



## Customs-Trade Partnership Against Terrorism

### Bulletin

#### Compliance with the Immigration Laws of the United States

The Customs-Trade Partnership Against Terrorism (C-TPAT) program is one layer in U.S. Customs and Border Protection's (CBP) multi-layered cargo enforcement strategy. Through this program, CBP works with the trade community to strengthen international supply chains and improve United States border security.

Since its inception in November 2001, the vast majority of C-TPAT Partners have consistently and effectively demonstrated high levels of compliance with program requirements. In many cases, Partners have exceeded the program's expectations, demonstrating best practices by implementing innovative approaches to supply chain security challenges.

However, in some recent validations, instances have been identified where Partners are not in compliance with U.S. immigration law. As required by the SAFE Port Act, C-TPAT Partners may have benefits suspended or removed for failing to meet program requirements (SEC. 217 (a) (b)). Reasons for suspending/removing a Partner's benefits include, but are not limited to, failure to adhere to the C-TPAT Partner Agreement; meet the program's minimum security criteria; meet eligibility requirements; and comply with other U.S. rules, laws, and regulations.

During the hiring process, U.S. employers have certain responsibilities under immigration law. These requirements are included within the *Immigration Reform and Control Act of 1986*. These provisions further changed with the passage of the *Immigration Act of 1990* and the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*.

The law dictates that all U.S. employers are required to examine and verify the eligibility of each employee to be lawfully employed in the United States, regardless of the immigration status of the employee. This includes U.S. citizens, permanent residents of the United States, temporary foreign workers, and anyone to whom a job is offered. To verify an employee's status and to show that an employer has complied with the law, Form I-9, *Employment Eligibility Verification* must be completed for every employee.

Specifically, 8 CFR Part 274a – Control of Employment of Aliens, requires the completion of Form I-9. The purpose of Form I-9 is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986, is authorized to work in the U.S. Employers are responsible for completing and retaining Form I-9, and must have the form available for inspection by officials from the U.S. Department of Homeland Security, the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the U.S. Department of Justice, and from the U.S. Department of Labor.



There is no fee for completing Form I-9. The form is not filed with U.S. Citizenship and Immigration Services (USCIS) or any other government agency. It is simply completed by the employer and made available for inspection by U.S. Government officials acting under the authority of the Immigration Reform and Control Act of 1986, Public Law 99-603 (8 USC 1324a).

The Spanish version of Form I-9 may be filled out by employers and employees in Puerto Rico ONLY. Spanish-speaking employers and employees in the 50 states and other U.S. territories may print the Spanish version for their reference, but may only complete the form in English to meet employment eligibility verification requirements.

As a voluntary program with the trade community, the C-TPAT program does not issue fines or penalties if a violation of the I-9 requirement is identified during a C-TPAT validation. If such a violation is identified, the Supply Chain Security Specialist will provide guidance and resources to the Partner on how to address the issue, and inform the Partner of the necessary actions to be taken to come into compliance. However, if a Partner undergoes an I-9 inspection by another government agency, employers may be fined by that agency if the form is not complete.

Free copies of Form I-9 and further detailed instructions on its use and record retention requirements may be found at the USCIS website at <http://www.uscis.gov/portal/site/uscis>

Once a Partner is in compliance with I-9 requirements, it is recommended the Partner enrolls in the free E-Verify on-line system administered by USCIS and the Social Security Administration. Form I-9 is the key element of E-Verify's Internet-based system. E-Verify compares information from an employee's Form I-9 *Employment Eligibility Verification*, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

While participation in E-Verify is voluntary for most businesses, some companies may be required by state law or Federal regulation to use E-Verify. For example, most employers in Arizona and Mississippi are required to use E-Verify. E-Verify is also mandatory for employers with Federal contracts or subcontracts that contain the Federal Acquisition Regulation E-Verify clause. Further information on E-Verify may be found at <http://www.uscis.gov/e-verify>.



### **C-TPAT Program**

Cbp.gov/ctpat  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

(202) 344-1180  
[Industry.partnership@dhs.gov](mailto:Industry.partnership@dhs.gov)