

# VERIFYING EMPLOYMENT ELIGIBILITY: FORM I-9 COMPLIANCE



## Employment Eligibility Verification Department of Homeland Security U.S. Citizenship and Immigration Services

USCIS  
Form I-9

OMB No. 1615-0047  
Expires 03/31/2016

► **START HERE.** 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 documentation presented has a future expiration date may also constitute illegal discrimination.

### Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town	State	Zip Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	E-mail Address		Telephone Number		

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 Registration Number/USCIS Number): \_\_\_\_\_
- ☐ An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) \_\_\_\_\_. Some aliens may write "N/A" in this field. (See instructions)

For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Number:

2-D Barcode

# Verifying Employment Eligibility: Form I-9 Compliance

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## No sector is safe from ICE raids

**The Obama administration had taken a tough stand on illegal workers, and the Trump administration has upped its enforcement efforts even more.**

In spring 2019, agents from U.S. Immigration and Customs Enforcement raided the North Texas technology repair facility of CVE Technology Group, arresting 280 employees on charges that they were working in the U.S. illegally.

An earlier examination of the company's I-9 forms raised suspicions of ICE officers. CVE employs 2,100 people at the facility.

ICE said the raid was one of the largest workplace enforcement actions in 10 years. ICE officials said there appeared to be irregularities in the I-9 forms the employer had on hand.

In August 2019, massive immigration raids at Mississippi chicken processing plants received extensive media attention. Photos and videos showed hundreds of workers being led away by agents from the Immigration and Customs Enforcement Agency, because they allegedly did not have permission to live or work in the United States.

What wasn't widely reported was how ICE came to target the plants and conduct surprise, near-simultaneous raids across Mississippi. Now we know.

ICE representatives said the agency received multiple tips from individuals inside the processing plants.

Many tips allegedly included incriminating video showing that managers may have knowingly hired workers who didn't have valid work permits. Some plant managers were said to have received payments of up to \$800 for each undocumented worker hired.

ICE probable cause affidavits reveal that the agency believes some workers were hired more than once by the same managers, using different names each time. Agents were said to have traced several detained workers to the processing plants using GPS coordinates transmitted by ankle monitors they had been required to wear pending adjudication of prior illegal immigration cases.

In short, it appears quite likely that managers knowingly employed undocumented workers.

Employers should make sure their I-9s are in order to avoid the kind of disruption these companies experienced.

Generally, employers aren't required to verify the accuracy of I-9 employment eligibility documents workers submit before starting work. However, ignoring obvious problems with such documents can cause major headaches.

## Ensuring I-9 compliance

**The Immigration Reform and Control Act prohibits employers** from knowingly hiring, recruiting, referring, or continuing the employment of aliens who are not authorized to work in the United States because they have entered the country illegally or their immigration status does not permit employment.

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to have each new employee complete an I-9 form documenting the employee's status to legally work in the United States. The paper version of the Federal I-9 form is available at

[https://www.uscis.gov/system/files\\_force/files/form/i-9-paper-version.pdf](https://www.uscis.gov/system/files_force/files/form/i-9-paper-version.pdf).

New hires must complete these the day they begin work. Employers do not mail the completed forms to ICE. They may be kept in paper form or electronically but must be available to ICE agents should they arrive.

Employers may also use the online smart form at <https://www.uscis.gov/i-9>. There is also a Spanish version, but you can only use it in Puerto Rico. While not totally electronic, the form contains many interactive elements. For example, it responds when the employee chooses either citizen, lawful permanent resident, or alien authorized to work by altering the remaining questions to fit the chosen option. In cases where more than one translator or preparer assists the employee, the form will ask how many, and provide the necessary number of forms. No field may be left blank, the employee must write or choose n/a for those fields. Employers who print out forms must bear this in mind.

Because the form is not totally electronic, the employer's representative and employee must physically sign the printed document. Some companies who specialize in handling I-9 forms may have the proper electronic signature capability, but most employers do not. Once printed out, employers may scan the forms for electronic storage.

## **ICE is serious about I-9 documentation**

Employers who view I-9 forms as a "paper pushing" exercise are in for a rude awakening. ICE takes I-9 enforcement very seriously. IRCA is clear that employers are responsible for reviewing I-9 documentation for accuracy. In fact, an employer representative must sign the form acknowledging that all documentation was examined. Employers who knowingly hire a person not legally permitted to work face fines ranging from \$375 to \$16,000. Failing to produce an I-9 is deemed a substantive violation earning the employer a fine of \$110 and \$1,100 per missing form.

Employers must retain all I-9 documentation for three years after hire or one year after termination, whichever is later.

“Now more than ever,” says immigration attorney John Fay of LawLogix, “HR and hiring managers need to take stock of their I-9 and E-Verify policies and procedures, with a particular focus on avoiding discriminatory practices. Too often, employers spend all of their time trying to be better ‘I-9 enforcers’ without taking into account the other side of the coin—ensuring that employees are not treated differently based on their citizenship status, national origin, or immigration status.”

## **Updating I-9 documents**

Employers never need to re-verify work authorization for US citizens and permanent residents even when documents expire. Employees on work visas may need to be reverified. Employers must review visa-holders’ files to determine if their I-9 documents expired.

Special rules apply to employees affected by the Deferred Action on Childhood Arrivals (DACA), also known as “dreamers.” The Trump Administration’s efforts to stop extending DACA protections to these employees was enjoined in federal court. U.S. Citizen and Immigration Services (USCIS) is complying by allowing dreamers to reapply for deferred action for the time being. Because these workers applied at various times, employers should track the expiration dates and urge timely renewals. Dreamers whose permits have not been renewed are not permitted to work.

## **Do you know your DACA?**

Before adjourning for the summer, the U.S. Supreme Court agreed to hear arguments during its 2019-2020 term on the constitutionality of the federal government’s Deferred Action on Childhood Arrivals program. Issued during the Obama administration, DACA allows immigrants who came to the United States with their parents as children to temporarily avoid deportation.

It also provided a way for them to secure work permits, allowing employers to legally employ them.

President Trump rescinded DACA in September 2017. The move sparked a spate of lawsuits that ultimately led to injunctions in federal court and now an appeal to the Supreme Court.

Unless Congress acts to permanently rescind DACA before the Supreme Court resolves the issue, employers can still employ DACA work permit holders.

That's because federal courts ordered the U.S. Department of Homeland Security to process DACA work permit renewals while the appeals are pending. Immigrant employees with valid and current work permits remain eligible to work regardless of their immigration status.

Because the permits are issued on a rolling basis, employers should be tracking expiration dates and making sure employees with DACA work permits are submitting their renewal requests and fees on time. Employers should also make sure they properly document renewals. Section 3 of the I-9 deals with reverification. Details are available at [www.uscis.gov/i-9-central/](http://www.uscis.gov/i-9-central/).

Finally, employers should develop a contingency plan while waiting for the Supreme Court decision, expected sometime in 2020.

Meanwhile, employers should not look to terminate DACA permit holders now. Doing so would expose them to charges of discrimination based on race or national origin.

**Online resource** DACA details are available at <https://tinyurl.com/DACA-injunction>.

## Download Form I-9 now

The new I-9 is a “smart” PDF—available online and featuring dropdown menus, hover text with instructions and error messages. Despite the hover text feature, a complete set of printed instructions are available.

The form is “fillable and savable,” according to U.S. Citizenship and Immigration Services (USCIS). That means it can be completed on a computer, printed and filed. It's also fine to simply print it out to be completed by hand and then filed.



**Caution:** If you choose to print out I-9s to be completed by hand, take care. That bypasses all the “smart” features, such as dropdown fields that must be completed. Employers will be liable for forms that are incomplete.

As smart as the new I-9 is, it’s not a fully electronic form. For example, both the employer’s representative and employee must physically sign a printed out, paper document. Once completed, employers may scan the forms for electronic storage.

As always, employers are responsible for retaining completed I-9s; they are not to be submitted to USCIS or Immigration and Customs Enforcement.

Download the new I-9, read detailed instructions on how to complete it and learn more at [www.uscis.gov/i-9](http://www.uscis.gov/i-9).

## When must an I-9 be completed?

- All public-sector and private-sector employers, regardless of size or number of employees, must verify the citizenship or employment status of new hires.
- Employers with three or fewer employees are exempt from IRCA's anti-discrimination provisions.
- Employers with more than three but fewer than 15 employees may not discriminate according to citizenship status or national origin.
- Employers with 15 or more employees are prohibited from engaging in national origin discrimination under Title VII and bias based on citizenship status under IRCA.
- Almost all full-time, part-time, and temporary workers must be verified.
- Protected individuals include U.S. citizens or nationals, permanent resident aliens, persons granted the status of aliens lawfully admitted for temporary residence, aliens admitted as refugees, and aliens granted asylum.

- Individuals not protected include aliens who fail to apply for naturalization within six months of the date they first become eligible to apply for naturalization and those aliens who have made a timely application but have not been naturalized within two years after the date of application.

Do not complete a Form I-9 for employees who are:

- Hired on or before Nov. 6, 1986, (or on or before Nov. 27, 2007 if employment is in the Commonwealth of the Northern Mariana Islands (CNMI)) who are continuing in their employment and have a reasonable expectation of employment at all times;
- Employed for casual domestic work in a private home on a sporadic, irregular or intermittent basis;
- Independent contractors;
- Employed by a contractor providing contract services (such as employee leasing or temporary agencies) and are providing labor to you; or
- Not physically working on U.S. soil.

## **Verification requirements and acceptable documents**

When an applicant is hired, the employer must sign a Form I-9 attesting that it has examined appropriate documents, provided by the applicant, which verify the applicant's identity and authorization to work in the United States. The applicant must also attest on the form that he/she qualifies for employment.

*Section 1* — Employee Information and Verification must be completed by employees on their first day of work.

Employers must complete *Section 2* — Employer Review and Verification within three business days of the date employment begins. Although verification must be done within three days of hire, it could be extended to 90 days if the employee presents a receipt proving that an application for replacement of the authorization document has been filed.

If employees are hired for fewer than three days, Sections 1 and 2 of the I-9 form must be completed at the time of hire.

Verification is determined by reviewing one document from List "A" or one original document from each of Lists "B" and "C."

You are not permitted to accept any expired documents for proof of identification or work authorization. Finally, you must use the new I-9 form for any reverifications of existing employees.

**List "A" documents show identity and authorization to work.**

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
- Employment Authorization Document that contains a photograph (Form I-766)
- 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 restriction or limitations identified on the form
- 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

**List "B" documents establish identity.**

- 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

- 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
- School ID card with a photograph
- Voter's registration card
- U.S. Military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

The following documents may be used by persons under age 18 who are unable to present a document listed above.

- School record or report card
- Clinic, doctor, or hospital record
- Day-care or nursery school record

**List "C" documents establish employment eligibility.**

- 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
- Certification of Birth Abroad issued by the Department of State (Form FS-545)
- Certification of Report of Birth issued by the Department of State (Form DS-1350)
- Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal

- Native American tribal document
- U.S. Citizen ID card (Form I-197)
- Identification card for use of Resident Citizen in the United States (Form I-179)
- Employment authorization document issued by the Department of Homeland Security

## Verification exemptions

Employers do not need to complete a Form I-9 for persons who are:

- hired before November 7, 1986, who are continuing in their employment, and have a reasonable expectation of employment at all times;
- employed for casual domestic work in a private home on a sporadic, irregular, or intermittent basis;
- independent contractors; or
- providing labor to you who are employed by a contractor providing contract services (e.g., employee leasing or temporary agencies).

## Reverification requirements

*When a current employee's work authorization expires, you must reverify his/her employment eligibility. You may use Section 3 of the Form I-9, or, if Section 3 has already been used for a previous reverification or update, use a new Form I-9. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. If the employee cannot provide you with proof of current work authorization (e.g., any document from List A or List C), you cannot continue to employ that person. (Note: List B identity documents, such as a driver's license, should not be reverified when they expire.)*

You must reverify an employee's employment eligibility no later than the date the employee's work authorization expires.

*When you rehire a former employee, you must ensure that he/she is still authorized to work. You may do this by completing a new Form I-9 or you may reverify or update the original form by completing Section 3.*

If you rehire an employee within three years of the initial date of hire, and the employee is still eligible to work on the same basis as when the original Form I-9 was completed, you may update on the employee's original Form I-9 or on a new Form I-9.

To update, you must:

1. Record the date of rehire;
2. Sign and date Section 3; and
3. If you are updating on a new Form I-9, write the employee's name in Section 1.

If you rehire the employee within three years of the initial date of hire, and the employee's previous grant of work authorization has expired, but he/she is currently eligible to work on a different basis or under a new grant of work authorization than when the original Form I-9 was completed, you may reverify on the employee's original Form I-9 (or on a new Form I-9 if Section 3 of the original has already been used).

To reverify, you must:

1. Record the date of rehire;
2. Record the document title, number, and expiration date (if any) of any document(s) presented;
3. Sign and date Section 3; and
4. If you are reverifying on a new Form I-9, write the employee's name in Section 1.

Employers always have the option of completing Sections 1 and 2 of a new Form I-9 instead of completing Section 3 when rehiring employees.

## How to complete an I-9 form

### Completing Section 1: 11 tips

1. Employees with two last names (family names) should write both in the Last Name field. Employees who hyphenate their last names should include the hyphen. Employees with only one name should enter it on the Last Name field and write “Unknown” in the First name field. Do not have them write “Unknown” in both fields.
2. Employees with two first names—given names—should write both in the First Name field. They too should include the hyphen where applicable.
3. “N/A” should be written in the Middle Initial field if none is known.
4. The “Other Last Names Used” field is for maiden names, or any other legal last name. If none are applicable, enter “N/A.”
5. In rare cases, an employee might not have a street address. In this case, a brief description of the location of their residence must be filled in—this may seem odd, but they should do the best they can. Employees who have no apartment number should write “N/A” in that field.
6. Dates of birth are entered as a two-digit month, two-digit day, and four-digit year. (Example: 04/12/1984.)
7. Employees may voluntarily provide a Social Security number unless the employer participates in E-Verify. If the employer participates in E-Verify and the employee has been issued a SSN, they must write it on the I-9. If the employee has applied for a SSN and is still waiting for it, the field should be left empty. Employees who can satisfy Form I-9 requirements but who are still waiting for a SSN may still work.
8. Email addresses and telephone numbers are optional. “N/A” should be entered in those fields if they decline.
9. Some helpful definitions for Section 1:
  - **A noncitizen national of the United States** is an individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

- **A lawful permanent resident** is an individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. This term includes conditional residents. Asylees and refugees should not select this status, but should instead select “An alien authorized to work” below. Employees who select this box should enter their seven to nine-digit Alien Registration Number (A-Number) or USCIS Number in the space provided. The USCIS Number is the same as the A-Number without the “A” prefix.
  - **An alien authorized to work** is an individual who is not a citizen or national of the United States, or a lawful permanent resident, but is authorized to work in the United States. For example, asylees, refugees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau should select this status.
10. When signing and dating the form, use a two-digit month, two-digit day, and four-digit year.
  11. If the employee used a preparer and/or translator to complete the form, that person must complete the Preparer and/or Translator Certification block. If the employee used one or multiple preparers or translators and is completing the paper Form I-9, print out the Form I-9 Supplement, Section 1 Preparer and/or Translator Certification. If the employee used one or multiple preparers and/or translators and is completing Form I-9 using a computer, check the second box marked “A preparer(s) and/or translator(s) assisted the employee in completing Section 1” and select the number of preparers or translators the employee used in the drop down box next to “How Many?”

## **Completing Section 2: 7 tips**

1. At the top of Section 2, enter the employee’s last name, first name, and middle initial exactly as this information was entered in Section 1. Enter the number that correlates with the citizenship or immigration status box the employee selected in Section 1.



2. When referring to documents supplied by the employee, you can use common abbreviations like “DL” for driver’s license and “SSA” for Social Security Administration, or the suggestions in the form instructions.
3. The “Additional Information” space is for Form I-9 notes, such as:
  - ✓ Notations that describe special circumstances such as employment authorization extensions for F-1 STEM OPT students, CAP-GAP, H-1B and H-2A employees continuing employment with the same employer or changing employers, and TPS, AC-21, 240-day, 180-day, and 120-day work authorization extensions, as required
  - ✓ Information from additional documents that F-1 or J-1 nonimmigrant employees may present including the Student and Exchange Visitor (SEVIS) number and the program end date from Forms I-20, Certificate of Eligibility for Nonimmigrant Student Status, or DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, as required
  - ✓ Employee termination dates and form retention dates
  - ✓ E-Verify case verification number, which may also be entered in the margin or attached as a separate sheet per E-Verify requirements and your chosen business process
  - ✓ Discrepancies that E-Verify employers must notate when participating in the IMAGE program
  - ✓ Any other comments or notations necessary for the employer’s business process
4. Recruiters and referrers for a fee do not enter the employee’s first day of employment. Staffing agencies may choose to use either the date an employee is assigned to their first job or the date the new employee is entered into the assignment pool as the first day of employment.
5. If you are given a receipt instead of a document acceptable on List A, B, or C, proceed carefully. New employees must do this within three business days of the first day of their employment. If the receipt is presented for reverification, it must be presented by the expiration date of their employment authorization. Receipts are not acceptable if employment lasts less than three business days.

6. If an employee presents a receipt for the application to replace a lost, stolen or damaged document, the employee must present the replacement document to you within 90 days from the first day of work for pay, or in the case of reverification, within 90 days from the date the employee's employment authorization expired. Enter the word "Receipt" followed by the title of the document in Section 2 under the list that relates to the receipt.
7. When your employee presents the original replacement document, cross out the word "Receipt," then enter the information from the new document into Section 2.

**A receipt for a replacement of a lost, stolen, or damaged document:**

- ✓ May be presented by all employees
- ✓ Fulfills the verification requirements of the document for which the receipt was issued
- ✓ Is valid 90 days from the date of hire, or, if presented for reverification, 90 date from the employment authorization's expiration date
- ✓ Must be replaced by the actual document at the end of the receipt validity period.

**A receipt for the arrival portion of the Form I-94/I-94A containing a temporary I-552 stamp and photograph:**

- ✓ May only be presented by lawful permanent residents
- ✓ Fulfills the verification requirements of the document for List A
- ✓ Is valid until the expiration date of the Temporary I-551 stamp, or if there is no expiration date, one year from the date of admission.
- ✓ Must be replaced by the actual Form I-551 (Permanent Resident Card)("Green Card").

**A receipt for the departure portion of Form I-94/I-94A with an unexpired refugee admission stamp:**

- ✓ May be presented by refugees
- ✓ Fulfills the verification requirements of the document for List A
- ✓ Is valid 90 days from date of hire or, for reverification, 90 days from the date employment authorization expires.

- ✓ Must be replaced by an unexpired EAD (Form I-766) or a combination of a valid List B document and an unrestricted Social Security card.

## **Completing Section 3: 7 Tips**

1. Employers *must* complete Section 3 when an employee's employment authorization or documentation of employment authorization has expired.
2. Employers *may* complete Section 3 when an employee is rehired within 3 years of the date that Form I-9 was originally completed, or the employee has gone through a legal change of name,
3. Remind employees well in advance that they must present a List A or List C document showing continued employment authorization on the date that their employment authorization or documentation (whichever is sooner) expires. If your employee has a Form I-765 pending with USCIS for 75 days or more, your employee should contact the [USCIS Contact Center](#).
4. Employers should *not* reverify
  - ✓ U.S. citizens and noncitizen nationals
  - ✓ Lawful permanent residents who presented a Form I-551, Permanent Resident or Alien Registration Receipt card for Section 2. This includes conditional residents.
  - ✓ List B documents
4. If you previously completed Section 3, or if the version of the form you used for a previous verification is no longer valid, you must complete Section 3 of a new Form I-9 using the most current version and attach it to the previously completed Form I-9.
5. If you rehire an employee within 3 years of the date that a previous Form I-9 was completed, you may either complete a new Form I-9 for your employee or complete Section 3 of the previously completed Form I-9.

6. If your employee is still authorized to work and his or her employment authorization documentation is still valid, enter the date of the rehire in the space provided in Section 3.
7. If your employee is *no longer* authorized to work or the employment authorization documentation has since expired and requires reverification, request that the employee present an unexpired List A or List C document. Do not reverify an employee's List B (identity) document. Enter the document information and the date of rehire in the spaces provided in Section 3. If the current version of Form I-9 is different from the previously completed Form I-9, you must complete Section 3 on the current version.

### **Name/Identity Changes for Current Employees**

You are not required to update Form I-9 when your employee has a legal name change, but it is recommended that you maintain correct information on your Forms I-9 and make a note of any name changes in Section 3. Form I-9 regulations don't require employees to present documentation about a name change, but if you have reason to believe the change may nullify documents previously presented to you, you may ask for documentation of the legal change of name to store with the Form I-9.

If an employee informs you that the name, date of birth, or Social Security number is substantially different from what he or she previously provided on Form I-9, but is not able to provide evidence linking the new information to the previous identity, you should complete a new Form I-9. In doing so:

- Write the original hire date in "The employee's first day of employment" space in Section 2; and
- Attach the new Form I-9 to the previously completed Form I-9.
- If the Section 1 information has not substantially changed but the employee has offered different evidence of work authorization, then you should examine the documentation to determine if it appears to be genuine and to relate to your employee presenting it. If so, complete Section 3 of the previous Form I-9. If the current version of Form I-9 is different from the previously completed Form I-9, you must complete Section 3 on the current version.

If you need to reverify the employment authorization of an existing employee who completed an earlier version of Form I-9, the employee must provide any List A or C document(s) they choose from the Lists of Acceptable Documents for the most current version of the Form I-9. Enter the new document(s) information in Section 3 of the current version of Form I-9 and keep it with the previously completed Form I-9. Visit I-9 Central at [uscis.gov/i-9-central](http://uscis.gov/i-9-central) for the most current version of the Form I-9.

## **The E-Verify system**

The government's attempt to combat illegal immigration at the workplace door has met with stiff resistance. The Bush administration attempted to use "no match" letters sent out by the Social Security Administration when names and Social Security numbers on I-9 forms failed to match W-2s and other tax information. But a court order suspended the program, and in 2009 the Obama administration rescinded the "no-match" letter program.

The DHS now advocates use of the E-Verify system, which allows employers to file I-9 information online. Currently, federal law requires only the federal government and employers with federal contracts worth more than \$100,000 to use E-Verify to check the work eligibility status of newly hired employees, as well as current employees who work directly on a contract. The requirement applies to federal contracts and subcontracts let on or after Sept. 8, 2009. Also, several states, such as Arizona, Georgia, Mississippi, South Carolina and Utah, require some employers to use the system.

Any employer may voluntarily use the E-Verify system. The USCIS offers compliance detail on E-Verify, including who must comply and how, at [www.uscis.gov/everify](http://www.uscis.gov/everify).

Before you enroll in E-Verify, use the [e-verify.gov](http://e-verify.gov) checklist, below, to help you prepare. Decide:

- ✓ Who will electronically sign the E-Verify memorandum of understanding on behalf of your company (reproduced later in this book)?
- ✓ Which hiring sites will participate in E-Verify?

- ✓ If you are a federal contractor with the FAR E-Verify clause, which employees will you verify?
- ✓ Which company location(s) will access E-Verify?
- ✓ Who in your company will have access to E-Verify?
- ✓ Who in your company should be a program administrator?
- ✓ Review the [system requirements](#)

To enroll, you will need to know:

- ✓ Contact information for your company's E-Verify memorandum of understanding (MOU) signatory (name, phone number, fax number and e-mail address)
- ✓ Company name
- ✓ Doing business as' name (optional)
- ✓ Data Universal Numbering System (DUNS) number (optional)
- ✓ The physical address of the location from which your company will access E-Verify (including county)
- ✓ Company mailing address (if different from the physical address)
- ✓ Employer identification number (also called a Federal Tax ID Number)
- ✓ Total number of employees for all of your company's hiring sites that will participate in E-Verify (you'll choose from a range of numbers)
- ✓ Parent organization (optional)
- ✓ Administrator name (E-Verify corporate account) (optional)
- ✓ The first three digits of your company's primary North American Industry Classification System (NAICS) code (if you don't know it, we'll help you find it when you enroll)
- ✓ The number of hiring sites that will participate in E-Verify in each state

For all registered users, you must be ready to provide:

- ✓ Name
- ✓ Phone Number
- ✓ Fax Number (optional)
- ✓ Email address

## **Non-discrimination provisions**

IRCA prohibits employment discrimination based on national origin and citizenship status. An employer cannot request more or different documents than required to verify status, nor can it refuse to accept documents that "reasonably appear to be genuine."

Other signs of discrimination include: asking employees with a foreign accent to prove U.S. citizenship but sometimes waiving this procedure for white employees; and photocopying documents from some applicants and not from others. It is also discriminatory to threaten, intimidate, or retaliate against a person who has filed or plans to file a discrimination charge.

## Recordkeeping requirements

I-9 forms must be kept for three years from the date of hire or one year from the date of termination, whichever is longer. If the employee has been with the company for more than three years, you must retain the I-9 form for one year after termination. If the employee has been with your company for less than three years, determine which date is later—three years after the date of hire or one year after the employee left.

When a person who was previously employed is rehired and the original Form I-9 was updated, it must be kept for three years from the initial date it was completed or one year after the employee is terminated, whichever is later. If a new I-9 form is completed, retain the document according to the new date listed in the Certification section of Section 2.

Employers who use a state employment agency must retain the agency's statement that certifies the applicant's eligibility for the same time periods as above.

Completed I-9 forms should be kept in a locked cabinet separate from all other documents. Only those with a "need to know" should have access to these files.

In 2010, the U.S. Department of Homeland Security (DHS) issued final regulations that give employers greater flexibility to electronically sign and store their Form I-9s. The rules say you can use a paper I-9 system, electronic system or a combination of both. Plus, the rules clarify you must complete I-9s within three business days (not calendar days) of an employee's hire date.

The final rule provides additional flexibility for employers—including more options for data compression, fewer storage requirements and greater electronic storage flexibility.

## **Penalties**

Employers that violate immigration law face large civil monetary penalties, which are sometimes raised by the Department of Homeland Security and the Department of Justice to account for inflation. There are several categories of violations:

- Penalties for failing to comply with the employment eligibility verification process
- Penalties for document fraud (e.g., forging or altering documents for I-9 purposes)
- Penalties for document fraud related to preparing, filing, or assisting others in preparing or filing falsely made or fraudulent documents
- Penalties for unfair immigration-related practices (e.g., discriminating against applicants or employees based on nationality or citizenship status; refusing to accept permissible documents presented by an employee in compliance with Form I-9 requirements)
- Penalties for participants in the government's electronic employment eligibility program who fail to notify the DHS of the inability to confirm an employee's employment eligibility.

## **Surviving an I-9 audit**

In summer of 2019, ICE sent out more than 3,000 Notices of Inspection (NOI) to employers. The NOI states that agents from ICE's Homeland Security Investigations unit (HSI) will arrive in three days. The agents are checking to ensure the target employer's I-9 documents are compliant.

Employers not found to be in compliance face penalties ranging from minor warnings to jail time. The Trump administration has made illegal immigration



a major political issue. Targeting employers has proved far more efficient than knocking on doors to find undocumented immigrants.

Enforcement efforts have focused on specific industries that tend to employ immigrants. Employers in the restaurant, food processing, agriculture or high-tech manufacturing industries are the most likely to be targeted. In a targeted industry or not, now is a good time to ensure all I-9 documentation is in order.

### **Internal audit before the NOI arrives**

As soon as an employer receives an NOI it should contact an attorney familiar with I-9 audits. The attorney may be able to negotiate an extension for the employer or may be able to reduce the number of documents required. But don't wait for a notice.

Before an NOI arrives, employers should have already run an internal I-9 audit. The same attorney the employer would call when it receives the NOI should oversee the internal audit. Ideally, an attorney who specializes in immigration worksite investigations should look over the I-9 forms. Attorneys that handle immigration issues such as visas may or may not have the expertise needed to handle an I-9 audit. Specifically, the attorney handling the audit should know exactly what ICE will want to see on the I-9 documents and what the conventions are for a full blown I-9 audit.

### **The I-9 Audit Process**

Once an employer receives the NOI, it means ICE agents will arrive in three days or longer if other arrangements have been made. The agents will inspect the I-9 forms and supporting documents for errors and accuracy. ICE will also often request a copy of the payroll, list of current employees, Articles of Incorporation, and business licenses. Employers should plan to have these items readily available to speed the process.

ICE will notify the audited party, in writing, of the results of the inspection once completed. The following are the most common notices:

- ✓ **Notice of Inspection Results** – also known as a “compliance letter,” used to notify a business that they were found to be in compliance.

- ✓ **Notice of Suspect Documents** – advises the employer that based on a review of the I-9 Form and documentation submitted by the employee, ICE has determined that an employee is unauthorized to work and advises the employer of the possible criminal and civil penalties for continuing to employ that individual. ICE provides the employer and employee an opportunity to present additional documentation to demonstrate work authorization if they believe the finding is in error.
- ✓ **Notice of Discrepancies** – advises the employer that based on a review of the I-9 Form and documentation submitted by the employee, ICE has been unable to determine their work eligibility. The employer should provide the employee with a copy of the notice and give the employee an opportunity to present ICE with additional documentation to establish their employment eligibility.
- ✓ **Notice of Technical or Procedural Failures** – identifies technical violations identified during the inspection and gives the employer ten business days to correct the forms. After ten business days, uncorrected technical and procedural failures will become substantive violations.
- ✓ **Warning Notice** – issued in circumstances where substantive verification violations were identified, but circumstances do not warrant a monetary penalty and there is the expectation of future compliance by the employer.
- ✓ **Notice of Intent to Fine (NIF)** – may be issued for substantive, uncorrected technical, knowingly hire and continuing to employ violations.

When an employer receives an NIF, it has the option to either negotiate a settlement with ICE or request a hearing before the Office of the Chief Administrative Hearing Officer (OCAHO) within 30 days. If the employer takes no action after receiving a NIF, ICE will issue a Final Order. An Administrative Law Judge will conduct a hearing should the employer request one.

### **But I use E-Verify!**

Usually, the E-Verify system provides verification that the I-9 documents presented match government records. If E-Verify identifies a problem, the employee has the right to contest those findings.

Employees can also check their status first by going to [myeverify.gov](https://myeverify.gov). There they can also “lock” their social security number so the system will not permit others to use it.

Some states mandate the use of E-Verify by private employers. Federal contractors and subcontractors are required to use the system. Any private employer may voluntarily use E-Verify, but should not use it as a screening tool for hiring. Doing so would violate the Immigration Reform and Control Act of 1986 (IRCA).

The federal government’s E-Verify system provides employers with some cover but does not guarantee an employer will emerge from an I-9 audit unscathed. E-Verify verifies the documents the employee produces show someone can work in the U.S. legally. The employee you hired may not be that employee, however. Plus, the I-9 form may still contain errors even if the supporting documents are verified.

## Frequently asked questions

### ▲ What are the employment verification requirements of IRCA?

IRCA requires that when an applicant is hired, an employer must sign a Form I-9 attesting that it has examined appropriate documents, provided by the applicant, which verify the applicant's identity and authorization to work in the United States. The applicant must also attest on the form that he/she qualifies for employment. Verification must be done within three days of hire, but could be extended to 90 days if the employee presents a receipt proving that an application for replacement of the authorization document has been filed.

**Must employers complete an I-9 form for everyone who applies for a job?**

No. Employers need to complete I-9 form only for people they actually hire. For purposes of the I-9 rules, a person is "hired" when he/she begins work for wages or other compensation.

**How long must I-9s be kept for terminated employees?**

Verification forms must be kept for three years from the date of hire, or one year from the date of termination, whichever is longer.

**Is an employer responsible for knowing whether the documents shown for the I-9 are falsified?**

The general rule of thumb is that employers must make reasonable efforts to ascertain the legitimacy of such forms. But if later events turn up fraud on the part of the employee, the employer is not automatically liable.

Employers can fall into several other traps where I-9 documents are concerned. You've got to check the applicable documents for proof within three days of employment, or obtain receipts showing the applicants have applied for the proper documents.

You must also accept any document or combination of documents that the INS has deemed acceptable. That is, you can't demand more than the law demands. You also must demand original documents. If, however, a birth certificate is used as List C documentation, a certified copy bearing an official seal is allowable.

The employer is responsible for making sure the I-9 form itself is completely filled out, including the employees' section. And you should keep track of any expiration dates on any documents so you're not caught with your guard down at a later date.

**▲ Can I limit hiring only to U.S. citizens?**

Employers cannot limit positions to U.S. citizens only unless they are required to do so by a law, executive order, regulation, or government contract that requires specific positions to be filled only by U.S. citizens. If a job applicant is

discouraged or rejected from employment based on citizenship status, the employer may be committing citizenship status discrimination in violation of the anti-discrimination provision of the INA.

**▲ Can I refuse to hire someone based on national origin?**

Failure to hire an individual based on the person's national origin may violate the anti-discrimination provision of the INA if the employer employs four to 14 employees, or may violate Title VII of the Civil Rights Act (enforced by the Equal Employment Opportunity Commission (EEOC)) if the employer has 15 or more employees. If a small employer has rejected your employment application based on your national origin, contact IER to determine whether IER or the EEOC has jurisdiction to assist you.

**▲ What must a company do when rehiring an employee?**

If an employee who is eligible to work in the United States leaves and is rehired within three years, the company may still rely on a previously completed Form I-9. But if the period exceeds three years, a new Form I-9 must be completed.

**▲ Can we fire an employee who fails to produce a required document within three business days?**

Yes. Employers can terminate an employee who fails to produce required documents, or a receipt for a replacement document (in the case of lost, stolen, or destroyed documents), within three business days of the date of hire. However, employers must apply these practices uniformly to all employees. If an employee presents a receipt for a replacement document, he/she must produce the actual document within 90 days of the date of hire.

**▲ What happens if an employer does everything right with an I-9 form, but the federal government later discovers that an employee isn't eligible to work in the U.S.?**

Employers can't be charged with a verification violation; however, employers can't knowingly continue to employ this employee. Employers will have a good-faith defense for knowingly hiring an unauthorized alien, unless the government can prove they had actual knowledge that the employee wasn't eligible to work in the U.S.

**▲ Can employees present a photocopy of a document?**

No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.

**▲ Can employees fax me copies of the documents instead of me examining the originals?**

Faxes aren't allowed, but you may use an agent, such as a notary public or attorney, at the satellite office to inspect employees' documents. Whether someone is an agent is controlled by state agency law.

**▲ We are switching to an HRIS system. If we E-Verify our new hires, and record the E-Verify system's case number in the new HRIS system, can we safely shred the original document and use that case number? How can we digitize this function, if we cannot do that?**

No, you should definitely retain copies of I-9 records, for the simple reason that the U.S. Government systematically purges E-Verify records more than 10 years old.

E-Verify recommends that employers write the E-Verify case verification number on the corresponding Form I-9, Employment Eligibility Verification, and retain the historic record with the corresponding I-9. These forms should be retained indefinitely, but can be purged automatically, if you so choose, either one year after the employee was terminated or three years after the date of hire, whichever is later. You may wish to consult with counsel as to whether it makes sense to implement such a rule or to err on the side of retaining information on terminated employees longer.

**▲ It is strongly suggested that federal Form I-9s be kept in a separate folder. If that is the case, do you have to have an individual folder for each I-9, or can all I-9s be in the same folder?"**

USCIS recommends that Forms I-9 and supporting documentation, if kept, be stored apart from personnel records in order to facilitate an audit or inspection. This allows you to keep separate related personnel records that need not be produced and which you would likely prefer to keep private.

If USCIS asks to review your Forms I-9, you must produce them within three business days. There is no reason that the records cannot be kept together; however, do take steps to safeguard access to these records, which contain private identifying information, so only reviewable by individuals with a need to do so.

**▲ Do citizens and noncitizen nationals of the United States need to complete Form I-9?**

Yes, they too must present the required documents and complete a Form I-9. U.S. citizens include persons born in Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. U.S. noncitizen nationals are persons who owe permanent allegiance to the United States, which include those born in American Samoa, including Swains Island.

Citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) are not noncitizen nationals, however they are eligible to work in the U.S.

**▲ Do I need to complete an I-9 for independent contractors or their employees?**

No. The company providing services is responsible for completing Form I-9 for its own employees. But you will be penalized if you knowingly use a contractor that employs those unauthorized to work.

**▲ What happens if I fill out an I-9 correctly, but HS discovers that my employee is not actually authorized to work?**

You cannot be charged with a verification violation. You will also have a good faith defense against the imposition of employer sanctions penalties for knowingly hiring an unauthorized individual.

**▲ Can I specify which documents I will accept for verification?**

The employee may choose which document(s) they want to present from the Lists of Acceptable Documents.

An employer participating in E-Verify can only accept a List B document with a photograph.

**▲ Can I refuse to accept an employee's documentation if I would prefer to see another type of documentation?**

No. An employee must be allowed to choose which documents to show from the Form I-9 Lists of Acceptable Documents. If the documentation reasonably appears to be genuine and to relate to the employee, the employer must accept it.

**▲ Can I ask my employee to show the same type of document for reverification as the employee showed to complete Section 2?**

No. For reverification, an employee may choose which unexpired List A or List C document to present. An employer may be violating the anti-discrimination provision of the INA if the employer requires an employee to show specific documents for reverification based on the employee's citizenship, immigration status or national origin.

**▲ Is a passport an acceptable document?**

Yes, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. It has been included on List A of the Lists of Acceptable Documents on Form I-9.

**▲ What about Native American tribal documents?**

A Native American tribal document should be issued by a tribe recognized by the U.S. federal government. To determine if the tribe is federally recognized, check the Bureau of Indian Affairs website.

**▲ What if a document has expired?**

Expired documents are no longer acceptable for Form I-9, but you may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by USCIS.

Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

**▲ Should I make copies of authorization documents?**



If you participate in E-Verify and the employee presents a document used as part of Photo Matching, currently the U.S. passport and passport card, Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766), you must retain a photocopy of the document they present. If you do not participate in E-Verify, you are not required to make photocopies of documents. However, if you wish to make photocopies of documents other than those used in E-Verify, you must do so for all employees. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of Form I-9, nor is it an acceptable substitute for proper completion of Form I-9 in general.

**▲ An employee presented two documents to complete Form I-9, each containing a different last name. One document matches the name she entered in Section 1. The employee explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can I accept the document with the different name?**

You may accept a document with a different name than the name entered in Section 1 provided that you resolve the question of whether the document reasonably relates to the employee. You also may wish to attach a brief memo to Form I-9 stating the reason for the name discrepancy, along with any supporting documentation the employee provides. An employee may provide documentation to support their name change, but is not required to do so. If, however, you determine that the document with a different name does not reasonably appear to be genuine and to relate to her, you may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.

**▲ The name on the document my employee presented to me is spelled slightly differently than the name they entered in Section 1 of Form I-9. Can I accept this document?**

If the document contains a slight spelling variation, and the employee has a reasonable explanation for the variation, the document is acceptable as long as you are satisfied that the document otherwise reasonably appears to be genuine and to relate to the employee.

**▲ My employee presented me with a document issued by INS rather than DHS. Can I accept it?**

Yes, you can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: USCIS, CBP, and ICE. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.

**▲ Can an employee leave any part of Section 1 on Form I-9 blank?**

Employees must complete every applicable field in Section 1 of Form I-9 with the exception of the Social Security number field. However, employees must enter their Social Security number in this field if you participate in E-Verify. The e-mail address and telephone number fields are optional but if an employee chooses not to provide this information, they must enter "N/A." Do not leave these fields blank.

Not all employees who attest to being an Alien Authorized to Work will have an expiration date for their employment authorization. However, refugees and asylees who present an Employment Authorization Document (Form I-766) EAD have employment authorization that does not expire. These individuals should put "N/A" where Section 1 asks for an expiration date.

**▲ How do I correct a mistake on an I-9?**

If you find a mistake on an employee's Form I-9, you must have the employee correct errors in Section 1. Employers must make corrections in Section 2. To correct Form I-9 draw a line through the portions of the form that contain incorrect information and then enter the correct information. Initial and date your correction. If you have previously made changes on Form I-9 using

correction fluid, USCIS recommends that you attach a note to the corrected Form I-9 explaining what happened. Be sure to sign and date the note.

**▲ What should I do if I need to reverify an employee who filled out an earlier version of Form I-9?**

If you used a version of Form I-9 when you originally verified the employee that is no longer valid, and you are now reverifying the employment authorization of that employee, the employee must provide any document(s) they choose from the current Lists of Acceptable Documents. Enter this new document(s) in Section 3 of the current version of Form I-9 and retain it with the previously completed Form I-9.

**▲ Do I need to complete a new I-9 when one of my employees is promoted within my company or transfers to another company office at a different location?**

No.

**▲ What do I do when an employee's employment authorization expires?**

To continue to employ an individual whose employment authorization has expired, you will need to reverify the employee in Section 3 of Form I-9. Reverification must occur no later than the date that employment authorization expires. The employee must present a document from either List A or List C that shows either an extension of their initial employment authorization or new employment authorization. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, enter the document title, number, and expiration date (if any), in the Reverification and Rehires section (Section 3), and sign in the appropriate space.

If the version of Form I-9 that you used for the employee's original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the original Form I-9.

You may want to establish a calendar notification system for employees whose employment authorization will expire and provide the employee with at least 90 days' notice prior to the expiration date of the employment authorization.

You may not reverify an expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.

Some workers are eligible for an automatic extension of their Employment Authorization Document for 180 days, in certain circumstances. If your employee presents an expired Employment Authorization Document (Form I-766) in combination with an I-797C Notice of Action from USCIS indicating both timely filing for a renewal of their Employment Authorization document and eligibility for a 180-day automatic extension of their Employment Authorization Document (Form I-766), you should not reverify the employee based on the expiration date on the face of the Employment Authorization Document (Form I-766); instead, update Section 2 of Form I-9 at that time. When the automatic extension of the Employment Authorization Document (Form I-766) expires (180 days after the expiration date on the face of the Employment Authorization Document (Form I-766)), you must reverify the employee's employment authorization.

You cannot refuse to accept a document because it has a future expiration date.

**▲ Can I avoid reverifying by not hiring those whose employment authorization has an expiration date?**

No. You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an individual is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

**▲ Can I contract with someone to complete an I-9 for my business?**

Yes. You can contract with another person or business to verify employees' identities and employment authorization and to complete Form I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employer sanctions laws.

**▲ If I am a recruiter or referrer for a fee, do I have to fill out Form I-9 on individuals that I recruit or refer?**

No, with three exceptions: Agricultural associations, agricultural employers, and farm labor contractors must complete Form I-9 on all individuals who are recruited or referred for a fee. However, all recruiters and referrers for a fee must complete Form I-9 for their own employees hired after Nov. 6, 1986. Also, all recruiters and referrers for a fee are liable for knowingly recruiting or referring for a fee individuals not authorized to work in the United States and must comply with federal anti-discrimination laws.

**▲ If I am self-employed, do I have to fill out an I-9 on myself?**

A self-employed person does not need to complete a Form I-9 on their own behalf unless the person is an employee of a separate business entity, such as a corporation or partnership. If the person is an employee of a separate business entity, he or she, and any other employees, will have to complete Form I-9.

**▲ Is it true that some state employment agencies can certify that people they refer are authorized to work?**

Yes. A state employment agency may choose to verify the employment authorization and identity of an individual it refers for employment on Form I-9. In such a case, the agency must issue a certification to you so that you receive it within 21 business days from the date the referred individual is hired. If an agency refers a potential employee to you with a job order, other appropriate referral form or telephonically authorized referral, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. Before receiving the certification, you must retain the job order, referral form, or annotation reflecting the telephonically authorized referral as you would Form I-9. When you receive the certification, you must review the certification to ensure that it relates to the person hired and observe the person sign the certification. You must also retain the certification as you would a Form I-9 and make it available for inspection, if requested. You should check with your state employment agency to see if it provides this service and become familiar with its certification document.



**Employment Eligibility Verification**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

**USCIS**  
**Form I-9**  
OMB No. 1615-0047  
Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Attestation** (*Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.*)

Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )		Middle Initial	Other Last Names Used ( <i>if any</i> )	
Address ( <i>Street Number and Name</i> )			Apt. Number	City or Town		State ZIP Code
Date of Birth ( <i>mm/dd/yyyy</i> )	U.S. Social Security Number [ ][ ][ ] - [ ][ ][ ] - [ ][ ][ ][ ][ ]		Employee's E-mail Address		Employee's Telephone Number	

**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 boxes):**

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States ( <i>See instructions</i> )	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. ( <i>See instructions</i> )	
<i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i>	
1. Alien Registration Number/USCIS Number: _____ <b>OR</b> 2. Form I-94 Admission Number: _____ <b>OR</b> 3. Foreign Passport Number: _____ Country of Issuance: _____	
QR Code - Section 1 Do Not Write In This Space	

Signature of Employee	Today's Date ( <i>mm/dd/yyyy</i> )
-----------------------	------------------------------------

**Preparer and/or Translator Certification (check one):**

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.  
(*Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.*)

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date ( <i>mm/dd/yyyy</i> )	
Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )	
Address ( <i>Street Number and Name</i> )		City or Town	State ZIP Code

**SAMPLE FORM ONLY**



*Employer Completes Next Page*





**Employment Eligibility Verification**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

**USCIS**  
**Form I-9**  
OMB No. 1615-0047  
Expires 08/31/2019

**Section 2. Employer or Authorized Representative Review and Verification**

*(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")*

<b>Employee Info from Section 1</b>	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
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<b>List A</b> Identity and Employment Authorization	<b>OR</b>	<b>List B</b> Identity	<b>AND</b>	<b>List C</b> Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)
Document Title		<div><b>Additional Information</b></div> <div>QR Code - Sections 2 &amp; 3 Do Not Write In This Space</div>		
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

**Certification:** I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)		Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative		First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)			City or Town		State ZIP Code

**Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)**

<b>A. New Name (if applicable)</b>			<b>B. Date of Rehire (if applicable)</b>	
Last Name (Family Name)		First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)

**C.** If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
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**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	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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## LISTS OF ACCEPTABLE DOCUMENTS

### All documents must be UNEXPIRED

Employees may present one selection from List A  
or a combination of one selection from List B and one selection from List C.

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Authorization</b>	<b>OR</b>	<b>LIST B</b> <b>Documents that Establish Identity</b>	<b>AND</b> <b>LIST C</b> <b>Documents that Establish Employment Authorization</b>
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> <li>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:               <ol style="list-style-type: none"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</li> </ol> </li> </ol> </li> <li>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</li> </ol>		<ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> <li><b>For persons under age 18 who are unable to present a document listed above:</b></li> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>	<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</li> <li>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>7. Employment authorization document issued by the Department of Homeland Security</li> </ol>

**Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).**

**Refer to the instructions for more information about acceptable receipts.**





**Form I-9 Supplement,  
Section 1 Preparer and/or Translator Certification**

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

**USCIS  
Form I-9  
Supplement**  
OMB No. 1615-0047  
Expires 08/31/2019

<b>Employee Name:</b>	Last Name ( <i>Family Name</i> )	First Name ( <i>Given Name</i> )	Middle Initial
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**Instructions:** This supplement may be used if extra spaces are required to document more than one preparer and/or translator assisting an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided. Each preparer or translator must complete, sign and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date ( <i>mm/dd/yyyy</i> )	
Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )	
Address ( <i>Street Number and Name</i> )	City or Town	State	ZIP Code

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date ( <i>mm/dd/yyyy</i> )	
Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )	
Address ( <i>Street Number and Name</i> )	City or Town	State	ZIP Code

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date ( <i>mm/dd/yyyy</i> )	
Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )	
Address ( <i>Street Number and Name</i> )	City or Town	State	ZIP Code

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date ( <i>mm/dd/yyyy</i> )	
Last Name ( <i>Family Name</i> )		First Name ( <i>Given Name</i> )	
Address ( <i>Street Number and Name</i> )	City or Town	State	ZIP Code

**SAMPLE FORM ONLY**