Form I-9

Compliance Guidelines

Preparing, Storing, Purging
Covered Topics

- The Importance of I-9 Compliance
- Common Mistakes
- Future Expectations
Why?

- In November, 1986 the Immigration Reform and Control Act (IRCA) was passed by Congress to preserve our tradition of legal immigration while closing the door to illegal entry. IRCA placed requirements on U.S. employers to check the employment eligibility and identity of employees. Thus, the I-9 (Employment Eligibility Verification) Form was developed.

- Employers may not knowingly hire or continue to employ a person who is not authorized to work in the U.S.
  - Knowingly – “actual knowledge” or “constructive knowledge” (what the employer should have known.)
Why?

- U.S. Citizenship and Immigration Services (USCIS) – oversees lawful immigration to the United States.
  - Mission – Ensure the integrity of our immigration system

- Accuracy and Audits – An audit by USCIS of the I-9 process is probable. It is imperative that all I-9 records are maintained accurately.
Who Completes the I-9 Form?

- All employers are required to complete the I-9 for individuals who are hired to perform labor or services in return for wages.

- Exempt groups:
  - Employees hired before November 7, 1986
  - Independent contractors
  - Casual/domestic workers
  - Not physically working on U.S. soil
Which Version?

- Forms showing the following revision dates are valid:
  - Rev. 08/07/09 Y
  - Rev. 02/02/09 N

- Employers in Puerto Rico may use the Spanish or English version of the form. We may use the Spanish version as a translation guide but we must use the English version.
**Section 1, Employee**

<table>
<thead>
<tr>
<th>Print Name:</th>
<th>Last</th>
<th>First</th>
<th>Middle Initial</th>
<th>Maiden Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doe</td>
<td>Doe</td>
<td>John</td>
<td>Apt. #</td>
<td>01/01/1952</td>
</tr>
<tr>
<td>Address (Street Name and Number)</td>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
<td>Social Security #</td>
</tr>
<tr>
<td>123 Main Street</td>
<td>Washington</td>
<td>DC</td>
<td>20011</td>
<td>000-00-0000</td>
</tr>
</tbody>
</table>

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)
- [x] A lawful permanent resident (Alien #)

An alien authorized to work (Alien # or Admission #) 0000000000 until (expiration date, if applicable - month/day/year) 02/28/2011

Employee's Signature: John Doe
Date (month/day/year): 02/20/2009

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: Jane Doe
Print Name: Jane Doe
Address (Street Name and Number, City, State, Zip Code) | Date (month/day/year)
123 Main Street, Apt. 2, Washington, DC 20011 | 02/20/2009

• **May** be completed no earlier than the point of offer and acceptance.
• **Must** be completed no later than the first day of work.
About the name...

- Employee enters full legal name and maiden name, if applicable.

- If there are two last names (family names), include both. If there is a hyphen in the last name, include the hyphen (-) between the names.

- If you have two first names (given names), include both. If you hyphenate your first name, include the hyphen (-) between the names.

- Include your middle initial, if applicable.
Section 1 Common Mistakes

Employee did not:

» Sign or date the form
» Complete Section 1 by first day of work for pay
» Check one of the 4 boxes regarding status or checked the wrong box
» List an A # or Admission # (when required)
» Complete “authorized to work until” expiration date (when required)

Make sure the employee signs and dates the Form I-9. If not signed, employer assumes liability for false statements in Section 1.
Special Circumstances

- If under 18, Parent or legal guardian of a minor employee completes Section 1 and writes, “Individual under age 18” in signature space.

- Parent or legal guardian completes the Preparer and/or Translator Certification block.

- Employer enters “Individual under age 18” under List B and records the List C document the minor presents.

- Employees with Disabilities - Representative of a nonprofit organization, parent, or legal guardian of an individual with a disability completes Section 1 and writes, “Special Placement” in signature space.

- Representative, parent, or legal guardian completes the Preparer and/or Translator Certification block.

- Employer enters “Special Placement” under List B and records the List C document that the employee with a disability presents.
Form must be completed within 3 business days of the first day of employment
LISTS OF ACCEPTABLE DOCUMENTS
All documents must be unexpired

<table>
<thead>
<tr>
<th>LIST A</th>
<th>LIST B</th>
<th>LIST C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents that Establish Both Identity and Employment Authorization</td>
<td>Documents that Establish Identity</td>
<td>Documents that Establish Employment Authorization</td>
</tr>
<tr>
<td>OR</td>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td>1. Driver's license or ID card issued by a State or a foreign equivalent</td>
<td>1. Social Security Account Number card other than one that specifies the full Social Security account number</td>
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<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>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</td>
<td>2. Certification of Birth Abroad issued by the Department of State (Form FS-545)</td>
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<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</td>
<td>3. School ID card with a photograph</td>
<td>3. Certification of Report of Birth issued by the Department of State (Form DS-1350)</td>
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<tr>
<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td>4. Voter's registration card</td>
<td>4. Original certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</td>
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<td></td>
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<tr>
<td>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</td>
<td>5. U.S. Military card or draft record</td>
<td>5. Native American tribal document</td>
</tr>
<tr>
<td></td>
<td>6. Military dependent's ID card</td>
<td></td>
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<tr>
<td></td>
<td>7. U.S. Coast Guard Merchant Mariner Card</td>
<td></td>
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<tr>
<td></td>
<td>8. Native American tribal document</td>
<td></td>
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<td></td>
<td>9. Driver's license issued by a Canadian government authority</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For persons under age 18 who are unable to present a document listed above:</td>
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</tr>
<tr>
<td></td>
<td>10. School record or report card</td>
<td>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</td>
</tr>
<tr>
<td></td>
<td>11. Clinic, doctor, or hospital record</td>
<td></td>
</tr>
</tbody>
</table>

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)
Section 2, Employer

- The employee must present to you an original document or documents that show his or her identity and employment authorization.

- Employer may not request a specific document.

- List A or List B & List C
  - Must be on the List
  - Must not be expired document

- If you choose to make copies of documents your employee presents, you must do so for all employees, regardless of national origin or citizenship status.
Section 2, Employer

- Employer records document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee.

- NOTE: You may use abbreviations for commonly used documents, e.g., DL for driver’s license and SS for Social Security.

- Employer enters date employment began.

- Employer attests to examining the documents provided by completing the signature block.
Section 2, Employer
Special Circumstances

- Receipts??
  - May be acceptable for a limited period
  - Employee must present actual document

- Future Expiration Dates??
  - Does not preclude continuous employment authorization;
  - Does not mean that subsequent employment authorization will not be granted; and
  - Should not be considered in determining whether the individual is qualified for a particular position.
  - Must be reverified on or before the expiration date.
Section 2 Common Mistakes

- Accepted documents that did not “reasonably relate to the employee” (different names, different date of birth)
- Over-documentation or kept copies of documents for some employees, but not all
- Failed to record any documents on the form or left certain fields blank
- Did not complete the date of hire or used the wrong date
- Did not sign or date section 2
- Did not sign within 3 days of hire
Section 3, Updating and Reverification

- Can be used for reverifications, rehires or updates.

- Be sure it is still a valid version of the I-9 form.
Section 3, Name Changes

- Not required to update the I-9 if an employee changes their name.
- Documentation is not required but you can ask for the basis of the change.
- If offered, accept the new document to store with old ones.
Rules to Remember

- Use blue or black ink when completing the form.
- Don’t pre-populate Section 1 for the employee. They should complete.
- Don’t pre-populate Section 2. Do not type in specific acceptable documents ahead of time.
- Don’t use correction fluid to fix mistakes. Cross out the incorrect area and write in the correction next to it. Initial and date the change.
Maintenance of I-9’s

- After termination, must retain I-9 until 3 years after date of hire or 1 year after termination, whichever is later.
- Purge I-9’s as soon as possible.
- Organization is # 1
  - I-9’s for current employees
  - I-9’s for employees with expiration dates that require reverification.
  - I-9’s for terminated employees that need purging when appropriate.
- Never store I-9’s with personnel files.
WHAT IS WRONG WITH THIS FORM?
Form I-9 Resources

- Handbook for Employers
- USCIS - I-9 Central
  - http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=84c267ee5cb38210VgnVCM10000082ca60aRCRD&vgnextchannel=84c267ee5cb38210VgnVCM10000082ca60aRCRD