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The New USCIS Form I-9 and Remote Verification Option:

Tips and Traps for Completing, Retaining, and Purging 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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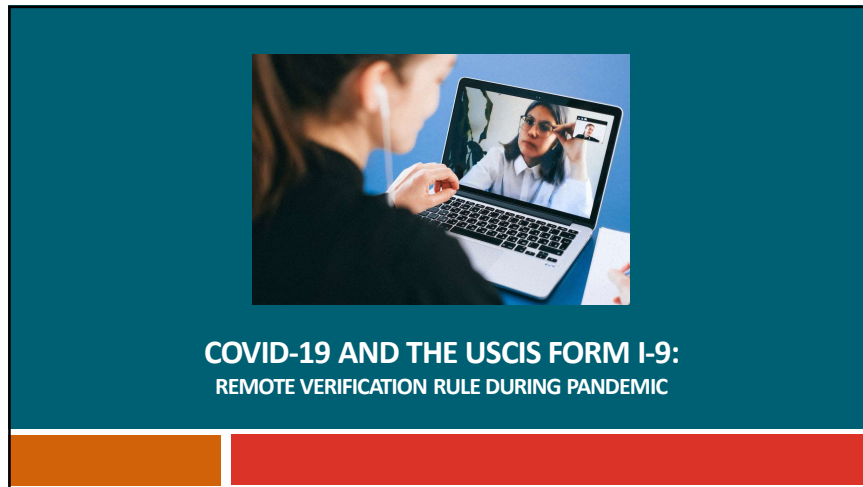
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TODAY'S TOPICS AND AGENDA

- THE NEW USCIS FORM I-9: A PRIMER
- COMPLETING THE NEW USCIS FORM I-9
- THE NEW REMOTE VERIFICATION OPTION: E-VERIFY PRIMER
- RETAINING, FILING, AND PURGING I-9 FORMS
- QUESTIONS?

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USCIS Form I-9 – Remote Verification Rule During Pandemic

- The US Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) temporary I-9 accommodations put in place during the COVID-19 pandemic expired on July 31, 2023.
 - The temporary rule allowed certain qualifying employers to review I-9 documentation electronically rather than in person for employees who worked remotely.
- Further, any employer who relied on the COVID-19 accommodation must meet with any affected employee in person, review the employee’s documentation, and update the I-9 no later than August 30, 2023.
 - Once the employee’s documents are physically examined, the employer should update the I-9 by adding “documents physically examined” with the date of examination to the Section 2 “Additional Information” field on the I-9, or in Section 3 if appropriate.

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USCIS Form I-9 – Remote Verification Rule During Pandemic

- If an employer did choose to implement a Form I-9 remote document review policy during the Pandemic, according to updated requirements for remote I-9 verification, employers should adhere to the following:
 1. 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.
 2. Employers must 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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USCIS Form I-9 – Remote Verification Rule During Pandemic

3. When completing USCIS 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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USCIS Form I-9 – Remote Verification Rule During Pandemic

- 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.
- 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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THE NEW USCIS FORM I-9 FOR AUGUST 2023 CHANGES, & THE NEW REMOTE VERIFICATION OPTION

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USCIS Form I-9 – New Rules for Employment Eligibility Verification

- The United States Department of Homeland Security (DHS) recently announced [two significant changes regarding Form I-9, Employment Eligibility Verification](#).
 - First, DHS issued a new version of Form I-9 - *The [new I-9 form](#) is now available for download by employers.*
 - Second, as of August 1, 2023, DHS will allow qualified E-Verify employers to use an [alternative document inspection procedure](#) when completing § 2 or § 3 of Form I-9. Under this alternative procedure, E-Verify employers may complete document verification remotely instead of physically examining the original document(s) during an in-person meeting with the new hire (or existing employee during reverification).

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USCIS Form I-9 – Summary of Key Changes for the USCIS Form I-9

- Shorter sections:** Reduced sections 1 and 2 to fit on one single-sided sheet. "Multiple fields were merged into fewer fields, when possible," wrote USCIS.
- Preparer and/or Translator Certification (Supplement A):** Supplement A is now a separate supplement that employers can easily give to employees to fill out and return.
- Reverification and Rehire (Supplement B):** Supplement B, which is used to verify the employee still has valid employment authorization, has also been moved to a separate, standalone document.
- Terminology Changes:** The term "alien authorized to work" in Section 1 has been replaced with "noncitizen authorized to work." Additionally, the distinction between "noncitizen national" and "noncitizen authorized to work" has been clarified.

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USCIS Form I-9 – Summary of Key Changes for the USCIS Form I-9

- Improved Usability:** The updated form is designed to be compatible with tablets and mobile devices, making it easier for employers and employees to fill out electronically.
- Easier to Download and Complete:** Certain features were removed from the form to ensure the form can be downloaded easily. *This also removes the requirement to enter N/A in certain fields.*
- Simplified Instructions:** The length of instructions has been reduced from 15 to 8 pages.
- Anti-Discrimination Measures:** The notice at the top of Form I-9 has been updated to provide clearer guidance for employers on avoiding discrimination during the verification process.

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USCIS Form I-9 – Summary of Key Changes for the USCIS Form I-9

- Revised the Lists of Acceptable Documents page** to include some acceptable receipts as well as guidance and links to information on automatic extensions of employment authorization documentation. Added a box that eligible employers must check if the employee's Form I-9 documentation was examined under a DHS-authorized alternative procedure rather than via physical examination.
- Alternative Document Examination:** The new Form I-9 includes a checkbox that employers can use to indicate when they've examined an employee's documentation using a DHS-authorized alternative procedure instead of the traditional in-person physical examination.

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USCIS Form I-9 – When Do We Start to Use the New USCIS Form I-9?

- Employers were allowed to start using the new form as of August 1, 2023.
- DHS is allowing employers three months to transition to the new version of Form I-9. Thus, employers may lawfully continue to use the existing version of Form I-9 (issuance date of October 21, 2019) through the end of business on October 31, 2023.
- Beginning November 1, 2023, however, all employers must use the new I-9 form.
- A copy of the new I-9 form may be found using this link: [Form I-9, Employment Eligibility Verification \(PDF, 483.6 KB\)](#) The new Form I-9 contains several [major changes](#) which we will look at now.

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USCIS Form I-9 – When Do We Start to Use the New USCIS Form I-9?

- Best Practice Tip:** Employers should use the transition period (August 1, 2023, through October 31, 2023) to review and become familiar with the new version of Form I-9 as well as the new I-9 instructions. Switching to the new version too quickly will increase the likelihood of errors, which, in turn, may lead to higher government fines.

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USCIS Form I-9 – Changes to the New USCIS Form I-9 Itself

- § 1 and § 2 are on the same page with more narrow fields in which to write answers to the government’s questions when using the paper version of Form I-9.
- The Preparer/Translator paragraph is no longer part of § 1, but instead is a separate supplement (Supplement A). Employers must provide Supplement A when the new hire requires assistance to complete § 1.
- New hires and employers are no longer required to enter “N/A” in fields that do not apply. Employers were previously subject to fines for failing to ensure “N/A” was entered.
- § 2 contains a new checkbox in the Additional Information field for employers to mark if they have examined documents using an authorized alternative procedure such as the new remote document verification.

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USCIS Form I-9 – Changes to the New USCIS Form I-9 Itself

- § 3 (for reverification or, in limited circumstances, rehire) no longer follows § 2. Instead, § 3 is a separate supplement (Supplement B).
- The I-9 List of Acceptable Documents now includes
 - a summary of when certain valid receipts may be accepted for documents listed under List A, List B, or List C; and
 - a statement that DHS will consider documents that are extended by the issuing authority (e.g., a state department of motor vehicles) to be unexpired.
- The new I-9 instructions are eight pages rather than fifteen pages. DHS has moved some of the deleted content to its [Handbook for Employers](#) and [I-9 Central](#) website.

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USCIS Form I-9 – Changes to the New USCIS Form I-9 Itself

The USCIS also updated the following in the Form I-9 instructions:

- Reduced length of instructions from 15 pages to 8 pages.
- Added definitions of key actors in the Form I-9 process.
- Streamlined the steps each actor takes to complete their section of the form.
- Added instructions for use of the new checkbox for employers who choose to examine Form I-9 documentation under an alternative procedure.
- Removed the abbreviations charts and relocated them to the M-274, Handbook for Employers: Guidance for Completing Form I-9.

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USCIS Form I-9 – Completing the Revised USCIS Form I-9

- **SECTION 1:** Completed at the time of hire - the first day of a new hire’s employment, Section 1 of the new form collects identifying information about the employee and requires the employee to attest to whether they are a U.S. citizen, noncitizen national, lawful permanent resident or noncitizen authorized to work in the United States.
- **Section 2:** Completed within three days of the employee’s hire, Section 2 of the new form collects information about the employee’s identity and employment authorization. The employee must present original documentation proving the employee’s identity and employment authorization, which the employer must review.
- **Supplement A: Preparers or Translators** - When new hires have preparers and/or translators assist them in completing Section 1, they must complete Supplement A.

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USCIS Form I-9 – Completing the Revised USCIS Form I-9

- **Supplement B:** Employers should fill out Supplement B when rehire occurs or reverification is required. This should be completed prior to the date that the worker's employment authorization expires. Supplement B also may be used to record a name change. This replaces the old Section 3 of the I-9.
- **Retention:** Employers must maintain a person's Form I-9 for as long as the individual works for the employer and for the required retention period after the termination of an individual's employment (either three years after the date of hire or one year after the date employment ended, whichever is later).
- **Inspection:** Employers must make I-9 forms *available for inspection upon request by officers of the DHS, the U.S. Department of Justice or the U.S. Department of Labor*. Employers that don't complete and retain I-9 forms properly may face civil money penalties and, in some cases, criminal penalties, according to the DHS.

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DHS NEW RULE – Remote Document Verification

- **NOTE THAT** the Employer still may delegate the authority to complete Form I-9 remotely, to a responsible agent (including for remote sites) but will still retain liability for any errors.
- DHS issued a final rule [Allowing E-Verify Employers to Remotely Examine Form I-9 Documents](#). The new form I-9 has a checkbox to indicate when an employee's Form I-9 documentation was examined using a DHS-authorized alternative procedure.
- Since 1986, employers have been required to physically examine new hires' documentation. But during the COVID-19 pandemic, DHS allowed employers temporary flexibility to inspect Form I-9 documents remotely to accommodate the need for employees to work remotely. That temporary rule was sunset on July 31, 2023.
- Employers who used the flexibility to examine employee documents remotely have until August 30 to physically examine those documents in person.
 - However, beginning August 1, qualified employers - those that were participating in E-Verify and created an E-Verify case for employees whose documents were examined during the COVID-19 flexibilities - can use the new remote option to meet this requirement.

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DHS NEW RULE – Remote Document Verification

- To participate in the remote examination of Form I-9 documents under the DHS-authorized alternative procedure, employers must:
 - Be enrolled in the E-Verify program and be in "good standing" at the time that they rely on the new procedure..
 - Examine and retain copies of all documents.
 - Conduct a live video interaction with the employee; and
 - Create an E-Verify case if the employee is a new hire.
- Again, the new Form I-9 provides a check box allowing employers to indicate they examined Form I-9 documentation remotely under a DHS-authorized alternative procedure.
- For more information, visit [I-9 Central](#) or join a free [Form I-9 webinar](#). Find out how to enroll in E-Verify on the [Enrolling in E-Verify](#) page.

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DHS NEW RULE – Remote Document Verification

- Under the new [I-9 remote document verification procedure](#), qualified E-Verify employers must take the following steps:
 1. Ask the new hire to review the I-9 List of Acceptable Documents and select a valid List A document OR valid List B document and valid List C document of their choice. For reverification, provide the I-9 List to the new hire, and ask them to present a valid List A document OR valid List C document to confirm continued employment eligibility.
 - Do NOT tell or even suggest to the new hire, which documents they should provide.
 - Recommend including the I-9 List of Acceptable Documents to the new hire in the Conditional letter of Offer, with reference to it in the body of the letter as a condition of employment.
 2. After the employee selects the document(s), ask the employee to send to the employer "clear and legible" copies of the document(s). If a document is two-sided, the new hire (or existing employee) must provide the employer with copies of the front and back of the document.

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DHS NEW RULE – Remote Document Verification

- Review the clear and legible copies of the document(s) to confirm that they reasonably appear genuine.
 - You can refer to photos of various forms of documentation on the USCIS website if the new hire presents a document that you don't recognize.
 - You are not required to be a document expert.
- After receiving and reviewing the document(s), conduct a video meeting with the new hire (or existing employee if on reverification).
 - During this video meeting, ask the new hire (or existing employee) to show the original document(s) for which copies were transmitted earlier.
 - Compare the document(s) presented during the video meeting to the person on the video screen and to the information stated in § 1 of Form I-9.
 - Confirm that the document(s) reasonably appear genuine.
 - If the new hire or existing employee is relying on a valid receipt for a document on the I-9 List, review the receipt during the video meeting.

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DHS NEW RULE – Remote Document Verification

- Mark the checkbox in the Additional Information field of § 2 to show that the employer used the remote document verification procedure. If the employer is still using the existing Form I-9 (issuance date of October 21, 2019, which you can still use through October 31, 2023 if you choose), write "Alternative Procedure" in the Additional Information field.

Additional Information

Check here if you used an alternative procedure authorized by DHS to examine documents.

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DHS NEW RULE – Remote Document Verification


- Timely open the E-Verify case inquiry following completion of Form I-9. Under current law, E-Verify employers are required to open an E-Verify case inquiry by the end of the third business day after hire. Employers should not open E-Verify inquiries when reverifying Form I-9.
- Retain the clear and legible copies of the document(s) with the completed Form I-9. Produce the Form I-9 and the copies to the government during an I-9 inspection or enforcement action.
- Participate in the training offered by the E-Verify program. This training includes fraud awareness, anti-discrimination rules, and periodic training updates.
 - In the event of a Form I-9 audit by a federal government official, make available the clear and legible copies of the identity and employment authorization documentation presented by the employee for document examination in connection with the employment eligibility verification process.

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DHS NEW RULE – Remote Document Verification

- E-Verify employers are not required to use the I-9 remote document verification procedure.
- If E-Verify employers choose to use this new procedure, they may do so for all employees or for only those Forms I-9 associated with employees who are working remotely.
- Employers must apply I-9 procedures fairly and consistently. Therefore, employers should not require certain remote employees to appear in-person at the company's offices to complete the I-9 process while allowing other remote employees to complete the I-9 process using the new remote verification procedure.



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BACKGROUND

- In 1986, in an effort to control illegal immigration, Congress passed the Immigration Reform and Control Act (IRCA).
- IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.
- The employment eligibility verification provisions, and sanctions, of IRCA are found in Section 274A of the Immigration and Nationality Act (INA).
- Individuals who may legally work in the United States are:
 - Citizens of the United States
 - Noncitizen nationals of the United States
 - Lawful Permanent Residents
 - Aliens authorized to work

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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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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 their 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.
- Must make I-9 forms available for inspection upon request by officers of the DHS, the U.S. Department of Justice or the U.S. Department of Labor.
 - **Previously**, the employer had to 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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USCIS Form I-9 – Fines for Non-Compliance Increased

The Department of Homeland Security (DHS) has increased fines for violations of employment eligibility verification requirements (Form I-9) and for hiring unauthorized workers. In a Federal Register notice published on January 13, 2023, the Department announced the new penalty amounts adjusted for inflation.

- Civil penalties for I-9 paperwork violations Previous Penalty - \$252 to \$2,507, Now - \$272 to \$2,701
- Knowingly hiring or retaining an undocumented worker - 1st offense: Previous Penalty - \$627 to \$5,016, Now - \$676 to \$5,404
- Knowingly hiring or retaining an undocumented worker - 2nd offense: Previous Penalty - \$5,016 to \$12,537, Now - \$5,404 to \$13,508
- Knowingly hiring or retaining an undocumented worker - 3rd offense: Previous Penalty \$7,523 to \$25,076, Now - \$8,106 to \$27,018
- Fraudulent Documentation (USC 1324c(a)(1)-(4)): Previous Penalty - \$517 to \$10,360, Now - \$557 to \$11,162
- Fraudulent Documentation (USC 1324c(a)(5)-(6)): Previous Penalty - \$438 to \$8,736, Now - \$472 to \$9,413
- Violation or Prohibition of indemnity bonds: Previous Penalty - \$2,507, Now - \$2,701

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USCIS Form I-9 – Fines for Non-Compliance Increased

- As always, in determining the precise penalties to be assessed for Form I-9 violations, the U.S. Immigration and Customs Service will consider factors including:
 - The size of the employer's business;
 - The seriousness of the particular violation(s);
 - The good faith of the employer;
 - Involvement of unauthorized workers; and
 - Any history of previous violations.
- Fines for I-9 errors are also based on the percentage of an employer's I-9s containing substantive and uncorrected technical errors.
- However, given the serious nature of these violations and the penalties attached, employers must avoid incurring I-9 penalties in the first place.
- Now, more than ever, the potential exposure to big monetary fines should motivate you to take action to ensure you are in compliance. Your first step is probably an internal I-9 audit, following all the requirements of HSD, and the US Dept. of Justice.

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BASIC I-9 REQUIREMENTS/REGULATIONS

- Employers may **NOT** specify (or even suggest) which documents they will expect from the employee, even if the employee asks you.
- 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.
- 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?

Section 1

- Completed by the employee no later than the first day of employment for pay.
 - “Supplement A, Preparer and/or Translator Certification” For Section 1)
- Completed by the preparer/translator at the time Section 1 is being completed.

Section 2

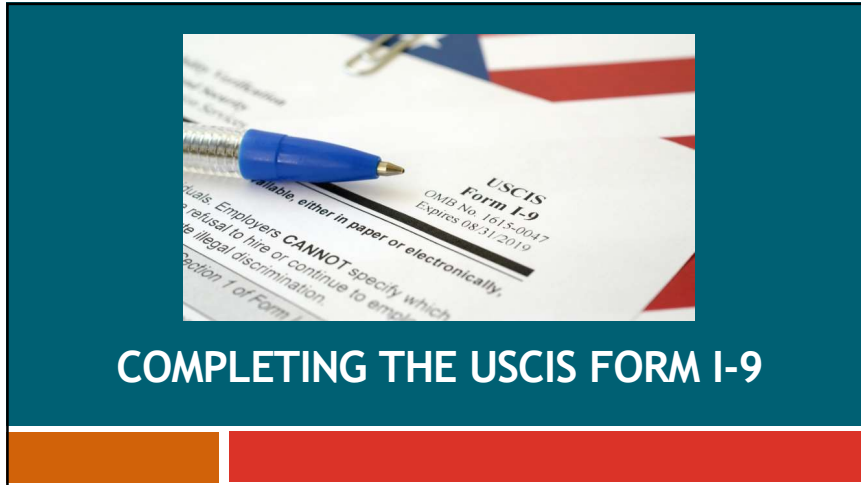
- Employers must complete and sign Section 2 of Form I-9, and provide Employment Eligibility Verification, within 3 business days of the date of hire of their employee (the hire date means the first day of work for pay). So, if your employee began work for pay on Monday, you must complete Section 2 by Thursday of that week.
 - “Supplement B, Reverification and Rehire” (Formerly Section 3 on the I-9)
- 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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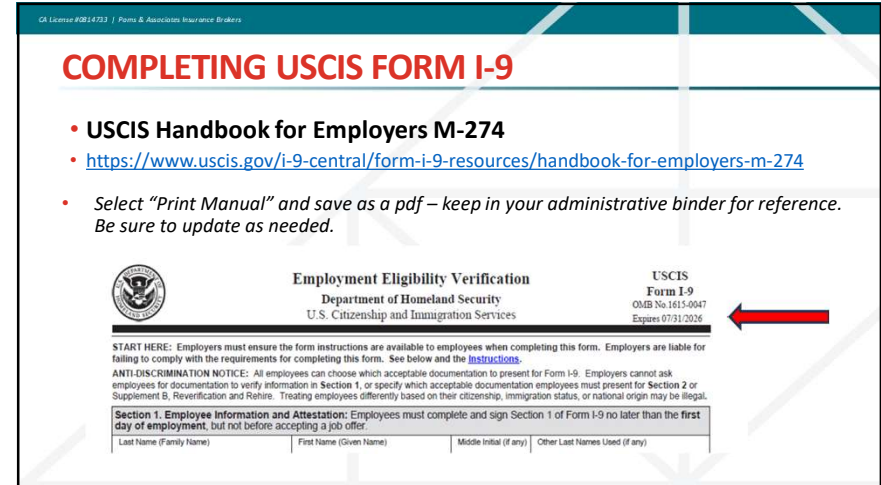
WHEN IS AN EMPLOYEES FORM I-9 COMPLETED?

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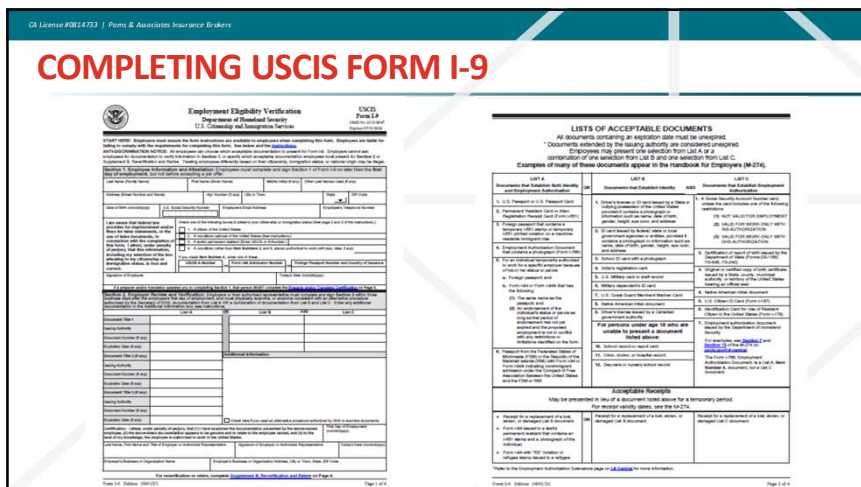


COMPLETING THE USCIS FORM I-9

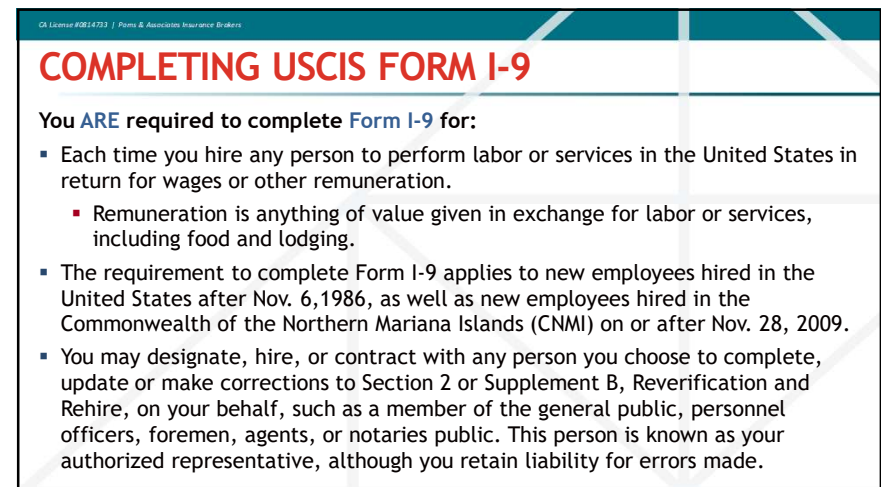
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COMPLETING USCIS FORM I-9

You are **NOT** required to complete Form I-9 for employees who are:

- Hired on or before Nov. 6, 1986 (or on or before Nov. 27, 2009, in the Commonwealth of the Northern Mariana Islands (CNMI)), continuing in their employment, and who have a reasonable expectation of employment at all times.
- Employed for casual domestic work in a private home on a sporadic, irregular, or intermittent basis;
- Independent contractors;
- Employed by a contractor providing contract services (such as employee leasing or temporary agencies) and are providing labor to you; or
- Not physically working on U.S. soil (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

You are **NOT** required to complete Form I-9 ... :

- Each time a new, updated USCIS Form I-9 is released
- If you are self-employed, you do not need to complete Form I-9 on your own behalf unless you are an employee of a separate business entity, such as a corporation or partnership. In that case, you and any other employees must complete Form I-9.
- **Note:** You cannot hire an individual who you know is not authorized to work in the United States. This is a violation of the law, and you will be subject to criminal penalties.



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COMPLETING USCIS FORM I-9

Form I-9

SECTION 1

Employee Information
and Attestation

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

- To be completed by **Employee, NOT by the employer.**
- Employer **MUST VERIFY** that Section 1 is **COMPLETE.**
- Have the employee complete Section 1 at the time of hire (by the first day the employee starts work for pay or other remuneration) by entering the correct information and signing and dating the form. If the employee enters the information by hand, ensure the employee prints clearly.
- A preparer and/or translator may help the employee complete Section 1.
 - Preparer/Translator must complete Supplement A: "Preparer and/or Translator Certification for Section 1"
- Employers **must review the information** and ensure employees (and their preparer/translator, if applicable) fully and properly completed Section 1.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

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) Ride		First Name (Given Name) Sally		Middle Initial (if any) K	Other Last Names Used (if any)	
Address (Street Number and Name) 7555 Draper Ave.			Apt. Number (if any)	City or Town La Jolla	State CA	ZIP Code 92037
Date of Birth (mm/dd/yyyy) 05/26/1951	U.S. Social Security Number 1 2 3 4 5 6 7 8 9		Employee's Email Address sallyride@email.com		Employee's Telephone Number (555) 555-5555	

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

- 1. A citizen of the United States
- 2. A noncitizen national of the United States (See instructions.)
- 3. A lawful permanent resident (Enter USCIS or A-Number.)
- 4. A noncitizen (other than Item Numbers 2, and 3, above) authorized to work until (exp. date, if any)

If you check Item Number 4., enter one of these:

USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
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Signature of Employee: *Sally Ride* Today's Date (mm/dd/yyyy): **01/10/2023**

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the [Preparer and/or Translator Certification](#) on Page 3.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

1. Employees must enter their current legal name and other last names that they have used in the past or present (such as a maiden name), if any.
- Employees with two last names (family names) must include both names in the Last Name field.
- Employees with only one name should enter it in the Last Name field and enter “Unknown” in the First Name field.
- Employees with two first names (given names) should include both in the First Name field. Employees whose first or last name includes a hyphen or apostrophe should include it.
 - Examples of correctly entered last names include De La Cruz, O’Neill, Garcia Lopez, and Smith-Johnson.
 - Examples of correctly entered first names include Mary Jo, John-Paul, Tae Young, and D’Shaun.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

- Employees must enter their middle initial in the Middle Initial field. Employees who do not have a middle initial may leave this field blank.
- Employees must enter their maiden name or any other legal last name they may have used in the Other Last Names Used field. Employees who have not used other last names may leave this field blank.

2. Employees must enter their current address, apartment number (if any), city or town, state and ZIP code.
 - If the residence is not located in a city or town, enter the village, county, township, reservation, etc. in the City or Town Field.
 - Employees who do not have a street address should enter a description of the location of their residence, such as “Two miles south of I-81, near the water tower.”
 - Employees who have no apartment number may leave this field blank.
 - Border commuters from Canada or Mexico may enter their city; province or state; postal code; and their country abbreviation.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

3. Employees must enter their date of birth as a two-digit month, two-digit day, and four-digit year (mm/dd/yyyy) in this field. For example, Jan. 8, 1980, should be entered as 01/08/1980.
4. Employees may voluntarily provide their Social Security number or leave this field blank. However, if you are enrolled in E-Verify, your employees must provide their Social Security number.
5. Employees who have not yet received their Social Security number and who can satisfy all other Form I-9 requirements may work while awaiting their Social Security number. Have them enter their Social Security number in Section 1 as soon as they receive it.
6. You cannot ask employees to provide a specific document with their Social Security number on it. To do so may constitute unlawful discrimination. For more information on E-Verify, see Section 1.2, E-Verify: The Web-Based Verification Companion to Form I-9. For more information on unlawful discrimination, see Section 11.0, Unlawful Discrimination and Penalties for Prohibited Practices.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

- Employees are not required to provide an email address or telephone number in Section 1. If they do not wish to enter an e-mail address or telephone number, they may leave these fields blank.
- Employees must read the warning about penalties under federal law and attest to their citizenship or immigration status by checking one of the following boxes on the form:
 - A citizen of the United States.**
 - A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
 - A lawful permanent resident:** This specific immigration status describes an individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant.
 - A noncitizen (other than Item Numbers 2 or 3 above) authorized to work:** An individual who is permitted to work in the United States but is not a citizen or national of the United States, or a lawful permanent resident.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

- Employees must sign and date the form. Employees who cannot sign their name may place a mark in this field to indicate their signature.
- If the employee uses a preparer and/or translator to help them complete and/or translate the form, each preparer and/or translator must complete a separate Preparer and/or Translator Certification block in Supplement A, Preparer and/or Translator Certification for Section 1.
 - Preparers and/or translators may not enter a P.O. box in place of a physical address.
 - Employees who use a preparer and/or translator to complete the form must still sign or make their mark in the Signature Field in Section 1.
 - Employers may provide the employee additional supplement pages as needed and attach them to the employee's completed form.
 - The certification must also be completed for certain minors and employees in special placement who require a representative, parent, or legal guardian to complete Section 1 for them. See Sections 4.2 and 4.3 for more information.

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

Completing "Supplement A: Preparer and/or Translator Certification for Section 1"

Last Name (Family Name) from Section 1. Ride	First Name (Given Name) from Section 1. Sally	Middle Initial (if any) from Section 1. K
--	---	---

Instructions: This supplement must be completed by any preparer and/or translator who assists an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided above. Each preparer or translator must complete, sign, and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.

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 <i>Albert Einstein</i>	Date (mm/dd/yyyy) 01/10/2023
---	--

Last Name (Family Name) Einstein	First Name (Given Name) Albert	Middle Initial (if any)
Address (Street Number and Name) 112 Mercer St.	City or Town Princeton	State NJ ZIP Code 08540

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SECTION 1: EMPLOYEE INFORMATION AND ATTESTATION

The employer must ensure that all parts of Form I-9 are properly completed; or you may be subject to penalties under federal law.

- The employee must complete Section 1 no later than the employee's first day of employment.
- You may not ask an individual who has not accepted a job offer to complete Section 1.
- Before completing Section 2, you should review Section 1 to ensure the employee completed it properly.
- You may review the employee's document(s) and fully complete Section 2 at any time between the date the employee accepts the job offer and completes Section 1 to within three business days of the hire.
- Review any possible errors with the employee.
- The employee must correct any confirmed errors, add their initials, and the date they made the correction.
- Employers may not ask for documentation to verify the information entered in Section 1.

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COMPLETING USCIS FORM I-9

Form I-9

SECTION 2

EMPLOYER REVIEW AND VERIFICATION

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

- Within three business days of the date employment for remuneration begins, you or your authorized representative must complete Section 2 by examining original, acceptable, and unexpired documentation, or an acceptable receipt, the employee presents (see “Special Form I-9 Situations”) to determine if it reasonably appears to be genuine and relates to the person presenting it.
 - For example, if an employee begins employment on Monday, you must review the employee’s documentation and complete Section 2 on or before Thursday of that week. However, if you hire someone for less than three business days, you must complete Section 2 no later than the first day of employment.
- In general, you or your authorized representative must review the employee’s documentation in their physical presence. However, if you participate in E-Verify, you may also be eligible to remotely examine the employee’s documents under the alternative procedure authorized by the secretary of homeland security.

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

- You must allow the employee to choose which documentation they will present from the Form I-9 Lists of Acceptable Documents and must accept documentation that reasonably appears to be genuine and relates to the person presenting it.
 - You cannot specify, or even suggest, which documentation an employee will present from the Form I-9 Lists of Acceptable Documents.
- When physically examining documents, copies, except for certified copies of birth certificates, are not acceptable. See *Remote Documentation Examination requirements*.
- You may terminate an employee who fails to present acceptable documentation (or an acceptable receipt for a document) within three business days after the date employment begins.
 - If you have reason to believe that the employee will present acceptable documentation within a reasonable time, you can place them on unpaid leave.
 - If you fail to properly complete Form I-9, you risk violating section 274A of the INA and may be subject to civil money penalties.

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

Employees may choose to present either: 1) one document selected from List A or 2.) a combination of one selection from List B and one selection from List C.

- **List A documentation** shows both identity and employment authorization.
 - Some documentation must be presented together to be considered acceptable List A documentation.
 - If an employee presents acceptable List A documentation, do not ask them to present List B or List C documentation.
 - Under certain circumstances, USCIS may automatically extend an employee’s employment authorization and/or employment authorization document beyond the expiration date on the document. An automatically extended document is considered unexpired for Form I-9. See “Handbook for Employers M-274” for more information.
- **List B documentation** shows identity only and List C documentation shows employment authorization only.
 - If an employee presents acceptable List B and List C documentation, do not ask them to present List A documentation.
 - If you participate in E-Verify, and the employee presents a combination of List B and List C documentation, then the List B document must contain a photograph.

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

SPECIAL SITUATIONS	SOLUTION	ADDITIONAL M-274 GUIDANCE
Employee presents a Social Security Card containing one of the following restrictions: <ul style="list-style-type: none"> VALID FOR WORK ONLY WITH DHS AUTHORIZATION NOT VALID FOR EMPLOYMENT VALID FOR WORK ONLY WITH INS AUTHORIZATION 	Because the restricted Social Security Card is not an acceptable List C document, ask the employee to provide a different document from List C or List A.	Section 13
Employee is a minor (individuals under the age of 18) and is unable to present an identity document from List B.	Minor's parent or legal guardian establishes identity for the minor by completing Section 1 on minor's behalf and completing a Preparer and/or Translator Certification block in Supplement A. Minor must then only present an employment authorization document from List C.	Section 4.2 Minors (Individuals under Age 18)

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

SPECIAL SITUATIONS	SOLUTION	ADDITIONAL M-274 GUIDANCE
Employee who has a physical or mental impairment is placed in a job by a nonprofit organization, association, or as part of a rehabilitation program (special placement) and is unable to present an identity document for List B.	Representative of the nonprofit organization, association, or rehabilitation program; parent; or legal guardian establishes identity for this employee by completing Section 1 on the employee's behalf and completing a Preparer and/or Translator Certification. Employee must then only present an employment authorization document from List C.	Section 4.3 Employees with Disabilities (Special Placement)
Employee has an expired EAD and/or employment authorization but qualifies for an automatic extension of employment authorization and/or Employment Authorization Document (EAD) by a Federal Register notice (FRN), a regulation, a Form I-797 or I-797C receipt notice, an individual letter/notice or a website notice.	An EAD automatically extended by FRN or notice is an unexpired List A document for Form I-9. For more information on what the employee must present along with their EAD to complete Form I-9, please see Section 5 of "Handbook for Employers M-274"	Section 5 Automatic Extensions of Employment Authorization Documents (EADs) in Certain Circumstances

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.

Document Title	List A	OR	List B	AND	List C
Document Title 1	U.S. Passport				
Issuing Authority	Department of State				
Document Number (if any)	000000000				
Expiration Date (if any)	03/15/2025				
Document Title 2 (if any)	Additional Information				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					

Check here if you used an alternative procedure authorized by DHS to examine documents.

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

First Day of Employment (mm/dd/yyyy): 01/10/2023

Last Name, First Name and Title of Employer or Authorized Representative: Nelson, Bill - Administrator
 Signature of Employer or Authorized Representative: *Bill Nelson*
 Today's Date (mm/dd/yyyy): 01/10/2023

Employer's Business or Organization Name: NASA
 Employer's Business or Organization Address, City or Town, State, ZIP Code: 300 Hidden Figures Way SW Washington, DC 20024

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

When completing Section 2, use information from the documentation the employee presented to enter the document title, issuing authority, document number, and expiration date (if any) in Section 2:


- Enter List A documents in the column on the left. If the employee presents List A documentation that consists of multiple documents, use the second and third List A areas, as well as the Additional Information area, if necessary, to enter those other documents. If you enter documents in the List A columns, you should leave the List B and C columns blank.
- Enter List B documents in the center column. If you enter a document in this column, you must also enter a document in the List C column. Leave the List A column blank.
- Enter List C documents in the column on the right. If the employee presents a List C document that consists of multiple documents, use the Additional Information area to enter those other documents. If you enter a document in this column, you must also enter a document in the List B column. Leave the List A column blank.

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Section 2: EMPLOYER VERIFICATION - 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



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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

The "Additional Information" space is for Form I-9 notes, such as:

- Notations that describe extensions of employment authorization or a document's expiration date for individuals in certain nonimmigrant categories or granted Temporary Protected Status (TPS). For more information, see Section 5, and Section 7 of "Handbook for Employers M-274"
- Information from additional documents that F-1 or J-1 nonimmigrant employees may present including the Student and Exchange Visitor (SEVIS) number and the program end date from Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, or DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, as required.
- Replacement document information if a receipt was previously presented.
- Discrepancies that E-Verify participants must notate when participating in the IMAGE program.
- Any other optional comments or notations necessary for your business process, such as employee termination dates, form retention dates, and E-Verify case verification numbers.

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION


- You may use either common abbreviations for states, document titles or issuing authorities, such as "DL" for driver's license and "SSA" for Social Security Administration. Appendix A provides more abbreviation suggestions.
- Enter the first day of employment for wages or other remuneration in the space for "The employee's first day of employment (mm/dd/yyyy)." Recruiters and referrers for a fee do not enter the employee's first day of employment.
- Staffing agencies may choose to use either the date an employee is assigned to the employee's first job or the date the new employee is entered into the assignment pool as the first day of employment.
- The same person who examined the employee's documents must also complete the fields in the certification block, then sign and date Section 2, as shown in Figure 2 above. The employer or authorized representative signs and dates Section 2 in the spaces provided to attest to examining the documents the employee presented. Also enter title, last name, first name, and the employer's business or organization name.

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SECTION 2: EMPLOYER REVIEW AND VERIFICATION

- Enter the business's physical street address, city or town, state, and ZIP code. If the location is not a city or town you may enter the name of the village, county, township, reservation, etc. that applies.
 - Employers may not enter a P.O. box as their address. If your company has multiple locations, use the most appropriate address that identifies the location of the employer.



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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 palette
 - 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

- 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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Section 2: COPYING VERIFICATION DOCUMENTS

- Employers participating in E-Verify are required to retain a copy of certain documents if the employee chooses to present them. These documents include the U.S. Passport, passport card, Permanent Resident Card (also called a Green Card), or Employment Authorization Document (EAD). If you are an E-Verify employer who chooses to copy documentation other than those you are required to copy for E-Verify, you should apply this policy consistently with respect to Form I-9 completion for all employees.
- If you choose to remotely examine employees' documents, you must retain clear and legible copies of the front and back (if two-sided) of ALL Form I-9 documentation an employee presents remotely with the employee's Form I-9. For further guidance on remotely examining documents, please see Section 4.5 Remote Documentation Examination, I-9 Central and E-Verify.gov.
- You must always complete Section 2 by reviewing original documentation, even if you copy an employee's document(s) after reviewing the documentation. You are still responsible for completing and retaining Form I-9.

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COMPLETING USCIS FORM I-9

Form I-9

SUPPLEMENT B

Reverification and Rehire

Changes of Name and Other Identity Information for Current Employees

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Supplement B: REVERIFICATION AND REHIRE

- 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, Permanent Resident Cards) also known as Green Cards), and List B documents.
- Other noncitizens may require reverification.
- You **MUST** reverify an employee using Supplement B if the employee's temporary employment authorization has expired.
- You **MAY** also complete Supplement B 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*

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Supplement B: REVERIFICATION AND REHIRE

- 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.
- 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 Supplement B must be completed when an employee changes their name. For more information, see the E-Verify Supplemental Guide for Federal Contractors.
- If an employee changes their 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 Supplement B when an employee is rehired within three years of the original hire date to reverify their 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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Supplement B: REVERIFICATION AND REHIRE

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 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.
- 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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Supplement B: 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 documentation from List A or C, including an unrestricted Social Security card. You must reject a restricted Social Security card and ask the employee to provide a different document from List A or C.
- You can also accept certain receipts for reverification; see the Acceptable Receipts table in "Handbook for Employers M-274", for more information. You cannot continue employing a person who does not provide proof of current employment authorization.
- When you must reverify an employee, you will complete one block of Supplement B, Reverification and Rehire (formerly Section 3) and attach it to the employee's original Form I-9. You may use additional blocks on this supplement for subsequent reverifications or updates, attaching additional supplement sheets as needed.
- If the employee's previous update or reverification was completed on a Form I-9 version that is no longer valid, you must also complete Supplement B, and attach it to the employee's original Form I-9.

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Supplement B: WHEN TO REVERIFY

Reverifying Employment Authorization for Current Employees

- To reverify your employee using Supplement B, Reverification and Rehire:
- Enter the employee's full name from the original Form I-9 at the top of the supplement.
- If the employee's name has changed, enter the new name in the appropriate New Name fields in one block of the supplement. Enter only the part of the name that has changed. For example, for employees who changed only their last name, enter the last name in the Last Name field and leave the First Name and Middle initial fields blank. Enter the document title, number and expiration date in that block of the supplement.
- You must sign, date and enter your name in the appropriate fields in that block. Keep this supplement page with the original Form I-9.
- Some employees may have entered N/A in the expiration date field in Section 1 if they are noncitizens whose employment authorization does not expire, such as asylees, refugees, or certain citizens of Micronesia, the Republic of the Marshall Islands, or Palau.
- Reverification does not apply for such individuals unless they choose to present evidence of employment authorization in Section 2 that contains an expiration date and requires reverification.

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Supplement B: 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 complete a block on Supplement B, Reverification and Rehire, or you instead complete a new Form I-9.
- **If completing a Supplement B block for a rehired employee, follow these guidelines:**
- **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 the supplement. Enter any name change in the New Name fields. Enter only the part of the name that has changed. For example, for employees who changed only their last name, enter the last name in the Last Name field and leave the First Name and Middle Initial fields blank.
 - Enter their rehire date in the Date of Rehire field.
 - Enter your name and sign and date the supplement block.

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Supplement B: WHEN TO REVERIFY

If completing a Supplement B block for a rehired employee ... continued:

- **If their employment authorization has expired, you must:**
 - Enter the employee’s full name from the original Form I-9 at the top of the supplement.
 - Enter any name change in the New Name fields.
 - Enter the rehire date in the Date of Rehire field.
 - Reverify their employment authorization in the Expiration Date fields.
 - Enter your name and sign and date the supplement block.
- If the previous Form I-9 is an old version of the form, you must complete a new block in Supplement B on the current version of the form. Please check uscis.gov/i-9 for the current Form I-9.
- If you already used a block in Supplement B of the employee’s previous Form I-9, but are rehiring them within three years of the date the original Form I-9 was completed, complete a subsequent block on the supplement.
- Employees rehired three years after you originally completed their Form I-9 must complete a new Form I-9.

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Supplement B: WHEN TO REVERIFY

If completing a Supplement B block for a rehired employee ... continued:

- Enter the employee’s new name, if applicable.
- Enter the employee’s date of rehire, if applicable
- Enter the List A or C document title, number, and expiration date (if any)
- Sign and date the block of the supplement you completed.
- 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 information from the new document(s) in Supplement B, Reverification and Rehire 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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Supplement B: WHEN TO REVERIFY

Recording Changes of Name and Other Identity Information for Current Employees

- During reverification or rehire, if an employee has had a legal name change (such as by getting married), you must enter their new legal name in the New Name fields of a block of Supplement B, Reverification and Rehire, as described earlier in this presentation.
- If they legally changed their name at any other time, we recommend you update the New Name fields in a subsequent block on the original supplement page or a new supplement page as needed, as soon as you learn of the change, so that you maintain correct information on the form.
- **To enter a legal name change in Supplement B, Reverification and Rehire without reverification or rehire:**
 - Enter the employee’s new name in the New Name fields.
 - Enter your name and sign and date the block you completed on Supplement B.
- In either situation, you should take steps to ensure the employee’s name change is accurate. This may include asking them to provide legal documentation showing the name change, such as a marriage certificate. Make a copy of that document to keep with Form I-9 in the event of an inspection.

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Supplement B: WHEN TO REVERIFY

Recording Changes of Name and Other Identity Information for E-Verify Employers:

- Your employees should record their legal name change with the SSA to avoid mismatches in E-Verify. For more information, visit www.e-verify.gov
- If you complete a new Form I-9 based on a non-legal name change, you should confirm the new Form I-9 information through E-Verify.
- If you do not complete a new Form I-9, you should not create a new E-Verify case.
- Federal contractors who are subject to the Federal Acquisition Regulation (FAR) E-Verify clause and who choose to verify existing employees by updating an already-completed Form I-9 are subject to special rules regarding when they must complete a new USCIS Form I-9.
 - If you choose to update Form I-9 for existing employees, you must complete a new Form I-9 when an employee changes their name. For more information, see the E-Verify Supplemental Guide for Federal Contractors, at e-verify.gov.

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Supplement B: WHEN TO REVERIFY

- Employers should never reverify:**
 - U.S. citizens.
 - Lawful permanent residents (LPRs) who presented a permanent resident card (Form I-551) for Section 2.
 - List B documents.
- 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.

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Supplement B: WHEN 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 their 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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Supplement B: 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.
- 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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Supplement B: WHEN TO REVERIFY – What is “Continuing Employment”

- You must complete a new Form I-9 when a hire takes place, unless you are rehiring an employee within three years of the date the employee’s previous Form I-9 was completed.
- However, in certain situations, a hire is not considered to have taken place despite an interruption in employment. In case of an interruption in employment, you should determine whether the employee is continuing in their employment and has a reasonable expectation of employment at all times.

These situations constitute continuing employment:

- Approved paid or unpaid leave on account of the employee’s illness or pregnancy; maternity or paternity leave; vacation; study, union business; a family member’s illness or disability or other temporary leave that you have approved.
- Promotions, demotions, or pay raises.
- Temporary layoff for lack of work. Strikes or labor disputes.

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Supplement B: WHEN TO REVERIFY – What is “Continuing Employment”

These situations constitute continuing employment (continued):

- Reinstatement after disciplinary suspension for wrongful termination found unjustified by any court, arbitrator, or administrative body, or otherwise resolved through reinstatement or settlement.
- Transfer from one distinct unit of an employer to another distinct unit of the same employer; you may transfer the employee’s Form I-9 to the receiving unit.
- Seasonal employment.
- Continuing employment with a related, successor, or reorganized employer, as long as the employer obtains and maintains records and Forms I-9, where applicable, from the previous employer. A related, successor, or reorganized employer includes:
 - The same employer at another location.
 - Continued on next slide*

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Supplement B: WHEN TO REVERIFY – What is “Continuing Employment”

These situations constitute continuing employment (continued):

- Continued from previous slide* - A related, successor, or reorganized employer includes:
 - An employer who continues to employ any employee of another employer’s workforce, where both employers belong to the same multi-employer association and the employee continues to work in the same bargaining unit under the same collective bargaining agreement.
 - For these purposes, any agent designated to complete and maintain Form I-9 must enter the employee’s date of hire and/or termination each time the employee is hired and/or terminated by an employer of the multi-employer association.
- Employers who have acquired or merged with another company have two options:
 - Option A:** Treat all acquired employees as new hires and complete a new Form I-9 for every individual. Enter the effective date of acquisition or merger as the employee’s first day of employment in Section 2 of the new Form I-9. If you choose Option A, you must complete a new Form I-9 for all of your acquired employees.
 - Option B:** Treat all acquired individuals as employees who are continuing in their uninterrupted employment status and retain the previous owner’s Form I-9 for each acquired employee. You will be liable for any errors or omissions on the previously completed Form I-9. You and/or the employee should make any corrections to the acquired employee’s existing Form I-9.

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Supplement B: WHEN TO REVERIFY – What is “Continuing Employment”

To determine whether an employee continuing their employment had a reasonable expectation of employment at all times, you should consider several factors, including:

- The individual was employed on a regular and substantial basis. You can determine “regular and substantial basis” by comparing other workers who are similarly employed by the employer.
- The individual complied with the employer’s established and published policy regarding their absence.
- The employer’s past history of recalling absent employees for employment indicates it is likely that the individual in question will resume employment with the employer within a reasonable time.
- Another worker has not permanently taken the individual’s former position.
- The individual has not sought or obtained benefits during their absence from employment that are inconsistent with an expectation of resuming employment within a reasonable time.
- Your financial condition allows the individual to resume employment within a reasonable time.
- The oral and/or written communication between you, your supervisory employees, and the individual indicates the individual will likely resume employment within a reasonable time.

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CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES

- If you need to make corrections on the USCIS Form I-9, use the [USCIS Handbook for Employers M-274](#), or 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 their 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, it must be done by the employee.
- Remember to complete the Preparer/Translator portion of the form if applicable.


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WHAT ABOUT E-VERIFY?

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- E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. It is supplemental to the Form I-9, not a substitute for the Form I-9.
- E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information given by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS).
- Generally speaking, E-Verify is a voluntary program. However:
 - Employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to enroll in E-Verify as a condition of federal contracting.
 - Employers may also be required to participate in E-Verify if their states have legislation mandating the use of E-Verify, such as a condition of business licensing.
 - Employers may be required to participate in E-Verify as a result of a legal ruling.

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E-Verify

- 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.
 - **NOTE: As of July 1, 2023, a new Florida law will require all private employers with 25 or more employees to use the federal E-Verify system to check the immigration status of their workers. Penalty provisions for non-compliance are also dramatically increased.**
 - Under the law, each covered employer also must certify on its first tax return each calendar year that it is in compliance with E-Verify when making contributions to, or reimbursing, Florida's unemployment compensation or reemployment assistance system.
- Employers using E-Verify must post E-Verify posters in any location where people apply for work, or fill out paperwork.

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E-Verify

E-Verify Requirements Status

Depends on local municipality requirements
Yes for public employers only
Voluntary
Yes

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E-Verify

- Participation in E-Verify is free, and it is voluntary for most employers except where mandated by state law or federal contracts.
- If an employer chooses to participate in E-Verify, it must use it for all new hires at the same location.
- Verifying the employment authorization of a new hire using E-Verify creates a presumption (although it can be refuted) that the employer has not knowingly hired an unauthorized foreign national.
- To participate, an employer must sign a Memorandum of Understanding (MOU) with DHS and SSA, which requires the employer to provide access to its employment records to DHS and SSA for the purpose of program evaluation.
- If participating in E-Verify, an employer must conspicuously post notices in English and Spanish stating that it participates in E-Verify. The required posters are available from the USCIS. An employer must ensure that the posters are visible to prospective employees.

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E-Verify

- An employer must also display the antidiscrimination Right to Work poster issued by the DOJ. This notice must be clearly displayed in plain view of applicants and employees.
 - In addition to English and Spanish the antidiscrimination poster is published in the following languages: Arabic, Chinese, French, Haitian Creole, Korean, Russian, Spanish, Tagalog, and Vietnamese. It is recommended that these two posters be included in job application materials.
- E-Verify should never be used by employers to prescreen job applicants.
- In addition, it should never be used to verify or reverify current employees unless the employer is a federal contractor with a contract that contains a Federal Acquisition Regulation E-Verify clause, OR unless otherwise required under state law.

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E-Verify

- **Recordkeeping** - An employer must retain all E-Verify case information for each employee for the same duration as required to retain the Form I-9, i.e., must be retained for either three years after the date of hire or one year after the date of termination, whichever is later.
- **Rehires** - The E-Verify process for rehires differs depending upon whether or not E-Verify was used previously to verify the employee's eligibility for employment. If E-Verify was previously used and the employee's previous Form I-9 lists an identity document that has since expired then the employer has two options:
 - Complete Section 3 on the prior Form I-9 and not create a new E-Verify case; or
 - Complete a new Form I-9 and create a new E-Verify case for the employee.
- If the employer never created an E-Verify case for the rehired employee then a new Form I-9 must be completed, and an E-Verify case must be created.

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E-Verify

- **Audit** - If an employer discovers during an internal audit that it inadvertently did not create a case in E-Verify for an employee, then the employer should create a case for the employee and consult with USCIS.
- **Verification of Federal Contractors** - Use of the E-Verify system is a condition for certain federal contractors hired during the contract term and assigned to perform work within the US on the federal contract.
 - Federal contracts must include a clause requiring the use of E-Verify to verify that all employees (existing and new) directly performing work under federal contracts are authorized to work in the US.
 - Covered employers include contractors with contracts at \$100,000 or more and subcontractors with contracts at \$3,000 or more.
 - It excludes contractors with contracts that last less than 120 days who perform work outside of the US or who are selling commercially off-the-shelf items to the government.

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E-Verify

How Does E-Verify Work?

The diagram illustrates the E-Verify workflow. A central laptop icon represents the E-Verify system, which is bidirectionally connected to the Social Security Administration (SSA) and the U.S. Department of Homeland Security (DHS). An arrow points from the laptop to the SSA and DHS logos. Below the laptop, three boxes represent the possible outcomes: 'Employment Authorized' (green checkmark), 'Tentative Nonconfirmation' (yellow warning triangle), and 'Verification in Process' (yellow warning triangle).

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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

- 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.

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.

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.**

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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.
 - *(Check your state: For example, in Colorado employer must retain copies of employee's I-9 identity and authorization documents)*
- Recommend having two 3-Ring binders, with alphabetical tabs. One binder for active employees, one for inactive.

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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 they 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 Binder or Section

- 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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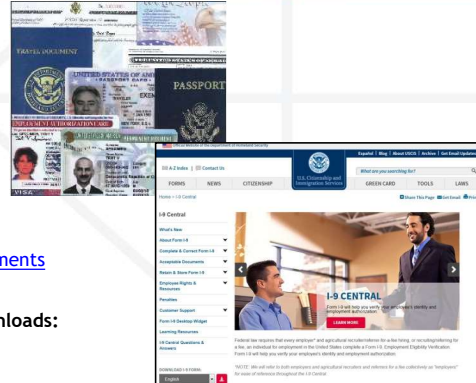
RESOURCES

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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](#)
- USCIS Forms I-9 and Document Downloads:
 - <https://www.uscis.gov/i-9>



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DOWNLOAD USCIS HANDBOOK FOR EMPLOYERS

<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>

Home > I-9 Central > Form I-9 Resources > Handbook for Employers M-274

Handbook for Employers M-274

Print Manual Table of Contents

Handbook for Employers M-274



Employers should check this online version of the handbook periodically for updates. Printing does not allow access to helpful links or updates to this handbook.

Guidance for Completing Form I-9 (Employment Eligibility Verification Form) | Current as of July 2023

[How to Download Our Manuals in PDF \(PDF\)](#)

Handbook for Employers

Guidance for Completing Form I-9 (Employment Eligibility Verification Form)






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E-VERIFY OUTREACH

- [Free Customized Webinars](#)
- [Content for your newsletters](#)
- 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
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A representative of Poms & Associates Insurance Brokers can provide you with a personalized assessment. Please contact us at 818-449-9317.

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