



USCIS FORM I-9 PROCESS CHECKLIST

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				
<p>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.</p> <p>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.</p> <p>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.</p> <table border="1"><tr><td>Last Name (Family Name)</td><td>First Name (Given Name)</td><td>Middle Initial (if any)</td><td>Other Last Names Used (if any)</td></tr></table>			Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)			



Employer's Business or Organization Name	Employer's Business or Organization Address, City or Town, State, ZIP Code
For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.	
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EMPLOYEE COMPLETES FORM I-9 SECTION 1

May be completed any time after the new hire has signed an Offer Letter of Employment, but no later than the first day of employment for pay.

- Provide the new hire with the Form I-9 and the Lists of Acceptable Documents to demonstrate identity and employment authorization.
- Require the new employee to complete Section 1 of the Form I-9 no later than the first day of employment.
- Require the employee to write down their full name, other names used, address and date of birth.
- Ensure that the employee verifies their citizenship or immigration status by selecting the applicable box and filling in the accompanying blanks, if any.
- Have the employee sign and date immediately above Section 2.
- If a person or persons assists the employee with completing Section 1, require such individuals to complete a preparer and/or translator certification block in **Supplement A, Preparer and/or Translator Certification for Section 1**, by writing down their full name and address, signing, and dating the form.
- If the employer is an E-Verify employer, require the employee to provide a Social Security Number.
- Confirm that the new employee provides their current legal name, complete address, and date of birth .

EMPLOYER COMPLETES FORM I-9 SECTION 2

*May be completed any time after the new hire has signed an Offer Letter of Employment but **must be completed no later than the close of business on the third day following the employee's first day of employment for pay.***

- Ensure that the employee provides either a List A document or two documents: one from List B or from List C from the List of Acceptable documents to establish identify and work authorization.

- Allow the employee to present receipts in lieu of original documents (e.g., a receipt showing the employee applied for a lost, stolen, or damaged document).
- 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 for qualified employers.
- Complete Section 2 the same day the employee's documents are reviewed.
- Appoint an agent or designated representative to review the documents, if desired.
- Complete Section 2 of Form I-9 within three business days of the employee's first day of work for pay, unless the employee will be working for less than three days then complete Section 2 on the same day the employee begins work for pay.
- Physically examine each document in the employee's presence to determine that it relates to the employee and appears genuine on its face or examine each document consistent with an alternative procedure authorized by the Department of Homeland Security (DHS).
- Return any documents that do not appear to relate to the employee or do not appear genuine on their face and request the employee to provide other acceptable documents.
- Record information for the documents in Section 2, specifically the document title, issuing authority, document number and expiration date if any.
- Photocopy any US Passport, Passport Card, Permanent Resident Card, i.e. green card (Form I-551) or Employment Authorization Document (Form I-766) presented if the employer uses E-Verify at the location where the employee works. Retain a clear and legible copy of the documentation submitted, including the front and back if the documentation is two-sided, if the employer uses an alternative remote documentation verification procedure. Otherwise, photocopying is optional (but must be applied uniformly).
- Fill in the blanks asking for the employee's full name, using the name written down by the employee in Section 1, and the employee's citizenship/immigration status.
- Require the designated representative of the employer to include the following information in Section 2 of the form: the employee's first day of employment, signature of the employer representative; date; full name; job title; the employer's name and address.
- Print and sign the form.

EMPLOYER COMPLETE FORM I-9 SUPPLEMENT B, REVERIFICATION AND REHIRE

- Reverify when an employee's employment authorization or other proof of temporary work authorization expires.
- Obtain an unexpired List A or List C document of the employee's choice.
- Review a List A or List C document supporting renewed work authorization (or a receipt as discussed above) and complete the appropriate fields.

- Complete a new Form I-9 or complete the supplement and attach it to the employee's previously completed Form I-9 if an employer rehires an employee within three years of the date of the initial execution of their previous Form I-9.
- Ensure an employer representative signs, dates and prints their name in the allotted area.

MINIMIZE LIABILITY REGARDING WORKSITE ENFORCEMENT

- Establish, at a minimum, an annual training program for those involved in the Form I-9 process.
- Conduct yearly preventative Form I-9 audits by an external auditing firm or immigration lawyer trained in the Immigration and Control Act (IRCA) provisions.
- Ensure that all employees' Forms I-9 are completed in an appropriate and timely manner.
- 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.
- 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.
- Ensure Forms I-9 are filed and maintained in three groups: terminated employees, current employees, and employees that need to be reverified.
- Establish a tickler system for reverification of employees with limited work authorization.
- Provide those involved in the Form I-9 process with access to an immigration attorney trained in the ICRA provisions to provide advice and guidance when a problem and/or question presents itself.
- 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.
- Include contractual provisions that subcontractors are responsible for the proper employment verification and completion of Forms I-9 for all of their employees assigned to the employer's place of business.
- Have subcontractors certify that they enforce strict immigration policies.
- Require subcontractors to submit to third-party employment verification audits.
- Include an indemnity provision in the subcontractor's contract whereby the subcontractor agrees to defend and indemnify the employer for any liability arising out of claims that the subcontractor's employees are not authorized to work.
- Include an inquiry into the immigration status and employment eligibility of the workforce in case of restructuring, merger, or acquisition.
- 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.