

### **Instructions for Completing the I-9 Form**

- Use the most recent version of the I-9 Form (Rev. 02/02/09, Expires 6/30/09 and or Rev. 8/7/09 Expires 8/31/12). Use of forms that are outdated is a violation.
- The correct I-9 Form can be found on the DOC Personnel web page.
- Print the I-9 Form on white paper, including the List of Acceptable Documents **as a two-sided document** with the I-9 Form on one side and the List of Acceptable Documents on the other. (The two-sided form serves as proof the employee was given the list of documents.)
- Have the instructions available during the completion of the I-9 Form to ensure 100% accuracy.
- Section 1 should be either completed before the 1st day of employment or on the 1st day of employment, section 2 must be completed no later than 3 days from the actual hire date which is hire date + 2 (when I-9 forms are completed prior to the actual 1st day of hire it is important to complete the date of hire)
- The I-9 Form must be handwritten and in original ink. Please Do Not TYPE or accept faxed copies of the I-9 Form.
- DO NOT USE LIQUID PAPER (WHITE OUT) TO MAKE CORRECTIONS.
- If errors are made, cross out the incorrect information with a single line (i.e. ~~Virginia~~) and initial and date the correction.
- Do not retroactively date any signatures. Enter the current date as the I-9 is being completed.
- The I-9 Form must be completed while the Employer or Authorized Representative is viewing ORIGINAL documents only. Copies or faxes cannot be accepted.
- Make a copy of the documents viewed and note on the paper containing the copies any information regarding differences in names listed on the documents (i.e. name used in Section 1 differs from a document presented or the documents have different names).

### **Section 1. Employee Information and Verification**

- This part of the form must be completed ONLY by the employee (see exception below). The employer is responsible for ensuring that Section 1 is timely and all boxes are properly completed (Name, Home Address to include Street name and number (Do Not Use Post Office Boxes), Date of Birth (month/date/year format), Social Security number, Immigration Status, Employee's Signature and Date (month/date/year format).
- Preparer/Translator Certification. The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his/her own. However, the employee must still sign Section 1 personally.

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#### Section 2. Employer Review and Verification

- Employers must complete Section 2 by examining evidence of identity and employment eligibility. Do not complete Section 2 prior to examining the documents presented by the employee. Copies of documents, or laminated or metal Social Security cards, are not acceptable (exception-an employee can present a certified copy of birth certificate). Social Security cards issued with the restriction of “Valid only with INS (or DHS) Authorization” do not satisfy the I-9 form requirements. If the employee is unable to present the required document(s) within 3 business days, they must present a receipt from the appropriate Issuing Authority showing they applied for the document(s) within 3 business days and the actual document(s) must be presented within 90 days of the date of employment.
- Employers must examine one document from List A or examine one document from List B and one from List C as listed on the back of the I-9 Form. Listing more than this is considered “over-documentation” and could result in a discrimination charge against the employer. If the employee presents more documents than necessary (i.e., Social Security card and passport), ask the employee which documents he or she wishes to utilize. Do not copy more documents than are necessary to complete Section 2 of the form (unless the documents are being copied for other purposes in the employment process.)
- Employers must record ALL of the following information for each document presented.
  1. Document title;  
(i.e. Passport, Employment Authorization Card, Driver’s License, Social Security Card, Birth Certificate, etc.)
  2. Issuing authority;  
(i.e. Washington Passport Agency, U.S. Dept of Homeland Security, Virginia, Social Security Administration, State of NC, etc.)
  3. Document number;
  4. Expiration date, if any; and
  5. CERTIFICATION -- The date employment begins (i.e. first day of work).
    - Employers attest to examining the documents provided by filling out the signature block, printing their name and title, business organization and entering the address to include Street name, number, City, State, Zip Code and the current date at the bottom of Section 2.

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#### **Common Mistakes**

- Not signing and dating in the proper places (Dating errors can never be corrected once they go past the 3 days from hire date. They can only be documented as errors and shown that a correction has been completed but would still be subject to penalties due to being late)
- Completing sections A, B & C or A & B, or A & C
- Employee listing a PO Box number instead of a physical address
- Not putting in the actual hire date
- The employee not completing all parts of section 1
- Not documenting information on the page of copied documents describing differences in names listed on the documents presented for verification and/or the name used in section 1 differs from the document(s)
- Not completing the re-verification process (Section 3) before or on the same date that the employment authorization expires
- Section 1 not being completed correctly by the employee (especially the date of birth, signing, dating and checking the proper citizenship box with proper documentation being listed)
- Using white out instead of marking through mistakes to include initials & date
- Not completing all the items in section 2 as line titled on the form (such as listing just ss & the # or dl & the #)
- Not receiving proper documents within 90 days of hire when a receipt is accepted instead of the actual documents during the verification process

#### **Violations**

- The I-9 form should be thoroughly reviewed and paperwork violations corrected prior to the employee being placed on the payroll system. This is due to the forms arriving at DOC Personnel for centralization past the three day federal time requirement for completing the I-9 forms.
- Documentation errors in Section 2 can be corrected at the time of a self audit by marking out the incorrect information and then initialing, dating and writing self audit. Do not back date any errors.
- Technical, or “Paperwork,” violations can be issued for I-9 records that have not been maintained for some or all employees, or where a “mistake” has been made in completing the I-9 forms. There is a civil penalty of \$100 to \$1,100 for each paperwork violation.