



Form I-9

Employment Eligibility Verification





Agenda

Section I: Background

Section II: Completing Form I-9

Section III: Retention and Storage



Background

In 1986, in an effort to control illegal immigration, Congress passed the **Immigration Reform and Control Act (IRCA)**.

IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.

The employment eligibility verification provisions of **IRCA** are found in Section 274A of the Immigration and Nationality Act (INA).



Background

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work



Background

To comply with the employment eligibility verification provisions of the INA an employer must:

- Verify the identity and employment authorization documents of employees hired after November 6, 1986
- Complete and retain a **Form I-9** for each employee hired after November 6, 1986
- Refrain from discriminating against individuals on the basis of actual or perceived national origin, citizenship or immigration status



Background

The anti-discrimination provisions of the INA are enforced by the:

Department of Justice

Civil Rights Division

Office of Special Counsel for

Immigration Related Unfair Employment Practices

- Employees may contact the Office of Special Counsel (OSC) to obtain additional information regarding discrimination and employee rights and responsibilities.

1-800-255-7688 (TDD: 1-800-616-5525)

- Employers may also contact OSC and remain anonymous.

1-800-255-8155 (TDD: 1-800-362-2735)

Form I-9



U.S. Citizenship
and Immigration
Services

Completing Form I-9

A photograph of a hand holding a blue pen, filling out Form I-9. The form is titled "Form I-9, Employment Eligibility Verification" and is being held by a metal clip. The hand is writing in the "Section 2: Employer" section, specifically in the "Date of hire" field. The form includes various sections for employer and employee information, including "Section 1: Employee", "Section 2: Employer", and "Section 3: Documentation". The background is a solid blue color.



Completing Form I-9

All U.S. employers must have a **Form I-9** on file for all current employees.

Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

You may delegate the authority to complete **Form I-9** to a responsible agent, however, you will retain liability for any errors.



Completing Form I-9

You are not required to complete **Form I-9** for:

- Domestic service employees working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States.*

** 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands*



Completing Form I-9

Mergers and Acquisitions

Employers who acquire employees from a previous employer through a merger or acquisition can either:

- 1) Treat acquired workers as newly hired employees and complete new Forms I-9.
- 2) Consider them as continuing in employment and retain the previous Forms I-9 and retain Form I-9 liability for any previous mistakes.

Under one or two, all acquired employees should be treated the same to avoid discrimination concerns.



Completing Form I-9

Section 1: Employee Information and Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 08/31/12
**Form I-9, Employment
Eligibility Verification**

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification *(To be completed and signed by employee at the time employment begins.)*

Print Name: Last		First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #		Date of Birth (month/day/year)
City	State	Zip Code	Social Security #	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States

☐ A noncitizen national of the United States (see instructions)

☐ A lawful permanent resident (Alien #) _____

☐ An alien authorized to work (Alien # or Admission #) _____
until (expiration date, if applicable - month/day/year)

Employee's Signature

Date (month/day/year)

- To be completed by **EMPLOYEE**.
- Employer **MUST** verify Section 1 is **COMPLETE**.



Completing Form I-9

Section 1: Important Area – Employee Attestation

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- ☐ A citizen of the United States
- ☐ A noncitizen national of the United States (see instructions)
- ☐ A lawful permanent resident (Alien #) _____
- ☐ An alien authorized to work (Alien # or Admission #) _____
until (expiration date, if applicable - month/day/year)

Employee's Signature

Date (month/day/year)

- The EMPLOYEE **MUST** select one of the four categories and sign and date Section 1 of Form I-9.
- All employees must complete Section 1 no later than the **first business day** of employment for pay.



Completing Form I-9

Section 1: Preparer/Translator Certification

Preparer and/or Translator Certification *(To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.*

Preparer's/Translator's Signature

Print Name

Address *(Street Name and Number, City, State, Zip Code)*

Date *(month/day/year)*

- This certification is required when Section 1 is prepared by someone other than the employee.
- By signing, the preparer is attesting that Section 1 is true and correct to the best of his or her knowledge.
- Note that only the EMPLOYEE can sign the Section 1 Employee Signature Block.



Completing Form I-9

Section 2: Employer Certification of Document Review

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

- Completed by EMPLOYER.
- MUST be completed no later than **3 business days** after the employee begins work for pay.
- EMPLOYER MUST examine **original documents**.
- Documents MUST be **UNEXPIRED**.



Completing Form I-9

Section 2: Lists of Acceptable Documents

- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9.
- Make sure you use Form I-9 with (Rev. 02/02/09) or (Rev. 08/07/09) – expiration date for both forms is 08/31/2012.

LISTS OF ACCEPTABLE DOCUMENTS		
All documents must be unexpired		
LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
OR		AND
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	3. School ID card with a photograph	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)	4. Voter's registration card	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	5. U.S. Military card or draft record	5. Native American tribal document
	6. Military dependent's ID card	6. U.S. Citizen ID Card (Form I-197)
	7. U.S. Coast Guard Merchant Mariner Card	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	8. Native American tribal document	
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	



Completing Form I-9

Section 2: Lists of Acceptable Documents

List A

Establishes Identity
and Employment
Authorization

List B

Establishes
Identity

List C

Establishes
Employment
Authorization

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____				

The EMPLOYEE MUST provide either:

- One document from **List A** OR
- One document from **List B** AND one document from **List C**



Completing Form I-9

Section 2: Documents – Genuineness and Photocopies

- You are not required to be a document expert.
- You **MUST** accept a document presented by an employee if it reasonably appears to be:
 - Genuine AND
 - Relates to the individual presenting it
- The document **MUST** be original* – photocopies are **NOT** acceptable.

**The only exception is a certified copy of a birth certificate.*



Completing Form I-9

Section 2: Receipt Rule

- Receipts may be used as temporary proof of employment eligibility when a List A, B or C document has been lost, stolen or destroyed.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date.



Completing Form I-9

Section 2: Receipt Rule

- A receipt indicating that an individual has applied for an initial employment authorization document (Form I-766) or for an extension of an expiring employment authorization document (Form I-766) is **NOT** acceptable for Form I-9.
- Receipts are never acceptable if employment will last less than 3 business days.



Completing Form I-9

Section 2: Copying Section 2 Documents

- You may choose to make copies of employee documentation presented to you for Section 2.
 - If you choose to photocopy documents, you must do so for **ALL** employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.



Completing Form I-9

Section 3: Reverification

Section 3. Updating and Reverification <i>(To be completed and signed by employer.)</i>		
A. New Name <i>(if applicable)</i>		B. Date of Rehire <i>(month/day/year)</i> <i>(if applicable)</i>
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.		
Document Title: _____	Document #: _____	Expiration Date <i>(if any)</i> : _____
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.		
Signature of Employer or Authorized Representative		Date <i>(month/day/year)</i>

You must reverify an employee on Section 3 or on a new Form I-9 if his or her temporary employment authorization has expired.

You MAY also complete Section 3 if you:

- Rehire the EMPLOYEE within 3 years of original hire date*
- Update the biographic information of an employee

** USCIS recommends completing a new Form I-9 for rehires*



Completing Form I-9

Section 3: Reverification

Do Not Reverify

- U.S. Passport or Passport Card
- Permanent Resident Card (Form I-551)
- List B documents

Permanent Resident Reverification Exceptions

- Reverify only if employee presents a Form I-94 with a temporary I-551 stamp, or
- A foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV))

Usually Reverify

- When employment authorization document (List A or C) has an expiration date



Completing Form I-9

Correcting Mistakes

- If you discover a mistake on Form I-9:
 - Correct the existing form OR prepare a new Form I-9.
 - If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
 - If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms

If you discover you are missing the Form I-9 for an employee:

- Immediately provide the employee with a Form I-9.
- Allow employee 3 business days to provide acceptable documents.
- DO NOT backdate the Form I-9.



Storage and Retention





Storage

- **Form I-9 MUST be on file for all current employees.**
- Store Forms I-9 securely in a way that meets your business needs – on site, off-site, storage facility or electronically.
- Store Forms I-9 and document copies together.
- Ensure that only authorized personnel have access to stored Forms I-9.
- Make Forms I-9 available within 3 days of an official request for inspection.



Retention

Forms I-9 must be stored for 3 years after the date you hire an employee

or

1 year after the date you or the employee terminates employment, whichever is later.



Retention

To identify the retention date, add 3 years to the hire date and 1 year to the date employment was terminated. The date that is later is the retention date.

Example:

John Smith was hired on November 1, 1993, and on July 5, 1994, employment was terminated.

November 1, 1993 + 3 years = November 1, 1996

July 5, 1994 + 1 year = July 5, 1995

The retention date is November 1, 1996.



Form I-9 Resources

- Form I-9, Employment Eligibility Verification
<http://www.uscis.gov/files/form/i-9.pdf>
- Form M-274, *Handbook for Employers*
<http://www.uscis.gov/files/nativedocuments/m-274.pdf>
- I-9 Central
www.uscis.gov/I-9Central



Employee Hotline – 1-888-897-7781

(available in English and Spanish)

- Created to respond to employee inquiries, issues and complaints. The hotline uses an interactive voice response system. Employees choose from four options:
 1. General E-Verify information
 2. Completing Form I-9, Employment Eligibility Verification
 3. Contesting a Tentative Nonconfirmation or fixing a perceived Final Nonconfirmation error
 4. Filing a complaint regarding employer misuse of E-Verify
 5. Self Check



Contact Information

Customer Support: (888) 464-4218

Form I-9 E-Mail: I-9Central@dhs.gov

Form I-9 Website: www.uscis.gov/I-9Central

E-Verify E-Mail: E-Verify@dhs.gov

E-Verify Website: www.dhs.gov/E-Verify

Follow us on twitter: <http://twitter.com/uscis>



Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our website:
www.dhs.gov/E-Verify