



Disclaimer: This document is current as of June 2025, but immigration laws and policies are subject to frequent change. This material is provided for informational purposes only and does not constitute legal advice. Individuals should consult with a qualified immigration attorney for guidance specific to their situation.

GUIDELINES FOR PREPARING FOR AND RESPONDING TO A FORM I-9 AUDIT:

1. **Train staff and managers** on how to complete an I-9, and what actions they should take when they are made aware that an employee may not be authorized to work in the U.S.
2. **If not already enrolled, strongly consider enrolling in [e-Verify](#).** If you are already an [E-Verify](#) employer, conduct an audit of your E-Verify cases to ensure compliance, submit an E-Verify case for one you identify as missing, and make sure the mandatory [E-Verify poster](#) is posted at all worksites.
3. **Conduct regular internal I-9 audits and remedy identified errors.** [The USCIS has published guidelines intended to help employers conduct a proactive audit.](#) Recommend having outside counsel conduct periodic I-9 audits as well.
4. **Notify Employees.** California law requires that, within 72 hours of receiving a Notice of Inspection of I-9 forms or other employment records by an immigration agency, an employer must provide notice of the inspection to each current employee, and to the employee's exclusive collective bargaining representative (if any). The notice to employees must include the name of the immigration agency conducting the inspection; the date the employer received the Notice of Inspection; the nature of the inspection to the extent known; and a copy of the Notice of Inspection. Employers may use the template [notice to employee](#) provided by the California Labor Commissioner to meet these obligations.
 - A. The notice to employees must be posted by the employer in the language normally used by the employer to communicate employment-related information to the employee.
 - B. Upon reasonable request, an employer must also provide an affected employee with a copy of the Notice of Inspection from the immigration agency.
5. **Gather and create a spreadsheet list of I-9s:** Match employee I-9s to the employee roster. If no I-9 is located for an employee, note this on the roster as a



corrective action item. Use payroll records to ensure that you have all I-9 forms required for current employees or prior employees.

6. **Complete I-9 forms if any are lost or missing.** All current employees hired after November 6, 1986, must have an I-9 form on file. For corrective action to cure the deficiency, an I-9 must be completed. In completing the I-9, use the date of the audit or the date supporting documents are reviewed; do not back date the I-9.
7. **Inspect Sections 1-3 of the Form I-9:** Ensure that these sections are completed properly, the information is current, and that employment authorizations are valid. Section 3 should only be completed for changes, employment re-verifications and re-hires. If deficiencies are noted or re-verification is required, enter updated data in Section 3 of the form using the date changes or re-verifications that have been conducted. Remember that documents supporting the change or re-verification must always be viewed when Section 3 is completed.
8. **Correct Mistakes:** If deficiencies are noted or if information is incomplete in Section 1, have the employee insert correct information as appropriate, and date and initial the I-9 using the date corrected. If Section 2 has deficiencies or missing information, correct or add information as appropriate, and then date and initial the form using the date corrected. The person that inspected the documents should be the person to correct if possible.
 - A. To make minor corrections: Draw a line through the incorrect information, input the correct information, and then initial and date the correction. To correct multiple recording errors on the form: Redo the section on a new Form I-9 and attach it to the old form. To correct major errors to multiple sections: A new Form I-9 can be completed if major errors need to be corrected.
 - B. A memo note should be included in the file regarding the reason you made changes to an existing Form I-9 or completed a new Form I-9.
 - C. **Never** destroy an I-9 due to mistakes.
 - D. Provide employees with a reasonable amount of time to correct discrepancies in their records.
9. Treat all workers in the same manner during the audit (same timeframes, same choice of Form I-9 documents to present).



10. If you have contractors, leased workers, or workers from a temporary staffing agency providing services at your business location(s), review your vendor contract for language requiring the vendor to (a) provide contractors who are legally authorized to work in the United States, and (b) be fully compliant with the I-9 laws and other relevant immigration laws.

11. Understand and budget for fees relating to I-9 violations:

- A. I-9 paperwork violations: Increase from \$281 to \$2,789 per Form I-9 violation
- B. Knowingly employing unauthorized employees (first offense): Increase from \$698 to \$5,579 per violation
- C. Knowingly employing unauthorized employees (second offense): Increase from \$5,579 to \$13,946 per violation
- D. Knowingly employing unauthorized employees (third or more offense): Increase from \$8,369 to \$27,894

12. Notify Employees of Audit Findings: California law requires that, within 72 hours of receiving written notice from the immigration agency of the results of the inspection of I-9 forms or other employment records, an employer must also provide to each current affected employee, and to the employee's exclusive collective bargaining representative (if any):

- A. A copy of the written notice from the immigration agency that provides the results of the inspection of the I-9 forms or other employment records; and
- B. Written notice of the obligations of the employer and the affected employee arising from the results of the inspection, which must include a description of any and all deficiencies or other items identified by the immigration agency (in its written notice of inspection results) that relate to the affected employee; the time period for correcting any potential deficiencies identified by the immigration agency; the time and date of any meeting with the employer to correct any identified deficiencies; and notice that the employee has the right to representation during any meeting scheduled with the employer.
- C. Each affected employee's notice shall relate only to that individual affected employee, and must be delivered to the employee by hand at the workplace if possible, or by mail and e-mail (if known) if hand delivery is not possible.