Form I-9 Violations

As Outlined on the March 16, 2026, ICE Fact Sheet:

Form I-9 Inspection Under Immigration and Nationality Act § 274A

Form I-9 Technical or Procedural Failures

A technical or procedural failure on Form I-9 is a minor clerical error or omission that does not impact an employee's eligibility to work in the U.S. ICE allows employers to correct these errors within 10 business days after providing a **Notice of Technical or Procedural Failures**. Employers that correct technical or procedural failures within the 10-day period will not face monetary penalties. Technical or procedural failures that are not corrected or cannot be corrected within the 10-day cure period become substantive violations subject to monetary penalties.

Form I-**9 technical or procedural failures** include:

1. Failure to ensure an individual provides her or her complete name and address in **Section 1**. (A missing email or phone number in Section 1 does not constitute a violation.)
2. Missing Social Security Number in **Section 1** (for E-Verify enrolled employers).
3. Failure to ensure the individual provides other last names used, if any, **in Section 1**.
4. Failure to provide the business name or physical business address in **Section 2**.
5. Failure to record an employee's complete name at the top of **Supplement A or B**, or at the top of page 2 (if applicable).
6. Failure to record the employee's new name (if applicable) in **Supplement B** during reverification.
7. Failure to use the version of Form I-9 current at the time any part of the form is initially completed.

Form I-9 Substantive Violations

Substantive violations are serious compliance failures that impair the employment eligibility verification process. They indicate that the employer failed to properly verify a worker's identity and work authorization. Substantive errors or omissions cannot be corrected and carry immediate civil penalties. Employers found to have substantive Form I-9 violations will either receive a **Notice of Intent to Fine (NIF)** or, if ICE expects the employer to comply in the future, a **Warning Notice**, which subjects the employer to a follow-up inspection.

Employers with substantive violations can also receive a **Notice of Suspect Documents** advising of possible criminal and civil penalties for continuing to employ unauthorized workers and/or a **Notice of Discrepancies** advising that ICE is unable to determine an employee's eligibility to work. In both situations, the employer and employee will have an opportunity to present a valid U.S. work authorization.

Form I-9 **substantive violations** include:

1. Failure to complete a Form I-9 for an employee.
2. Failure to provide a completed Form I-9 for inspection upon request.
3. Completion of the Spanish version of Form I-9, except in Puerto Rico.
4. Failure to ensure the employee completes **Section 1** no later than the first day of employment.
5. Failure to ensure the employee provides his or her printed legal name and date of birth in **Section 1**.
6. Failure to ensure the employee checks one box in **Section 1** attesting to whether he is a citizen, noncitizen national, lawful permanent resident (LPR), or alien authorized to work until a specified date.

7. Failure to ensure that lawful permanent residents provide their USCIS A-Number in the **Section 1** space provided.
8. Failure to ensure that aliens authorized to work provide their employment authorization expiration date, and their USCIS A-Number, Form I-94 Admission Number, or Foreign Passport Number and Country of Issuance (whichever is applicable) in **Section 1**.
9. Failure to ensure the employee signs the attestation in **Section 1**.
10. Failure to ensure the employee dates **Section 1** no later than the first day of employment, but not before accepting a job offer.
11. Failure of the employer or authorized representative to verify a proper List A document or proper List B and List C documents <u>within three business days after the employee's first day of employment</u> (or no later than the first day of employment if the individual will work for less than three business days), by physically examining an original and acceptable List A document or proper and acceptable List B and List C documents and determining that the document appears to be genuine on its face and reasonably related to the individual.
12. Failure of the employer or authorized representative to verify <u>within the 90-day period permitted</u> a valid replacement document (or any other valid List A or combination of List B and C documents presented in lieu of the replacement document) for **Section 2** or **Supplement B** by physically examining the document and determining that it appears to be genuine on its face and reasonably related to the individual.
13. Missing or incomplete document data in **Section 2** (document title, issuing authority, document number, and/or expiration date) even when a legible copy of the document(s) is retained and presented during an inspection.
14. Failure to state the first day of employment in **Section 2**.
15. Failure to sign or date the Certification portion of **Section 2**.
16. Failure of the employer or authorized representative to print his or her full name and title in the attestation portion of **Section 2**.
17. Failure to ensure a preparer and/or translator provides his or her full name, address, signature, and date in **Supplement A** at the time Section 1 is completed.
18. Failure to timely prepare **Supplement B** and to verify documents by physically examining an original and acceptable document and determining that the document appears to be genuine on its face and reasonably related to the individual. For reverification of an expired employment authorization, this is no later than the date on which the employee's temporary employment authorization expires.
19. Failure to record the document title, document number (if any), and expiration date (if any) of an acceptable document on **Supplement B**.
20. Failure to print the complete name of the employer or authorized representative, sign and date the Reverification portion of **Supplement B**, or an alternative applicable section or supplement pertaining to a required reverification or rehire entry, on or before the date the employee's previously presented temporary employment authorization expires.
21. Failure to provide the date of rehire (if applicable) in **Supplement B**, or in an alternate applicable section or supplement pertaining to a required reverification or rehire entry, of the Form I-9.
22. For **Section 2** of Form I-9 and **Supplement B** (when applicable), failure to check the alternative procedure box when the employer used an alternative procedure authorized by DHS to examine documents.
23. Use of the remote document verification procedure and checking the box indicating this on **Section 2** of Form I-9 and/or **Supplement B** when not an active E-Verify participant or registered in a DHS Non-E-Verify Remote Document Examination Form I-9 program.
24. Failure to comply with requirements for electronic Form I-9 systems, including rules for completion, record retention, audit trails, electronic signatures, system security, and required documentation.