Form I-9 Employment Eligibility Verification

Every Employee. Every Time.
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.

This public webinar is not eligible for SHRM/HRCI professional development credits. Webinars that are eligible for professional development credits can be found on the E-Verify website
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

Lists of Acceptable Documents

FOR COMPLETING FORM I-9

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.

<table>
<thead>
<tr>
<th>LIST A</th>
<th>Documents that Establish Both Identity and Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td></td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td></td>
</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-515 stamp or temporary Form 551 printed notation on a machine-readable immigrant visa</td>
<td></td>
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<tr>
<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td></td>
</tr>
<tr>
<td>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status; and Foreign passport; and Form I-76 or Form I-94A that has the following:</td>
<td></td>
</tr>
<tr>
<td>(1) The same name as the passport and</td>
<td></td>
</tr>
<tr>
<td>(2) An endorsement of the alien’s nonimmigrant status as long as that 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></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIST B</th>
<th>Documents that Establish Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Driver’s license or ID card issued by a state or territory of the United States or the District of Columbia</td>
<td></td>
</tr>
<tr>
<td>2. ID card issued by 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></td>
</tr>
<tr>
<td>3. School ID card with a photograph</td>
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<tr>
<td>4. Voter registration card</td>
<td></td>
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<tr>
<td>5. U.S. Military card or draft record</td>
<td></td>
</tr>
<tr>
<td>6. Military dependents card</td>
<td></td>
</tr>
<tr>
<td>7. U.S. Coast Guard Merchant Mariner Card</td>
<td></td>
</tr>
<tr>
<td>8. Native American Tribal document</td>
<td></td>
</tr>
<tr>
<td>9. The alien’s license issued by a Canadian government authority</td>
<td></td>
</tr>
</tbody>
</table>

For persons under age 18 who are unable to present a document listed above:

| 10. School record or report card | |
| 11. Clinic, doctor, or hospital record | |
| 12. Day-care or nursery school record | |

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

Refer to the instructions for more information about acceptable receipts.

Form I-9

In the space provided, please enter the following:

- Employment Eligibility Verification
- Department of Homeland Security
- U.S. Citizenship and Immigration Services
- Form I-9
- USCIS
- Form I-9
- Date: 03/29/2019
- Day: March 29

Section 1. Employee Information and Attestation (Employers 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) |
- Middle initial |
- Other last names used | |

Address: 800 Main Street |
| City or town | State |
| Zip code |

Employee’s Initial Signature |

Note: If the employee cannot sign, the employer must sign and date below:

- Signature of Employer |
- Date of Employment |

Preparer and/or Translator Certification (check one):

- I will not act as a preparer or translator, unless the employee is requesting Section 1.2
- I am authorized to act as a preparer or translator, and I am not the employee in completing Section 1.2

Transcribed date(s) as indicated by the employee on the Form I-9.

Date of Employment: 03/29/2019

Signature(s) of Preparer or Translator |

Date of Preparation: 03/29/2019

Section 2. Employer’s Certification (complete and sign Section 2 of Form I-9 no later than the first day of employment, but not before accepting a job offer):

- By signing below, the employer certifies that:
  - The employee has presented documents to the employer that establish the identity and employment eligibility of the employee.
  - The documents presented are unexpired or not yet expired if the employee is not yet eligible to work.
  - The employer is aware of the provisions of the Immigration Reform and Control Act, including the sanctions that apply if the employer fails to properly complete and file Form I-9.

E-Verify March 29
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
### Form I-9 Section 1: Employee Information and Attestation

**Worker completes Section 1 no later 1st day of work for pay**

**Social Security Number is required for E-Verify**

**E-mail address is optional for employee**
- If provided, it MUST be entered in E-Verify
- Not a business e-mail address

**Attestation**

**Preparer or Translator**

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#### Section 1. Employee Information and Attestation

[Table with fields for Last Name, First Name, Middle Initial, Other Last Names Used, Address, Apt. Number, City or Town, State, ZIP Code, Date of Birth, Social Security Number, Employee’s E-mail Address, Employee’s Telephone Number, Signature of Employee, Preparer and/or Translator Certification, Signature of Preparer or Translator, Today’s Date]
Form I-9 Section 2: Employer Certification of Document Review

- EMPLOYER completes 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: Temporary Policy for List B Identity Documents

Beginning on May 1, List B docs set to expire on or after March 1, 2020, and not otherwise extended by the issuing authority, may be treated the same as if the employee presented a valid receipt for an acceptable document for Form I-9 purposes.

When your employee provides a List B document not extended by the issuing authority you should:

- Record the document information in Section 2 under List B; and,
- Enter the word “COVID-19” in the Additional Information Field
- Within 90 days after DHS’s termination of this temporary policy, the employee will be required to present a valid unexpired document to replace the expired document presented when they were initially hired.

When the employee later presents an unexpired document, you should:

- In the Additional Information Field, record the number and other required document information from the actual document presented;
- Initial and date the change.

Notes:
*It is best if the employee can present the replacement of the actual document that was expired, but if necessary, the employee may choose to present a different List A or List B document or documents*
If the employee’s List B identity document expired on or after March 1, 2020, and the issuing authority **has extended** the document expiration date due to COVID-19, the document is acceptable as a List B document for Form I-9 (not as a receipt) during the extension timeframe specified by the issuing authority.

When your employee provides a List B document extended by the issuing authority you should:
- Enter the document’s expiration date in Section 2; and,
- Enter “COVID-19 EXT” in the Additional Information Field.

Employers may also attach a copy of a webpage or other notice indicating that the issuing authority has extended the documents. Employers can confirm that their state has auto-extended the expiration date of state IDs and driver’s licenses by checking the state Motor Vehicle Administration or Department of Motor Vehicles’ website.

**Note:**
*For extended documents, the employee is not required to later present a valid unexpired List B document.*

*E-Verify participating employers should use the employee’s expired List B document number from Section 2 of the Form I-9 to create an E-Verify case as usual within three days of the date of hire.*
COVID-19: Form I-9 Physical Document Review Flexibility

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 **April 30, 2022**.

- 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 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, except for a certified copy of a birth certificate.
A receipt showing that your employee has applied to replace a document that was **lost, stolen** or **damaged**.

- The receipt must be issued by the originating agency.
- Employee must present original replacement document or another acceptable document (or documents) within 90 days of the hire date.

*Receipts are never acceptable if employment will last less than 3 business days. For more information, please see [I-9 Central Acceptable Documents-Receipts](#).*

**E-Verify** cases should be delayed until the replacement receipt is provided.
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,
  - Be consistent and copy **all** documents employees provide

**E-Verify employers** must photocopy the following documents if voluntarily provided by the employee for Form I-9 Section 2:
I-551 Lawful Permanent Resident Card, I-766 Employment Authorization Document, or US Passport or Passport Card
Form I-9 Section 3: Reverification

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></td>
</tr>
<tr>
<td>• Form I-94 with temporary I-551 stamp</td>
<td></td>
</tr>
<tr>
<td>• Unexpired foreign passport with temporary I-551 stamp</td>
<td></td>
</tr>
<tr>
<td>• Expired Permanent Resident Card presented with Form I-797</td>
<td></td>
</tr>
<tr>
<td>• U.S. citizens and noncitizen nationals</td>
<td></td>
</tr>
<tr>
<td>• U.S. passports or passport cards</td>
<td></td>
</tr>
<tr>
<td>• Permanent Residents who present an unexpired Permanent Resident or Alien Registration Receipt card (Form I-551)</td>
<td></td>
</tr>
<tr>
<td>• List B documents</td>
<td></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

Storage and Retention
Form I-9 and E-Verify

You must complete Form I-9 before you create a case in E-Verify.

March 29
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
- Revised I-9 Table of Changes
- I-9Central/Espanol (Spanish)
- Form I-9 DACA Guidance
- Updated Receipts Guidance
- Form I-9 and E-Verify Natural Disaster Fact Sheet

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
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 [E-Verify.gov](https://e-verify.gov) and click on the ‘Temporary Policies’ link.
Temporary Policy Resources related to COVID-19

Form I-9 Physical Document Review for Section 2
Because of ongoing precautions related to COVID-19, DHS has extended the Form I-9 requirement flexibilities to April 30, 2022.

Renewal of List B Identity Documents
Because many areas are under stay-at-home orders due to COVID-19 and renewal service restrictions, DHS has issued a temporary policy regarding expired List B identity documents used to complete Form I-9, Employment Eligibility Verification.

Form I-9 Verification During Employment Authorization Document (EAD) Delays Due to COVID-19
The production of certain Employment Authorization Documents (Form I-766, EADs) is delayed due to COVID-19. Through Feb. 1, 2021, new employees who are waiting for their EAD and current employees who require reverification may present certain Forms I-797, Notice of Action, as a Form I-9 List C #7 document that establishes employment eligibility, even though the notice states it is not evidence of employment authorization. See I-9 Central for additional details.

E-Verify Extended Timeframes to take action to resolve Tentative Nonconfirmations
E-Verify is extending the timeframe to take action to resolve certain Tentative Nonconfirmations (TNCs) due to SSA and other office closures to the public.

See the COVID-19 temporary policies page and Q&A for the most up-to-date information related to any of these policies.
On April 1, 2022, USCIS will dispose of E-Verify records that are more than 10 years old, which are those dated on or before Dec. 31, 2011. E-Verify employers have until **March 31, 2022**, to download case information from the Historic Records Report if they want to retain information about these E-Verify cases.

- Employers are required to record the E-Verify case verification number on the corresponding **Form I-9**, Employment Eligibility Verification, or attach a copy of the case details page to the Form I-9. Employers should retain the Historic Records Report with the Forms I-9.

- For more information and guidance on downloading the Historic Records Report, see the [fact sheet](#) and [instructions for downloading](#).
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.

March 29
E-Verify received the highest rating for customer service of all federal agencies in the American Customer Satisfaction Survey!

- Form I-9 Website: [www.uscis.gov/i-9Central](http://www.uscis.gov/i-9Central)
- E-Verify Website: [www.E-Verify.gov](http://www.E-Verify.gov)
- 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
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