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# Civil Fines and Criminal Penalties for Form I-9 Violations

## Civil Fines and Criminal Penalties for Form I-9 Violations <sup>[1]</sup>

Submitted by Chief Editor on Sep 24th 2013

Employers <sup>[2]</sup> have certain responsibilities under immigration law during the hiring process. The employer sanctions provisions, found in section 274A <sup>[3]</sup> of the Immigration and Nationality Act (INA) <sup>[4]</sup>, were added by the Immigration Reform and Control Act of 1986 (IRCA) <sup>[5]</sup>. These provisions further changed with the passage of the Immigration Act of 1990 <sup>[6]</sup> 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) <sup>[7]</sup>, this verification requirement applies to persons hired after Nov. 27, 2009.
- Complete and retain a Form I-9 <sup>[8]</sup> for each employee required to complete the form.

### **Employers must not:**

- Discriminate <sup>[9]</sup> against individuals on the basis of national origin, citizenship, or immigration status.
- Hire <sup>[10]</sup>, 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"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul> | <ul style="list-style-type: none"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul> | <ul style="list-style-type: none"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul> |

**Agency:**

[USCIS](#) <sup>[11]</sup>

**Profession/Occupation:**

[Employers and HR](#) <sup>[12]</sup>

**Immigration Law :**

[Forms](#) <sup>[13]</sup>

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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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<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=84ff95c4f635f010>  
[7]  
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ce75ffac357b331>  
[8]  
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=31b3ab0a43b5d0>  
[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=>  
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