

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARNING NOTICE

Name: _____
Address: _____

Date: _____
File Number: _____

On _____, officers of U.S. Immigration and Customs Enforcement conducted an inspection of Forms I-9 and related employment records for:

(Business Name and Address)

The following deficiencies were identified:

SEE ATTACHMENT

The U.S. Government encourages voluntary compliance with the law. As a matter of discretion, we have chosen to issue only this WARNING NOTICE in lieu of imposing any sanctions at this time. However, we anticipate your full cooperation in correcting the violation or violations which resulted in the issuance of this WARNING NOTICE and any other violations which may exist in your Forms I-9. If it is determined that the listed violations are not immediately corrected or other violations are detected, civil or criminal proceedings may be instituted against you.

A follow-up inspection of Forms I-9 and related employment records is scheduled for _____.

Should you have any questions, you may contact this office at _____.
(Telephone Number)

Sincerely,

(Signature)

(Title)

(Address)

SERVICE OF WARNING NOTICE

I hereby certify that, on _____, I served the above Warning Notice and The Handbook for Employers
(Month/Day/Year)

to _____
(Name and Title)

of _____
(Name of Entity)

by _____
(Personal Service or Certified Mail)

at _____
(Street Address)

(Name & Signature)

(Title)

PURPOSE OF THIS WARNING NOTICE

This WARNING NOTICE is issued to bring to your attention your responsibilities under the Immigration and Nationality Act (Act), as amended. Representatives of U.S. Immigration and Customs Enforcement (ICE) are available to discuss these responsibilities with you. The Handbook for Employers (M-274) provided to you with this WARNING NOTICE discusses the requirements of the law. Should you have any questions, you may contact the office noted in the front of the WARNING NOTICE.

PROHIBITED PRACTICES

Section 274A of the Act renders it unlawful for a person or entity, after November 6, 1986, to hire, or to recruit or refer for a fee for employment, an individual, knowing that he or she is not authorized by law to work in the United States. The Act prohibits a person or entity from continuing to employ an individual hired after November 6, 1986, knowing that he or she is or has become unauthorized to work in the United States. The Act also prohibits a person or entity from requiring a person to post bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability for employer sanctions violations.

In addition, under this law you may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or protected individual, because of his or her citizenship status. The Office of Special Counsel for Immigration-Related Unfair Employment Practices, U.S. Department of Justice, enforces the anti-discrimination provisions of the Act.

VERIFICATION REQUIREMENTS

The law requires employers and those recruiters or referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors to verify on the "Employment Eligibility Form," Form I-9, the identity and employment eligibility of all individuals hired, or recruited, or referred for a fee for employment in the United States after November 6, 1986. However, a Form I-9 need not be completed for individuals who were hired after November 6, 1986, but who quit or were terminated prior to June 1, 1987.

Employers and recruiters or referrers for a fee must produce Forms I-9 for inspection upon request of officers of ICE, the Employment Standards Administration, or the Office of Special Counsel.

ADDITIONAL INFORMATION

The law imposes civil penalties consisting of fines up to \$10,000 per unauthorized alien for violations of the provision pertaining to the hiring, recruiting, or referring for a fee, or continued employment of an individual hired after November 6, 1986, knowing that he or she has become unauthorized to work in the United States, fines up to \$11,000 per violation occurring on or after September 29, 1999, and fines up to \$16,000 per violation occurring on or after March 27, 2008. For those who engage in a pattern or practice of violations of these provisions, the law imposes criminal penalties consisting of a fine of up to \$3,000 for each unauthorized alien, imprisonment for up to 6 months for the entire pattern or practice, or both. Failure to adhere to the verification requirements of the law will result in civil penalties consisting of a fine ranging from \$100 to \$1,000 per violation for each individual with respect to whom such a violation occurred before September 29, 1999 and not less than \$110 and not more than \$1,100 per violation occurring on or after September 29, 1999.