreign passport number and country of issuance and the employment authorization expiration date field required for aliens authorized to work in the United States until a specified date (Alien # or Admission #).
- e. Ensure that the employee signs the attestation portion of Section 1.
- f. Ensure that the employee dates Section 1 of the Form I-9.

For Section 2 of the Form I-9, failure to:

- a. Verify a proper List A document or proper List B and List C documents within three business days following the date of hire, by physically examining an original and acceptable List A document or proper and acceptable List B and List C documents described in 8 C.F.R. § 274a.2(b)(1)(v)(A), and determining that the document appears to be genuine on its face and reasonably related to the individual; or by physically examining original and acceptable documentation, as described in 8 C.F.R. § 274a.2(b)(1)(v)(B)-(C), and determining that the document appears to be genuine on its face and reasonably related to the individual.
- b. Record the document title, issuing authority, document number(s), and/or expiration date(s) (if any) of an acceptable List A document or original and acceptable List B and List C documents described in 8 C.F.R. § 274a.2(b)(1)(v)(A)-(C).
- c. Record the document title, issuing authority, document number(s), and/or expiration date of the replacement document required to have been presented in accordance with 8 C.F.R. § 274a.2(b)(1)(vi)(A). Verify within the 90-day period described in 8 C.F.R. § 274a.2(b)(1)(vi)(A)(3) the replacement document, in the case of a document receipt issued in connection with an application to replace a lost, stolen, or damaged document, by physically examining the replacement document or any other valid List A or combination of List B and C documents presented by the employee in lieu of the replacement document. Determine that the document appears to be genuine on its face and reasonably related to the individual.
- d. Mark the alternative procedure box in Section 2 if the employer used an alternative procedure authorized by DHS to examine documents.
- e. Be an active E-Verify participant or registered in a DHS Non-E-Verify Remote Document Examination Form I-9 program when putting a check mark to notate that an alternative procedure was authorized by DHS to examine documents;
- f. Print the complete name and title of the employer or authorized representative.
- g. Provide the date of hire in the attestation portion of Section 2 of the Form I-9.
- h. Sign the Certification portion of Section 2.
- i. Date the Certification portion of Section 2.

For **Supplement A** of the Form I-9, Preparer and/or Translator Certification for Section 1, failure to ensure that the preparer and/or translator’s complete name, address, signature, and date are provided on the Form I-9 at the time of completion, when either a preparer and/or translator was used to assist the employee in the completion of the form.

For **Supplement B** of the Form I-9, Reverification and Rehire (or alternate applicable section or supplement pertaining to a required reverification or rehire entry), failure to:

- a. Date Supplement B of the Form I-9 not later than the date on which an employee’s temporary employment authorization expires, verify the individual’s continued employment eligibility by physically examining an original and acceptable document described in 8 C.F.R. § 274a.2(b)(1)(v)(A) and determining that the document appears to be genuine on its face and reasonably related to the individual; or by physically examining an original document described in 8 C.F.R. § 274a.2(b)(1)(v)(C) and determining that the document appears to be genuine on its face and reasonably related to the individual.

- b. Provide the date of rehire in Supplement B, or in an alternate applicable section or supplement pertaining to a required reverification or rehire entry, of the Form I-9.
- c. Record the document title, document number(s), and/or expiration date(s) (if any) of an acceptable document described in 8 C.F.R. § 274a.2(b)(l)(v)(A) or (C).
- d. Record the document title, document number(s), and/or expiration date (if any) of the replacement document required to have been presented in accordance with 8 C.F.R. § 274a.2(b)(l)(vi)(A), and verify within the 90-day period described in 8 C.F.R. § 274a.2(b)(l)(vi)(A)(3) the replacement document in the case of a document receipt issued in connection with an application to replace a lost, stolen, or damaged document, by physically examining the replacement document or any other valid List A or List C document presented by the employee in lieu of the replacement document and determining that the document appears to be genuine on its face and reasonably related to the individual.
- e. Print the complete name of the employer or authorized representative, sign and date the “Reverification and Rehires” portion of Supplement B, or an alternate applicable section or supplement pertaining to a required reverification or rehire entry, on or before the date the employee’s previously presented temporary employment authorization expires.
- f. Mark in the alternative procedure box in Supplement B if the employer used an alternative procedure authorized by DHS to examine documents.
- g. Be an active E-Verify participant or registered in a DHS Non-E-Verify Remote Document Examination Form I-9 program when checking that it used an alternative procedure authorized by DHS to examine documents.

FORM I-9 TECHNICAL OR PROCEDURAL FAILURES AND POTENTIAL VIOLATIONS IF UNCORRECTED

Section 1 Technical Failures

- 1. Failure to use a version of the Form I-9 that is current at the time any part of the form is initially completed.
- 2. Failure to ensure that an individual provides his or her other last names used (if any) or a physical address in Section 1 of the Form I-9. A missing email address or phone number in Section 1 will not constitute a violation.
- 3. Failure to, when enrolled and utilizing E-Verify for the employee, ensure that the employee’s Social Security Number is correct.

Section 2 Technical Failures

- 1. Failure to record the employee’s complete name at the top of page 2.
- 2. Failure to provide the business name, or physical business address in Section 2 of the Form I-9.

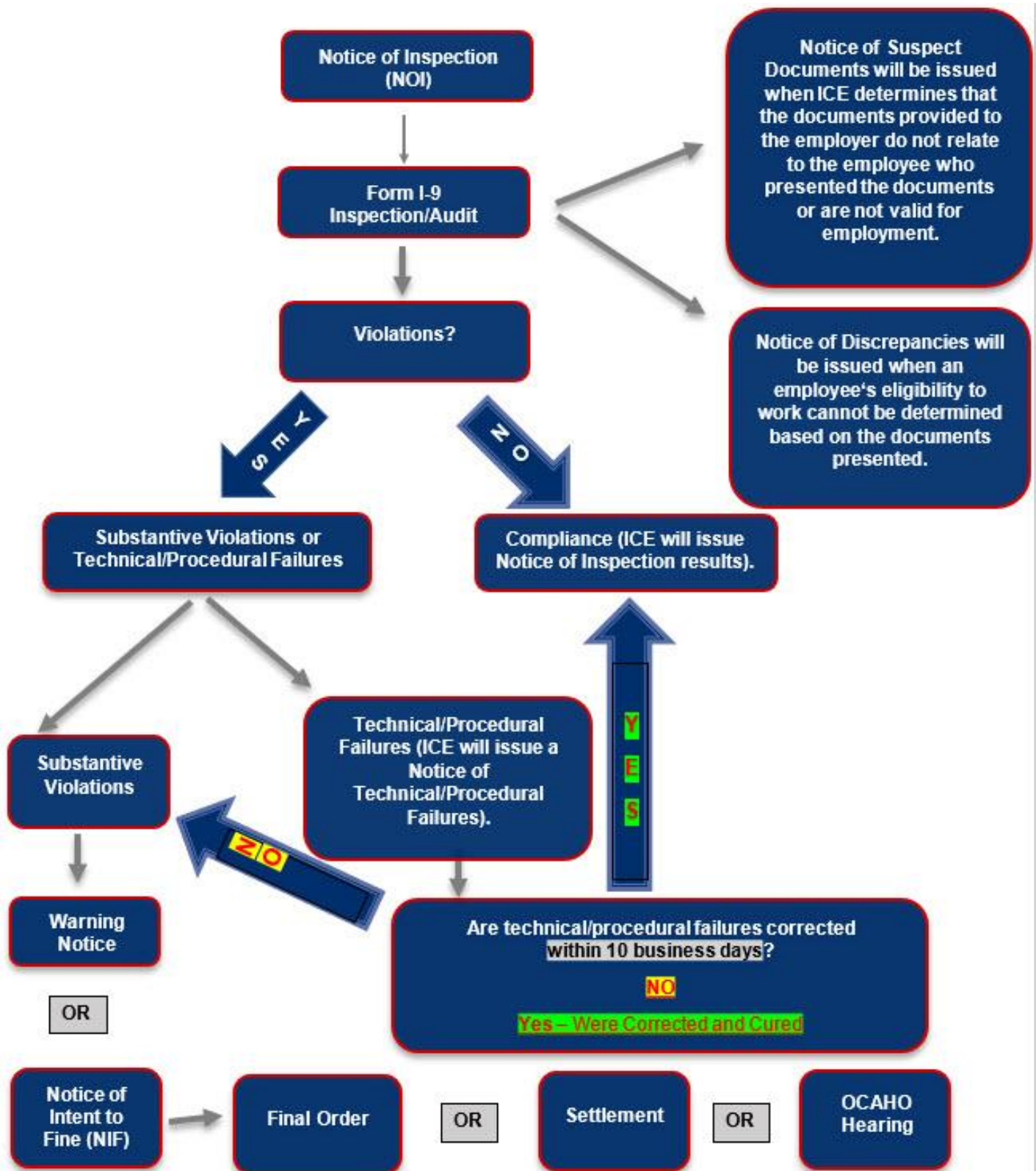
Supplement A Technical Failures

- 1. Failure to record the employee’s full name at the top of Supplement A.

Supplement B Technical Failures

- 1. Failure to record the employee’s full name at the top of Supplement B.
- 2. Failure to record the employee’s new name (if applicable) in the applicable section.

FORM I-9 INSPECTION PROCESS



DETERMINING CIVIL PENALTY FINE AMOUNTS FOR SECTION 274A

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) adjusts the statutory minimum and maximum civil penalty fine amounts for knowingly hire/continuing to employ violations and substantive violations/uncorrected technical or procedural failures. These amounts are subject to annual adjustment. Please check the current Federal Register for the most updated minimum and maximum civil penalty fine amounts.

Since the passage of IRCA in 1986, federal civil monetary penalties have been increased pursuant to the Federal Civil Penalties Inflation Act of 1990, as amended by the Debt Collection Improvement Act of 1996. In addition, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Pub. L. No. 114-74, Sec. 701), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) (Pub. L. No. 101-410, codified as amended at 28 U.S.C. § 2461 note) was enacted on November 2, 2015. On an annual basis, the 2015 Act requires agencies to adjust the level of civil monetary penalties for inflation.

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 <https://www.federalregister.gov/>.

When you visit the federal register website, enter “*adjust for inflation DHS civil monetary penalties*” into the search bar.

The date when ICE serves the NIF on the employer is the fine assessment date that determines the civil penalty range that ICE administers.

To determine the base fine amount, the number of substantive violations/uncorrected technical or procedural failures and knowingly hire/continue to employ violations will be divided by the number of Forms I-9 that should have been presented for inspection. The percentage from this calculation is the violation percentage that will determine the minimum and maximum civil penalty base fine amount. This percentage may change depending on whether the offense being evaluated is the employer’s first offense, second offense, or a third or higher offense.

Once the base fine amount is determined, the five statutory factors (size of the business, good faith of the employer, seriousness of the violation(s), involvement of unauthorized alien(s), and history of previous violation(s)) will be given consideration by ICE to determine the total civil penalty fine amount for the substantive violations/uncorrected technical or procedural failures the employer will be charged with. See 8 U.S.C. § 1324a(e)(5) and 8 C.F.R. § 274a.10 (please check the current Federal Register for the most updated minimum and maximum civil penalty fine amounts).

The following matrix will be used to enhance, mitigate, or deem neutral the base fine amount.

FACTOR	AGGRAVATING	MITIGATING	NEUTRAL
Business size	+ 5%	- 5%	+/- 0%
Good faith	+ 5%	- 5%	+/- 0%
Seriousness	+ 5%	- 5%	+/- 0%
Unauthorized Aliens(s)	+ 5%	- 5%	+/- 0%
History	+ 5%	- 5%	+/- 0%
Cumulative Adjustment	+ 25%	- 25%	+/- 0%

DOCUMENT FRAUD UNDER IMMIGRATION AND NATIONALITY ACT § 274C

INA § 274C, codified in 8 U.S.C. § 1324(c), authorizes HSI to initiate administrative proceedings against persons or entities who violate Section 274C by knowingly committing, or attempting to commit, document fraud to obtain a benefit under the INA. People or entities found in violation of Section 274C may be issued a cease-and-desist order and assessed a civil monetary penalty.

Administrative penalties under Section 274C begin when HSI issues a NIF. The NIF will outline the grounds for the charge(s), specify the alleged violations, and state the amount of the civil penalty to be imposed. Pursuant to 5 U.S.C. §§ 554-557, the person or entity is entitled to a hearing before an Administrative Law Judge before OCAHO

within the Executive Office for Immigration Review in the Department of Justice. This request must be made within 60 calendar days from the date the NIF is served. The NIF will inform the person or entity of their right to be represented by counsel of their choice at their own expense, and that any statements provided may be used against them.

If a written request for a hearing is **not** timely received, ICE will issue a Final Order. There is no appeal from a Final Order. If a written request for a hearing is timely received, ICE will file a complaint with OCAHO to initiate civil document fraud proceedings. Additional information about OCAHO may be found at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer>.

Unauthorized aliens who receive a Final Order or an order from OCAHO finding Section 274C violations may be subject to removal from the United States and a permanent bar on reentry into the United States.

ACTIVITIES PROHIBITED UNDER INA § 274C

It is unlawful for any person or entity knowingly—

1. to forge, counterfeit, alter, or falsely make any document for the purpose of satisfying a requirement of this Act or to obtain a benefit under this Act,
2. to use, attempt to use, possess, obtain, accept, or receive or to provide any forged, counterfeit, altered, or falsely made document in order to satisfy any requirement of this Act or to obtain a benefit under this Act,
3. to use or attempt to use or to provide or attempt to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of satisfying a requirement of this Act or obtaining a benefit under this Act,
4. to accept or receive or to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of complying with §274A(b) or obtaining a benefit under this Act, or
5. to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted, or
6. (A) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) to fail to present such document to an immigration officer upon arrival at a United States port of entry.

Fines for violations under §§ 274A and 274C are set by statute and are subject to annual adjustments for inflation.