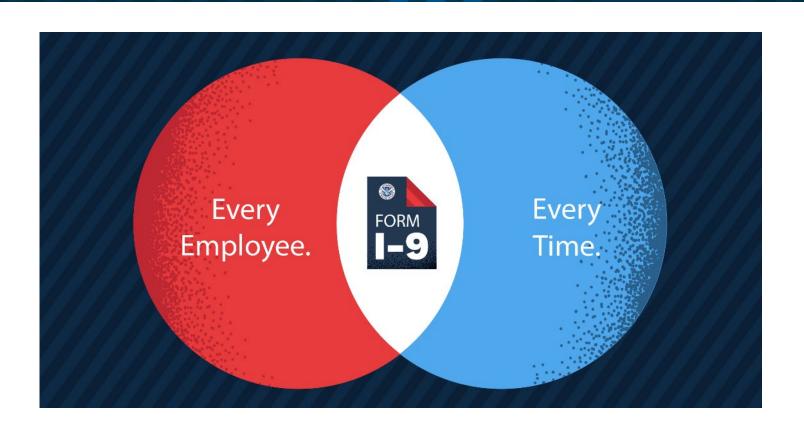


# Form I-9 Employment Eligibility Verification



### Disclaimer

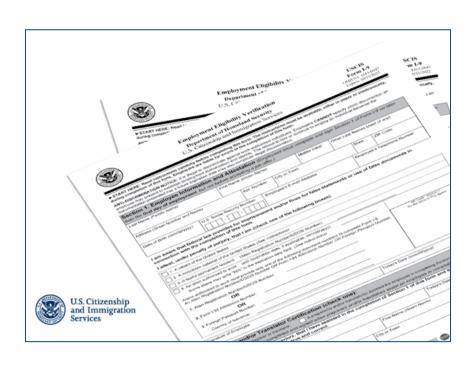
This presentation is intended for employers and their authorized representatives. This presentation provides basic guidance about the rules and responsibilities during the employment eligibility verification process. For more information visit the <u>I-9 Central</u> website.

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



# Agenda

- Background
- Completing the 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 <u>IRCA</u> are found in <u>Section 274A of the Immigration and Nationality Act</u> (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



### **Preventing Discrimination**

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



<sup>\*</sup> 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 <u>IER</u> 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)



— U.S DEPARTMENT OF JUSTICE —

IMMIGRANT & EMPLOYEE RIGHTS SECTION

— CIVIL RIGHTS DIVISION —

See <u>IER's "Employer Dos and Don'ts."</u>



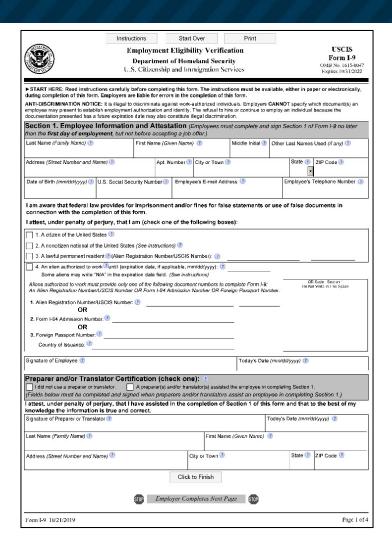
### Form I-9 Requirements

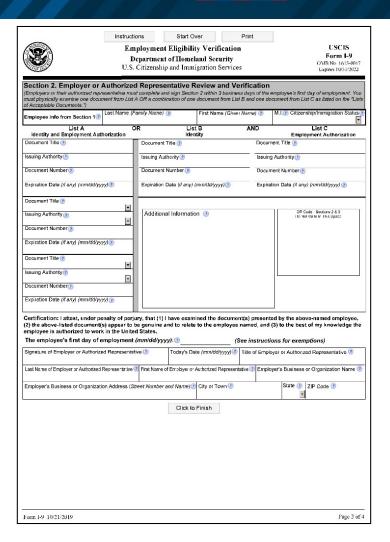
- As of May 1, 2020 you can only use <u>Form I-9, Employment Eligibility</u> <u>Verification</u>, with the 10/21/2019 revision date for all new hires and reverifications.
  - Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.
- You may delegate the authority to complete Form I-9 to an authorized representative, however, you will retain liability for any errors.

Visit <u>I-9 Central Related News</u> for updates.



## **Completing Form I-9**







### 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

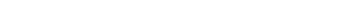


### **Lists of Acceptable Documents**

#### 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. LIST C Documents that Establish Documents that Establish Documents that Establish Both Identity and Identity Employment Authorization Employment Authorization 1. U.S. Passport or U.S. Passport Card 1. A Social Security Account Number Driver's license or ID card issued by a State or outlying possession of the card, unless the card includes one of 2. Permanent Resident Card or Alien United States provided it contains a the following restrictions: Registration Receipt Card (Form I-551) photograph or information such as (1) NOT VALID FOR EMPLOYMENT name, date of birth, gender, height, eye (2) VALID FOR WORK ONLY WITH 3. Foreign passport that contains a color, and address temporary I-551 stamp or temporary INS AUTHORIZATION I-551 printed notation on a machine-ID card issued by federal, state or local (3) VALID FOR WORK ONLY WITH readable immigrant visa government agencies or entities, DHS AUTHORIZATION provided it contains a photograph or 4. Employment Authorization Document Certification of report of birth issued information such as name, date of birth that contains a photograph (Form by the Department of State (Forms gender, height, eye color, and address DS-1350, FS-545, FS-240) School ID card with a photograph 5. For a nonimmigrant alien authorized 3. Original or certified copy of birth to work for a specific employer 4. Voter's registration card certificate issued by a State, county, municipal authority, or because of his or her status: 5. U.S. Military card or draft record territory of the United States a. Foreign passport: and bearing an official seal 6. Military dependent's ID card b. Form I-94 or Form I-94A that has 4. Native American tribal document the following: 7. U.S. Coast Guard Merchant Mariner (1) The same name as the passport; Card 5. U.S. Citizen ID Card (Form I-197) and Native American tribal document 6. Identification Card for Use of (2) An endorsement of the alien's Resident Citizen in the United Driver's license issued by a Canadian nonimmigrant status as long as government authority States (Form I-179) that period of endorsement has not yet expired and the Employment authorization proposed employment is not in For persons under age 18 who are document issued by the conflict with any restrictions or unable to present a document Department of Homeland Security limitations identified on the form. listed above: 6. Passport from the Federated States of School record or report card Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form 11. Clinic, doctor, or hospital record I-94 or Form I-94A indicating nonimmigrant admission under the 12. Day-care or nursery school record Compact of Free Association Between the United States and the FSM or RMI

- Documents avail
  when they comp
- Use the most current <u>Form I-9</u> 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.



Refer to the instructions for more information about acceptable receipts.

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



### Form I-9 Section 1: Employee Information and Attestation

- The employee completes
   Section 1 no later than 1<sup>st</sup>
   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. 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) (3) Middle Initial (3) Oth			Other L	her Last Names Used (if any) 💿					
Address (Street Number and Name) 3	Apt. Nu	Apt. Number ② City or Town ②				State ②	ZIP Code 🕖			
Date of Birth (mm/dd/yyyy) ③ U.S. Social Se	Birth (mm/dd/yyyy)  U.S. Social Security Number Employee's E-mail Address						Employee's Telephone Number ②			
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):										
2. A noncitizen national of the United States (See instructions)										
3. A lawful permanent resident (a) (Alien Registration Number/USCIS Number): (3)										
4. An alien authorized to work until (expine Some aliens may write "N/A" in the expine some aliens may write "N/A".					-					
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.										
Alien Registration Number/USCIS Number     OR	r. 🕖									
2. Form I-94 Admission Number: OR				_						
3. Foreign Passport Number:				_						
Country of Issuance: ②										
Signature of Employee ③				Today's Date	(mm/dd/	<i>(</i> yyyy) 🕐				
Preparer and/or Translator Certi	ification (che	ck one	(3)				_			
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 knowledge the information is true and	have assisted i									
Signature of Preparer or Translator 3				Т	Foday's E	Date (mm/d	d/yyyy) ②			
Last Name (Family Name) 3			First Nam	e (Given Name)	3)					
Address (Street Number and Name) ②		Cit	y or Town 🕐			State ②	ZIP Code 🔮			
Click to Finish										

### **Section 1: Preparer/Translator Certification**

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

#### **Employees must:**

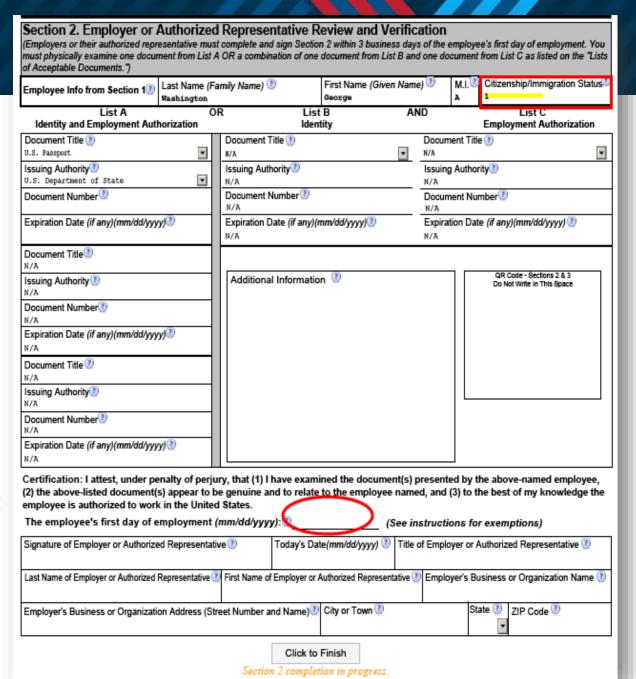
- Check the first box if they don't use a preparer or translator. They should not enter anything in these fields, because the check box is equivalent to stating "N/A."
- Check the second box if they use a preparer or translator, then choose the number of preparers and translators used from the drop-down menu.

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 (?)				Date (mm/dd/yyyy) 3						
Last Name (Family Name) ②				First Name (Given Name) ②						
Address (Street Number and Name) ②	City or	Town 🔮		State ③	ZIP Code ②					



### Form I-9 Section 2: Employer Certification of Document Review

- 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





# **COVID-19:**Form I-9 Physical Document Review Flexibility

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 <u>certified</u> copy of a birth certificate.







### **Section 2: Receipt Rule**

- A <u>receipt</u> 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.

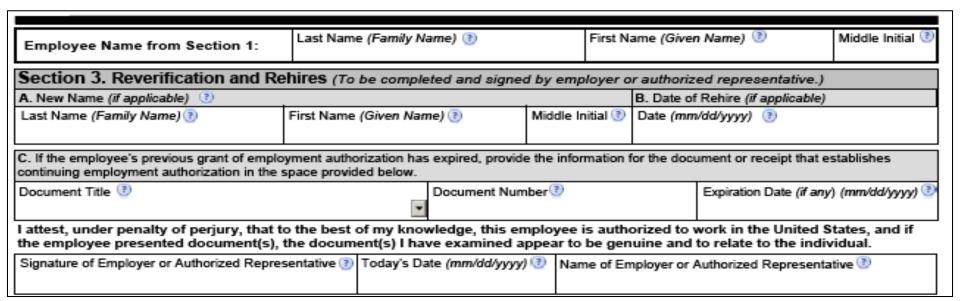
- If you choose to photocopy documents:
  - You must do so for all employees; and
  - Be consistent and copy all documents employees provide.



- \* 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



### Form I-9 Section 3: Reverification



- Employers MUST reverify an employee using Form I-9 <u>Section 3</u> 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 1-9

#### Reverify

- An Employment Authorization Document (Form I-766) with an expiration date
- Form I-94 with temporary I-551 stamp
- Unexpired foreign passport with temporary I-551 stamp
- Expired Permanent Resident
   Card presented with Form I-797

#### **Do not Reverify**

- U.S. citizens and noncitizen nationals
- U.S. passports or passport cards
- Permanent Resident who present unexpired Permanent Resident or Alien Registration Receipt 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, 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.



### Retention

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



# Form I-9 and E-Verify

### Form I-9 and E-Verify

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)











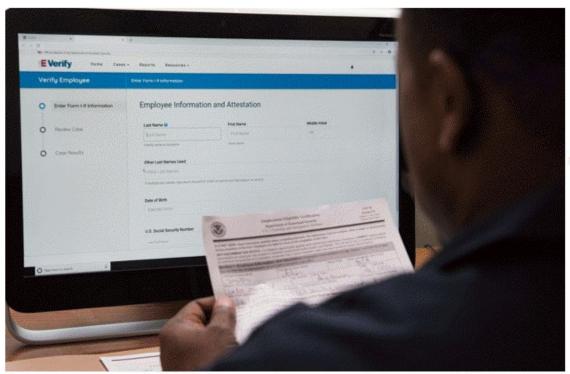
# **E-Verify Goals**

- 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 Resources

I-9 Central

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

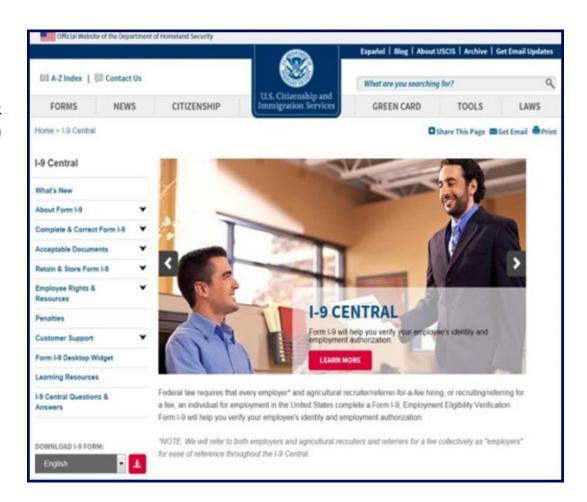
M-274, Handbook for Employers
M-274 Summary of Changes

**Mergers & Acquisitions** 

Examples of documents:

Acceptable Documents
Automatic Extensions
Combination Documents

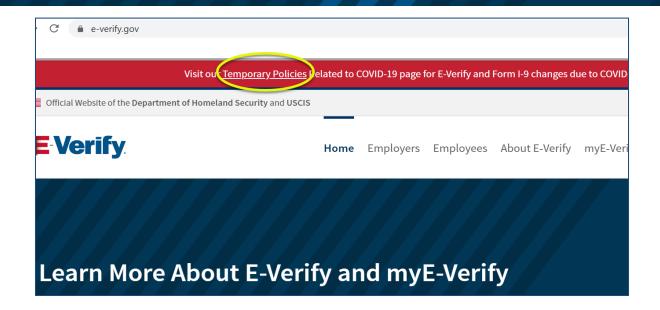
<u>I-9 Webinar on Demand & Vignettes</u>







### **Temporary Polices Related to COVID-19**



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 <u>E-Verify.gov</u> and click on the 'Temporary Policies' link.

# What is myE-Verify

myE-Verify is a new, free webbased 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 <u>public webinar</u> or <u>request a speaker</u> 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.



# **Customer Service Contact Center**

E-Verify received the highest rating for customer service of all federal agencies in the American Customer Satisfaction Survey!



✓ Employee Hotline: (888) 897-7781

√ Form I-9 E-Mail: <u>i-9Central@uscis.dhs.gov</u>

✓ E-Verify E-Mail: <u>E-Verify@uscis.dhs.gov</u>

√ Form I-9 Website: <u>www.uscis.gov/i-9Central</u>

✓ E-Verify Website: <u>www.E-Verify.gov</u>





### **Feedback**

#### **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

