



Form I-9

Employment Eligibility Verification



Form I-9



U.S. Citizenship
and Immigration
Services

Agenda

Section I: Background

Section II: Completing Form I-9

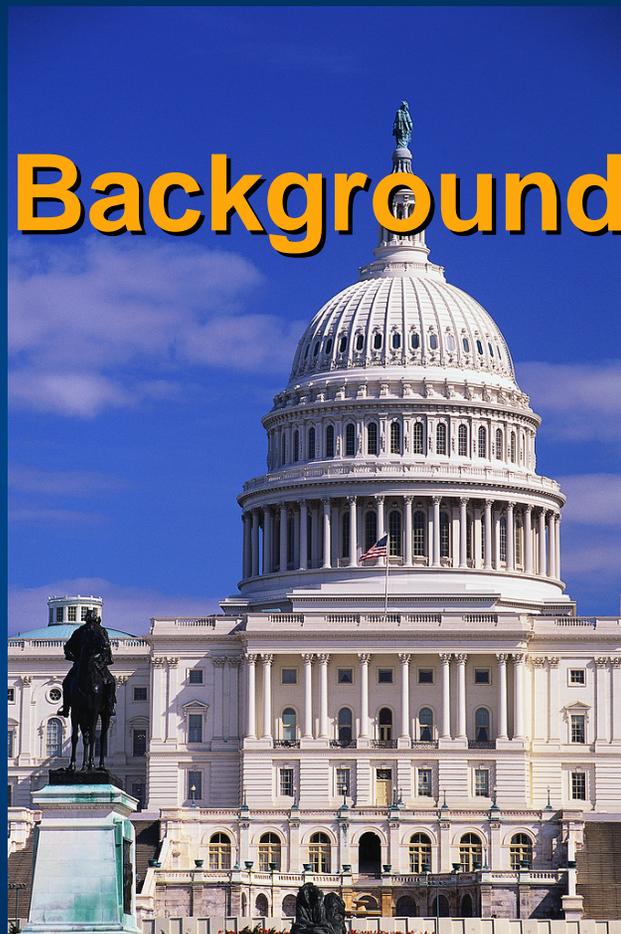
Section III: Retention & Storage

Section IV: Form I-9 & E-Verify

Form I-9



U.S. Citizenship
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Services





Background

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

IRCA does not allow employers to knowingly hire individuals who do not have work authorization in the United States

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



Background

Individuals who may legally work in the United States are:

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



Background

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

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



Background

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

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

* Actual or perceived



Background

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

Department of Justice
Civil Rights Division
Office of Special Counsel for
Immigration Related Unfair Employment Practices

- Employees may contact OSC to obtain additional information regarding discrimination and employee rights & responsibilities
1-800-255-7688 (TDD: 1-800-616-5525)
- Employers may also contact OSC and remain anonymous
1-800-255-8155 (TDD: 1-800-362-2735)

Form I-9



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Background

Form I-9 is an employment verification tool brought about by **IRCA**

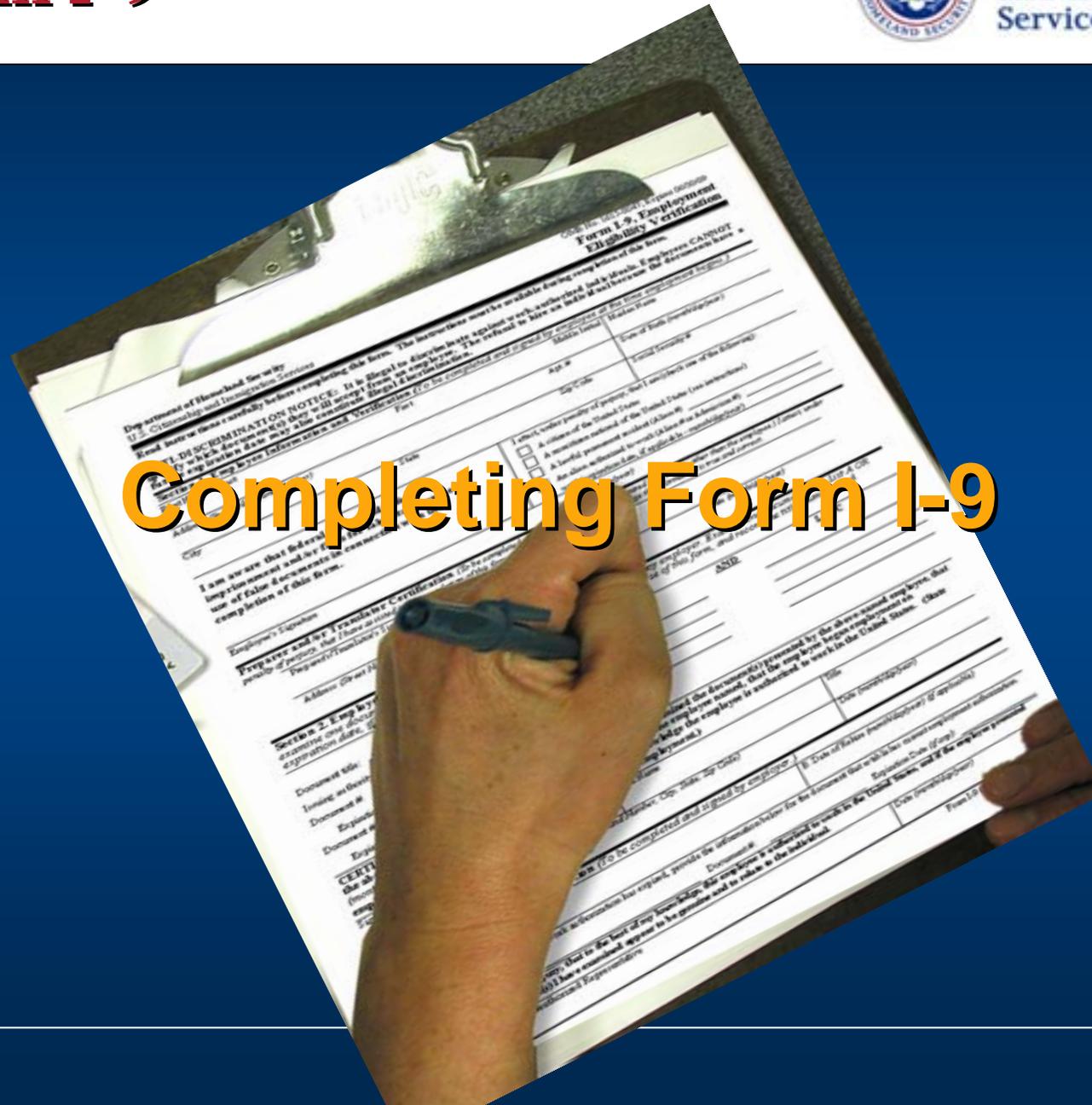
Form I-9 helps you verify whether individuals are authorized to work in the United States

Employers who knowingly violate or circumvent the Form I-9 process, or anti-discrimination requirements of the INA may be subject to civil and/or criminal penalties

Form I-9



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Form I-9



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Completing Form I-9

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

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

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



Completing Form I-9

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

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

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



Completing Form I-9

Mergers & Acquisitions

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

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

Under 1 or 2, all acquired employees should be treated the same to avoid discrimination concerns.

Form I-9



U.S. Citizenship
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Completing Form I-9

Section 1: Employee Information & Verification

OMB No. 1615-0047; Expires 08/31/12

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

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

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

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

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

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

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

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

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

Employee's Signature _____ Date *(month/day/year)* _____

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

Form I-9



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Completing Form I-9

Section 1: Important Area – Employee Attestation

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

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

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

Employee's Signature

Date (month/day/year)

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

Form I-9



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Completing Form I-9

Section 1: Preparer/Translator Certification

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

Preparer's/Translator's Signature

Print Name

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

Date *(month/day/year)*

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

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Completing Form I-9

Section 2: Employer Certification of Document Review

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

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

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

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

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

Form I-9



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Completing Form I-9

Section 2: List of Acceptable Documents

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

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

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Completing Form I-9

Section 2: List of Acceptable Documents

List A

Establishes Identity
and Employment
Authorization

List B

Establishes
Identity

List C

Establishes
Employment
Authorization

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

The EMPLOYEE MUST provide either

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



Completing Form I-9

Section 2: Documents – Genuineness and Photocopies

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

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



Completing Form I-9

Section 2: Receipt Rule

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



Completing Form I-9

Section 2: Receipt Rule

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



Completing Form I-9

Section 2: Copying Section 2 Documents

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

Form I-9



U.S. Citizenship
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Completing Form I-9 Section 3: Reverification

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

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

You MAY also complete Section 3 if you:

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

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

Form I-9



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Completing Form I-9

Section 3: Reverification

Do Not Reverify

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

Permanent Resident Reverification Exceptions

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

Usually Reverify (WHAT DOES THIS MEAN, USUALLY?)

- Others: Reverify only if the employment authorization document (List A or C) presented for Section 2 of the Form I-9 has an expiration date



Completing Form I-9

Correcting Mistakes –

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

Form I-9



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Storage & Retention





Storage

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



Retention

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

or

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



Retention

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

Example:

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

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

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

The retention date is November 1, 1996



New Employee Hotline – 1-888-897-7781

(available in English and Spanish)

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

Form I-9



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E-Verify & Form I-9

Form I-9



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What is E-Verify?

No-cost Internet based system

Fast & 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** and the **Social Security Administration**





What is E-Verify?

Program Goals

- **Reduce** unauthorized employment
- **Minimize** verification-related discrimination
- Be **quick and non-burdensome** to employers
- **Protect** civil liberties and employee privacy

Form I-9



U.S. Citizenship and Immigration Services

How does E-Verify work?

OMB No. 1625-0047, Expires 06/30/12
Form I-9, Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

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

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

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

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

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

I am, under penalty of perjury, that I am (check one of the following):
 A citizen of the United States
 A law-abiding national of the United States (see instructions)
 An lawful permanent resident (Alien #) _____
 An alien authorized to work (Alien # or Admission #) _____ and expiration date (if applicable - month/day/year) _____

Employee's Signature _____ Date (month/day/year) _____

Preparer and/or Employer Certification (To be completed and signed by preparer or employer other than the employee. I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.)

Preparer's/Employer's Signature _____ Title _____
 Address (Street Name and Number), City, State, Zip Code _____ Date (month/day/year) _____

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

Document Title	List A	List B	List C
Document #			
Expiration Date (if any)			
Expiration Date (if any)			

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

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

Section 3. Updating and Reverification (To be completed and signed by employee.)

A. New Hire (if applicable) _____ B. Date of Expiration (month/day/year) (if applicable) _____

C. If employer's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title	Document #	Expiration Date (if any)
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) have remained proper to be granted and to relate to the individual.		
Signature of Employer or Authorized Representative	Date (month/day/year)	

Form I-9 (Rev. 08/14/09) - Page 4



Form I-9





E-Verify Case Resolution

Once the employee resolves the record discrepancy, he/she should inform you

Check E-Verify periodically for one of the following responses

Employment Authorized

Review & Update Employee Data

Case in Continuance

DHS Verification in Process

DHS No Show

Final Nonconfirmation

Form I-9



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For More Form I-9 & E-Verify Information

Form I-9 Employment Eligibility Verification

<http://www.uscis.gov/files/form/i-9.pdf>

Form M-274, Handbook for Employers

<http://www.uscis.gov/files/nativedocuments/m-274.pdf>

E-Verify Website

<http://www.dhs.gov/E-Verify>

Form I-9



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Learn more about Form I-9 & E-Verify

- Verification, Outreach Branch provides:
 - **Speakers for your events**
 - **Panel Participants**
 - **Exhibit participation**
 - **Webinars**

Form I-9 & E-Verify E-Mail: [**E-Verify@dhs.gov**](mailto:E-Verify@dhs.gov)

Form I-9



U.S. Citizenship
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Contact Information

Customer Support: **(888) 464-4218**

Form I-9 & E-Verify E-Mail: **E-Verify@dhs.gov**

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

Form I-9 Website: **[Coming Soon – Form I-9 Central](#)**



Disclaimer

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

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

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

Form I-9



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Thank You