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## I-9 Compliance and President Trump's Executive Order

I-9 Compliance is a critical component of employment verification in the United States, ensuring that businesses hire individuals who are legally authorized to work. Under the [Immigration Reform and Control Act \(IRCA\) of 1986](#), employers are required to verify the identity and employment authorization of all new hires using [Form I-9](#).

### The Purpose and Requirements of I-9 Compliance

#### Establishment of Form I-9

The Form I-9 process was established to prevent unauthorized employment and to ensure that employers hire individuals who are eligible to work in the U.S. Employers must complete and retain Form I-9 for each employee, confirming work authorization through valid documentation.

#### Key provisions that govern I-9 compliance include:

Employers must verify the identity and work authorization of all new hires by completing Form I-9. Employees must fill out Section 1 no later than their first day of employment, and employers must complete Section 2 within three business days of the hire date by reviewing original documentation that establishes identity and work authorization. Employers are also responsible for updating records when required, such as during reverification of expiring work authorization.

Noncompliance with I-9 requirements can result in civil fines, criminal penalties, and debarment from government contracts. To minimize risk, employers should conduct regular internal audits and consider tools like E-Verify.

For official guidance on I-9 compliance, visit [U.S. Citizenship and Immigration Services](#).

The Department of Homeland Security (DHS), through the U.S. Immigration and Customs Enforcement (ICE), is responsible for enforcing I-9 compliance. Employers who fail to comply may face penalties including:

- Civil fines for errors in form completion or missing documentation.
- Criminal penalties for knowingly hiring unauthorized workers.
- Debarment from government contracts for serious violations.

**Regular internal audits and participation in programs like E-Verify can help businesses maintain compliance and avoid penalties.**



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LABOR RELATIONS AND GOVERNMENT AFFAIRS JOINT BULLETIN | FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

### President Trump's Executive Order

#### Overview of the Executive Order

On January 25, 2025, President Donald Trump signed [Executive Order: Protecting the American People Against Invasion](#). This order aimed at the following:

- Expanding the enforcement priorities to include broader categories of removable immigrants, not just those with serious criminal convictions.
- Revoking federal funding from jurisdictions that failed to comply with federal immigration laws.
- Increasing ICE presence to conduct more worksite enforcement operations, including audits and raids on businesses suspected of employing undocumented workers.

#### Impact on I-9 Compliance and Employers

President Trump's executive order intensifies enforcement actions against businesses employing unauthorized workers, leading to potential for increased ICE workplace audits, unannounced job site visits, and stricter penalties for I-9 violations. These enforcement actions may create significant challenges for employers, even those who follow the order, including unexpected job site disruptions, potential work stoppages, and employee detentions.

#### Strategies for Employers Facing ICE Raids and Audits

To mitigate risks associated with I-9 compliance and potential ICE enforcement, employers should:

- Develop a response plan for handling ICE audits and job site visits, including designating a point of contact for ICE agents. Even if an employer is complying, other employers may not be and being prepared is imperative.
- Train management and HR personnel on I-9 compliance, document retention, and lawful handling of audits.
- Conduct internal audits to identify and correct I-9 errors before an official inspection.
- Work with legal counsel to navigate complex immigration laws and enforcement actions.

I-9 compliance is a fundamental requirement for U.S. employers, ensuring that workers are legally authorized for employment. President Trump's executive order reinforced the importance of strict adherence to immigration laws, leading to increased enforcement actions. NECA believes signatory contractors are uniquely positioned to be less impacted by these increased enforcement actions due to the requirements to work under many NECA-IBEW collective bargaining agreement's terms and conditions.

Employers must remain vigilant, conduct regular audits, and adopt best practices to comply with I-9 regulations and avoid costly penalties. By staying informed and proactive, businesses can navigate the complexities of immigration compliance while safeguarding their workforce and operations.

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