



## ICE Tightens I-9 Error Policy

*Updated 17 April 2026*

**Action:** US Immigration and Customs Enforcement (ICE) has updated its policy distinguishing between substantive violations and technical or procedural failures on the Form I-9, the form used by employers to verify the identity and employment eligibility of employees.<sup>1</sup> The policy change reclassifies several issues that would previously have been treated as minor clerical errors as more serious violations that could result in monetary penalties.

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- The Administration has taken sweeping [actions](#) to reduce both legal and illegal entry into the US, including expanded workplace immigration raids. According to press reports, concerns about the impacts of these raids on business operations may be leading the Administration to reduce these actions.
- The recent I-9 policy change may represent a shift in the Administration's employment enforcement approach to lower-profile administrative enforcement tactics.
- Errors that would previously have been treated as minor administrative errors include a missing date of birth and other biographical information, a missing date of hire, missing information about the use of a translator in completing the form, and failure to enter a rehire date. Certain document retention requirements are also now treated as potential substantive violations.
- Penalties for unintentional errors can range from \$300 to \$3,000 per violation,

introducing significant financial risk for large employers.

- **What this means for business:** Firms should be aware of the heightened compliance risk associated with the policy change and review hiring and employee verification practices to reduce unintended errors when completing the I-9 form. In particular, employers may want to:
  - Review internal processes for completing, verifying, and retaining I-9 forms to ensure consistency across hiring offices.
  - Audit existing I-9 records and databases to identify missing or incomplete fields (e.g., date of birth, hire date, translator information, rehire date) that may now be treated as substantive violations.
  - Ensure data completeness and accuracy by implementing standardized data entry checks or system validations where possible.
  - Train hiring managers and HR personnel across all locations on updated requirements and common error areas, especially in decentralized organizations.
  - Conduct periodic internal audits of both process and data to identify systemic issues and reduce exposure before a government inspection.
  - Strengthen document retention practices to ensure compliance with updated interpretations of retention requirements.

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1. <https://www.ice.gov/factsheets/i9-inspection>

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