

Compliance Alert!

I-9 Shake-Up: What Employers Need to Know and Do Now!

On March 16, 2026, the U.S. Immigration and Customs Enforcement (ICE) updated its I-9 Inspection Fact Sheet. These changes are significant and are reshaping how employers must comply with the I-9 requirements.

What has changed?

Under the old rules, I-9 violations were categorized as technical or substantive. For example, under previous rules, a missing date of birth or failure to enter an employee's maiden name may be a technical violation. Alternately, a substantive violation may be a missing employee signature or acceptance of an improper document. The new rules do the following:

- Give fewer second chances
- Eliminate the 10-day cure period for substantive failures
- Expands the list of fineable errors

Note: Homeland Security conducts administrative inspections of employer compliance. They will provide a Notice of Inspection and the employer has three days to produce the I-9s and any related documentation.

If the inspection process reveals technical failures, the employer is afforded 10 business days to make corrections. These technical violations are minor and correctable errors that do not relate to an employee's authorization to work.

Substantive violations are serious non-correctable errors and question whether an employee can work.

What are some of the violations that are now considered substantive rather than technical?

- Missing employee signature
- Missing attestation status in Section 1 (i.e., citizen, noncitizen national, lawful permanent resident, or alien authorized to work)
- Missing date of employee signature
- No translator/preparer box checked (when applicable)
- Missing document title, issuing authority, number, or expiration date
- Missing employer signature

- Missing date of employer signature
- Section 2 completed late (after 3 business days)
- Accepting improper documents
- Failure to reverify when required
- Improper reverification
- Missing I-9 entirely
- I-9 completed late (after hire date)
- Backdating forms

What are the penalties and have they increased?

Yes, the penalties have significantly increased. Small mistakes are now expensive mistakes. Below is a table of violation types and ranges:

Violation Type	Range (Per Violation)
Paperwork Errors	\$288 - \$2,861
Unauthorized Worker (1 st Offense)	\$716 - \$5,724
Unauthorized worker (repeat)	Up to \$14,308
Discrimination/document abuse	\$281 - \$2,789
Criminal pattern/practice	Up to \$3,000 and jail

What are some next steps recommended for employers?

Consider the following steps and identify the person(s) in your organization who is responsible for reviewing I-9's.

- ☒ Strengthen onboarding workflows
- ☒ Review and audit I-9s
- ☒ Train HR and hiring managers on completion standards
- ☒ Standardize document review procedures
- ☒ Keep written records

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