

DOJ's Office of Special Counsel Lists Employer Best Practices During Worksite Enforcement Audits

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There are several things employers undergoing audits by U.S. Immigration and Customs Enforcement should do, according to the U.S. Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices. They should have a transparent process in place for communicating with employees during the audit, give employees a reasonable length of time to correct discrepancies in their records, and treat all workers the same regardless of their national origin or citizenship status. Additionally, companies should let unions know about the ICE audit, inform employees of the audit when requesting information related to the audit, and ensure that the information sought is described in writing.

Employers should not verify the employment eligibility of certain workers based on national origin or citizenship status or issue terminations or suspensions without notice or without giving employees time to submit valid Form I-9 documents. Among other things, employees who look or sound foreign should not be treated differently.