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Civil Fines and Criminal Penalties for Form I-9 Violations

Civil Fines and Criminal Penalties for Form I-9 Violations ^[1]

Submitted by Chief Editor on Sep 24th 2013

Employers ^[2] have certain responsibilities under immigration law during the hiring process. The employer sanctions provisions, found in section 274A ^[3] of the Immigration and Nationality Act (INA) ^[4], were added by the Immigration Reform and Control Act of 1986 (IRCA) ^[5]. These provisions further changed with the passage of the Immigration Act of 1990 ^[6] and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

Employers must:

- Verify the identity and employment authorization of each person hired after Nov. 6, 1986. For employment in the Commonwealth of the Mariana Islands (CNMI) ^[7], this verification requirement applies to persons hired after Nov. 27, 2009.
- Complete and retain a Form I-9 ^[8] for each employee required to complete the form.

Employers must not:

- Discriminate ^[9] against individuals on the basis of national origin, citizenship, or immigration status.
- Hire ^[10], recruit for a fee, or refer for a fee aliens he or she knows to be unauthorized to work in the United States.

Employers who violate the law may be subject to

- civil fines
- criminal penalties (when there is a pattern or practice of violations)
- debarment from government contracts
- a court order requiring the payment of back pay to the individual discriminated against
- a court order requiring the employer to hire the individual discriminated against

Civil Fines and Criminal Penalties for Form I-9 Violations

Civil Violations	First Offense		Second Offense		Third Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Hiring or continuing to employ a person, or recruiting or referring for a fee, knowing that the person is not authorized to work in the United States.	\$375 for each worker.	\$3,200 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.	\$4,300 for each worker.	\$16,000 for each worker.
Failing to comply with Form I-9 requirements.	\$110 for each form.	\$1,100 for each form.	\$110 for each form.	\$1,100 for each form.	\$110 for each form.	\$1,100 for each form.
Committing or participating in document fraud.	\$375 for each worker.	\$3,200 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.
Committing document abuse.	\$110 per violation.	\$1,100 per violation.	\$110 per violation.	\$1,100 per violation.	\$110 per violation.	\$1,100 per violation.
Unlawful discrimination against an employment-authorized individual in hiring, firing, or recruitment or referral for a fee.	\$375 per violation.	\$3,200 per violation.	\$3,200 per violation.	\$6,500 per violation.	\$4,300 per violation.	\$16,000 per violation.

Asking an employee for money guaranteeing that the employee is authorized to work in the United States, also called an indemnity bond.

- Pay \$1,100 for each bond the employee paid to the employer.
- Refund the employee the full amount of the bond. If the employee cannot be found, this refund will go to the U.S. Treasury.

Criminal Violations	First Offense	Second Offense	Third Offense
Engaging in a pattern or practice of hiring, recruiting or referring for a fee unauthorized aliens.	<ul style="list-style-type: none"> • Up to \$3,000 for each unauthorized alien. • Up to 6 months in prison for the entire pattern or practice. 	<ul style="list-style-type: none"> • Up to \$3,000 for each unauthorized alien. • Up to 6 months in prison for the entire pattern or practice. 	<ul style="list-style-type: none"> • Up to \$3,000 for each unauthorized alien. • Up to 6 months in prison for the entire pattern or practice.

Agency:

[USCIS](#) ^[11]

Profession/Occupation:

[Employers and HR](#) ^[12]

Immigration Law :

[Forms](#) ^[13]

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Links:

[1] <https://immigration.com/news/forms/civil-fines-and-criminal-penalties-form-i-9-violations>

[2]

<http://www.uscis.gov/portal/site/uscis/template.PRINT/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=>

[3]

<http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnextoid=fa7e539dc4bed>
[4]
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=02729c7755cb9>
[5]
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=04a295c4f635f01>
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[9]
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=29da7f5c13f2e2>
[10]
<http://www.uscis.gov/portal/site/uscis/template.PRINT/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=>
[11] <https://immigration.com/agencies/agency/dhs/uscis>
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