Know your Rights: I-9 Audits

We have learned that the U.S. Department of Homeland Security (DHS) and U.S. Immigrations and Customs Enforcement (ICE) are performing an audit of your employer's I-9 records. DHS/ICE are authorized by law to conduct this audit and your employer must comply with their audit request. You need to be aware of the following:

- DHS/ICE are looking to see if your employer correctly completed the I-9 forms.
- DHS/ICE are also checking the documents and information you provided on the I-9 form against DHS' government databases.
- Because the information you provided is being checked against the DHS database, ICE will know if you are not authorized to work, if you are using someone else's identity, or if you are using documents that don't exist.
- Once the audit is complete, ICE will give your employer the results of the audit and a certain amount of time to re-verify the identity and work authorization documents of any workers identified to have problems with their documents.
- The time allowed for the reverification of any documents is a mandatory subject of bargaining. The Union will do everything it can to ensure that there is sufficient time for this process to occur.
- Your employer is required by law to comply with the audit and cannot continue to employ any workers that it knows are not authorized to work. In California, the employer must notify each affected employee of the results of the I-9 audit within 72 hours.
- If a worker is identified by ICE as having problems and the worker cannot bring in valid work authorization/identity documents for reverification, the worker cannot be legally allowed to continue to work for your employer.
- As a result of the audit, ICE will now have the contact information that workers placed on their I-9 form. If workers have a criminal history or prior deportation or removal orders they need to consult with an immigration lawyer IMMEDIATELY. ICE routinely seeks out and arrests individuals who have outstanding prior deportation or removal orders or criminal records, including at their homes.
- You have the right not to meet with ICE agents individually. If your employer is asking you to come to a meeting, make sure that a union representative is present. If workers go to a meeting with ICE, it is possible they will be arrested.
- Make sure not to carry any false documents with you at any time.
- In California, you have the right to remain silent and the right to refuse to show any identity documents or to answer any questions.
- Please contact your union representative for a referral to an immigration lawyer.

¹ The I-9 form is the employment verification form you should have completed when you went to work for this employer.