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

This presentation is intended for employers and their designated agents. This presentation provides basic guidance about the rules and responsibilities during the employment eligibility verification process. For more information visit the e-verify.gov website.

This presentation is not intended for members of the media. For all media inquires 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

A New Version of the Form I-9 is Available!
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
Immigrant and Employee Rights Section (IER)

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

- **Department of Justice Civil Rights Division**
- **Immigrant and Employee Rights Section**

- Employees may contact the [Immigrant and Employee Rights Section (IER)](tel:1-800-255-7688) 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 IER*
  1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous

See [IER’s “Employer Dos and Don’ts.”](#)
Form I-9 Requirements

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

- Employers should use the Form I-9 with revision date 10/21/2019 which was released to the public on January 31, 2020. Employers must begin using the revised version for all new hires and reverifications after April 30, 2020.

- 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.

Visit I-9 Central What’s New for updates.
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
Lists of Acceptable Documents

- Use MOST CURRENT **Form I-9** VERSION, 10/21/2019

- 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

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Other Last Names Used (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<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>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>U.S. Social Security Number</th>
<th>Employee's E-mail Address</th>
<th>Employee's Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

- To be completed by **EMPLOYEE**.

- Employer **MUST** verify [Section 1] is **COMPLETE**.
Section 1: 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 boxes):

1. A citizen of the United States.
2. A noncitizen national of the United States (See instructions).
3. A lawful permanent resident (Alien Registration Number/USCIS Number):
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. (See instructions)

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.

1. Alien Registration Number/USCIS Number: N/A
2. Form I-94 Admission Number: N/A
3. Foreign Passport Number: N/A
Country of Issuance: N/A

Signature of Employee

Today’s Date (mm/dd/yyyy)

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 (P/T) 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. No entries can be made in the fields as the check box is equivalent to stating N/A.

- **Check the second box** if they *use* a P/T, then choose from the drop-down menu the number of preparers and translators used.
Section 2: Employer Certification of Document Review

- Completed by EMPLOYER.

- MUST be completed no later than 3 business days after the employee begins 1st day of work for pay.

- EMPLOYER MUST examine original documents in presence of employee.

- Documents MUST be UNEXPIRED.
Section 2: Examining Documents

- 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
Redesigned Green Cards and Employment Authorization Documents

The Permanent Resident Card (Form I-551) and Employment Authorization Document (Form I-766) have been redesigned with:

- Enhanced graphics and fraud-resistant security features
- A unique graphic image and color palate
  - Green Cards will have an image of the Statue of Liberty and a predominately green palette
  - EAD cards will have an image of a bald eagle and a predominately red palette

Visit I-9 Central > News Releases for more information.

- Effective Jan 17, 2017
- Rule for Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers
- Auto-extends validity period of certain EADs for up to 180 days
- Employers use expired EAD with Form I-797C
- Form I-9 guidance: [Handbook for Employers (M-274)] and [Auto-Extended EAD Fact Sheet]
- Visit [I-9 Central] for more information
Section 2: Receipt Rule

There are only three types of acceptable receipts:

1. A receipt showing that your employee has applied to replace a document that was lost, stolen or damaged.
   - Employee must present a replacement document within 90 days of the hire date.
   - You cannot accept receipt if employment is less than 3 days.

2. The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
   - Receipt is valid until the expiration date on the stamp, or one year after the issuance date if the stamp does not contain an expiration date.
   - Employee must show you their Permanent Resident Card (I-551) upon expiration.

3. The departure portion of the Form I-94/I-94A with a refugee admission stamp or computer-generated printout of Form I-94 with admission code “RE”.
   - Employee must present an EAD or List B document and unrestricted Social Security Card within 90 days of the hire date.
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 & Rehires

- 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

Reverify

- When employment authorization document (List A or C) has an expiration date
- Form I-94 with a temporary I-551 stamp
- An unexpired foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV))
- Expired Permanent Resident Card presented with a Form I-797 (Notice of Action)

Do Not Reverify

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

- Provide the employee with a Form I-9
- Complete the Form I-9 as soon as possible
- 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.
- 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.
- Only retain completed forms containing a signature and date.
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, 2017, and terminated on July 5, 2018

\[
11/01/2017 + 3 \text{ years} = 11/01/2020 \\
07/05/2018 + 1 \text{ year} = 07/05/2019
\]
Form I-9 and E-Verify

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

On average, 1,500 businesses sign up every week.

Over 870,000 employers enrolled 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
  - 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?
## Results after TNC

Check E-Verify periodically for one of the following responses:

<table>
<thead>
<tr>
<th>Employment Authorized</th>
<th>The employee’s information matched records available to SSA and/or DHS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verification In Process</td>
<td>This case was referred to DHS for further verification.</td>
</tr>
<tr>
<td>Case in Continuance</td>
<td>The employee has visited an SSA field office or contacted DHS, but more time is needed to determine a final case result.</td>
</tr>
<tr>
<td>Final Nonconfirmation</td>
<td>E-Verify cannot confirm the employee’s employment eligibility after the employee visited SSA or contacted DHS.</td>
</tr>
<tr>
<td>Close Case and Resubmit</td>
<td>SSA or DHS requires that you close the case and create a new case for this employee. This result may be issued when the employee’s U.S. passport, passport card, or driver’s license information is incorrect.</td>
</tr>
</tbody>
</table>
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
Resources
Form I-9 Resources

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

M-274, Handbook for Employers

Mergers & Acquisitions

Examples of documents:
- Acceptable Documents
- Additional Documentation Requirements

I-9 Webinar on Demand & Vignettes
Frequently Asked Questions for the Revised Form I-9

Q. When may I begin using the new Form I-9?

A. Starting on January 31st, 2020, you may begin using the new form with the revision date on 10/21/2019. Visit https://www.uscis.gov/i-9 to view and download the most current form.

Q. May I continue to use earlier versions of the Form I-9?

A. You may use the previous version of the Form I-9 with the revision date of 07/17/2017N, however after April 30, 2020 you can only use the new form with the revision date of 10/21/2019.

Q. Where do I get the revised Spanish version of Form I-9?

A. You may download the Spanish version of this form from the USCIS website at https://www.uscis.gov/es/central-I-9.

Q: Where can I find out more on what changed on the Form I-9?

A: This new version contains minor changes to the form and its instructions. Click on the Table of Changes for more information.
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.e-verify.gov/
Customer Support

E-Verify received one of the highest customer service ratings among federal agencies according to 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@dhs.gov
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.e-verify.gov
Feedback

COMMENTS ON OUR WEBINAR?

Send to:

E-VerifyOutreach@uscis.dhs.gov

*Include date, time and topic of the webinar

THANK YOU!

www.e-verify.gov