



CONSEQUENCES OF AN UNTRUTHFUL DECLARATION ON FORM I-9

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by

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Section 1 of Form I-9, Employment Eligibility Verification, warns new employees that the representations they make while completing the form carry the weight of declarations, and the law imposes penalties of civil fines and/or imprisonment upon the use of false statements and/or documents in completing Form I-9. For instance, Form I-9 asks whether the new employee is: a citizen or national of the United States, a lawful permanent resident or an alien authorized to work until a date specific. What if the new employee, who is also a foreign national, does not answer these questions truthfully?

This article explores the potential adverse consequences of an untruthful declaration made on Form I-9 by a newly hired foreign national employee. The adverse consequences may include both civil and criminal liability. Perhaps more important, the may consequences include a finding of inadmissibility that may or may not be overcome by a waiver, or, in cases involving false claims to U.S. citizenship or a finding of document fraud, permanent inadmissibility.

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