



# The Top Five I-9 Challenges of I-9 Automation and How Your Solution Should Handle Them

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## The challenges of I-9 and E-Verify compliance

If you're an HR executive who oversees a fair volume of hiring, chances are you are familiar with the full range of problems that I-9 & E-Verify compliance presents. You have likely experienced the frustration of devoting excessive resources to pursuing I-9 compliance levels that protect the business. In order to achieve high compliance with paper I-9s, an organization has to devote over 100 hours of labor for every employee it hires(1).

If you process paper I-9s, you are familiar with the difficulty of being responsible for time-sensitive activities that must be completed by others in far-away places while having no visibility into how those activities are progressing. With paper I-9s, audits are your only systematic way of assessing the field's compliance performance. Yet they are time-consuming and labor intensive, and don't give you the in-depth insight you need into the patterns and issues affecting your compliance levels.

And finally, unless you devote an excessive level of resources, you are relatively powerless to increase compliance levels with paper I-9s. On average, each new paper I-9 creates a potential liability of \$555(2). So *for every 1,000 employees your organization hires, you increase your potential I-9 fine liability by \$555,000.*

The more your organization hires, the more dispersed your operations and diverse your workforce, the more problematic I-9 and E-Verify compliance becomes. Most organizations hit a breaking point with manual I-9 processing at about 1,500 annual hires. At this point your HR team is typically spending a considerable amount of time training and coaching field managers, sending forms

back to the field to be re-worked, coming up with ways to try to improve the process, and still living with a very high error rate.

**Even if you're ready to address the issue, it's likely you have no idea where to start.** Most HR executives have never purchased a software solution for I-9 and E-Verify processing, so they have no experience to pull from to help them evaluate products. This paper is designed to inform your search for an I-9 solution that provides the highest levels of I-9 compliance while at the same time dramatically decreasing the overhead costs of I-9 processing. It outlines the requirements most critical for achieving these results.

## Critical requirements for success with I-9 automation

We've broken your critical requirements into five units: you want your software solution to bring you up to 100% compliance, to reduce errors while increasing efficiency, to work flexibly with the organizational structures that are already in place, to keep you prepared for any audit any time, and to empower you to keep your records clean. Let's get started!



# #1 The Compliance Challenge

The only way to know with certainty the compliance levels a software solution will deliver is to use that system for a period of time, then manually audit the I-9 records processed through the system. Since this is impractical, the best proxy is to know the attributes that lead to high compliance so you can select a product with these attributes. This section outlines the most important attributes for high compliance.

## 1. Section 2 will be foolproof

Among the most common and expensive errors are related to documents. With more than 25 document choices and different information collected from different places on the various documents, it is no wonder. You want a solution that makes Section 2 foolproof. It should make available only the documents applicable to the selected citizenship status, and only the fields applicable to the selected document.

Foolproof Section 2 completion not only greatly increases your overall compliance, but also enforces I-9 practices that are consistent and non-discriminatory, such as offering all appropriate document choices for each citizenship status.

Since this functionality is so critical to success, it is recommended that you walk through a demo of this capability. Make sure to select a few documents you are not familiar with, as well as documents that are especially problematic such as a permanent resident card or employment authorization card.

**Insider tip:** Since finding the document number is so challenging on some documents and across so many document types, look for a solution that provides an image of the selected document, showing where to find the required document information, and providing helpful tips about the document.

## 2. An I-9 will be created for every new hire without fail

Missing I-9s gets expensive quickly, and is difficult to detect with manual processes. You want to make sure the I-9 solution gives you the option to automatically trigger the creation of an I-9 when a new hire is entered into your HR system of record.

**Insider tip:** Check that the I-9 solution provides the option to integrate with your specific brand of HR system of record, can act on an API call to create a new I-9, and can populate that I-9 with data provided by your HR system.

## 3. I-9s will be clean and error-free before they can be signed

This may seem like an obvious system requirement, but evaluating this capability is not as black and white as it sounds since there is no way for an automated system to catch every possible human error. A system cannot tell, for example, if a document number that is in the correct format is actually the number that is on the new hire's document. But you want to **make sure to look for a product that catches all “catchable” errors and won’t let the I-9 be signed if any are present.**

As a baseline, make sure the system validates that all required fields are filled in, and that all numbers are in the correct format. Validation should extend beyond number format and form completion, however, and should tap into compliance logic. You should evaluate the depth of this compliance logic. **Some examples of compliance logic to look for:**

- The birthday entered should be used to calculate the new hire's age, with logic then applied to ensure the age is feasible (they are not one day old, for example) and that the new hire is age-compliant.

# #1 The Compliance Challenge

- The citizenship status should determine the document choices presented, with the system only presenting those documents applicable to the selected citizenship status.
- The system should limit the document fields it presents to those that are relevant to the document specified.
- Social security numbers should be checked for duplicates in the system. If a duplicate is found, the user should be presented with a view of the duplicate records.

**If a record is specified for E-Verify, some additional compliance logic should be in place:**

- The system should ensure that social security number is captured, as this is required to E-Verify.
- If any document that requires an E-Verify match step is specified, a message should alert the user to retain a copy of that document, as this is required by E-Verify.

## 4. Hiring managers will know exactly what they need to do and when

Since your hiring managers are the ones completing the I-9s, they should have a personal dashboard that shows them at a glance everything that requires their action, organized by due date for tracking. Their dashboard should show only the records and functions relevant to them, so their pending work is perfectly clear. It should keep them organized on their daily to-dos, and guide them on timely completion of all required actions. They should have one-click access to records with incomplete information, missing signatures, or other required next actions.

## 5. HR managers will know the status of all pending I-9s in their purview

You should look for a system that allows your HR team to monitor the status of all pending I-9s for which they are responsible. The HR manager should have their own role-specific dashboard that shows the pending I-9s for the exact grouping of worksites and hiring managers relevant to them, without the clutter of extraneous information. The dashboard should allow the HR manager to easily see, at a glance, the overall status of I-9s for these worksites. For example, they should be able to identify at a glance the number of unsigned I-9s, as well as those with a “today” signature deadline. The HR manager should be able to drill down on any I-9 for full detail on what is incomplete so they can take appropriate action.

You also want to be able to set up a “super user” dashboard for a person who oversees all worksites and centrally monitors and controls I-9 risk at the highest level for the company.

## 6. Alerts will serve as a failsafe

While a personal dashboard will keep staff organized and apprised of the status of all their open I-9s, make sure the solution also equips them with the ability to get alerted to events that have become critical, such as a signature or re-verification within a certain proximity of its deadline, or a new E- Verify Tentative Nonconfirmation (TNC) or Final Nonconfirmation (FNC). Look for the ability to set up alerts in an escalating fashion.



# #2: The efficiency challenge

If your organization is manually processing I-9s, it is likely your compliance levels are not where you'd like them to be. But moreover, it probably takes significant resources from your HR organization to reach even these modest compliance levels. This section outlines the most important attributes for dramatically reduced I-9 overhead.

**Not all I-9 software solutions will significantly reduce your I-9 labor overhead.**

## 1. Hiring managers will learn it by looking at it

A solution that requires hiring managers to become system specialists will not provide the kind of overhead relief you are seeking for your HR organization. A large part of the overhead burden on HR organizations who manually process I-9s has to do with training hiring managers, coaching and correcting hiring managers, and looking for process improvements with regard to this. You want to make sure the I-9 solution you choose will relieve HR of these burdens.

Any system that requires specialized training has a learning curve, and your HR managers will be the ones who spend time coaching the hiring managers up this learning curve. Also, you need to consider the typical tenure of your hiring managers. Companies with high-volume hiring also tend to have fairly high turnover among hiring managers. The combination of high organizational turnover and high system training needs means your team would be starting new coaching cycles on an ongoing basis.

Once you train a hiring manager on the basics of the Form I-9 and the specifics of your company's I-9 process, they should be able to take a login to the I-9 system and begin smoothly producing flawless I-9s with few if any questions and no frustration. Look for a solution that removes all guesswork for the hiring managers and is simple for them to use. It should present simple and intuitive tips and prompts along the way, so they get it right the first time. If they make an error it should instantly flag the error, as they type, and provide simple corrective steps.

## 2. E-Verify will be part of the same process

Even if you don't E-Verify today, it is advised that you look for an I-9 solution that allows you to submit new hire cases to E-Verify either automatically, as each I-9 is completed, or with the press of a button. This will eliminate steps, duplicated data entry, and manual processes.

Make sure you can see the status of all open E-Verify cases within the solution, on one screen, so you don't have to go check the Department of Homeland Security (DHS) site.

To save your organization time and keep your E-Verify cases on track, look for a solution that:

- Allows you to set alerts so you are notified of new TNCs and FNCs.
- Captures social security number for all E-Verify eligible records.
- Provides guidance for resolving TNCs, with detailed instructions that advise the manager of the steps to take with the employee.
- Prevents you from inadvertently submitting a case to E-Verify for someone who is ineligible (such as someone with a start date before your company registered with E-Verify), or for someone who you didn't intend to E-Verify.
- Ensures each submission is completed, even if the government servers are down when the initial attempt is made.

## 3. End-to-end processes can be automated

To reduce the overhead of onboarding new employees as much as possible, it is advised that you look for an I-9 solution that allows you to integrate with your HR system of record to trigger processes, avoid re-keying data, and keep data synchronized.

## #2: The efficiency challenge

Look for an I-9 solution that will allow your HR system of record to command it to take action, for example, to:

Create a new I-9 pre-filled with employee data along with an email to the new hire with instructions and a one-time login to Section 1.

- Calculate I-9 retention according to U.S. Immigration & Customs Enforcement (ICE) rules, using the termination date entered in your HR system.
- Keep data synchronized across systems. Here are some common examples:
  - A new worksite is entered into your HR system. You want to make sure information about that new worksite gets populated into your I-9 system.
  - Employees may change job locations from one worksite to another. You'll want these data changes to be automatically synchronized over to the I-9 system.
  - A field manager may be given responsibility for a new location. This update should be synchronized into your I-9 system.

It is also recommended that you ensure the I-9 system supports fully integrated single sign-on. This will allow your staff to work seamlessly between the I-9 system and other applications, and will streamline their operations with fewer logins to remember and type in.

### 4. Batch processes will provide further time-savings

Look for a system that lets you process like records at one time, with a single command, to save your team further time. One example is purging all eligible I-9s at once. You want to be able to scan a list of all I-9 records ready for purge, then purge them all with a single click. Another example is closing all authorized E-Verify cases at once. You want to be able to review a list of all authorized E-Verify cases, and close them all at once with a click.

### 5. Remote hire onboarding will take little time

If you work for a large employer or a special type of employer such as a recruitment outsourcing firm, it is likely that you hire people who live or work far away from any of your offices. This can be challenging, since completing the Form I-9 in a compliant manner requires a face-to-face interaction within the first three days of the new hire's employment to inspect their employee authorization documents.

To reduce the labor involved in onboarding remote hires, you want to look for an I-9 solution that allows you to process these hires without the need for your HR representative to meet them in person, and without the need for your HR staff to re-key any data. To reduce your liability, you also want to make sure the I-9 solution doesn't require you to grant notaries temporary access to the system. Employers are responsible for protecting the personally identifiable information (P.I.I.) of employees, such as social security numbers. An employer is exposed to significant risk if they do anything which results in that employee data being accessible to non-authorized individuals, in particular to non-employees.

# #3: The adaptability challenge

Every organization is unique in how they define their organizational structure and specific roles and responsibilities. In addition, every organization runs into scenarios that require some flexibility in I-9 processing. This section outlines some of the key attributes to look for to make sure an I-9 system will be flexible enough to serve your organization on an ongoing basis.

## 1. Any valid scenario will be accepted

You want to check that the I-9 solution will understand and accommodate the possible outside scenarios your team will encounter. For example, you want it to accommodate when:

- It comes time to re-verify, and a person's citizenship status has changed from when the I-9 was originally created. In this case the I-9 solution needs to accommodate the new documentation.
- For a worksite that you E-Verify, a new hire has a last name that contains a period – for example, St. George. ICE requires that you enter their name correctly on the Form I-9, which means you must include the period.
- A new hire has an SSN that is already in the I-9 system. In some cases, this is a former employee who is being re-hired. Make sure the I-9 solution shows you the duplicate records and allows you to proceed with creating the I-9 if this is the correct course of action.

Yet while you want the I-9 solution to have deep compliance logic, you also want to make sure that its business rules aren't overly restrictive, preventing an I-9 from being completed in a valid situation.

## 2. The right people will get the right access

For some users, you'll want to limit access to their own employee records. For others, you may want to give access to a broader set of records based on worksite or groupings of worksites. Check that the I-9 system gives you the flexibility you will need to align record access to the way your organization defines its roles.

You will want some users to have certain functional capabilities within your I-9 system, but not others. For example, you may want to limit who can E-Verify, who can edit an E-Verify case, and who can purge I-9s. Make sure the software solution allows you to selectively configure permissions in a way that matches your organization-specific roles.

## 3. The system is highly configurable

Check the level of configurability the system offers. For example, it should offer the ability to customize messages that are displayed to users in certain scenarios. As mentioned previously, check that the system provides the ability for users to set up alerts as they see fit. And also check that you can define role-specific dashboards configured with the exact combination of modules that you need.

## 4. You will set your terms for your E-Verify participation

Unless your policy is to E-Verify all new hires across all worksites, it is advised that you look for an I-9 solution that allows you to specify selectively which of your worksites is to participate in E-Verify.

Then, for the actual E-Verify submissions, you may want to review the data to be submitted to E-Verify prior to submission, or you may want to automatically submit all eligible records to E-Verify without any extra steps. You may want to do it one way for some worksites, and the other way for other worksites. Make sure the option you need is available in the I-9 solution.

# #4: The auditing challenge

ICE has been increasing its I-9 audits and fines year over year. In 2012, they audited I-9 forms for over 3,000 employers and assessed fines of nearly \$13 million. This means, for starts, that you want your compliance levels to be high. To be prepared for an audit, it is also advised that you know your compliance levels ahead of time. You don't want to find out your compliance levels at the same time as ICE does. And finally, you want to be prepared to support the audit without it taking up an inordinate amount of resources.

## 1. Audit trails will be ICE-compliant

You want to evaluate any I-9 solution you are considering to ensure it properly creates audit trails, produces required records on demand, and takes the majority of the labor out of the audit process. Check that the solution logs all password-related system activity as per ICE rules. Make sure it versions all signed I-9s with a date and time stamp, and that these versioned I-9s are stored and accessible in read-only format. Check that you can easily pull a report that shows all changes across an I-9's signing history, and that you can produce copies of all applicable I-9 records, notices and letters that might be requested in an audit.

**You want to evaluate any I-9 solution you are considering to ensure it properly creates audit trails, produces required records on demand, and takes the majority of the labor out of the audit process.**

## 2. Records will be purged according to ICE retention standards

Since keeping I-9 records beyond the retention period required by ICE can increase your liability, you want to make sure the I-9 solution calculates the required retention I-9 records and flags all records ready for purge. Retention requirements are based on termination date, so you may want to automatically populate any termination dates entered in your HR system of record into your I-9 system. Or you may want to enter the termination date manually into your I-9 system. **Whichever way you choose, you want to make sure the I-9 system accommodates it.**

## 3. Self-audits will be easy

Make sure you have the ability to easily self-audit any group of I-9s you choose with customizable reports. Earlier in this paper we outlined how to ensure the system will catch all "catchable" errors, and advised that you look for a system that does not allow a signature until the I-9 section is clean and error-free. Since the system is auditing the I-9s it processed, presumably there will be no field errors, since the system does not allow field errors. So what you will see in self-audits are any signature timing errors. As such, you want to be able to conduct self-audits that show you the overall compliance you are getting by worksite, hiring manager, or other grouping, to assess I-9 performance by person, team or location.

You also want to be able to analyze this compliance by time period and see how it is trending over time. If you are doing manual audits today, using an I-9 system that offers customizable reports for simple self-audits will save you time and resources.

# #4: Will allow you to easily cure historical I-9s

When organizations make the decision to automate their I-9 processes for new hires, they usually do so to lower both risk and overhead. Migrating historical I-9s into the new I-9 solution and then cleansing them can also lower both risk and overhead. The capabilities outlined here will ensure you accomplish this migration and cleansing with the least amount of labor and the best outcomes.

## 1. Paper I-9s can be migrated into the new system and employee data updated

Incorporating historical records into an I-9 software solution starts with a scan and key service that converts all paper I-9s into electronic format. Make sure the service you use employs a sound method for verifying data accuracy.

Make sure the I-9 solution gives you an easy way to bring these historical I-9 records up to date with information from your HR system of record, such as the employee's current manager and worksite, a termination date if applicable, and whether the employee data has been submitted to E-Verify. Updating your historical I-9s should ensure the right person is sent any re-verification notices, and records are automatically flagged for purge when the right time comes.

## 2. Compliance violations will be flagged

The I-9 solution should do an automated analysis of historical records. The analysis should expose every discernible violation. I-9s that require action should be flagged, with violations marked, annotated and classified.

## 3. Records to be cleansed can be grouped, prioritized and tracked

Make sure the I-9 solution shows your overall audit exposure for the converted records, and allows you to prioritize and allocate your I-9 cleansing efforts. Check that you can group records flagged for cleansing any way you wish. For example, you may want to address the most

costly errors first, or group the records for cleansing by Form I-9 section, worksite, or hiring manager. Also, check that the I-9 solution allows you to track the progress of each group of I-9 records being cleansed. One way to do this is with reports that show the cleansing progression of each of your record groupings.

**Make sure the I-9 solution shows your overall audit exposure for the converted records, and allows you to prioritize and allocate your I-9 cleansing efforts.**

## 4. Cleansing efforts will be guided and validated

The I-9 solution should allow you to cure I-9 records with the minimum of effort. Violations should be clearly marked, and clear and simple guidance should be provided on corrective steps. Check that as your staff takes corrective actions, the system validates their input as they type, just as it does with a new I-9. This will give you assurance that all changes are compliant. And as with new I-9s, this validation should extend beyond simple number format and form completion, tapping into broad compliance logic. In the case of historical I-9s, the compliance logic should take into consideration the version of Form I-9 that should have been used given the hire date, and the rules in place for that version.

## 5. Historical records will be ready for ICE audit

Make sure that as changes are made to these historical I-9s, the I-9 system logs all changes to all fields and records according to ICE standards, and retains a copy of all signed I-9 versions. Also check that you can easily access any set of historical I-9s in case of an ICE audit, and include historical records in your self-audits. For violations that cannot be cured, check that you can enter audit notes that explain the problem and actions you've taken to prevent it from happening in the future. This will show evidence of good-faith compliance efforts. Also, make sure the solution allows you to create a new I-9 associated with the original for those records that are not salvageable.

# SUMMARY

We hope this paper helps you to find a software solution that provides the highest levels of I-9 compliance while at the same time dramatically decreasing the resources your organization devotes to I-9 & E-Verify processing. We invite you to learn about Tracker I-9, which provides the most effective I-9 solution for organizations with high-volume hiring.



# ABOUT TRACKER

Tracker I-9 addresses the comprehensive set of business problems that I-9 and E-Verify compliance presents to large organizations. It reduces the resources an organization has to devote to I-9 & E-Verify compliance by more than 85%, while delivering full compliance and complete visibility. Unlike I-9 solutions that simply provide a fillable .pdf or an online form with some field validation, I-9 Complete automates the entire compliance workflow and transforms hiring compliance into a highly efficient and reliable operation for the enterprise. Leveraging manager self-service, it guides field managers easily through successful completion of each I-9 with no special training, eliminating guesswork, errors, re-work and training time. It integrates with all leading HR systems for further process automation and efficiencies. It gives HR up-to-the-minute insight into the human element of I-9 compliance performance across the organization for early detection of trouble spots. It provides the level of operational flexibility large organizations need to accommodate their unique and evolving organizational structures.

With proven enterprise scalability, I-9 Complete is currently serving the nation's largest employers including companies with over 10,000 field managers who are achieving full compliance for over 250,000 hires a year.

# ABOUT MITRATECH

Mitratech is a proven global technology partner for corporate legal, risk & compliance, and HR professionals seeking to maximize productivity, control expense, and mitigate risk by deepening operational alignment, increasing visibility, and spurring collaboration across their organization.

With Mitratech's proven portfolio of end-to-end solutions, organizations worldwide are able to implement best practices and standardize processes across all lines of business to manage risk and ensure business continuity.

Mitratech serves over 1,500 organizations worldwide, including 30% of the Fortune 500 and over 500,000 users in 160 countries.

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