




# Homeland Security

AUG 22 2012

MEMORANDUM FOR: Assistant Directors  
Deputy Assistant Directors  
Special Agents in Charge

FROM: James A. Dinkins   
Executive Associate Director  
Homeland Security Investigations

SUBJECT: Guidance on the Collection and Audit Trail Requirements for  
Electronically Generated Forms I-9

In the course of Employment Eligibility Verification Form I-9 inspections, Homeland Security Investigations (HSI) special agents and auditors are increasingly encountering businesses that utilize electronically generated Forms I-9. This memorandum provides guidance to the HSI field offices on the collection of electronically generated Forms I-9 and the minimum electronic audit trail requirements for use in contemplating civil fines.

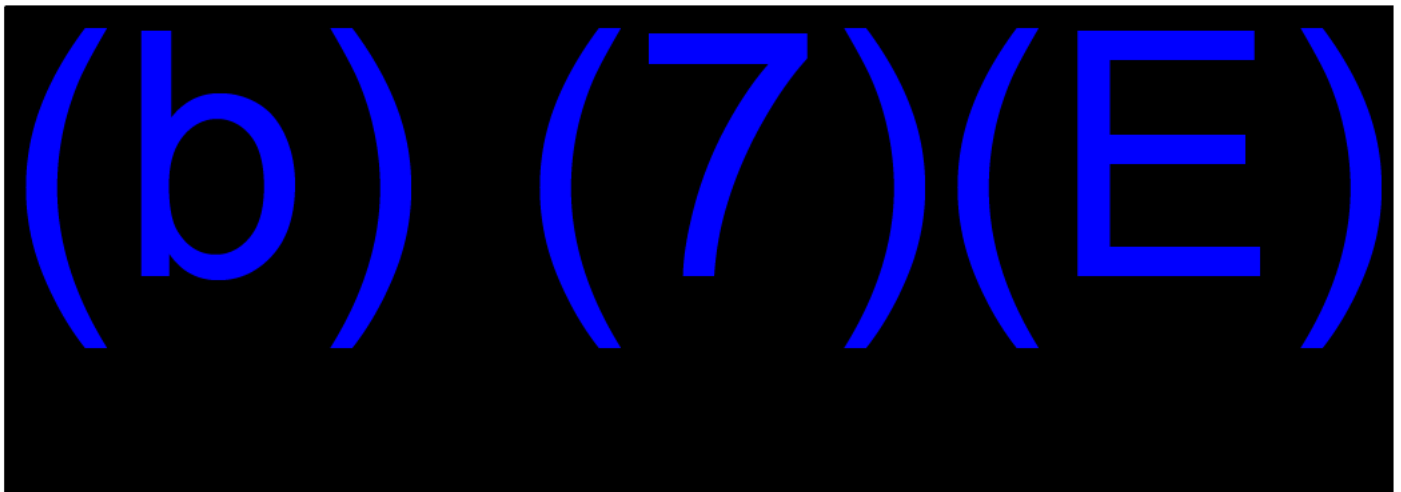
On August 23, 2010, U.S. Immigration and Customs Enforcement's Electronic Signature and Storage of Form I-9, Employment Eligibility Verification Final Rule (Rule) went into effect. In summary, the Rule amended regulations to allow employers to complete and store electronically generated Forms I-9. The Rule also made modifications to 8 CFR 274a.2 regarding the requirement for audit trails. Now, whenever an electronic Form I-9 record is created, completed, updated, modified, altered or corrected, a secure and permanent record must be created (audit trail) that establishes the date accessed, who accessed it and what action was taken. Further, the Rule outlined specific standards for systems creating electronically generated Forms I-9. (b) (7)(E)

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Please forward the attached policy to all HSI personnel within your area of responsibility and ensure that it is implemented immediately. Questions regarding this guidance should be directed to Section Chief (b)(6) (7)(C) at (703) 603- (b)(6) (7)(C) or (b)(6) (7)(C)@ice.dhs.gov.

Attachment

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