

# **APPENDIX D**

## **Notice of Suspect Documents**

*Homeland Security Investigations  
Special Agent in Charge*

U.S. Department of Homeland Security  
10 Causeway Street Room 722  
Boston, MA 02222



**U.S. Immigration  
and Customs  
Enforcement**

**NOTICE OF SUSPECT DOCUMENTS**

[REDACTED]

Dear [REDACTED]:

On [REDACTED] Special Agents of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) conducted an inspection of [REDACTED] to determine compliance with Section 274A of the Immigration and Nationality Act (INA). During that inspection, the requirements of the law were discussed and Forms I-9 were inspected.

This letter is to inform you that, according to the records checked by HSI, the following individual(s) appear, at the present time, not to be authorized to work in the United States (see attachment). The documents submitted to you were found to pertain to other individuals, or there was no record of the alien registration numbers being issued, or the documents pertain to the individuals, but the individuals are not employment authorized or their employment authorization has expired. Accordingly, the documentation previously provided to you for these employees does not satisfy the Form I-9 employment eligibility verification requirements of the INA.

Unless the employees listed in the attachment present valid identification and employment eligibility documentation acceptable for completing the Form I-9, other than the documentation previously submitted to you, they are considered by HSI to be unauthorized to work in the United States. Continued employment of individuals who are not authorized to work in the United States may result in civil penalties ranging from \$375 to \$3,200 per unauthorized alien for a first violation. Higher penalties can be imposed for a second or subsequent violation. Further, criminal charges may be brought against any person or entity which engages in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens. This is a very serious matter that requires your immediate attention.

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Section 274A(2) of the Immigration and Nationality Act (INA) makes it unlawful for a person or other entity, after hiring an alien for employment, to continue to employ the alien knowing that the alien is, or has become, unauthorized for employment. By regulation, knowingly includes not only actual knowledge, but also knowledge which may be fairly inferred through a notice of certain facts and circumstances that would lead a person, through the exercise of reasonable care, to know about an individual's unlawful employment status.

Once HSI notifies an employer that an employee may have presented documents that appear to be suspect or invalid as proof of employment eligibility, it is incumbent on the employer to take reasonable actions to verify the employment eligibility of the employee. Verification of employment eligibility must be conducted in the time reasonably necessary to determine the employment eligibility status of the individual concerned. The law does not allow for any period of continued employment of an unlawful employee, nor authorize any delay in the verification of the employment status of an employee for the purpose of replacing terminated employees.

HSI presumes that employers who, within 10 business days of receiving a Notice of Suspect Documents letter, verify the work authorization of suspect employees or take other appropriate actions to resolve the apparent employment of unauthorized workers to have demonstrated reasonable care under the INA. In all other cases, reasonable care will depend upon the specific facts present and how the facts affect an employer's ability to verify the status of suspect employees. An employer who fails to exercise reasonable care in verifying an employee's work authorization after being issued a Notice of Suspect Documents letter may be subject to civil penalties under the INA.

In the event that you or an employee challenges the finding of suspect documents, please contact Auditor [REDACTED]. HSI will verify the documents presented and notify the employer of our findings by a Confirmation of Notice of Inspection Results or Change to Notice of Inspection Results letter. During the pendency of the verification, the employer should not terminate the employment of the individual.

If you or the employees have any other questions, please call the HSI contact noted above.

Sincerely,

A handwritten signature in black ink is written over a thick black redaction bar. Below the signature, there is another thick black redaction bar, likely covering the name and title of the signatory.