Form I-9 Employment Eligibility Verification

Every Employee. Every Time.
Disclaimer

This presentation is intended for employers and their authorized representatives. This presentation provides basic guidance about the rules and responsibilities during the employment eligibility verification process. For more information visit the I-9 Central website.

This presentation is not intended for members of the media. For all media inquiries visit the U.S. Citizenship and Immigration Services Media Contacts webpage.
Agenda

• Background
• Completing the Form I-9
• Storage and Retention
• Form I-9 and E-Verify
• Resources
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).
Working in the U.S.

- 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 **ALL** employers must:

- For Employees hired after November 6, 1986
  - Verify the **identity** and **employment authorization** documents
  - **Complete** and **retain** a Form I-9

- **Employers MUST refrain from discriminating against** individuals on the basis of actual or perceived national origin, citizenship or immigration status
The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Unfair documentary practices during Form I-9 process
- Retaliation

* Actual or perceived
The anti-discrimination provisions of the INA are enforced by:

Department of Justice Civil Rights Division
Immigrant and Employee Rights Section

- Employees may contact IER anonymously for information regarding employment discrimination and employee rights and responsibilities.

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

- Employers may also contact IER anonymously.

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

See IER’s “Employer Dos and Don’ts.”
Form I-9 Requirements

- As of May 1, 2020 you can only use Form I-9, Employment Eligibility Verification, with the 10/21/2019 revision date for all new hires and reverifications.

  • 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 an authorized representative, however, you will retain liability for any errors.

Visit I-9 Central Related News for updates.
Completing Form I-9

Section 1. Employer Information and Certification

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.

I am aware that failure to provide for illegal employment and/or the 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):

1. A citizen of the United States
2. A national or alien of a country with whom there is a valid registration number (USCG)
3. A nonimmigrant to whom the registration number (USCG) is issued
4. An alien authorized to work for a temporary period
   (see instructions for details)

Some applicants may also need to complete a declaration document.

Preparer and/or Translator Certification (check one):

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

Employee's Name:

Address:

City:

State:

Zip Code:

Click Finish
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; or
- Employees working outside the United States.*

*This statement excludes the 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands*
Lists of Acceptable Documents

- Use the most current Form I-9 version, 10/21/2019
- You must make the Lists of Acceptable Documents available to your EMPLOYEES when they complete the Form I-9.

The EMPLOYEE MUST provide:
- One document from List A (document that establishes both identity and employment authorization); or
- One document from List B (document that establishes identity) AND one document from List C (document that establishes employment authorization).

*If you are an E-Verify employer, you may only accept List B documents that contain a photograph.
• The employee completes Section 1 no later than 1st day of work for pay

• Employees of E-Verify employers must provide their Social Security Number.

• The email address is optional
  ▪ If provided, E-Verify employers must enter it in E-Verify

• Attestation

• Preparer or Translator
Section 1: Preparer/Translator Certification

Required when Section 1 is prepared by someone other than the employee.

Employees must:

• **Check the first box** if they **don’t** use a preparer or translator. They should not enter anything in these fields, because the check box is equivalent to stating “N/A.”

• **Check the second box** if they **use** a preparer or translator, then choose the number of preparers and translators used from the drop-down menu.
You complete Section 2 no later than **3 business days** after the employee begins work for pay.

The person that examines the **original, unexpired documents** in the presence of the employee **MUST** fill out, sign and date Section 2.

Date fields
- Today’s date
- First day of employment
On March 20, the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) announced flexibility in complying with requirements related to Form I-9, due to COVID-19. These provisions have been extended through **November 19, 2020**.

- Applies only to employers and workplaces that are operating remotely and employers must provide written documentation of their remote onboarding and telework policy for each employee. This burden rests solely with the employers.
- Employers must inspect the Section 2 documents remotely and obtain, inspect, and retain copies of the documents, within three business days of the employee’s start date.
- Enter “Remote Inspection completed on MM/DD/YYYY” in the Section 2 Additional Information field.
- **Within 3 business days of resuming normal operations, physically inspect documents with the employee present.**
- Write “COVID-19 - Documents physically examined on MM/DD/YYYY” as well as the initials of the person who performed the physical inspection to the Section 2 Additional Information field on the Form I-9, or to section 3 as appropriate.

See [Form I-9 completion examples](#) and [the ICE news release](#) for additional information.
Section 2: Examining Documents

You are not required to be a document expert

- You MUST accept a document your employee presents if it:
  - Reasonably appears to be genuine; and
  - Relates to the individual presenting it.

- The document must be original document(s) provided by the employee – photocopies are NOT acceptable, except for a **certified** copy of a birth certificate.
Section 2: Receipt Rule

- A receipt showing that your employee has applied to replace a document that was lost, stolen or damaged.
- The receipt must come from the originating agency issuing the replacement document.
- The employee must present the replacement document within 90 days of the hire date.

Receipts are never acceptable if employment will last less than three business days.

*Do not create the E-Verify case until the employee shows you the replacement document.*
Section 2: Copying Documents

You may choose to make copies of documents employees present for Section 2.

- If you choose to photocopy documents:
  - You must do so for all employees; and
  - Be consistent and copy all documents employees provide.

* If you are an E-Verify employer; you must photocopy the following documents if your employee voluntarily provides them for Section 2:
  - Form I-551, Permanent Resident Card (commonly called a Green Card);
  - Form I-766, Employment Authorization Document; or
  - A U.S. passport or passport card
Employers **MUST** reverify an employee using Form I-9 **Section 3** if their temporary employment authorization or temporary employment authorization document has expired.

You **MAY** also complete Section 3 if you:

- **Rehire** the employee within 3 years of the date you first completed Form I-9*; or
- Update the employee’s **biographic information**

* Do not create a new E-Verify case for an existing employee you are reverifying.
## Section 3: When to Reverify on Form I-9

<table>
<thead>
<tr>
<th>Reverify</th>
<th>Do not Reverify</th>
</tr>
</thead>
<tbody>
<tr>
<td>• An Employment Authorization Document (Form I-766) with an expiration date</td>
<td>• U.S. citizens and noncitizen nationals</td>
</tr>
<tr>
<td>• Form I-94 with temporary I-551 stamp</td>
<td>• U.S. passports or passport cards</td>
</tr>
<tr>
<td>• Unexpired foreign passport with temporary I-551 stamp</td>
<td>• Permanent Resident who present unexpired Permanent Resident or Alien Registration Receipt card (Form I-551)</td>
</tr>
<tr>
<td>• Expired Permanent Resident Card presented with Form I-797</td>
<td>• List B documents</td>
</tr>
</tbody>
</table>
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, keep the old form with the new 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:

- Give the employee the current version of the Form I-9;
- Complete the form as soon as possible;
- Do not backdate the form; and
- Attach a signed and dated explanation of the corrective action.

Guidance for Conducting Internal Audits
Storage

• **You must have a Form I-9 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.

• Store copies of documents with the Form I-9 or with the employee’s records.

• 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.
Calculate how much longer you must keep an employee’s Form I-9 once they stop working for you:

If they worked for less than two years, retain their form for three years after the date you entered in the First Day of Employment field.

OR

If they worked for more than two years, retain their form for one more year after the date they stop working for you.

EXAMPLES:

John Smith (Hired Nov. 1, 2019, terminated May 5, 2020): John worked for less than 2 years, keep his form for 3 years, until 11/01/2022

Betsy Ross (Hired Nov. 1, 2002, terminated May 5, 2020): Betsy worked for more than 2 years, keep her form for one more year, until 05/05/2021
You must complete Form I-9 before you create a case in E-Verify.
What is E-Verify?

- Free web-based service that’s fast and easy to use
- Electronically verifies the employment eligibility of:
  - Newly hired employees; and
  - Existing employees assigned to work on a qualifying federal contract
- 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?

Form I-9 Overview
Form I-9 Resources

I-9 Central
- I-9 Central
- Revised I-9 Table of Changes
- I-9Central/Espanol (Spanish)

M-274, Handbook for Employers
- M-274 Summary of Changes

Mergers & Acquisitions

Examples of documents:
- Acceptable Documents
- Automatic Extensions
- Combination Documents

I-9 Webinar on Demand & Vignettes
Please visit our COVID-19 Temporary Policy page for a full list and details regarding temporary policies related to Form I-9 and E-Verify. Go to [E-Verify.gov](https://www.E-Verify.gov) and click on the ‘Temporary Policies’ link.
**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 Engagement

Take advantage of our FREE Engagement services

Join another [public webinar](#) or [request a speaker](#) for your event or customized training.

**Topics include:** Form I-9 E-Verify Overview, E-Verify for Existing Users, Employee Rights, myE-Verify

[Seek approval for E-Verify® Logo Authorization](#)

You can use logos on websites, job announcements /applications, or company broadcasts to further advertise your company’s commitment to a legal workforce.
E-Verify received the highest rating for customer service of all federal agencies in the American Customer Satisfaction Survey!

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: i-9Central@uscis.dhs.gov
- E-Verify E-Mail: E-Verify@uscis.dhs.gov
- Form I-9 Website: www.uscis.gov/i-9Central
- E-Verify Website: www.E-Verify.gov
COMMENTS ON OUR WEBINAR? NEED MORE TRAINING?

Send to:

E-VerifyOutreach@uscis.dhs.gov

*Include date, time and topic of the webinar

THANK YOU!

www.E-Verify.gov