

Preface to the 2025–2026 Edition

The 2025-2026 Edition of the *Immigration Employment Compliance Handbook* reports on the latest developments on enforcement of immigration laws barring employment of unauthorized workers, mandating verification of an employee's work authorization in the United States, and prohibiting citizenship status discrimination.

Trump Administration's Aggressive Worksite Enforcement Strategy

President Trump has indicated that he wants to deport millions of foreign nationals who are in the country illegally, and one way to achieve that goal is by implementing an aggressive worksite enforcement strategy. The first several months of the second Trump Administration has seen the return of the high-profile, massive show-of-force worksite raids that were common in his first administration and often result in the arrest of unauthorized workers identified during the operation. In fact, given the ambitious goals on removals and the massive increase in U.S. Immigration and Customs Enforcement (ICE) appropriations that were included in the reconciliation bill enacted in July 2025, it is not hyperbole to expect a substantial increase in worksite enforcement actions as compared to the first Trump Administration.

Few of these worksite raids had occurred in the last four years under the Biden Administration, and few administrative arrests of unauthorized workers occurred as part of any worksite enforcement investigations. The Biden Administration had directed ICE to end mass worksite enforcement operations and directed ICE to consider prosecutorial discretion for unauthorized workers who were victims of, or witnesses to, workplace exploitation. Consistent with these directives, ICE developed a labor exploitation program which focused on abusive employers. The agency essentially stopped conducting worksite raids, where the threat of arrest and deportation has long been used by exploitative employers to suppress and retaliate against workers asserting labor protections. Instead, the agency encouraged noncitizen victims and witnesses to assist ICE's Homeland Security Investigations (HSI) with criminal investigations and prosecutions of business owners and managers. ICE's victim-centered approach to worksite investigations focused on unscrupulous employers who exploit noncitizens based on their lack of lawful immigration status through dangerous work conditions, underpayment, and using those noncitizens as a "business model" to maximize profits.

On a fundamental level, the Trump Administration does not view unauthorized workers as victims but rather as legitimate targets of its worksite enforcement strategy. HSI has indicated that it is restoring an aggressive worksite enforcement strategy, which includes worksite raids, the administrative arrests of unauthorized workers identified during the operation, and the detention of these workers pending removal proceedings. HSI may also choose to criminally prosecute workers for identity theft or illegal entry/reentry after prior removals when applicable. The agency states that the new worksite enforcement campaign is in line with the President's Exec. Order No. 14159, Protecting the American People Against Invasion, which calls for the enforcement of INA provisions and other federal law related to the illegal entry and unlawful presence in the United States. See 90 Fed. Reg. 8443 (Jan. 29, 2025). HSI indicated that it will also continue to target, for investigation and potential prosecution, employers engaged in egregious worksite violations. It will prosecute company owners and managers if, during a worksite enforcement action, it uncovers serious violations, such as human trafficking, harboring unauthorized workers, "alien" smuggling, document fraud, money laundering, fraud, worker exploitation, and/or substandard wage and working conditions. HSI will also utilize I-9 inspections to elicit compliance, fine employers for hiring and paperwork violations, and assess whether further investigations of an employer's conduct are necessary if possible criminal violations are involved.

The current strategy incorporates a three-prong approach to conduct worksite enforcement: (1) compliance through I-9 inspections, civil fines, and referrals for debarment, (2) enforcement, through the investigation and prosecution of employers knowingly employing undocumented workers and the arrest of unauthorized workers for violation of laws associated with working without authorization, and (3) outreach, through the ICE Mutual Agreement between Government and Employers (IMAGE) program, to instill a culture of compliance and accountability. HSI indicates that its worksite enforcement investigations, Form I-9 employment inspections/audits, and outreach will focus on protecting critical infrastructures, reducing illegal employment, and protecting employment opportunities for the legal workforce. The Form I-9 inspection program will be used to promote compliance with federal law as part of a broader strategy to address and deter the employment of unauthorized workers. The administration views these inspections as among the government's most effective tools to enforce U.S. employment laws. ICE's full range of investigative capabilities will also be leveraged as part of HSI's worksite enforcement strategy. ICE explains that these worksite investigations often uncover multiple forms of criminal activity, including knowing employment of undocumented workers, alien smuggling, human trafficking, money laundering, document fraud, wire fraud and tax evasion (off-the-books payroll schemes), worker exploitation, and substandard wages or working conditions. ICE has confirmed that raids (unannounced HSI operations with warrants in hand and supported by other federal, state, and local law enforcement agencies) will be part of worksite enforcement investigations. Undocumented workers will be administratively arrested and detained by ICE and will be processed for removal. In addition, in some, workers may be criminally charged.

As for targets, ICE has indicated that HSI will prioritize violators who abuse and exploit their workers, aid in the smuggling or trafficking of their undocumented workforce into the United States, create false identity documents or facilitate document fraud, or use an unauthorized workforce as part of their business model. HSI will also closely monitor companies or industries that are deemed national security or critical infrastructure interests. In light of these enforcement priorities, most investigations and enforcement actions will continue to focus on business sectors and industries with histories of employing undocumented workers and egregious worker exploitation or human trafficking. These industries include construction, food processing, restaurant, hospitality, agricultural production, manufacturing, clothing production, health and beauty services, childcare, and cleaning services. In addition, companies conducting business in industries or sectors that implicate national security or critical infrastructure interests will continue to be closely monitored, such as customs freight stations, bonded warehouses, chemical facilities, commercial facilities, communications, critical manufacturing, dams, emergency services, government facilities, information technology, nuclear reactor materials and waste, and transportation systems.

The three-pronged strategy has already led to an increase in HSI criminal worksite enforcement investigations and I-9 administrative audits. For targeted companies, these actions may result in criminal sentences (for owners and managers), significant civil and criminal fines, forfeiture of assets, and other penalties. The strategy has also led to the return of high-profile, massive worksite raids not seen since the first Trump Administration. These raids are conducted pursuant to criminal search warrants and with a massive show of force. All workers on the day of the operation are separated and questioned, and employees unlawfully working at the location are arrested. A few workers have been criminally prosecuted for document fraud, identity theft, and/or unlawful entry or reentry. The arrestees who were not being criminally prosecuted are processed administratively for removal from the United States. The vast majority of these workers will be detained pending removal proceedings while a few may be issued notices to appear (NTAs) and released on humanitarian grounds.

The September 2025 raid of a sprawling construction site for an electronic vehicle battery plant in Georgia is a case in point. The raid was described by U.S. officials as the largest-ever Homeland Security enforcement operation at a single location. ICE special agents, in collaboration with federal, state, and local law enforcement partners, executed a federal search warrant at a site as part of a months-long criminal investigation. This operation specifically

focused on serious allegations of unlawful employment practices and other potential federal crimes. As a result of the initial investigation, 475 individuals were arrested and detained. The individuals arrested during the operation were found to be working illegally in violation of the terms of their visas and/or statuses, including workers on short-term B visas who are not authorized to work in the U.S. A permanent resident was also arrested after being determined to be removable from the U.S. based on multiple criminal convictions. Most of the detained workers are South Korean citizens. Shortly after their arrests, South Korean government officials announced that they had reached an agreement with the United States for the Korean workers to be freed and flown back to their home country. The plant is co-owned by a South Korean carmaker and major electronics company. Many of the detained employees were hired by subcontractors to help finish the plant's construction. The company employees arrested were helping oversee the factory's construction and had arrived in the United States with B visas or under a visa waiver program. Some of the detained workers were building the plant while other workers were brought in to install and calibrate specialized equipment or to train the local workforce. HSI also indicated that some U.S. citizens and lawful permanent residents were also detained in the raid and would be released. The investigation has not yet yielded criminal charges, but the investigation is ongoing.

ICE has also continued to utilize I-9 inspections both to pursue civil penalties against employers that violate their work verification obligations and to build criminal cases against employers when more serious violations are uncovered. The number of such audits and the level of civil fines have increased during the first six months of the second Trump Administration. These I-9 inspections had been de-emphasized by the Biden Administration, which focused more on building criminal investigations of employers engaged in the most egregious labor violations.

The Trump Administration's aggressive worksite enforcement campaign may be viewed as one of many strategies implemented to identify, detain, and remove noncitizens unlawfully present in the United States in the record numbers that as promised by the President under his mass deportation policy. While there has already been an increase in worksite enforcement in the first few months of the second Trump Administration, these numbers may ramp up significantly in the near future with the passage of the so-called "One Big Beautiful Bill Act" (OBBA) in July 2025, which significantly increases funding for the President's immigration agenda. The legislation sets aside roughly \$30 billion to bolster immigration enforcement through 2029, which will allow the administration to recruit as many as 10,000 new ICE agents, surpassing the number of special agents in the FBI. The new law also includes \$45 billion for immigration detention, which will allow the administration to double the government's detention capacity from 41,000 beds to 100,000 beds. More HSI agents and detention capacity should translate into more worksite enforcement operations and more administrative arrests of unauthorized workers.

For targeted businesses, these worksite raids will likely cause substantial disruption of business operations and possible loss of key employees and even government contracts. The more aggressive and expansive worksite enforcement strategy may expose business owners, corporate officers, and managers to potential criminal liability. In such an environment, employers must be careful to review their business practices to ensure compliance with the law and to minimize exposure in the event of an ICE worksite enforcement action. Maintaining an I-9 program that complies with ICE standards and establishing a plan for regular I-9 audits are the best defenses to these enforcement actions and any charges of knowingly employing or harboring undocumented workers. Companies must take these changes in enforcement policies very seriously. Employers with government contracts involving critical infrastructure sites and employers in industries historically dependent on immigrant labor must be especially vigilant.

Revisions to Form I-9

In April 2025, the Department of Homeland Security (DHS) released a new edition of Form I-9 dated 01/20/25 with an expiration date of 05/31/2027. The revised form is virtually

identical to the 08/01/23 versions of the I-9, which may continue to be used. The changes include (1) renaming the fourth checkbox in Section 1 to “An alien authorized to work” (the 08/01/23 versions refer to “A noncitizen authorized to work”), (2) revising the descriptions of two List B documents in the Lists of Acceptable Documents (the description of a driver’s license or other ID card now refers to the “sex” rather than the “gender” of the card holder), and (3) adding statutory language and a revised DHS Privacy Notice to the instructions.

Employers may continue to use two previous editions of Form I-9 until those editions expire. These editions are both dated 08/01/23 but have different expiration dates—one expires on 05/31/2027 and the other expires on 07/31/2026. Employers using the edition with a 07/31/2026 expiration date must start using an edition of Form I-9 bearing a 05/31/2027 expiration date by July 31, 2026.

The latest editions of the form do not change any employer or employee obligations involved in the verification or reverification of work authorization. The forms, however, are organized differently. Former Section 3, used for reverification of current employees and, in some instances, rehiring of former employees, has been moved to a supplemental section at the end of the form (Supplement B). Likewise, the translator certification also is now in a supplemental section (Supplement A). A new item allows employers to indicate whether they are using the alternative remote document inspection process in the I-9 process. The current editions are fillable PDF documents designed to be a fillable form on tablets and mobile devices. There are cursory instructions for each item embedded in hover text, but many of the “smart” features available in the prior edition of the form have been eliminated, including drop-down menus for acceptable I-9 documents, auto-population features for certain fields, detailed helper text for each item, and validation features. As a result, the current editions are easier to download from the U.S. Citizenship and Immigration Services (USCIS) webpage and easier to upload in third-party software.

Although the PDF form on the USCIS website is fillable electronically, it does not qualify as an electronic I-9 form, and it does not have an electronic signature function. If completed electronically on the fillable PDF available through the USCIS website, therefore, Form I-9 must be printed out and signed by hand by the employee, employer, and, if applicable, any preparer or translator. After the I-9 form is printed and manually signed, it may then be electronically stored (e.g., by scanning the form). Alternatively, employers can upload the fillable form to their third-party electronic software, if applicable, to have all parties sign electronically.

Developments Impacting Work Verification Obligations

There have been a number of developments impacting employers’ work verification obligations. Employers must incorporate these updates into their I-9 verification program.

Auto-Extensions of EAD for Certain Renewal Applicants. In December 2024, USCIS issued a regulation providing for the automatic extension of work authorization for certain employment authorization document (EAD) renewal applicants. Under the regulation, the validity of the EAD is automatically extended for up to 540 days from expiration if an EAD renewal application on Form I-765 was timely filed, i.e., the application was filed prior to the EAD expiration. The EAD auto extension applies to certain EAD renewal applicants, including adjustment applicants, asylees, asylum applicants, refugees, applicants for extension of temporary protected status (TPS), and Violence Against Women Act (VAWA) self-petitioners. The extension begins on the date when the EAD expires and continues for up to 540 days unless the renewal application is denied. The December 2024 rule replaces temporary rules which provided similar protections for EAD renewal applicants.

The EAD auto-extension rule covers certain renewal applicants who (1) had I-765 applications to renew their EADs that were pending on May 22, 2022, or (2) properly filed I-765 applications to renew their EADs on or after May 4, 2022. In addition, to qualify for the auto-extension, the applicant must (1) timely file a Form I-765 EAD renewal application prior to the expiration of the current EAD or during a designated TPS re-registration period, (2) ap-

ply for renewal in the same work authorization category on which the current EAD is based or be renewing an EAD based on temporary protected status (the eligibility category on the face of the current EAD must be the same eligibility category code on the USCIS filing receipt, Form I-797C, for the renewal application except for applicants with TPS or applying for TPS who may have either A12 or C19 as the category code), and (3) apply under a qualifying work authorization category (the renewal application must be filed on the basis of a qualifying eligibility category code).

The list of EAD categories that qualify for the lengthened auto-extension includes the following categories and corresponding eligibility codes: refugee (A03), asylee (A05), N-8 or N-9 nonimmigrant (A07), citizen of Micronesia, the Marshall Islands, or Palau (A08), granted withholding of deportation or removal (A10), TPS beneficiaries (A12), E-1, E-2, and E-3 spouses with an unexpired E-1, E-2, or E-3 I-94 (A17), L-2 spouses with an unexpired L-2 I-94 (A18), pending asylum application (C08), adjustment of status applicant under INA § 245 (C09), applicant for cancellation of removal (C10), registry applicant (C16), TPS applicant (C19), applicant for legalization under INA § 210 (C20), applicant for legalization under INA § 245A (C22), applicant for legalization under the LIFE Act (C24), H-4 spouses with an unexpired H-4 I-94 (C26), and VAWA self-petitioners (C31).

In determining the length of the EAD auto-extension period, the calculation is straightforward for most EAD renewal applicants: the employer should add 540 days to the EAD “Card Expires” date. A different calculation applies to employees with EADs with category codes A17, A18, and C26 (E, H-4 and L-2 dependent spouses). In these cases, the employee’s automatic extension period cannot exceed the Form I-94 end date. To calculate the new expiration date, therefore, the employer should add 540 days to the EAD “Card Expires” date and compare that date to the Form I-94 end date. Whichever date is earlier is the new EAD expiration date.

For most category codes, the employee’s expired EAD in combination with Form I-797C showing that the EAD renewal application was timely filed and showing the same qualifying eligibility category as that on the expired EAD is an acceptable List A document for I-9 purposes. For category codes A17, A18, and C26 (E, H-4, or L-2 dependent spouse), the employee must also show an unexpired I-94 (indicating E, H-4 or L-2) status in addition to the expired EAD and filing receipt for the EAD renewal application. For new employees, the documents should be entered as List A documents in Section 2 of Form I-9.

H-1B Cap-Gap Extension. The December 2024 H-1B modernization rule extends the period of cap-gap optional practical training (OPT) work authorization. Under current F-1 rules, the lawful status of an F-1 student who is the beneficiary of an H-1B petition and a request for change of status (COS) is automatically extended along with any grant of OPT work authorization. 8 C.F.R. § 214.2(f)(5)(vi)(A). This extension allows F-1 students whose OPT will expire before the start date of a petition filed under the H-1B cap to remain in the United States and work through the beginning of their H-1B employment.

Under the original rule, cap-gap work authorization ended on October 1 even if the H-1B cap petition was pending beyond that date. The foreign national was permitted to remain in the United States on the basis of the pending change of status but would need to stop working until the H-1B petition and change of status were approved. As a result, F-1 students who received a cap-gap extension of their OPT work authorization through October 1 had to cease their employment if their H-1B cap petition was not approved by October 1. Though they could remain in the United States pursuant to their pending change of status case, they could not resume work until their H-1B cap petition was approved.

The December 2024 H-1B modernization rule offers longer extensions of cap-gap protection to account for H-1B cap petition adjudications that extend beyond October 1 of the fiscal year for which they are filed. Specifically, cap-gap extensions of status and employment authorization (as applicable) to foreign nationals in valid F-1 status with a timely-filed, nonfrivolous H-1B cap petition and request to change status will be valid until the earlier of (1) the H-1B cap petition validity start date or (2) April 1 of the fiscal year for which the petition is filed. The requirement that an H-1B change of status petition be “nonfrivolous” in or-

der for the beneficiary to receive cap-gap benefits is in addition to the existing cap-gap regulation. The rule offers longer extensions of cap-gap protection to account for H-1B cap petition adjudications that extend beyond October 1 of the fiscal year for which they are filed. The agency suggests that extended cap-gap protections would allow it to give priority to other case types in the event of surges and other “competing operational considerations.”

Portability Benefits for H-2 Nonimmigrants Changing Employers. Under an H-2 modernization rule issued in December 2024, new portability provisions cover H-2A and H-2B workers seeking employment with a new employer or in a different position with the same employer. A prior portability provision covering H-2A workers only applied to H-2A employers enrolled in E-Verify. For H-2B workers, portability provisions under temporary rules issued in recent years provided work authorization for a period of up to 60 days from the date of filing. The new provisions are more liberal.

Under the H-2A and H-2B portability provisions added by the December 2024 rule, an H-2 employee who is changing H-2 employers or seeking new H-2 employment with the same employer (such as a new position) may generally begin working for the new employer or in the new H-2 employment as soon as their employer properly files a Form I-129 petition or as of the requested start date listed on the I-129 petition, whichever is later. The employer should file the H-2 petition on Form I-129 before the H-2 worker’s period of authorized stay expires. In these situations, the H-2 worker does not need to wait until the approval of the I-129 petition to start working. Instead, the H-2 worker may start working beginning on the “Received Date” on the Form I-797C, Receipt Notice, for the I-129 filing or as of the requested start date listed on the I-129 form, whichever is later. In these cases, The H-2 worker is authorized to work until USCIS makes a decision on the petition.

For I-9 purposes, the employee’s unexpired Form I-94 indicates his or her H-2A or H-2B status issued for employment with the previous employer or previous employment, along with the employee’s foreign passport, qualifies as a List A document.

Auto-Extension of Green Card Validity for I-90 Renewal Applicants. Effective September 10, 2024, USCIS automatically extended the validity of permanent resident cards (green cards) to 36 months for lawful permanent residents who file Form I-90, Application to Replace Permanent Resident Card. Lawful permanent residents who properly file Form I-90 to renew an expiring or expired green card may receive this extension. Form I-90 receipt notices had previously provided a 24-month extension of a green card’s validity.

USCIS has updated the language on Form I-90 receipt notices to extend the validity of a green card for 36 months from the expiration date on the face of the current green card for individuals with a newly filed Form I-90 renewal request. On September 10, USCIS began printing amended receipt notices for individuals with a pending Form I-90 application. According to USCIS, these receipt notices can be presented with an expired green card as evidence of continued status. USCIS has updated the M-274, Handbook for Employers, to reflect this change.

This extension is expected to help applicants who experience longer processing times because they will receive proof of lawful permanent resident status as they await their renewed green cards.

Lawful permanent residents (LPRs) who no longer have their green cards and need evidence of their lawful permanent resident status while waiting to receive the replacement green card may request an appointment at a USCIS field office by contacting the USCIS Contact Center, and USCIS may issue the applicant an alien documentation, identification, and telecommunications (ADIT) stamp after the permanent resident files Form I-90.

Recent TPS Terminations. As part of the Trump Administration’s mass deportation agenda, DHS has terminated the TPS designations of several countries since January 2025, including Afghanistan, Cameroon, Haiti, Honduras, Nepal, Nicaragua, and Venezuela. In some cases, the administration has provided a “transition period” (typically 60 days) during which beneficiaries remain work-authorized. In these cases, expired EADs are typically auto-extended through the end of the transition period. In other cases, courts have intervened and have granted temporary relief to TPS holders pending further litigation. In response to this litigation, DHS has posted updated information on the validity of the TPS EADs on the TPS

webpage for particular countries.

In light of the fluid nature of these terminations, it is recommended that employers take the number of steps to verify the work authorization of persons who present an expired EAD bearing the notation “A-12” or “C-19”. Note the following suggested best practices:

- Check the USCIS TPS webpage to verify the validity of EAD as of the time of hire or reverification. In most cases, the TPS webpage for the particular country will cite the Federal Register notice or the court order that is extending the validity of an expired EAD.
- When completing the I-9 form, enter “EAD EXT” and the EAD expiration date listed in the Federal Register notice or the court order. This information should be included in the Additional Information field. The USCIS TPS webpage for the country will also specify the expiration date.
- The employer should retain a copy of the expired EAD and information on the Federal Register notice or the court order extending the EAD (the Federal Register or case citation should be sufficient). Alternatively, a print-out of the TPS webpage (current as of the date of hire or reverification) may be retained in the I-9 file.
- As a general rule, the employer should reverify the employee’s work authorization on the date when the automatic extension of the EAD expires (as listed on the I-9 form at the time of hire or reverification). An earlier reverification should occur only if the employer receives other information that the EAD has been terminated effective on an earlier date (e.g., E-Verify employers may receive alerts that an employer is no longer work authorized as discussed below). If such an alert is received, or the employer receives other DHS notification that the employee may no longer be work authorized, the employer should take steps to reverify the employee’s work status as soon as possible.

E-Verify Updates

There are a number of updates impacting employers that participate in DHS’ E-Verify Program.

Shutdown Update: E-Verify Resumes Operations. The E-Verify employment eligibility verification system that had become inaccessible on October 1, 2025, due to the government shutdown is now again operational according to DHS. E-Verify users should be aware, however, that since being placed back online, the system has been experiencing periods of instability and inaccessibility.

In prior government shutdowns, E-Verify was not operational for the duration of the shutdown and only resumed once reauthorized by Congress. The legal basis for restarting E-Verify operations without congressional authorization is not clear, and there may be further system outages during the government shutdown. However, while the system is operational, it is advisable for E-Verify users to make use of the system and any related government guidance in trying to comply with E-Verify requirements and deadlines.

While debate continues on the federal budget and the shutdown persists, it is possible that E-Verify may experience further technical issues or outages; however, while the E-Verify system is active, employers should conduct any required activities, including creating an E-Verify case within three business days from Form I-9 hire date and taking actions on “tentative nonconfirmations” (mismatches) within required timeframes.

New E-Verify “Status Change Report.” Under the Trump Administration, DHS has exercised its authority to revoke employment authorization documents for certain foreign nationals whose parole has been terminated. In light of this, E-Verify has developed a new report to help E-Verify user organizations identify E-Verify cases with an EAD that has been revoked. E-Verify employers should review these reports to identify current workers whose EADs have been revoked and must take steps within a reasonable period to reverify the work authorization of these workers. The agency advises E-Verify employers to run this report on a regular basis as the reports will be updated on an ongoing basis.

The new report tool was developed to assist employers in identifying existing E-Verify cases where an EAD has been revoked. In the past, E-Verify notified employers via Case

Alerts that one or more of employees had an EAD that had been revoked by DHS. DHS may also directly notify the foreign nationals granted parole that their parole is being terminated and that their parole-based EADs are being revoked. USCIS has now indicated that information on EADs that have been revoked will no longer appear in Case Alerts. E-Verify employers should now regularly generate the Status Change Report to identify E-Verify cases that may have been created with an EAD that is now revoked.

The new Status Change Report tool permits E-Verify employers to review their aggregated case data for any employees who presented an EAD for employment verification which has now been revoked by DHS. The report lists the document revocation date, case number, A-number, and EAD document number for each affected case. USCIS updated the Status Change Report to include the document number of each revoked EAD so that employers can confirm which EAD is revoked. The agency recommends that employers log in regularly as the report will be updated on an ongoing basis. E-Verify employer agents can create this report on behalf of their clients using the E-Verify browser.

If a Status Change Report indicates that an EAD was revoked for a particular employee, employers are instructed to reverify the work eligibility of that worker. To confirm whether reverification is required for a current employee who appears on the Status Change Report, the employer should compare the employee's EAD card number presented for Form I-9 purposes to the revoked document number in the report. If the numbers match, the employer is required to reverify the worker's employment authorization even if the EAD appears to be valid on its face. Employers must complete any required reverifications within a reasonable amount of time. If the numbers do not match then the employer does not need to reverify until the EAD's expiration date is reached. If a report indicates that an EAD for a former employee has expired (i.e., the employee no longer works for the employer), there is no requirement to reverify or otherwise update the former employee's Form I-9.

To reverify, employers should not create a new E-Verify case. Instead, employers must use Form I-9, Supplement B to begin reverifying each current employee whose EAD the Status Change Report indicated was revoked and complete the reverification within a reasonable amount of time. During reverification, the employee must provide unexpired documentation from List A or List C of the Lists of Acceptable Documents. Employers should not reverify identity documents (List B). Employees must be allowed to choose which acceptable documentation to present for reverification, but the employer may not accept the now-revoked EAD based on the Status Change Report even if that EAD appears unexpired.

E-Verify+ Update. In May 2023, USCIS announced it was launching a new product—E-Verify+ (formerly E-Verify NextGen)—that modernizes and streamlines the Form I-9 and verification process for employees and employers participating in the E-Verify Program. E-Verify+ is far more employee-centric. Rather than placing employers at the center of the E-Verify process, employees have their own portal through which to enter their own information and document uploads. After an employer completes Section 2, E-Verify then attempts verification. Mismatch information is sent directly to the employee for resolution. Employers are informed of the mismatch, but they are not responsible for informing the employee of the mismatch. USCIS launched a barebones pilot version of E-Verify+ on April 25, 2024, with five randomly selected employers. A scaled-up version of E-Verify+ was launched in late 2024. By November 2024, USCIS reported that about 2,500 employers were using E-Verify+.

The service requires the employee's cooperation since employees must have their own myUSCIS account to enter information in Section 1 of the I-9 form and upload identity and work authorization documents. In fact, employees may opt out of the E-Verify+ service when an employer initiates a case through the service. Requiring use of the service by employees could expose the employer to discrimination charges particularly if the employer requires its use based on citizenship, immigration status, or national origin.

Employers will have access to E-Verify+ in their already established E-Verify account. Only Employer Access (web browser user) accounts with an active program administrator can use E-Verify+. Employers must accept the E-Verify+ terms of service. Employees will have access when their employer creates an E-Verify+ case for them. E-Verify+ will email employees

directly with guidance to set up their own secure E-Verify+ account to complete and submit Form I-9 and documentation. Once the employee receives this email, the employee should create or login to his or her myUSCIS account, click on E-Verify+, accept the terms of service, and access the Form I-9. The employee must then create a profile, complete the Form I-9 in E-Verify+, upload images of the I-9 document(s), and electronically sign the form.

Once the employee submits the information, E-Verify will confirm the employee's identity and employment eligibility and notify the employer. The employer must finish the verification by examining the documents and retaining the Form I-9, attest to the information, and electronically sign and date the Form I-9, Section 2. The employer should print all pages or download the completed Form I-9 and any copies of document(s) that the employee presented and retain the printed or downloaded Form I-9 and copies, as required.

E-Verify Now Requires Multifactor Authentication Through Login.gov. In Spring 2025, USCIS announced that E-Verify users would be required to transition to Login.gov to sign in and access their E-Verify accounts. Login.gov requires users to use their email address instead of their E-Verify username to sign in. Each user must create his or her own profile on Login.gov with the user's unique email address. The email address will function as the "username" for Login.gov.

Each user needs a unique email address to ensure continued access to E-Verify. USCIS cautions that browser users must update (utilizing the User Profile) the email associated to their user accounts to their unique email address. Use of the same email address by multiple users will no longer be permitted for E-Verify browser users. The agency explains that individuals may have multiple user accounts tied to one email, but multiple people cannot use the same email address within Login.gov. As a result, once an email address is tied to a user's Login.gov profile, other users who try to use that email address will encounter an access block from the system after migration.

As of July 1, 2025, E-Verify is now requiring the new login process using multifactor authentication (MFA) through Login.gov. The agency explains that MFA enhances security for the login process and helps prevent unauthorized access to accounts. Users will be required to provide more than just a password. Users will also be asked to enter a code sent to their email or mobile device in addition to their password.

Users must enable MFA by linking their existing E-Verify user account(s) to an account in Login.gov. Users may either create a Login.gov account or use an existing Login.gov account. If they haven't done so already, users may link their E-Verify user account(s) to a Login.gov account during their next login. To migrate the account, the employer should click the "Migrate Your Account" button in the pop-up banner when the employer next logs in and follow the prompts. This update does not apply to users who access E-Verify via a web service. After completing migration, users may access their E-Verify account(s) by logging in through the "Sign In with Login.gov" option on the E-Verify sign-in page.

Protecting U.S. Workers Initiative and Recent IER Settlements

The Department of Justice's (DOJ's) Immigrant and Employee Rights (IER) Section continues to aggressively enforce the INA's anti-discrimination provisions. The Trump Administration has re-launched its Protecting U.S. Workers Initiative, which focuses on enforcement against companies that unlawfully discriminate against U.S. workers by demonstrating a preference for hiring foreign workers. Enforcement against companies that are perceived to have such a preference will be top priority of the IER. Most often, the IER will use the employer's job postings, ads, job applications, and other recruitment evidence to demonstrate a preference for hiring foreign workers even in instances where such recruitment is required for participation in temporary worker visa programs or for employment-based immigrant visas (i.e., pursuant to the PERM program). The DOJ's position is that when recruitment is required to comply with immigration law, employers must still be careful to guard against demonstrating a preference for foreign workers. Violations may lead to substantial fines and other penalties.

The IER also continues to investigate employers that implement unlawful documentary practices during the I-9 verification process, which can be costly. In November 2024, for example, the IER announced that it had secured a settlement with an Illinois-based manufacturer to resolve allegations that the company discriminated against work-authorized noncitizens. Specifically, the IER found that the company implemented a pattern or practice of discrimination during the I-9 process by (1) asking non-U.S. citizens to provide additional and unnecessary documents, (2) unnecessarily reverifying the permanent resident card or “List B” identification documents that lawful permanent residents provided, and (3) failing to hire certain non-U.S. citizens who were unable to comply with the company’s unnecessary document requests. The settlement agreement requires the company to pay a civil penalty of \$218,000, pay lost wages to the charging party and other possible victims (up to another \$218,000), train its employees, revise its employment policies, and be subject to departmental monitoring for two years.

In addition, in December 2024, the DOJ secured a settlement with an Alabama-based contractor to resolve allegations that the contractor routinely discriminated against lawful permanent residents during I-9 verification by demanding specific, and sometimes unnecessary, documents. The IER determined that the company routinely required LPRs to present specific immigration documents to establish their permission to work even when they had already provided sufficient proof. Under the terms of the settlement, the company will pay \$308,689 in civil penalties, train its personnel on anti-discrimination requirements, revise its employment policies that relate to hiring, and be subject to departmental monitoring. In a similar case, the IER secured a settlement in June 2025 with a Massachusetts food products company to resolve the IER’s determination that the company routinely discriminated against lawful permanent residents. The IER’s investigation determined that, when verifying lawful permanent residents’ permission to work in the United States, the company required them to present specific documentation while allowing U.S. citizens to present documentation of their choice. The agreement requires the company to pay \$100,000 in civil penalties, train its personnel, and revise its policies.

These and other developments are covered in detail in the new edition of the *Handbook*. We trust that this *Handbook* will continue to be an indispensable tool for employers, HR personnel, and practitioners in implementing and maintaining an effective I-9 compliance program.

The Authors