



USCIS FORM I-9 DOs and DON'Ts

*FOR USCIS FORM I-9 DATED 08//1/2023, and
OPTIONAL REMOTE DOCUMENTATION VERIFICATION PROCESS*

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

**USCIS
Form I-9**
OMB No.1615-0047
Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)
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Employer's Business or Organization Name	Employer's Business or Organization Address, City or Town, State, ZIP Code
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For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

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Employers must comply with the Immigration Reform and Control Act (IRCA), which requires that employers verify the identity of their employees and that the employees are authorized to work in the US. The verification process requires that employers and employees fill out a Form I-9, and it is mandatory that the employee provide documentation to the employer verifying their identity and work authorization. Hiring an unauthorized worker can expose an employer to civil and criminal penalties.

However, although employers must ensure that they are complying with IRCA by employing an authorized workforce, employers cannot be too overzealous and expose themselves to potential discrimination claims by denying employment to an authorized worker.

Therefore, the following chart can help employers ensure that they properly engage in the Form I-9 process.

USCIS FORM I-9 DOs	USCIS FORM I-9 DON'Ts
<ul style="list-style-type: none"> Use the current version of the Form I-9 to verify a new hire's identity and employment authorization. Complete a Form I-9 for each employee hired after November 6, 1986, and for employees who left employment and are rehired more than three years after the original hire date. In the event of a merger or acquisition, either require all acquired employees to complete a new Form I-9 or retain the Form I-9 from the previous employer and review each one. Require the new employee to complete Section 1 no later than the first day of employment. Review Supplement A, Preparer and/or Translator Certification for Section 1, to ensure that each preparer or translator completed, signed, and dated a separate preparer and/or translator certification block if the employee used a preparer/translator. 	<ul style="list-style-type: none"> Hire an individual to work in the US without verifying their identity and employment authorization. Hire or continue to employ an unauthorized individual. Treat an applicant differently because of a belief that the individual is a non-US citizen. Request employment authorization documents from an applicant before hiring or before the Form I-9 is completed. Deny employment or refuse to accept a document because the document has a future expiration date. Accept a document that does not appear to be genuine. Include the Form I-9 in the job application packet.

<ul style="list-style-type: none"> • Ensure that the new employee provides their current legal name, complete address and date of birth. Inapplicable fields may be left blank. • Make available to the new employee the Lists of Acceptable Documents to demonstrate identity and employment authorization. • Examine the documentation provided by the employee and write the date on the Form I-9 that the employer examined the documents. • Accept documentation presented by the employee if it appears to be genuine and relates to the individual presenting it. • Accept only original documents (unless a certified copy of a birth certificate) that are unexpired if conducting physical examination. • Accept photocopies of Form I-9 documents or an acceptable receipt and conduct a live video interaction with the new employee if conducting remote examination pursuant to the authorized alternative procedure. • Accept a receipt for an application for a replacement document and inform the employee that they have up to 90 days from the date of hire to submit the replacement document. • Complete Section 2 of Form I-9 within three business days of the employee's first day of work for pay. • Reverify an employee if their temporary employment authorization has expired. • Correct discovered mistakes on current Form I-9 or redo the Form I-9 and retain the old one. • Provide a Form I-9 to an employee if it is discovered that a Form I-9 is missing for that employee. • Retain the form throughout the period of employment for all employees. • Store the forms for three years after the date an employee was hired or one year after the date employment is terminated, whichever is later. • Retain Forms I-9 separately from personnel records for ease of internal auditing and ease of retrieval in the case of a government audit or inspection. Forms I-9 should be filed and maintained in three groups: terminated employees, current employees, and employees that need to be reverified. • Store the forms at the corporate office or at locations where an employee works. • Make Form I-9 available within three days of request for inspection by the government. 	<ul style="list-style-type: none"> • Require an employee to complete the Form I-9 before acceptance of the job offer. • Accept a receipt of an application to apply for an initial or renewal employment authorization. • Accept a receipt if employment will last less than three business days. • Demand that the new hire provide specific documentation demonstrating their eligibility for employment, with the exception that if the employer is an E-Verify employer and the employee provides a List B document that document must contain a photograph. • Demand that the new hire provide their email address or telephone number. • Demand that the new hire provide their Social Security number unless the employer is an E-Verify employer. • Accept photocopies of documents from the new hire (unless it is a certified copy of a birth certificate) if conducting physical examination. • Back date a Form I-9 if one is completed for an employee after the original is determined to be missing. • Conceal any changes made to a Form I-9. • Fail to correct known errors on the Form I-9. • Entrust incompetent employees with the task of hiring or with Form I-9 compliance. • Fail to reverify an employee who is out of eligibility status. • Reverify US citizens, noncitizen nationals, and lawful permanent residents who presented a permanent resident card (Form I-551). • Reverify List B documents. • Ignore notices from the US Immigration and Customs Enforcement (ICE) stating that certain employees were not authorized to work. • Refuse or delay an inspection by the government.
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- **Conduct yearly audits of Form I-9 compliance to be prepared for a possible government investigation.**
- Create a **“Form I-9 Administrative Policy & Procedure Manual,”** and keep it regularly updated:
 Establish uniform policies regarding the Form I-9 process and compliance, including:
 - whether to copy supporting documents.
 - storage of Forms I-9.
 - addressing credible reports of suspected unlawful employment and/or fraudulent identity; and
 - retention and purging.
- Provide regular training to employees responsible for the Form I-9 process.
- Train all personnel involved in employee hiring regarding Forms I-9 to ensure a consistent level of knowledge of compliance obligations.
- Track the expiration dates for employees with temporary work status and ensure timely reverification of expiring work authorization.
- Create standard operating procedures and policies to be followed whenever law enforcement or a government official seeks access to the employer's premises, files, or personnel.
- Obtain the name of the Immigration and Customs Enforcement (ICE) agent and copies of all the documents taken in the case of an ICE Form I-9 audit.
- Consider enrolling in E-Verify, particularly if the employer seeks to use the alternative procedure for remote documentation verification.
- Prepare for the possibility of a worksite enforcement action by ICE and have a contingency plan if a significant percentage of the workforce is arrested.

