

Form I-9, Employment Eligibility Verification

C. Seavert, T. Cross, and J. Cordero

Purpose

Form I-9, *Employment Eligibility Verification*, was developed to verify individuals' eligibility for employment in the United States. The Immigration Reform and Control Act of 1986 (IRCA) requires employers to hire only citizens and aliens who are authorized to work in the United States. Compliance is enforced by the Immigration and Naturalization Service (INS).

Eligibility documents

There are three lists of documents on the I-9 Form that can be used to establish identity and/or employment eligibility. It is necessary to physically examine the employee's documents and match them to the appropriate list. Some documents establish both identity *and* employment eligibility; others establish only identity *or* employment eligibility. Employers may not require an employee to provide any one specific document from the list of approved documents. Rather, an employer must accept any document(s) from the approved list that the employee offers and that appears to be valid. Sample pictures of acceptable documents are available in the *Handbook for Employers* (Form M-274).

Who must complete Form I-9

Both employees and employers must complete portions of Form I-9. The form must be completed for *all* citizens *and* aliens hired after November 6, 1986.

Eligibility verification process

Employers are required to do five things:

1. Have employees fill out their part of Form I-9 when they start work. If employees cannot complete this part of Form I-9 by themselves, or need the form translated, someone may assist them. The person assisting must complete and sign the preparer certification section.
2. Check the documents establishing the employee's identity and eligibility to work.
3. Correctly fill out Form I-9.
4. Retain Form I-9 for at least 3 years after the date of hiring or 1 year after the date that employment is terminated, whichever is later; and
5. When requested, present Form I-9 for inspection to officers of the Immigration and Naturalization Service (INS) or the U.S. Department of Labor (DOL).

Employment violations

Periodic inspections are carried out by officials of INS or DOL to assure compliance with hiring regulations. Employers will be given at least 3 days advance notice for each inspection. At the time of inspection, the employer must present Form I-9's for all employees hired after November 6, 1986. The inspecting officers will also look for evidence of prohibited hiring practices, which include:

- hiring and/or continuing to employ unauthorized workers;
- failing to comply with the law's record-keeping requirements;
- requiring the employee to self-insure against possible damage or loss;

Clark F. Seavert, Extension district agent, farm management, Timothy L. Cross, Extension agricultural economist, Oregon State University, and Johnny C. Cordero I, agricultural labor specialist, Oregon Employment Division, Department of Human Resources.



OREGON STATE UNIVERSITY EXTENSION SERVICE

- recruiting unauthorized seasonal agricultural workers outside the United States;
- engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized employees; and
- engaging in fraud or false statements or otherwise misusing visas, immigration permits, and identity documents.

For more information

Forms, information, and the *Handbook for Employers* (Form M-274) may be obtained from:

Immigration and Naturalization Service
U.S. Department of Justice
511 NW Broadway
Portland, OR 97209
(503) 326-7092

Form I-9s may be duplicated by employers as needed.



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Oregon
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

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