
Talking Points Regarding I-9 Audits

U.S. Immigration and Customs Enforcement (ICE) recently announced that it will be conducting I-9 audits at [COMPANY] stores in [LOCATION]. For the past two years, ICE has conducted audits at businesses across the U.S. Past experience with these audits provides a glimpse at what is in store.

- **Hundreds of workers will be fired.** An I-9 “audit” is an inspection of an employer’s documents, including I-9 employment eligibility verification forms. Under the law, a worker completes a Form I-9 when he or she begins employment. During an audit, ICE checks these documents for inaccuracies and missing information. If ICE identifies a problem with a worker’s documents, the employer is supposed to ask the worker to correct these errors by providing new documentation. If the worker cannot correct the discrepancy, the worker could be fired.
- **Workers typically have no information about audits, causing fear and panic in communities.** After one audit in Minnesota, a local church official noted that workers and their children involved in the audit felt “terrorized.” Local police are also negatively impacted because immigrant victims of abuse are “afraid to call the police.”
- **Audits will hurt other [LOCATION] businesses and workers.** After one audit in the Midwest, a Lutheran bishop stated that businesses “are dramatically impacted. Teachers wonder how many jobs will be lost for next year. Landlords have lost renters, bankers have lost clients, [and] grocery store owners their customers. People who have been active and responsible members of their community have been lost.” For one small business owner, staffing became a real problem after a raid at a business, and he felt that “because of the raids, I have lost bus boys, dishwashers, maintenance personnel.”
- **Workers’ basic rights are routinely violated during these audits.** For example, employers subject to an audit routinely fire workers on the spot with no opportunity to correct their documents. Worse, in some instances, employers have used I-9 audits as a way to steal workers’ wages—firing them before paying them for hours owed.
- **Families are economically devastated, as an income-earner becomes unemployed.** For families already struggling to survive on low-wage jobs, this audit will be cataclysmic in scope. Families and their children will have an even more difficult time buying necessities and paying rent.

YOU HAVE AN OPPORTUNITY to reach out to [COMPANY] directly and stand up for the workers, their families and communities who will be affected by these audits. We therefore request that [COMPANY] do the following:

- **Be Transparent**

Meet with all workers at locations undergoing an ICE audit and provide proof of the I-9 audit. Share information about what is happening and what workers should expect. If ICE informs [COMPANY] of issues with any particular worker's documents, [COMPANY] should share that information with the worker in writing, including the specific problems identified.

- **Be Fair**

Pay [COMPANY] workers any outstanding back pay (including penalties), vacation (last year and accumulated for this year), Christmas bonus, and at least two weeks of pay for each year of work. Resolve all other outstanding violations of the law.

- **Treat Workers Equally**

Treat all workers equally under any internal I-9 audit, including implementing the same timeline and requirements for all workers regardless of immigration status, national origin, race, color, religion, or sex.

- **Be Reasonable**

Work with ICE to provide a reasonable amount of time to employees to present documents challenged by ICE, especially since ICE does not provide very much information to workers about I-9 audits. Instead of being terminated immediately, the affected employees should be allowed to work at least three additional months, to give them time to present corrected documents.

- **Be Responsible**

Sign a Community Benefits Agreement, committing to pay fair wages and adopt company policies that improve [COMPANY'S] work environment and provide more advancement opportunities.