Form I-9
Employment Eligibility Verification
www.uscis.gov/I-9Central
Agenda

- Background
- Completing Form I-9
- Storage and Retention
- Form I-9 and E-Verify
- Resources
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, and sanctions, of IRCA are found in Section 274A of the Immigration and Nationality Act (INA).
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
Employment Verification

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
Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Document abuse during Form I-9 process
- Retaliation

* Actual or perceived
Office of Special Counsel (OSC)

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

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 employment discrimination and employee rights and responsibilities*
  
  1-800-255-7688 (TDD: 1-800-616-5525)

- Employers may also contact OSC*
  
  1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous

See OSC’s “Employer Dos and Don’ts.”
Please respond to the poll question that will pop up on your screen.

- **Note:** Web Application participants are not able to receive or respond to the poll.
Form I-9 Requirements

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.
Form I-9 Exceptions

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

- Casual 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
List of Acceptable Documents

- Use MOST CURRENT **Form I-9** VERSION, 03/08/13

- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9

  The EMPLOYEE MUST provide:

  - One document from **List A**
  
  OR
  
  - One document from **List B** AND one document from **List C**
Section 1: Employee Information

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.)*

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Other Names Used (if any)</th>
</tr>
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<table>
<thead>
<tr>
<th>Address (Street Number and Name)</th>
<th>Apt. Number</th>
<th>City or Town</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
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<table>
<thead>
<tr>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>U.S. Social Security Number</th>
<th>E-mail Address</th>
<th>Telephone Number</th>
</tr>
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- To be completed by EMPLOYEE.
- Employer **MUST** verify Section 1 is COMPLETE.
Section 1: Employee Attestation

- 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.
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.

Signature of Preparer or Translator:  

Date (mm/dd/yyyy):

Last Name *(Family Name)*  

First Name *(Given Name)*

Address *(Street Number and Name)*  

City or Town  

State  

Zip Code

- 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.
Section 2: Employer Certification of Document Review

Completing Section 2

- 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.

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**Form I-9, Employment Eligibility Form**

**DATE** May 2015
Section 2: Examining 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

*Exception: Certified copy of a birth certificate
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 damaged.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date. EXCEPTIONS:
  - The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
  - The departure portion of the Form I-94/I-94A with a refugee admission stamp
- A receipt indicating that an individual has applied for an initial employment authorization document (Form I-766) or for a renewal 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.
Section 2: Copying 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.
Section 3: Reverification

| Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.) |
|--------------------------------------------------|----------------------------------------------------------|
| A. New Name (if applicable) Last Name (Family Name) First Name (Given Name) | Middle Initial |
| B. Date of Rehire (if applicable) (mm/dd/yyyy): |

C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.

- Document Title: ____________
- Document Number: ____________
- Expiration Date (if any) (mm/dd/yyyy): ____________

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.

<table>
<thead>
<tr>
<th>Signature of Employer or Authorized Representative:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date (mm/dd/yyyy):</td>
</tr>
<tr>
<td>Print Name of Employer or Authorized Representative:</td>
</tr>
</tbody>
</table>

- **You MUST** reverify an employee using Section 3 if his or her temporary employment authorization has expired.
- **You MAY** also complete Section 3 if you:
  - **Rehire** the EMPLOYEE within 3 years of the date of initial execution of the Form I-9*
  - Update the **biographic information** of an employee

* USCIS recommends completing a new Form I-9 for rehires
## Section 3: When to Reverify

### 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
Correcting 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 retained for:

3 years after the date you hire an employee

or

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

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 and E-Verify

Form I-9 must be completed before a case can be created in E-Verify.
What is E-Verify?

- Free web-based service
- Fast and easy to use

- Electronically verifies the employment eligibility of
  - Newly hired employees
  - Existing employees assigned to work on a qualifying federal contract

- Helps maintain a legal workforce
- Protects jobs for authorized workers

- Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)
E-Verify Goals

- **Reduce** unauthorized employment
- **Minimize** verification-related discrimination
- Be **quick and non-burdensome** to employers
- **Protect** civil liberties and employee privacy
How does E-Verify work?

1. Employment Information and Attestation
   - Employer verifies employee's identity and work eligibility.

2. E-Verify Authentication
   - E-Verify system checks employee's information against government databases.

3. DHS Verification
   - Department of Homeland Security confirms employee's eligibility.

Result:
- Employment Authorized
- TNC
- DHS Verification In Process
Results after TNC
You should check E-Verify periodically for one of the following responses:

- Employment Authorized
- Review and Update Employee Data
- Case in Continuance
- DHS Verification in Process
- DHS No Show
- Final Nonconfirmation
Resources
Federal law requires that every employer and agricultural recruiter/retailer for a fee hiring, or recruiting/referring for a fee, an individual for employment in the United States complete a Form I-9, Employment Eligibility Verification. Form I-9 will help you verify your employee's identity and employment authorization. You may click on the links to the left or on one of the icons below to find out more information about Form I-9.

**NOTE:** We will refer to both employers and agricultural recruiters and retailers for a fee collectively as "employers" for ease of reference throughout the I-9 Central.

On March 8, 2013, a new version of the Form I-9 was released. Beginning May 7, 2013, employers must only use the new Form I-9.

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**Bienvenido a la Central I-9**

Alerta: E-Verify está disponible. Para más información, haga clic aquí.

La ley federal exige que cada empleador, reclutador o agente que refiere trabajadores agrícolas a cambio de bonificaciones, y que contrate a un individuo para trabajar en los Estados Unidos, complete el Formulario "I-9, Verificación de Legitimidad de Empleo". El Formulario I-9 le ayudará a verificar la identidad de su empleado y su autorización de empleo. Para obtener más información sobre el Formulario I-9, haga clic en los icons que se encuentran a continuación.

[English version]

[Spanish version]
Form I-9 Resources

Form I-9, Employment Eligibility Verification

- [www.uscis.gov](http://www.uscis.gov) or [www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central)

M-274, Handbook for Employers, Guidance for Completing Form I-9 (Employment Eligibility Verification Form)

- M-274 in Spanish

Know your Rights

Mergers & Acquisitions

Examples of documents:

- Acceptable Documents
- Additional Documentation Requirements
- Guide to Selected US Travel & Identity Documents

Form I-9 Widget
Form I-9 Multimedia Resources

- Section 1 Vignette
- Section 2 Vignette
- Section 3 Vignette
- I-9 Webinar on Demand
What is myE-Verify

myE-Verify is a new, free web-based service for employees to participate in the E-Verify process.

- Confirm your work eligibility
- Create a myE-Verify account
- Protect your identity
- Learn about your rights
E-Verify Outreach

- Free Customized Webinars
- Content for your newsletters
- Authorization to use the E-Verify® Logo and Name and I E-Verify Seal
- Add E-Verify to your job announcements
  - Example: “Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit www.dhs.gov/E-Verify.”
Customer Service

E-Verify received the highest rating for customer service of all federal agencies.

(2013 American Customer Satisfaction Survey)

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: I-9Central@dhs.gov
- E-Verify E-Mail: E-Verify@dhs.gov
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.dhs.gov/E-Verify
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 Web site:  www.dhs.gov/E-Verify.
Feedback

COMMENTS ON OUR WEBINAR?

Send to:

Francine.L.Hill@uscis.dhs.gov

*Include date, time and topic of the webinar

THANK YOU!

www.dhs.gov/E-Verify