



ICE Puts a Hold on I-9 Audits During COVID-19 Pandemic! How Long Will It Last?

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ICE Audits During COVID-19

To ensure the welfare and safety of the public as well as officers and agents in light of the ongoing COVID-19 pandemic response, U.S. Immigration and Customs Enforcement (ICE) will temporarily adjust its enforcement posture beginning today, March 18, 2020.

ICE's highest priorities are to promote life-saving and public-safety activities.

ICE Enforcement and Removal Operations (ERO) will focus on enforcement on public-safety risks and individuals subject to mandatory detention based on criminal grounds.



For those individuals who do not fall into those categories, ERO will exercise discretion to delay enforcement actions until after the crisis or use alternatives to detention, as appropriate.

Homeland Security Investigation

Homeland Security Investigations will continue to carry out mission-critical criminal investigations and enforcement operations as determined necessary to maintain public safety and national security.

Examples include investigations into child exploitation, gangs, narcotics trafficking, human trafficking, human smuggling, and continued participation in the Joint Terrorism Task Force.



This work will be conducted based on the ability to coordinate and work with prosecutors from the Department of Justice and intake at both the U.S. Marshals Service and Bureau of Prisons.

Consistent with its sensitive locations policy, during the COVID-19 crisis, ICE will not carry out enforcement operations at or near health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities, except in the most extraordinary of circumstances. Individuals should not avoid seeking medical care because they fear civil immigration enforcement.

How About Notice of Inspections (NOI)

WASHINGTON – U.S. Immigration and Customs Enforcement (ICE) today announced an extension of the flexibilities in rules related to Form I-9 compliance that was granted earlier this year. Due to the continued precautions related to COVID-19, the Department of Homeland Security (DHS) has decided to extend this policy for an additional 30 days once again. The expiration date for these accommodations is now **August 19, 2020**. ICE also announced that after **July 19 no additional extensions will be granted to employers who were served notices of inspection (NOIs) by ICE during March 2020**.



What's Next?

While ICE has put a hold on I-9 Form Audits, it has been preparing to resume I-9 audits in the form of NOIs. ICE is no longer extending the NOIs close to 30 days which indicates that Employers should conduct internal audits on the status of their I-9 forms. Conducting an audit now will create an effective risk management strategy to reduce fines, penalties, and even criminal sanctions.

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