



POMS

USCIS FORM I-9 COMPLIANCE ISSUES

Tips for Completing, Retaining, and Destroying USCIS Forms I-9





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TODAY'S PRESENTER



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His experience in HR management is in the public, private for-profit, and private non-profit sectors, having served in executive and other management positions. He received his BA in English Literature and Education at Bucknell University, and his EMBA & Ph.D. from the University of New Mexico. He is also a Lecturer on the faculty of the UNM graduate School of Public Administration, teaching in the areas of human resource management, leadership, organizational behavior, strategy and change, and NPO management.

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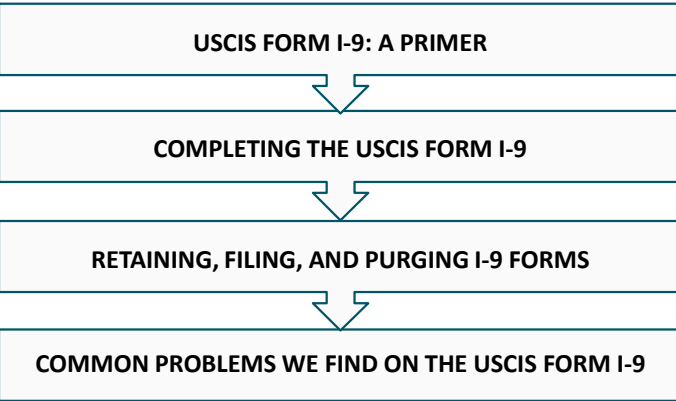
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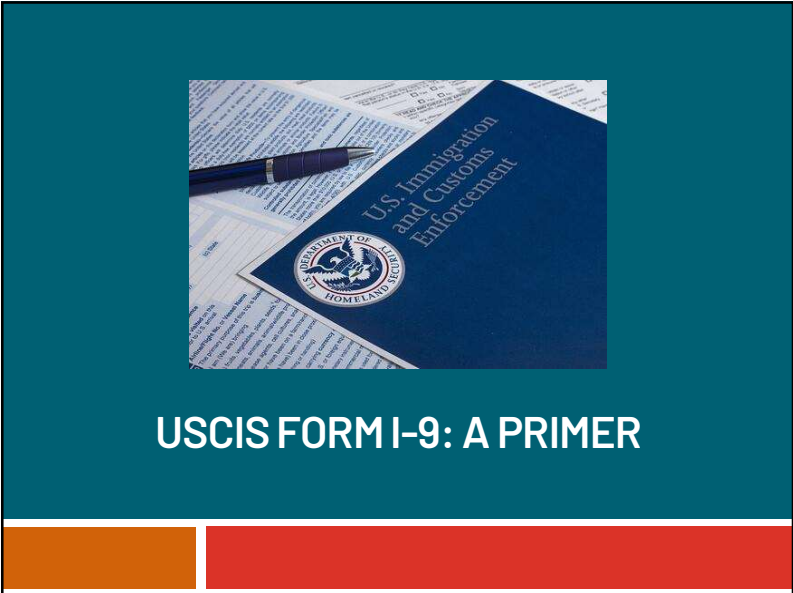
TODAY'S TOPICS AND AGENDA



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graph TD
    A[USCIS FORM I-9: A PRIMER] --> B[COMPLETING THE USCIS FORM I-9]
    B --> C[RETAINING, FILING, AND PURGING I-9 FORMS]
    C --> D[COMMON PROBLEMS WE FIND ON THE USCIS FORM I-9]
  
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BACKGROUND

- In 1986, 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

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IMMIGRATION & CUSTOMS ENFORCEMENT (ICE)

In compliance with the Immigration Reform and Control Act of 1986, all U.S. employers must verify the identity and employment eligibility of all new employees (both citizen and noncitizen) **hired after November 6, 1986**. This requirement is satisfied by having newly hired employees complete the **United States Citizenship and Immigration Services (USCIS) Form I-9**. Violations of this federal law result in penalties for an employer. It is therefore important that hiring managers or human resource staff who are responsible for overseeing the completion of Forms I-9 know how the form is to be completed and retained.

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WHY IS AN I-9 FORM REQUIRED?

- The form I-9 is required by the federal government to verify employment eligibility.
 - The form I-9 is distributed by the U.S. Citizenship and Immigration Services (USCIS).
- There are significant penalties for noncompliance.
 - An employer can be fined between \$250 - \$11,000 per violation
 - An employer can also be fined between \$110 - \$1,000 for each Form I-9 violation.
 - Individuals who submit false or forged documents or knowingly and falsely complete the Form I-9 may be fined or imprisoned for up to 5 years.

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WHY IS AN I-9 FORM REQUIRED?

- All U.S. employers must have a **Form I-9** on file for all current employees.
 - Employers should be using the Form I-9 with revision date **10/21/2019** which was released to the public on January 31, 2020.
 - **NOTE:** Expiration Date is 10/31/2022 – watch for an extension, or for a new revised USCIS Form I-9
 - Employers should have begun 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.
- The Employer may delegate the authority to complete Form I-9 to a responsible agent but will still retain liability for any errors.
- Visit [I-9 Central What's New](#) for updates.

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EMPLOYER RESPONSIBILITIES


- Fill out and keep a Form I-9 for every person they hire for employment in the United States, *as long as the person works for pay or other benefits.*
- Ensure that newly hired employees complete and sign Section 1 of Form I-9 **no later than the first day of employment.**
- Have the employee present an original document(s) that show his or her identity and employment authorization within 3 business days of the date employment begins.
- Retain an employee’s completed Form I-9 for as long as the individual works for the employer. However, Form I-9 does not need to be filed with any federal agency.
- Make Forms I-9 available within 3 days of an official request for inspection.



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EMPLOYER RESPONSIBILITIES

- **Preventing Discrimination**
- The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:
 - Citizenship or immigration status discrimination
 - National origin discrimination (actual or perceived)
 - Document abuse during Form I-9 process
 - Retaliation



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EMPLOYER RESPONSIBILITIES

- **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)** to obtain additional information regarding employment discrimination and employee rights and responsibilities (*callers may remain anonymous*)
 - **1-800-255-7688 (TDD: 1-800-616-5525)**
- Employers may also contact IER (*callers may remain anonymous*)
 - **1-800-255-8155 (TDD: 1-800-362-2735)**

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BASIC I-9 REQUIREMENTS/REGULATIONS

- Employers may NOT specify, or suggest, which documents they will expect from the employee.
- Only original documents are acceptable for verification purposes.
- Copies of supporting documents are not required for citizens but are required for permanent residents and non-residents to be submitted with the I-9.
- *White Out* (correction fluid or tape) may NOT be used on the I-9 form.
- Non-citizens who have a “999” number assigned to them must provide a valid social security number within 30 days of hire.
- Certain documents listed on the I-9 list are no longer acceptable because of E-Verify. List B documents must include a photograph.
- All documents must be current and valid. (Expired documentation is not acceptable.)

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WHO DOES NOT COMPLETE A FORM I-9?

- Employees transferring from one distinct unit of an employer to another distinct unit of the same employer.
- Employees returning from temporary layoff for lack of work.
- Independent Contractors.
- Volunteers (Unless they are receiving payment (other than monetary) such as for food or lodging, etc.)

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WHEN IS AN EMPLOYEES FORM I-9 COMPLETED?

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WHEN IS AN EMPLOYEES FORM I-9 COMPLETED?

Section 1

- Completed by the employee no later than **the first day of employment** for pay.

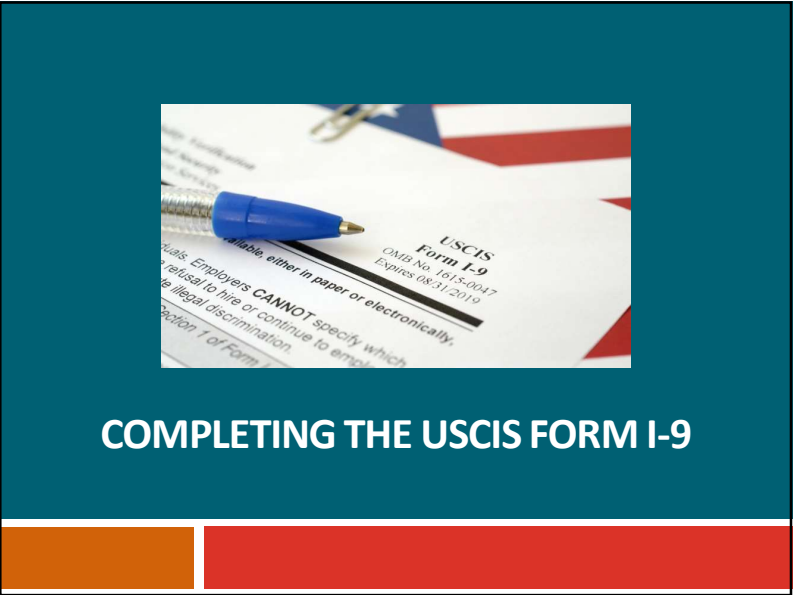
Section 2

- Employers must complete and sign Section 2 of Form I-9, and provide Employment Eligibility Verification, within 3 business days of the date of hire of their employee (the hire date means the first day of work for pay). So, if your employee began work for pay on Monday, you must complete Section 2 by Thursday of that week.

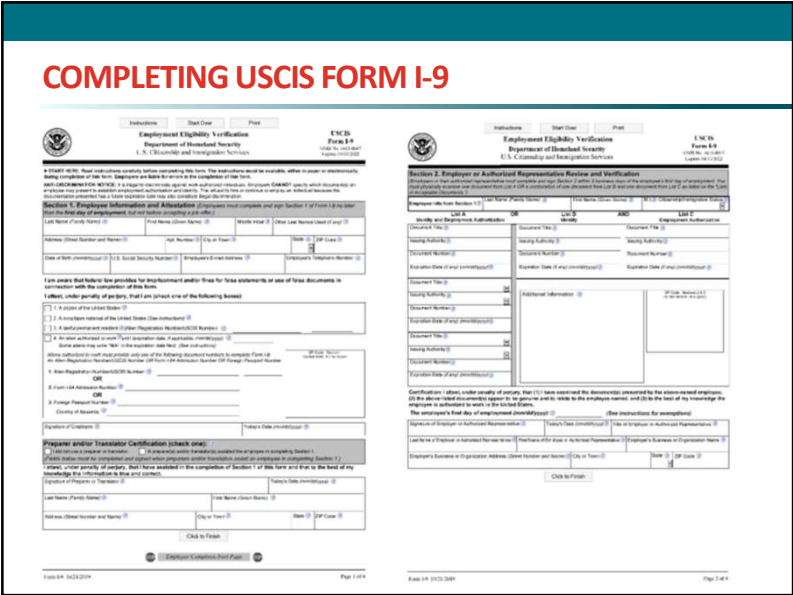
Section 3

- Completed by the Office of Human Resources in the event of a break in service or re-verification of temporary documents.

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COMPLETING USCIS FORM I-9

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



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COMPLETING USCIS FORM I-9


Form I-9

SECTION 1

Employee Information and Verification

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HEADING & FOOTER: Revision Date, Expiration Date



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
 Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. **Employers are liable for errors in the completion of this form.**

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. **Employers CANNOT specify which document(s) an employee may present to establish employment authorization and identity.** The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

STOP *Employer Completes Next Page* STOP

Form I-9 10/21/2019 Page 1 of 3

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Section 1: Employee Information

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)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's E-mail Address		Employee's Telephone Number	

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.

- To be completed **by the EMPLOYEE** no later than the first business day of employment for pay.
- Employer **MUST VERIFY** that [Section 1](#) is **COMPLETE**.

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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):

<input type="checkbox"/> 1. A citizen of the United States	<input type="checkbox"/> Alien Number <input type="checkbox"/> Alien Number <input type="checkbox"/> USCIS Number
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)	
<input checked="" type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): A	
<input type="checkbox"/> 4. An alien authorized to work (until expiration date, if applicable, mm/dd/yyyy): N/A	

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	QR Code - Section 1 Do Not Write in This Space
OR	
2. Form I-94 Admission Number: N/A	
OR	
3. Foreign Passport Number: N/A	
Country of Issuance: N/A	

Signature of Employee: _____ Today's Date (mm/dd/yyyy): _____

- EMPLOYEE MUST** select one of the 4 categories and sign and date Section 1 of Form I-9.

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Section 1: Preparer/Translator (P/T) Certification

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		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

- This certification is 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. If the first box is checked, 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.
 - If the dropdown indicates more than one P/T, the form automatically generates an extra page to enter up to four more P/Ts
 - P/Ts must sign and date the areas by hand.
 - If the form is being completed on paper, P/Ts may use the supplement on the Form I-9 download page to enter multiple P/Ts.

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COMPLETING USCIS FORM I-9

Form I-9

SECTION 2

Lists of Acceptable Documents

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Section 2: 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
- You **CANNOT** tell or **suggest** which documents they are to provide.
- The **EMPLOYEE MUST** provide:
 - One document from **List A OR**
 - One document from **List B AND** one document from **List C**

Note: Employers who participate in E-Verify can only accept a List B document if it contains a photograph.

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 A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-951 stamp or temporary I-951 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer located in the U.S. as follows: A. Foreign passport, and B. Form I-94 or Form I-94A that has the following: (1) The same name as the passport and (2) An endorsement of the alien's nonimmigrant status as being in that period of endorsement that period of endorsement has not expired and the nonimmigrant employment is not in conflict with any restrictions or limitations identified on the form 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	1. Driver's license or ID card issued by a State or ruling government of the United States provided it contains a photograph or identification such as name, date of birth, gender, height, eye color, and address 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 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or staff record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Identification Card for Use of Resident Citizen in the United States (Form I-179) 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	1. A Social Security Account Number card, unless the card includes one of the following notations: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH DHS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Original or certified copy of birth certificate issued by a State, County, municipal authority, or territory of the United States bearing an official seal 3. Certification of report of birth issued by the Department of State (Forms DS-1362, FS-545, FS-240) 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

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.

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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**.

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Section 2: EMPLOYER CERTIFICATION - 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
- If you receive a document that doesn't seem genuine, isn't related to the employee or doesn't appear under the Lists of Acceptable Documents:
 - Then reject the document and ask for another one that meets the requirements.
- The document **MUST** be original* – photocopies are **NOT** acceptable
 - *Exception: Certified copy of a birth certificate

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 A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-951 stamp or temporary I-951 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer located in the U.S. as follows: A. Foreign passport, and B. Form I-94 or Form I-94A that has the following: (1) The same name as the passport and (2) An endorsement of the alien's nonimmigrant status as being in that period of endorsement that period of endorsement has not expired and the nonimmigrant employment is not in conflict with any restrictions or limitations identified on the form 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	1. Driver's license or ID card issued by a State or ruling government of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 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 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or staff record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Identification Card for Use of Resident Citizen in the United States (Form I-179) 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	1. A Social Security Account Number card, unless the card includes one of the following notations: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH DHS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Original or certified copy of birth certificate issued by a State, County, municipal authority, or territory of the United States bearing an official seal 3. Certification of report of birth issued by the Department of State (Forms DS-1362, FS-545, FS-240) 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

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.

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Section 2: 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.

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Section 2: Employment Authorization Documents (EAD) Auto-Extension

- 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

Employment Authorization Document (Form I-766) Sample

The category notation appears on the face of the Employment Authorization Document (Form I-766) under "Category".

The expiration date appears on the face of the Employment Authorization Document (I-766) to the right of the "card expires".

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Section 2: EMPLOYER CERTIFICATION – RECEIPT RULE

There are only three type of acceptable receipts:

- 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.**
- 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.
- 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.
 - Receipts are never acceptable if employment will last less than 3 business days.

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Section 2: COPYING VERIFICATION 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.
- If copies of documents presented by your employees were made, they should be kept with the corresponding Form I-9. (*recommend attached*)
- Pros and Cons to keeping copies of documents (*except for other purposes*)
 - (Check your state:** For example, in Colorado, Louisiana, and Tennessee, employer must retain copies of employee's I-9 identity and authorization documents)
 - Employers **MUST** copy I-9 documents in order to comply with E-Verify
- If you decide to change from keeping copies of documents to NOT keeping copies, follow USCIS rules.

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Section 2: COPYING VERIFICATION DOCUMENTS

- If you choose to copy or scan documents an employee presents when completing Form I-9, you must retain the copies with their Form I-9 or their employee record.
- If you make copies or electronic images of the employee's documents, you must make them available at the time of a Form I-9 inspection by DHS or another federal government agency.
- If you are enrolled in E-Verify**, you must copy the following List A documents used as part of photo matching:
 - U.S. passport;
 - U.S. passport card;
 - Form I-551, Permanent Resident Card; and
 - Form I-766, Employment Authorization Document (EAD).

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COMPLETING USCIS FORM I-9

Form I-9

SECTION 3

Updating and Reverification

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Section 3: REVERIFICATION & REHIRE

- You **MUST** reverify an employee using **Section 3** if the employee's 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. Reverification and Rehires <i>(To be completed and signed by employer or authorized representative.)</i>			
A. New Name (if applicable)		B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)
C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.			
Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.			
Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative	

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Section 3: REVERIFICATION & UPDATES

- If an **employee changes their name in conjunction with an extended employment authorization**, the name change on new work authorization documents must be recorded during the reverification process.
- If an **employee changes his or her name for personal reasons**, such as marriage, this change is not required to be captured by updating a Form I-9, although it is allowed.
- Employers also have the option of using Section 3 of an original Form I-9 **when an employee is rehired within three years of the original hire date to reverify his or her employment authorization instead of completing a new Form I-9**. If the original Form I-9 used has since been replaced by a newer version, however, then a new Form I-9 must be completed.

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Section 3: REVERIFICATION & UPDATES

- **Federal contractors that are subject to the Federal Acquisition Regulation (FAR) E-Verify clause** and that choose to verify existing employees by updating existing Forms I-9 have special rules regarding when they must complete new Forms I-9.
- Under this option, a new Form I-9 must be completed when an employee changes his or her name. For more information, see the E-Verify Supplemental Guide for Federal Contractors.



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Section 3: REVERIFICATION & UPDATES

For employees whose documentation needs to be reverified:

- **Establish a calendar notification system** for employees whose employment authorization will expire and provide the employee with at least 90 days' written notice prior to the expiration date of the employment authorization.
- Inform that that **they will be required to present a List A or List C document** (or acceptable receipt) showing continued employment authorization on the date that their employment authorization or documentation expires.
- If the employee has a **Form I-765, Application for Employment Authorization**, pending with the U.S. Citizenship and Immigration Services (USCIS), and the application has been pending for 75 days, the employee may call the USCIS Contact Center to request expedited processing.

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Section 3: REVERIFICATION & UPDATES

For employees whose documentation needs to be reverified:

- If the employee has provided documentation indicating **another temporary work authorization**, update the reverification spreadsheet with the first reverification date and the new expiration date when the employee's work authorization will need to be reverified on the Form I-9.
- In the event an **employee is unable to obtain renewed work authorization**, employers should refer to their internal policy or practice regarding whether a leave of absence will be granted to allow additional time to obtain the necessary documentation or if the employee will be terminated.

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Section 3: WHEN TO REVERIFY

Reverifying Employment Authorization for Current Employees

- You must reverify an employee's employment authorization no later than the date employment authorization expires.
 - The employee must present a document that shows current employment authorization, such as any document from List A or C, including an unrestricted Social Security card.
- Complete Section 3 of the employee's original Form I-9. If you already used Section 3 for a previous reverification or update, use Section 3 of a new Form I-9.
 - You must also complete Section 3 of a new Form I-9 if the form you used for the previous verification is no longer valid.

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Section 3: WHEN TO REVERIFY

Reverifying or Updating Employment Authorization for Rehired Employees

- If you rehire employees within three years from the date you completed their previous Form I-9, you may either use that form or complete a new one. If you choose to use their previous form, follow these guidelines to complete Section 3:
 - If they are still authorized to work, they do not need to provide any additional documents. This includes U.S. citizens, noncitizen nationals, and lawful permanent residents who presented a Form I-551. For these employees, you must:
 - Enter the employee’s full name from the original Form I-9 at the top of Section 3.
 - Enter any name change in Block A.
 - Enter their rehire date in Block B.
 - Enter your name and sign and date Section 3.
 - If their employment authorization has expired, you must:
 - Enter the employee’s full name from the original Form I-9 at the top of Section 3.
 - Enter any name change in Block A.
 - Enter the rehire date in Block B.
 - Reverify their employment authorization in Block C.
 - Enter your name and sign and date Section 3.

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Section 3: WHEN TO REVERIFY

Reverifying or Updating Employment Authorization for Rehired Employees (Continued)

- If the previous Form I-9 is an old version of the form, you must complete Section 3 on **the current version** of the form.
- If you already used Section 3 of the employee’s previous Form I-9, but are rehiring them within three years of the original Form I-9, complete Section 3 on a new Form I-9 and attach it to the previously completed form.
- Employees rehired three years after you originally completed their Form I-9 must complete a new Form I-9.
- Enter the employee’s new name, if applicable, in Block A.
- Enter the employee’s date of rehire, if applicable, in Block B
- Enter the List A or C document title, number, and expiration date (if any) in Block C
- Sign and date Section 3.

Note: If you need to reverify the employment authorization of an existing employee who completed an earlier version of Form I-9, the employee may choose any List A or C document(s) from the Lists of Acceptable Documents for the most current version of Form I-9. Enter the new document(s) information in Section 3 of the current version of Form I-9 and keep it with the previously completed Form I-9. Visit uscis.gov/i-9 for the most current version of Form I-9.

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Section 3: WHEN TO REVERIFY

DO reverify when a Lawful Permanent Resident (LPR) initially presented the following:

- **Expired LPR Card and Form I-797, Notice of Action (which is issued when an individual applies to renew an LPR Card), that indicates the LPR Card’s validity has been extended.**
 - These documents are acceptable “List C” evidence, requiring reverification at the end of the extension period. Note that the employee must still present a valid, unexpired “List B” document to satisfy the initial Form I-9 verification.
- **Form I-94 or Form I-94A, Arrival-Departure Record, containing an unexpired temporary I-551 stamp and a photograph of the individual.**
 - Employers must conduct a reverification no later than when the I-551 stamp expires, or one year after the issuance of Form I-94 or Form I-94A, Arrival-Departure Record, should the record not indicate an expiration date.

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Section 3: WHEN TO REVERIFY

DO reverify when a Lawful Permanent Resident (LPR) initially presented the following:

- **Current foreign passport with a photograph and either a temporary I-551 stamp or I-551 printed notation on a Machine-Readable Immigrant Visa.**
 - Additionally, if the current, foreign passport is, in the rare instance, endorsed with “CR-1,” rather than an I-551 stamp, the employer is reminded that the “CR-1” endorsement is the equivalent of an I-551 stamp.
 - Employers must conduct a reverification when the I-551 stamp or I-551 printed notation on the Machine-Readable Immigrant Visa expires. If there is no expiration date listed, the reverification must occur no later than one year from the date that the I-551 was stamped or “CR-1” was endorsed in the foreign passport.

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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



I-551 Stamp

Unexpired Foreign Passport with I-551 Stamp

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Section 3: WHEN NOT TO REVERIFY

Reverifying Employment Authorization for Current Employees

- Reverification is never required for U.S. citizens or noncitizen nationals.
- Reverification is also never required when the following documents expire:
 - U.S. passports, U.S. passport cards, Form I-551 (Alien Registration Receipt Cards/Permanent Resident Cards, which are also known as Green Cards), and List B documents.
- Employees with expiring immigration status, employment authorization, or employment authorization documents should have the necessary application or petition filed well in advance to ensure they maintain continuous employment authorization and/or valid documents.
 - USCIS provides employment authorization extensions under certain conditions. See Section 6.0, Evidence of Status for Certain Categories, for more information - <https://www.uscis.gov/i-9-central/handbook-for-employers-m-274/60-evidence-of-status-for-certain-categories>

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Section 3: WHEN NOT TO REVERIFY

Do not reverify when an employee:

- Takes an approved leave from work, or a leave allowed under state or federal law, the employer’s policy, or a union contract.
- Is laid off temporarily because of lack of work.
- Goes on strike or is involved in some other way in a labor dispute.
- Is reinstated in your job by a court, arbitrator, or other body after disciplinary action.
- Is engaged in seasonal employment.
- Transfers from one unit to another with the same employer.
- Unless reverification does not apply (for the situations stated above), then when your employee’s employment authorization or employment authorization documentation expires your employee must present unexpired documents from either List A or List C showing authorization to work.
 - Receipts for a lost, stolen or damaged document are acceptable for reverification.

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Section 3: WHEN NOT TO REVERIFY

Do not reverify when an employee (Continued):

- Continues in their job after an employer sells or transfers the business to another employer, so long as the new employer maintains your original employer’s records and I-9 forms.
- Workers to whom any of these things happen are considered to be under “continuing employment,” and you should not reverify the employment eligibility of such workers.
- If an employee is rehired within three years of the original hire date and is still authorized to be employed on the same basis as on the original Form I-9, employers may complete block B and the signature and date blocks.
- If an employee is rehired within three years of the original hire date and his or her work authorization used previously has expired, employers should examine the new document provided and complete block B, block C, and the signature and date blocks.

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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.
 - Recommend stapling the three documents together

Missing Forms

- If you discover you are missing the Form I-9 for an employee:
 - Immediately provide the employee with a Form I-9.
 - Allow employee 3 business days to provide acceptable documents.
 - DO NOT backdate the Form I-9.

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WHAT ABOUT E-Verify ?

Form I-9 and E-Verify

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

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WHAT ABOUT 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

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WHAT ABOUT E-Verify ?

- E-Verify is required for all employers who have federal contracts.
- Nine states—Alabama, Arizona, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Utah—require E-Verify for all employers (Some states have exemptions for small businesses).
- Eleven states—Colorado, Florida, Idaho, Indiana, Michigan, Missouri, Nebraska, Oklahoma, Texas, Virginia and West Virginia—require E-Verify for most public employers. Minnesota and Pennsylvania require E-Verify for some public contractors and subcontractors.
- E-Verify provides an instant employment eligibility confirmation.
- Information will be entered into E-Verify from the I-9 and supporting documents.
- Verification number is printed on the I-9 when employment is approved.
- New hire and re-hire Forms cannot be entered without the completed I-9 Form, including the E-Verify number.
- Must post E-Verify posters in any location where people apply for work, or fill out paperwork

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WHAT ABOUT E-Verify ?

How Does E-Verify Work?

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WHAT ABOUT E-Verify ?

Results After Tentative Non-Confirmation (TNC)

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

Employment Authorized	The employee's information matched records available to SSA and/or DHS.
Verification In Process	This case was referred to DHS for further verification.
Case in Continuance	The employee has visited an SSA field office or contacted DHS, but more time is needed to determine a final case result.
Final Nonconfirmation	E-Verify cannot confirm the employee's employment eligibility after the employee visited SSA or contacted DHS.
Close Case and Resubmit	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.

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RETAINING, FILING, AND PURGING THE I-9 FORM

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RETAINING, FILING, AND PURGING THE I-9

- Ensure that you file and retain I-9 forms in a manner that they are ready for an audit or inspection and that meets both Form I-9 retention requirements.
- I-9 forms should always be maintained separately from personnel files and retained according to the USCIS retention requirements:
 - "I-9 forms should be retained for three years after the date of hire, or one year after the date employment ends—whichever is later."

RETENTION	
1. Date employee began work for pay	1.
A. Add three years to the date on line 1	A.
2. The date employment was terminated	2.
B. Add one year to the date on line 2	B.
3. Which date is later, A or B?	3.
C. Enter the later date	C.

You must retain the form through this date

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RETAINING, FILING, AND PURGING THE I-9

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, 2019, and on July 5, 2021, employment was terminated.
- November 1, 2019, + 3 years = November 1, 2022
- July 5, 2021, + 1 year = July 5, 2022
- The retention date is November 1, 2022

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I-9 RETENTION WORKSHEET

Employee Name _____

Date of Hire: _____ + 3 years = _____ (Date A)

Date of Separation: _____ + 1 year = _____ (Date B)

Take the later date (Date A *or* Date B) and enter in the box below:

I-9 RETENTION DATE
Retain this employee's I-9 until this date.

I-9 Retention Rule: All current employees, hired after November 6, 1986, must have I-9 Forms on file with the employer. An employer must retain the I-9 Form for each employee *either* three years after the date of hire *or* one year after the employee's last date of employment, **whichever is later.**

STEP 1: On the employee's *first day*, complete employee name and date of hire. Staple this form directly to the I-9.

STEP 2: On the employee's *last day*, complete date of separation, complete the calculations, and enter the retention date in the box provided.

STEP 3: On the retention date, destroy this form and the I-9 form.

For all *current employees*, complete this form in its entirety on the employee's *last day*.

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RETAINING, FILING, AND PURGING THE I-9

- Current employees should always have a Form I-9 on file; only after they are terminated will it be necessary to calculate retention requirements.
- In the I-9 file, you will have the I-9 form (of course) and any supporting documentation (must be stored together), **if you choose to keep copies** of those documents.
 - I don't recommend keeping copies of documents *(except for other purposes)*
 - **(Check your state:** For example, in Colorado employer must retain copies of employee's I-9 identity and authorization documents)
- For filing, I recommend having three 3-Ring binders, with alphabetical tabs. One binder for active employees, one for inactive employees, one binder for reverifications.

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RETAINING, FILING, AND PURGING THE I-9

How do I change the process of keeping copies of I-9 acceptable documents, to not keeping copies?

- *Form I-9 regulations allow employers to choose whether or not to keep copies of documentation employees submit to complete Form I-9. Therefore, you may choose to begin or end the practice of keeping copies of documentation at any time, as long as you do so for all employees, regardless of national origin or citizenship status, or you may be in violation of anti-discrimination laws.*
- *Do not shred previously retained copies of documents. Once copies of documents are made, they must be retained with the Forms I-9 or with the employee's records.*
- *If you participate in E-Verify and the employee presented a document used as part of Photo Matching, you must retain a photocopy of the document he or she presented and continue to retain a photocopies of these documents if presented by new hires.*

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RETAINING, FILING, AND PURGING THE I-9

- **USCIS I-9 Forms:** While it is acceptable to place these files in the personnel file, you should not do so.
- A best practice is to keep a binder of I-9 forms for all employees in a secure area. This will allow ease of access for an audit and prevent investigators from viewing more information than necessary.
 - This file should be housed in a secure location in the human resource department in 3-ring binders, file alphabetically (use alpha tabs) by employee's last name:
 - One binder(s) for active employees
 - One binder(s) for inactive separated employees whose I-9 forms must still be retained.
 - One binder(s) for time limited work authorized employees - Tab those I-9 forms that are subject to renewal for action 30 days prior to expiration
 - Purge and destroy all Forms I-9 once retention schedule is met

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RETAINING, FILING, AND PURGING THE I-9

Develop an Administrative Resource Reference Binder

Include the following types of documents in the administrative section:

- A copy of the *Handbook for Employers* and Form I-9 instructions. (The most recent Form I-9, Instructions for Form I-9 and the *Handbook for Employers* are available at the [I-9, Employment Eligibility Verification](#) page of the USCIS website).
- Documentation or spreadsheets for tracking reverifications and temporary visas that will expire.
- Security policies and procedures if the employer maintains I-9 records electronically.
- Documentation of the results of any internal Form I-9 audits conducted.
 - This helps support any claims that the organization has taken proactive steps to correct past mistakes or if I-9 documents are somehow lost.
 - This is also where to document what occurred and why new Forms I-9 were completed well after the hire date. This documentation could make a difference in the amount of financial penalties assessed to an organization if it is subjected to a formal Form I-9 audit.

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RETAINING, FILING, AND PURGING THE I-9

- Purge and destroy I-9 records the way you dispose of other, confidential information for your business. Whatever you retain is subject to audit and potential liability.
- Keep a list of I-9 records that have been destroyed. An I-9 destruction record should include
 - an employee's name; identification number; date of hire; date of termination; date the I-9 should be destroyed; date the I-9 was destroyed; and the name, title and signature of the staffer who destroyed it
- For a dispersed workforce, I-9s should be filed in a central location, so that the removal process may be centralized.
- Destroy expired I-9s as often as possible—presumably daily for electronic systems.
- Have a yearly review of the electronic database or paper files to determine if there are I-9s that should have been destroyed but were missed.
- Keep orderly I-9s and correctly destroy them - it's easier to deal with an audit.

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RETAINING, FILING, AND PURGING THE I-9

- Proper disposal methods should follow The Fair and Accurate Credit Transactions Act (FACTA) standards, which include at a minimum:
 - For I-9 paper records, shredding, burning, pulping, or pulverizing the records so that **personally identifiable information (PII)** is rendered unreadable, indecipherable, and otherwise cannot be reconstructed.
 - For PII on electronic media, clearing (using software or hardware products to overwrite media with non-sensitive data), purging (degaussing or exposing the media to a strong magnetic field in order to disrupt the recorded magnetic domains), or destroying the media (disintegration, pulverization, melting, incinerating, or shredding).
- Shred all and shred regularly – deter the accumulation of confidential paper stored in your office, creating a security risk.
- Shred before recycling – keep it confidential.
- Shred using a professional service – and ensure there are no security loopholes anywhere in the process. Get a certificate of transfer

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**TYPES OF FORM I-9 COMPLIANCE VIOLATIONS:
COMMON PROBLEMS TO WATCH OUT FOR**

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COMMON FORM I-9 MISTAKES



Incomplete Forms
Employers may forget to add the candidate's name in section-2 or miss filling the section that involves preparer/ translator.




Missing Deadlines
Sometimes employers fail to complete the Form I-9 within 3 business days of employment.




Signature & Date
Employer or employee may forget to sign the form after completion, making it invalid.

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COMMON FORM I-9 MISTAKES



Incorrect I-9 version
Using the correct version of Form I-9 which is valid at the employee's date of hire is as important as completing the form.



Missing re-verification
Using the correct version of Form I-9 which is valid at the employee's date of hire is as important as completing the form.



Incorrect supporting documents
Employers may fail to identify the authenticity of supporting documentation presented and may accept incorrect documents.

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COMMON FORM I-9 MISTAKES

The USCIS gives the following list as best practices concerning your I-9. Make sure that:

- All information is clear and legible
- Your payroll records match the section 2 employee start date
- No inappropriate marks, tears, or holes impede the document's legibility; including using "white-out"
- Copies of all forms and documents are able to be easily read
- Any abbreviations or acronyms are explained or otherwise understood
- All information that applies to the situation is complete
- You are using the most recent iteration of the I-9 form
- You have a version of the I-9 that is in English (except for Puerto Rico)
- You are not discriminating against any employee in this regard

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COMMON FORM I-9 MISTAKES - EMPLOYERS

- Employers do not enter the approved documentation on the I-9 form.
- Employers fail to sign and date the Certification, Section 2
- Employers fail to enter the specific document number, expiration date, issuer, or title on the I-9 form.
- Omitting the Alien Registration Number when the employee is a permanent resident.
- Accepting incorrect documents for verification.
- Employers do not enter the initial date of hire in certification clause.
- Employers do not enter the name, address, or title of the business
- If the employer is not using E-Verify, he/she is not obligated to enter the Social Security numbers in Section 1. If the employer is utilizing E-Verify, a Social Security number is required.
- Employers fails to submit Section 2 after the third business day of initial employment.
- Employers incorrectly submit Section 3 after the employee has had his/her work authorization expire.
- Allowing untrained staff to administer I-9s.

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COMMON FORM I-9 MISTAKES - EMPLOYEES

- Employees inaccurately enter their name, date of birth, or address.
- When employees select “Lawful Permanent Resident” they do not enter the USCIS number which should immediately follow.
- The Form I-94 section is not entered correctly. The USCIS number is typically not entered.
- Employees fail to sign the attestation
- Employees do not enter the initial day of employment
- Employees fail to indicate residency status
- If the I-9 form is assisted by a translator, the employee fails to have the translator sign, print his/her name, and date the form.

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COMMON FORM I-9 MISTAKES – EMPLOYERS & EMPLOYEES

Employers and Employees also make mistakes relating to completion and general organization.

- Not completed within timeframe
- Failure to sign and date documentation verification
- Inaccurately entering employee residency status
- Failure to complete both sides of application
- Missing sheets
- White Out (or similar) is not permitted anywhere on the I-9 form.
- Employers use the incorrect version of the I-9 form.
- Failure to comply with the photocopying policy. The employer cannot decide to only make copies of some employee’s verification documentation. If the employer wishes to keep copies, he/she must make copies for all the employees.

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COMMON FORM I-9 MISTAKES – EMPLOYERS & EMPLOYEES

Employers and Employees also make mistakes relating to completion and general organization.

- **Are you using the most up-to-date I-9 form?**
 - It’s best to not print out a large stack of forms at once.
 - Visit [USCIS.gov](https://uscis.gov) to download the latest I-9 forms – DO NOT KEEP COPIES IN A DRAWER
- **Triple-check:** Employees and employers should take one more look at Form I-9 before filing. Review the entire form for clarity, legibility and completion.

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COMMON FORM I-9 MISTAKES – Section 1

- Has the employee signed all required sections of Form I-9? If there is no signature, the attestation is not complete.
- Are you doing too much? An employer’s role in filling out the I-9 is to review the document for completeness. DO NOT ask for specific documents to verify the accuracy of information provided in section 1 > discriminatory practice.
- I’s dotted, T’s crossed, Boxes filled out? -Don’t forget about the last two certification boxes:
 - Number on individual’s green card
 - Number on EAD or I-94 and the expiration date of work permission
- **Missing deadlines:** Section 1 of Form I-9 must be filled out on the new hire’s first day of work.
- **IMPORTANT:** The employer assumes any liability for false statements in Section 1 if the employee fails to sign the I-9 and the employer accepts the Form without signature.

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COMMON FORM I-9 MISTAKES – Section 2

- Don’t jump the gun: **Do not ask an employee to complete I-9 prior to offering employment.** An employer may administer the I-9 on a new hire’s first day of work or as soon as an offer of employment has been accepted.
- Documentation issues:
 - Employer forgets to enter acceptable List A or acceptable List B and C documents.
 - Employer does not verify if documents belong to List A, List B or List C.
 - Over-documenting a section. Remember, if a List A document is provided, a List B or List C document is not required. If the employee does not provide an acceptable List A document, then a List B and List C document would be required. Never ask for a List A and a List B or C document, or else it can be considered over-documenting.
 - Employer forgets to enter the document title, issuing authority, number(s) or expiration date.

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COMMON FORM I-9 MISTAKES – Section 2

- Make sure all sections are completed:
 - Employer forgets to enter business title, name or address.
 - Employer forgets to enter date employment began.
 - Employer forgets to sign, date and print name in certification.
- **Missing deadlines:** Employers must complete section by the 3rd business day following the first day of employment.
- **IMPORTANT:** If an employee is hired for less than three days of work, section 3 must be completed on day 1.

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COMMON FORM I-9 MISTAKES – Section 3

- **Filing errors:** Employer does not maintain a tickler file system causing Section 3 to not be completed in a timely fashion.
- Limited work authorization document reminders: Employers fail to remind employees at least 120 days prior to when document expires. Failure to do so can cause re-verification to not occur on the day of expiration.
- Employer re-verifies a List B document or “Green Card.”
- Employer forgets to enter document title, number or expiration date for an acceptable document presented.
- Employer forgets to enter a date of rehire, if applicable.
- Employer forgets to enter an employee’s new name, if legally changed.
- Employer does not sign or date the certification.

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CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES

- Make a list of the I-9 forms that contain errors to be used as the official audit log showing the employer is making a good faith effort to ensure Form I-9 compliance.
- The log should contain three columns: employee's name, the error(s) and the actions that were taken to rectify the error.
- As you work through each incorrect I-9, Use the [USCIS Handbook for Employers M-274](#), the USCIS website titled [I-9 Central](#), for reference.
 - ***"The best way to correct Form I-9 is to line through the portions of the form that contain incorrect information, then enter the correct information. Initial and date your correction. If you have previously made changes on Forms I-9 in White-Out instead, USCIS recommends that you attach a note to the corrected Forms I-9 explaining what happened. Be sure to sign and date the note."***

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CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES

- When making corrections, it should be exceedingly clear when the original form was completed and when the correction was made.
- Following correct compliance procedures means that both dates should be obvious to anyone reading the document, regardless of his or her level of familiarity with your company.
- If you have retained photocopies of documents that don't need to have been updated, you may be able to obtain the information needed to correct many deficiencies from those copies.
- You may also use information from personnel files to correct the forms.
- If anything is added to Section 1 of the form, remember to complete the Preparer/Translator portion of the form if applicable.

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CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES


Technical Violations: Dos	Technical Violations: Don'ts
Do use different colored ink than the original ink	Don't use white out or correction tape
Do initial and date each correction with the current date	Don't use black marker to cross out incorrect information
Do make it clear that a correction is being made	Don't backdate missing dates or information
Do allow employees to make their own corrections on the form	Don't get rid of Form I-9 after revising it (keep in your records for at least 3 years)
Do draw a single line through an incorrect entry	Don't forget to double-check the form after it's corrected
Do make sure all of the information is clear and legible	Don't leave any information blank

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CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES

Substantive Violations: Dos	Substantive Violations: Don'ts
Do fill out a new Form I-9 to correct errors	Don't try to reuse or correct the old Form I-9
Do attach the new form to the older Form I-9 and keep it in your records	Don't throw out the old version of Form I-9
Do fill out the new form with your employee present	Don't forget to fill in the new Form I-9 completely

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**COVID-19 AND THE USCIS FORM I-9:
EMPLOYMENT ELIGIBILITY VERIFICATION AND
SOCIAL DISTANCING**

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COVID-19 AND THE USCIS Form I-9

- The US Department of Homeland Security (DHS) has temporarily halted the requirement that employers physically review employee identification and employment authorization documents when completing the Form I-9.
 - This change was first in effect until three business days after termination of the National Emergency Declaration, which has been extended to **April 30, 2022**.
 - DHS remote document review Form I-9 temporary modifications are **applicable only "to employers and workplaces that are operating remotely. If there are employees physically present at a work location, no exceptions are being implemented at this time for in-person verification of identity and employment eligibility documentation for Form I-9..."**
 - However, if a new hire is subject to a COVID-19 quarantine or lockdown, the employer may implement the changes to remote I-9 verification requirements.

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COVID-19 AND THE USCIS Form I-9

- Regarding the DHS extension of flexibility in its rules related to remote review of employee identification and employment authorization documents through **April 30, 2022**. This means that:
 - Employers may continue to inspect Section 2 Form I-9 documents virtually (e.g., over video link, by fax, or by email).
 - The flexibility applies only to employers with workplaces that are operating remotely. ICE reiterates that if employees are physically present at the workplace, no exceptions will be implemented.
 - Any employees onboarded virtually must report for in-person verification once the employer's normal operations resume, or once the employee is physically present at the work location, whichever is earlier.
 - Employers not eligible for the flexibility, if necessary, may designate authorized representatives to act on their behalf to conduct in-person review of documents.

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COVID-19 AND THE USCIS Form I-9

- If an employer chooses to implement a Form I-9 remote document review policy, according to updated requirements for remote I-9 verification, employers should adhere to the following:
 - As employers are ultimately responsible for any mistakes or omissions, they should pay special attention to remote I-9 verification, make sure it is error-free, and take steps to reduce the risk of non-compliance.
 - Employers have to review the original documents listed on page 3 of Form I-9 and submitted by the new hire through an electronic medium and complete Section 2 of Form I-9.
 - It is critical that employers complete the remote I-9 verification within three days of the new hire's start date and attach a copy of the documents to the Form I-9 upon completing Section 2.

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COVID-19 AND THE USCIS Form I-9

3. When completing Form I-9, Section 2, at the time the employer resumes normal operations and conducts a physical review of the original documents the employee provided during remote verification:
 - the employer should enter the phrase **“COVID-19”** in the **“Additional Information”** field,
 - together with the notation **“documents physically examined on”** followed by the date of actual physical examination.
4. If the either one of the documents the employee originally presented during remote verification is expired when the physical review is conducted, the employer must conduct a reverification of the employee by completing Section 3 of the Form I-9.

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COVID-19 AND THE USCIS Form I-9

5. Employers should implement a formal written policy that precisely states how the employer is verifying Form I-9 documents and attach it to each Form I-9 that is remotely verified. Apply the remote verification policy consistently to all new hires.
6. When normal operations resume, all employees who completed the Form I-9 using remote verification, need to report to their employer within three business days for in-person verification of identity and employment eligibility documentation.
 - If the either one of the documents the employee originally presented during remote verification is expired when the physical review is conducted, the employer must conduct a reverification of the employee by completing Section 3 of the Form I-9.
 - An audit of subsequent Forms I-9 would use the "in-person completed date" as a starting point for the employees whose Form I-9s were completed under the deferral of the physical presence requirements.

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USCIS RESOURCES

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FORM I-9 RESOURCES

- I-9 Central
 - www.uscis.gov/i-9Central
- Spanish I-9 Central
 - www.uscis.gov/i-9Central/Espanol
- [Know your Rights](#)
- [Mergers & Acquisitions](#)
- Examples of documents:
 - [Acceptable Documents](#)
 - [Additional Documentation Requirements](#)
 - [Form I-9 Widget](#)

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DOWNLOAD USCIS FORMS & INSTRUCTIONS

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Forms and Document Downloads

- [Form I-9 \(Please see the Special Instructions tab for information on how to download and complete the form.\) \(PDF, 726.73 KB\)](#)
- [Form I-9 Paper Version \(This version is unfillable and must be printed for completion on paper only.\) \(PDF, 246.83 KB\)](#)
- [Form I-9 Supplement, Section 1 Preparer and/or Translator Certification \(PDF, 889.11 KB\)](#)
- [Instructions for Form I-9 \(PDF, 585.48 KB\)](#)
- [Form I-9 in Spanish \(May be filled out by employers and employees in Puerto Rico ONLY\) \(PDF, 492.41 KB\)](#)
- [Form I-9 Supplement in Spanish \(PDF, 247.41 KB\)](#)
- [Instructions for Form I-9 in Spanish \(PDF, 607.84 KB\)](#)

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Handbook for Employers M-274

1.0 Why Employers Must Verify Employment Authorization and Identity of New Employees


2.0 Who Must Complete Form I-9

Handbook for Employers M-274

Print Manual
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Guidance for Completing Form I-9 (Employment Eligibility Verification Form) | Current as of April 2020

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- [Free Customized Webinars](#)
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- 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.dhs.gov/E-Verify.”*



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USCIS CUSTOMER SERVICE

- **Employer Hotline: (888) 464-4218**
- **Employee Hotline: (888) 897-7781**
- **Form I-9 E-Mail: I-9Central@dhs.gov**
- **E-Verify E-Mail: E-Verify@dhs.gov**
- **Form I-9 Website: www.uscis.gov/I-9Central**
- **E-Verify Website: www.dhs.gov/E-Verify**

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