



# THE USCIS FORM I-9 MASTER CLASS

## Pt.2 - Conducting an Internal I-9 Self-Audit to Ensure Compliance

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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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## USCIS FORM I-9 & ICE AUDITS: A PRIMER



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**POMS WHY IS AN I-9 FORM REQUIRED?**

- All U.S. employers must have a **USCIS Form I-9** on file for all current employees.
  - As of **11/1/2023**, employers are required to be using the Form I-9 with revision date **8/1/2023**, which was released to the public on August 1, 2023.
  - Employers were able to continue using the previous form with revision date 10/21/2019, for the transition period between 8/1/2023 and 11/1/2023.
  - Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.
- The Employer may still delegate the authority to complete Form I-9 to a responsible agent but will still retain liability for any errors.
- Visit [I-9 Central What's New](#) for updates.

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**POMS EMPLOYER RESPONSIBILITIES**

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



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**POMS EMPLOYER RESPONSIBILITIES**

**Immigrant and Employee Rights Section (IER)**

- **PREVENTING DISCRIMINATION**
- 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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**POMS BASIC I-9 REQUIREMENTS/REGULATIONS**

- Do NOT specify which documents you will expect/accept from the employee.
- Do not require more or different documents than minimally required.
- Only original documents are acceptable for verification purposes.
- Do not refuse to accept documents that reasonably appear to be genuine.
- Copies of supporting documents are not required for citizens but are required for permanent residents and non-residents to be submitted with the I-9.
- *White Out* (correction fluid or tape) may NOT be used on the I-9 form.
- Non-citizens who have a "999" number assigned to them must provide a valid social security number within 30 days of hire.
- Certain documents listed on the I-9 list are no longer acceptable because of E-Verify. List B documents must include a photograph.
- All documents must be current and valid - *expired documentation is not acceptable.*

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**WHO DOES NOT COMPLETE A FORM I-9?**

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



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**WHEN IS AN EMPLOYEES FORM I-9 COMPLETED?**

Section 1

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

Section 2

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

Section 3

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

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**ICE RAIDS AND ENFORCEMENT**

ICE (U.S. Immigration and Customs Enforcement) arrests and removals have seen an increase, particularly under the current administration.

- An ICE raid is a targeted law enforcement action by the U.S. Immigration and Customs Enforcement (ICE) to apprehend and detain individuals believed to be in violation of immigration laws.
- These raids can occur in various locations, including homes, workplaces, and public spaces, often involving a large number of agents and occurring without warning.
- Raids are generally not indiscriminate; they are typically targeted at specific individuals or locations, often businesses known to employ a large number of undocumented workers, such as restaurants, construction sites, and cleaning companies.
- Raids are generally not indiscriminate; they are typically targeted at specific individuals or locations, often businesses known to employ a large number of undocumented workers, such as restaurants, construction sites, and cleaning companies.
- Businesses and institutions can prepare by developing a response plan, designating a representative to handle ICE interactions, and ensuring employees are aware of the plan and their rights.

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**ICE HAS BEEN MORE ACTIVE UNDER THIS ADMINISTRATION**

Number of monthly arrests made by ICE's Enforcement and Removal Operations



\* Approximately  
Source: Department of Homeland Security

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**THE FORM I-9 AUDIT & INVESTIGATION PROCESS**

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**THE USCIS FORM I-9 INSPECTION PROCESS**

- ICE agents or auditors conduct an inspection of the Forms I-9 for compliance.

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**FORM I-9 INSPECTION - What May Be Inspected?**

- I-9 Forms for current employees hired after Nov. 6, 1986.
- I-9 Forms for terminated employees within the required retention period.
- Employee listing for current and terminated employees.
- Quarterly wage and hour reports.
- Payroll data for current and terminated employees.
- SSA Mismatch correspondence.
- E-Verify and/or SSNVS documents.
- Business information (Employer ID number, owner’s SSN/address, business licenses, etc.)

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**THE USCIS FORM I-9 INSPECTION PROCESS**

**TECHNICAL VIOLATIONS VS. SUBSTANTIVE VIOLATIONS**

- Technical violations typically involve paperwork errors or discrepancies in certain information. The first time, these errors may result in no fines, or small fines.
  - ICE gives employers time to correct the technical errors and return the documentation.
  - Left unrevised, however, technical violations could become substantive violations.
- Substantive violations are the more egregious violations of the law, and these typically result in a fine depending on the nature of the violation.
  - These violations include repeated and unresolved errors on Form I-9, willful distortion of facts, or the submission of false documentation to ICE.

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**POMS THE USCIS FORM I-9 INSPECTION PROCESS**

- **Examples of technical violations include:**
  - Failure to ensure an individual provides her Employee Name, address, or birth date in Section 1;
  - Failure to ensure the individual dates Section 1 at the time employment begins;
  - Failure to ensure a preparer and/or translator provide his or her name, address, signature, or date;
  - Failure to provide the document title, identification numbers and expiration dates of proper List A documents or proper List B and List C documents in Section 2 or 3, but only if legible copies of the documents are retained with the forms and presented at the I-9 inspections;
  - Failure to provide the title, business name and address in Section 2; or
  - Failure to provide the date of rehire in Section 3.

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**POMS 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 June 28, 2024, the Department announced the new Fine Schedule, with penalty amounts. Some of the common fines levied include:
  - I-9 paperwork violations - \$281 to \$2,789 per infraction, per form.
  - Knowingly Employing an Unauthorized, undocumented worker - 1st offense: \$698 to \$5,579 per violation
  - Knowingly Employing an Unauthorized, undocumented worker - 2nd offense: \$5,579 to \$13,946 per violation.
  - Knowingly Employing an Unauthorized, undocumented worker - 3rd or more offense: \$8,369 to \$27,894 per violation.
  - E-Verify Employers - Failure to inform DHS of Continuing Employment Following Final Non-confirmation: \$973 to \$1,942 per relevant individual employee.

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**POMS 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 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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**THE FORM I-9 SELF-AUDIT: ADMINISTRATIVE PRACTICE**

**POMS**

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**POMS BEST ADMINISTRATIVE PRACTICES IN I-9 COMPLIANCE**

It is clearly in your best interest to prepare for an I-9 audit before you are noticed and audited by DHS-ICE.

- The best method is to **PLAN AND PREPARE FOR AN I-9 AUDIT.**
- If you are targeted for an audit, it demonstrates a good faith effort to comply with the law and remediate any errors that you might have made in capturing or updating Form I-9 information.
  1. Plan Ahead
  2. Stay Up-to-Date and current on Form I-9 as though DHS-ICE is coming
  3. Document and follow your I-9 administrative policies and procedures
  4. Develop a timeline and assign responsibility for self-audit
  5. Organize your data and your Forms I-9
  6. Perform your self-audit

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**POMS BEST ADMINISTRATIVE PRACTICES IN I-9 COMPLIANCE**

**Develop & Maintain an I-9 & E-Verify Administrative Resource Binder**

Include the following types of documents in the administrative section:

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

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**POMS BEST ADMINISTRATIVE PRACTICES IN I-9 COMPLIANCE**

- Centralization of Authority and Responsibility for I-9
- Prepare I-9 Administrative Resource Binder (*See Previous Slide*)
- Retain Form I-9s separately from personnel records for ease of internal auditing and ease of retrieval in the case of an audit or inspection.
  - **Note that as of August 1, 2023, you must produce I-9s for inspection upon demand, where previously you had three days.**
- Written hiring and employment eligibility verification policy & procedure that addresses completion of the I-9 form.
- Establish an annual training program related to the hiring and employment verification process, including completion of the I-9
- Conduct yearly preventative internal Form I-9 self-audits, consider using an external auditing firm every few years.

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**POMS BEST ADMINISTRATIVE PRACTICES IN I-9 COMPLIANCE**

- Centralization of Storage - Active and Inactive Binders or electronic folders for electronic I-9s. Use alpha tabs, organize I-9s by employee's last name.
- Ensure Form I-9s are filed and maintained in three groups:
  1. Active Current Employees
  2. Terminated (Inactive) employees, and
  3. Employees whose USCIS Form I-9 need to be reverified.
- Keeping a reliable "tickler" reminder system before certain employment eligibility documents expire.
- Include contractual provisions that contractors and subcontractors are responsible for the proper employment verification and completion of Form I-9s for all their employees assigned to the employer's place of business.
  - Have contractors and subcontractors certify that they enforce strict immigration policies.
  - Require contractors & 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.

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**POMS BEST ADMINISTRATIVE PRACTICES IN I-9 COMPLIANCE**

**BUT BEFORE WE LOOK AT THE STEPS IN THE SELF-AUDIT PROCESS:**

**COMPLETE FORMS CORRECTLY WITH EMPLOYEES TO BEGIN WITH.**

- Filling out the I-9 form correctly is the first step in preparing for an audit, and it should be part of your employee onboarding process.
- Ensure that all I-9s are properly completed, organized, and retained.
- Establish administrative policy, procedures, training, and annual I-9 self-audits



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**STEPS YOU NEED TO FOLLOW WHEN CONDUCTING THE FORM I-9 SELF-AUDIT**



**POMS**

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**POMS PREPARING TO CONDUCT YOUR I-9 SELF-AUDIT**

- Employers should conduct a self-audit of their Form I-9s to ensure compliance with employment eligibility requirements and to identify and correct any errors
- The self-audit should be conducted annually - the first time you do it, it is likely that the process will take a while, depending on the size of your organization.
- However, subsequent years' audits only need to be done for the preceding 12 months, so they typically don't take very long.
- A part of the self-audit process, you should purge any Forms I-9 that under USCIS retention requirements, you no longer need to keep on hand.
- You should consult the guidance documents published by the Department of Homeland Security Immigration Customs and Enforcement (ICE), and by the Department of Justice Immigrant and Employee Rights Section (IER) for more information. *(Copies of these documents included in handouts)*

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**POMS PREPARING TO CONDUCT YOUR I-9 SELF-AUDIT**

Ensure your internal audit strategy doesn't violate discrimination laws. The Office of Special Council for Immigration Related Unfair Practices (OSC) ensures that individuals are not discriminated against based on citizenship status or national origin. Your Self-Audit process strategy should follow these guidelines:

1. If you use E-Verify, you must run cases for all your employees. Do not go back and run E-Verify cases for employees hired when your company was not enrolled in the E-Verify service.
2. If you conduct a selective I-9 audit (we recommend auditing all employees' I-9 forms), be careful to ensure true statistically random selection.
3. If you need additional or updated employment authorization documents, you must allow the employee to choose his or her own forms of I-9 acceptable documents.
4. Not every expired document can be updated, so consult the U.S. Citizenship and Immigration Services' M-274, Handbook for Employers, if you are uncertain.
5. Have translators/preparers available for employees who don't speak English, if applicable.

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**POMS I-9 INTERNAL AUDIT GUIDANCE**

- In 2015, the Office of Special Counsel (OSC) for Immigration-Related Unfair Employment Practices (of the U.S. Dept. of Justice -DOJ) and the U.S. Immigration and Customs Enforcement (ICE) unit of the Dept. of Homeland Security (DHS) released
  - **“Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits”**
  - **This is a MUST-READ document for planning an internal Form I-9 self-audit!**
- Six pages of Q&A format information *(Included in Handouts)*
- Biggest takeaway: internal audits must not be discriminatory or retaliatory themselves - criteria used for own internal audit could itself potentially become subject of federal audit or sanctions.

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**POMS**



**U.S. Immigration and Customs Enforcement**



Office of Special Counsel for Immigration-Related Unfair Employment Practices

**Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits**

This guidance is intended to help employers structure and implement internal audits in a manner consistent with the employer sanctions and anti-discrimination provisions of the Immigration and Nationality Act (INA), as amended 8 U.S.C. §§ 1324a, 1324b, and does not insulate employers from liability under either provision.

**What is the appropriate purpose and scope of an internal audit of Form I-9?**

While not required by law, an employer may conduct an internal audit of Forms I-9 to ensure ongoing compliance with the employer sanctions provision of the INA. An employer may choose to review all Forms I-9 or a sample of Forms I-9 selected based on neutral and non-discriminatory criteria. If a subset of Forms I-9 is audited, the employer should consider carefully how it chooses Forms I-9 to be audited to avoid discriminatory or retaliatory audits, or the perception of discriminatory or retaliatory audits. An employer should note that penalties for violations of the employer sanctions provision and the anti-discrimination provision of the INA may be imposed even if an internal audit has been performed.

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**POMS I-9 INTERNAL AUDIT GUIDANCE**

- **Several highlights (read entire document!)**
  - Clearly define purpose, scope and protocols first
  - Notify employees in writing of the above
  - Correcting errors: only employee corrects Section 1, and only employer corrects Section 2 or 3
    - No white-out, erasing content or back-dating
  - When to complete newest version of the Form I-9
  - Employer may NOT request specific documents to correct (or complete new) I-9 form
  - Cautions employers against requiring all employees to complete new forms, if not justified -could raise discrimination concerns

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**POMS I-9 INTERNAL AUDIT GUIDANCE**

- **Several highlights (Continued)**
  - E-Verify related guidance
  - Must provide “reasonable” amount of time to allow employees to provide documentation for I-9
  - Social Security Number Verification Service (SSNVS) is NOT to be used as ANY part of I-9 process
- **See also Jan 7, 2016 letter from OSC/DOJ re: Internal Audits, for additional guidance. (Included in Handouts)**

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

1. **Plan and Prepare:** Create a plan, set up checklists and required logs, train the staff who will conduct the audit, and gather employee information.
  - Create an administrative binder/folder for each I-9 self-audit conducted.
  - Use a Master Audit List of active and inactive employees from your HRIS and/or Payroll as the basis for your administrative working checklists/documents. Sort alpha by last name.
  - Send written notice to all employees that you are conducting an internal audit of USCIS Forms I-9, and that they may be contacted to assist in correcting any errors found.
2. **Gather and Assess all I-9s on File:** Gather all Forms I-9 (electronic or paper) for current and terminated employees. Check against master lists to ensure you have all required I-9s.
  - Notate on the Master Audit List which I-9s you have and keep a list of current and terminated employees for whom you do not have a Form I-9.
  - Remember - Employers must check to see that there is a Form I-9 on file for every current employee who performs work for the employer in the United States.
  - You should not have I-9s for nonemployees who may perform work, such as volunteers, independent contractors or consultants. If you do have an I-9 for these individuals, it should be removed from your official Form I-9 file and purged.

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**POMS THE I-9 SELF-AUDIT MASTER LOG**

**The Master I-9 Self-Audit Master Log is used:**

- To systematically review your USCIS Form I-9 records to ensure compliance with federal regulations.
- To identify any errors or missing information on I-9 forms.
- To document the actions taken to correct any identified issues, and who took those actions.



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**POMS THE I-9 SELF-AUDIT MASTER LOG**

**Key Components of a Self-Audit Log Sheet** - note that you can organized the columns in whatever order makes sense to you for ease of use:

**Header Information** - Title of spreadsheet - "Internal USCIS Form I-9 Self-Audit"; Company Name; Dates (from - to) of the audit; and names of employees conducting the audit.

**Employee Information: REMEMBER** - the log you will need now needs to include ALL current and former employees, back to the beginning of the company. You should be able to get that from your payroll system, or perhaps your HRIS system if you have one.

- Employee's Last Name. (separate from first name so that you can sort the spreadsheet alpha by last name.
- Employee's First Name.
- Employee's Hire Date and re-hire dates (if applicable)
- Inactive employees' Termination Date or dates for rehires (if applicable).
- Inactive employees' I-9 retention date (I usually program several columns based on the retention formula, to identify the date through which the form has to be retained, so that I can purge and shred it when that date is passed).

**Basic I-9 Form Inventory** - Use the following two columns - I-9 On File; I-9 Not On File

- Person Completing Correction.

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**POMS THE I-9 SELF-AUDIT MASTER LOG**

**I-9 Form Review - Results of each I-9 Form Review:**

- Date of I-9 Review.
  - Person reviewing the I-9.
- For Missing Forms:** Date new form was completed, and who completed it for the employer, and fill out columns for item 4 below, "List of Documents Presented"
- For Forms you do have on file:**
- **Section 1 Review:** Details of any errors found in Section 1 of the I-9 including Supplement A for forms completed since the 08/01/23 version was issued.
  - **Section 2 Review:** Details of any errors found in Section 2 of the I-9.
  - **Section 3 Review** (if applicable): Details of any errors found in Section 3 or Supplement B (Reverification and Rehires).
    - Note that starting with the 08/01-23 version of the form, Section 3 was eliminated and replaced with Supplement B

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**POMS THE I-9 SELF-AUDIT MASTER LOG**

*For Forms you do have on file (Continued):*

- List of Documents Presented (including document titles, issuing authority, numbers, and expiration dates). Use three columns to record this information -
  - Column A Form;
  - Column B Form, and
  - Column C Form.
- Remember that the rule is that the them employee can show you either For (1) one document from column A; OR 2) one document from column B AND one document from column C.

**Error Identification and Correction:**

- **Description of Errors:** A clear description of each error found. You will want to use wider columns here, since you will be writing narrative information (use the cell formatting to “wrap text.” Where there are no errors, just enter “No errors found” in that column.
- **Action Taken to Correct the Error:** A detailed explanation of the steps taken to rectify each error. Same here use a wider column to enter narrative.
- **Date of Correction.**
- **Person Completing Correction.**

**Additional Notes:**

- Any other relevant information, such as explanations for why certain actions were taken.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**2. Gather and Assess all I-9s on File: (continued)**

- Organize I-9s (note on your Master Audit List) into 3 groups; each group will be handled separately, and in priority order.
  - 1) Current employees who have no Form I-9 on file are the highest priority, as their eligibility to work in the United States should be verified as quickly as possible.
  - 2) The next highest priority will be to review current employees’ Forms I-9 on file to ensure they have been completed properly.
  - 3) The lowest priority will be handling I-9s of terminated employees.

**3. Obtain Forms I-9 for Current Employees who are Missing I-9s:**

- Current employees hired on or after 6 Nov 1986 and who do not have an I-9 on file will need to be contacted and instructed to bring documentation from List A or Lists B and C of Form I-9, or to come to make corrections on Section 1 of the I-9.
- Communicate with each employee individually on this matter. Verbal communication with the employee is sufficient; however, it is preferable to send an e-mail or a memo to the employee.
- Copies of all communications sent to employees who are missing I-9s should be kept in the Form I-9 audit file.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**3. Obtain Forms I-9 for Current Employees who are Missing I-9s: (continued)**

- Establish a due date for employees to provide required documentation to verify eligibility for employment in the U.S. The same day, or the next day the employee is scheduled to work is recommended.
- If employees have the necessary documentation on hand, or as soon as it is provided, you should sit down with them and **complete the Form I-9 immediately.**
- Remember, you must view the originals (not copies) of their documents.
- Current dates should be used when completing the Form I-9.
  - The date of hire is the employee’s actual date of hire, which may have been years earlier.
- Employers should attach a short memo to the corrected Form I-9 explaining that there was no I-9 on file and that the employee completed the I-9 at the time of the audit. This will demonstrate that you are making a good faith effort to be in compliance.
- The employee’s name can be crossed off the audit list, and the employer can add the completed I-9 to its file of Forms I-9 for current employees.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**3. Obtain Forms I-9 for Current Employees who are Missing I-9s: (continued)**

- Some employees may not be able to find their documents. The USCIS “Handbook for Employers” provides specific guidance about **which receipts may be acceptable** for a specific period of time in lieu of the actual document.
- If an employee does not provide the required documents within the appropriate time frame, the employer should either terminate his or her employment or place the employee on a leave of absence.
- The employee should be informed that they may be able to continue work for the organization once they provides proof of eligibility to work in the United States, if that is the intention of your organization.



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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**4. Review and Audit Forms I-9 for Current Employees:**

- Go through your master list systematically, and review each I-9 carefully.
- The USCIS Handbook for Employers, and the USCIS website titled I-9 Central, both provide additional information on the entire I-9 process. Keep these resources handy to answer questions regarding the proper completion of the Form I-9.
- Technical errors may be corrected on the existing I-9 form, but substantive errors may require completing a new I-9.
- You must follow a specific process to make corrections on the Form I-9.
  - For example, you must clearly show a change is a correction; use a differently colored ink from the original, and ensure changes are initialed and dated with the current date.
  - Document corrections made on your Master Audit List.
- As you go through this process, separate the I-9s into two files. The first file contains I-9s that have been completed properly; these should be filed away. The second file contains I-9s that have errors. Step 5 discusses how to fix these errors.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**4. Review and Audit Forms I-9 for Current Employees: (Continued)**

*Check the following information in each section of the Form I-9:*

**SECTION 1**

1. The name, address, other names used, and date of birth must be completed.
2. For the current Form I-9, the Social Security number is voluntary except for employers that participate in the E-Verify program.
3. E-mail address and telephone number are optional fields.
4. The employee must identify their immigration status and sign and date the form.
5. The preparer or translator section is to be completed only if someone other than the employee completed Section 1 on behalf of the employee.
  - *This translator section becomes a separate document titled Supplement A on the Form I-9 in effect as of 1 August 2023.*

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**SECTION 2**

1. The proper document must be entered into the appropriate column. For example, employers must ensure that a List B document is in fact listed under List B and not under List C or List A.
2. All required information must be entered for each document.
3. The documents listed must satisfy the requirement to provide both proof of identity and proof of eligibility to work in the U.S.
4. The certification section must be completed, including the date the employee first began work.
5. A representative of the company must sign and date the form with the date the employee's documents were examined and section 2 was completed.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**SECTION 2**

6. If Section 2 was completed remotely between March 20, 2020 and July 31, 2023 (due to the suspension of the physical document review requirements during COVID-19), explanatory notations by the should appear in the "Additional Information" box, including the date the documents were eventually physically reviewed.
7. If an alternative method to a physical review of the documents was used, it should be noted in the Additional Information section (such as during COVID-19), or the box stating as much (on the Form I-9 current as of Aug. 1, 2023) should be checked.



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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**SECTION 3 (Supplement B for I-9s Effective 8-1-23)**

1. This section should be completed only if the employee's work authorization expired or if the employee has been rehired.
  - It can also be completed if the employee had a name change, but this is not required.
2. Expired permanent resident cards and List B documents from the Form I-9 do not need to be reverified. These documents must not be expired when the I-9 is initially completed, but their subsequent expiration does not trigger the requirement to reverify the I-9.
3. Active U.S. citizens and permanent residents should not be reverified.



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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**5. Correct Errors on Forms I-9 for Current Employees:**

- Note on the Master Audit List the I-9 forms that contain errors. This will become the audit log showing the employer is making a good faith effort to ensure Form I-9 compliance.
  - The audit log should contain these columns for each employee:
    1. The errors found on the employee's I-9
    2. The actions that were taken to rectify and correct the error.
    3. The name of the person who made the correction.
    4. The time and date that the correction was made.
  - First, for each employee, populate column #1 above on the log: the error found.
  - Next, as you correct each I-9 form, columns #2, #3, and #4 above should be completed in the Master Audit List - Form I-9 log.
- The next section will review common errors to look for.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**5. Correct Errors on Forms I-9 for Current Employees: (Continued)**

- In some instances, there may be so many errors that using the original I-9 would be prohibitive.
  - In those instances, the employee should complete and sign a new I-9 using the current date (but the correct hire date should be entered in Section 2).
  - The employer must verify employee's employment eligibility documents in Section 2.
  - The original form should be stapled to the new I-9.
  - Again, the employer should write a memo explaining why there are two I-9 forms and attach it to the I-9s.
- Although not required, some employers choose to attach copies of the identification documents to the Form I-9. Aside from the E-Verify requirements to retain photocopies, an employer voluntarily choosing to retain photocopies must ensure that photocopies are kept for all employees.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**6. Review I-9 Forms for Terminated & Inactive Employees:**

- Once an employee is terminated from employment, employers are required to retain I-9s for three years after the employee's date of hire, or for one year following his or her date of termination, whichever date is later.
  - Complete the I-9 retention worksheet (copy in handouts) as a part of the off-boarding process to determine the date through which you must retain the I-9.
  - Staple the worksheet to the I-9 and transfer it to the Terminated or Inactive employee file.
- Employers should use a process similar to the one outlined in Step 5 to correct any errors they find on I-9s retained for terminated employees.
  - Employers will be unable to correct any errors that require the former employee's input (e.g., missing documentation, missing signature).
  - All corrections and instances in which the employer was unable to make corrections should be noted and documented on the Form I-9 audit log, and on a memo attached to the I-9.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**7. Purge I-9 Forms for Inactive Employees Outside Retention Period:**

- Destroy expired I-9s as often as possible—
  - If you keep I-9s electronically, you should be able to purge them on the day the retention period ends.
  - For paper I-9s, I have found it easier to purge them annually as a part of the I-9 self-audit.
- 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 Log of I-9 records that have been destroyed. An I-9 destruction record should include:
  - The 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.

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**7. Purge I-9 Forms for Inactive Employees Outside Retention Period: (Continued)**

- 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 using a professional service - and ensure there are no security loopholes anywhere in the process. Get a certificate of transfer

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**POMS OVERVIEW OF FORM I-9 SELF-AUDIT PROCESS**

**8. Conduct a Formal De-Brief of the Audit Process:**

- Review the findings of the I-9 Self-Audit to identify things that you are doing right in the administration of the I-9 process, and things that need to be improved, based on problems/issues identified during the audit.
- Review and revise your current I-9 Administration policy and procedures, make needed changes/improvements, to reduce the likelihood of future errors in the administration of the I-9 process.

**9. Complete the Self-Audit:**

- As corrections are made and missing I-9s begin to come in, you need to organize the I-9s and clearly document the steps you took during the audit.
- You must also retain the Form I-9 audit logs and communications to employees regarding the I-9 audit process.
- Keep the audit documentation in a separate Form I-9 audit file or to place this documentation in their files with the I-9 forms themselves.

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

**POMS**

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**POMS COMMON FORM I-9 MISTAKES**

**Incomplete Forms**

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

**Missing Deadlines**

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

**Signature & Date**

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

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**POMS COMMON FORM I-9 MISTAKES**

**Incorrect I-9 version**

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

**Missing re-verification**

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

**Incorrect supporting documents**

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

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**POMS COMMON FORM I-9 MISTAKES**

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

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

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**POMS COMMON FORM I-9 MISTAKES - EMPLOYERS**

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

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**POMS COMMON FORM I-9 MISTAKES - EMPLOYEES**

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



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**POMS COMMON FORM I-9 MISTAKES - OTHER**

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

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

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**POMS COMMON FORM I-9 MISTAKES - OTHER**

**Employers don’t follow retention requirements.**

- 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, 2018, and he resigned on July 5, 2020.
  - *November 1, 2018 + 3 years = November 1, 2021*
  - *July 5, 2020 + 1 year = July 5, 2021*
- The retention date is November 1, 2021

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**POMS COMMON FORM I-9 MISTAKES - OTHER**

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

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



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**POMS COMMON FORM I-9 MISTAKES - Section 1**

- Has the employee signed all required sections of Form I-9? If there is no signature, the attestation is not complete.
- Are you doing too much? An employer’s role in filling out the I-9 is to review the document for completeness. **DO NOT** ask for specific documents to verify the accuracy of information provided in section 1 > discriminatory practice.
- Are all of the boxes filled out? -Don’t forget about the last two certification boxes:
  - Number on individual’s green card
  - Number on EAD or I-94 and the expiration date of work permission
- **Missing deadlines:** Section 1 of Form I-9 must be filled out on the new hire’s first day of work.

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**POMS COMMON FORM I-9 MISTAKES - Section 1**

- If a preparer/translator was used to help the employee complete Section 1, be sure that the Preparer/Translator Certification information is completed correctly. **NOTE:**
  - For USCIS Forms I-9 dated prior to August 1, 2023, the Preparer/Translator certification is on the bottom of Page 1, in Section 1.
  - For USCIS Forms I-9 dated Aug 1, 2023 or later, the Preparer/Translator certification is Supplement A of the I-9 form.
- **IMPORTANT:** The employer assumes any liability for false statements in Section 1 if the employee fails to sign the I-9 and the employer accepts the Form without signature.

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**POMS COMMON FORM I-9 MISTAKES - Section 2**

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

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**POMS COMMON FORM I-9 MISTAKES - Section 2**

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

**MISTAKES HAPPEN**

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**POMS COMMON FORM I-9 MISTAKES - Section 3, or Supplement B**

**NOTE when doing your self-audit:**

- For USCIS Forms I-9 dated prior to August 1, 2023, Section 3 is a separate section of the I-9.
- For USCIS Forms I-9 dated Aug 1, 2023, or later, Section 3 is now Supplement B of the I-9 form.
- Filing errors: Employer does not maintain a tickler file system causing Section 3 to not be completed in a timely fashion.
- Limited work authorization document reminders: Employers fail to remind employees at least 120 days prior to when document expires. Failure to do so can cause re-verification to not occur on the day of expiration.
- Employer re-verifies a List B document or “Green Card.”
- Employer forgets to enter document title, number or expiration date for an acceptable document presented.
- Employer forgets to enter a date of rehire, if applicable.
- Employer forgets to enter an employee’s new name, if legally changed.
- Employer does not sign or date the certification.

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**POMS FORM I-9 MISTAKES - Examples of Technical Violations**

- Failure to ensure an individual provides her Employee Name, address, or birth date in Section 1,
- Failure to ensure the individual dates Section 1 at the time employment begins,
- Failure to ensure a preparer and/or translator provide his or her name, address, signature, or date,
- Failure to provide the document title, identification numbers and expiration dates of proper List A documents or proper List B and List C documents in Section 2 or 3 (or Supplement B), but only if legible copies of the documents are retained with the forms and presented at the I-9 inspections,
- Failure to provide the title, business name and address in Section 2, or
- Failure to provide the date of rehire in Section 3/Supplement B.

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**POMS FORM I-9 MISTAKES - Examples of Substantive Violations**

- Failure to timely prepare or present the I-9,
- Failure to ensure that the individual provides his or her printed name in Section 1 of the Form I-9,
- Failure to ensure that the individual checks a box in Section 1 attesting to whether he is a citizen or national of the United States, a lawful permanent resident, or an alien authorized to work until a specified date,
- Failure to ensure that an alien authorized to work provides his or her alien number in Section 1, if the number is not provided in Section 2 or 3 (or on Supplement B), or on a legible copy of the document that is retained with the I-9 form,
- Failure to ensure the individual signs the attestation in Section 1,
- Failure to complete Section 2 within 3 business days of hire.

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**POMS FORM I-9 MISTAKES - Examples of Substantive Violations**

- Failure to review and verify a proper List A document or proper List B and List C documents in Section 2 or 3,
- Failure to sign the attestation in Section 2,
- Failure to date Section 2 of the Form I-9,
- Failure to date Section 2 within three business days of the date the individual begins employment or, if the individual is employed for three business days or less, at the time employment begins, or
- Failure to sign and date Section 3 (or Supplement B) as well as to date Section 3 of the Form I-9 not later than the date of the expiration of the work authorization.

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**HOW TO MAKE CORRECTIONS ON THE USCIS FORM I-9**

POMS

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

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

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

- When making corrections, it should be exceedingly clear when the original form was completed and when the correction was made.
- Following correct compliance procedures means that both dates should be obvious to anyone reading the document, regardless of his or her level of familiarity with your company.
- If you have retained photocopies of documents that don't need to have been updated, you may be able to obtain the information needed to correct many deficiencies from those copies.
- You may also use information from personnel files to correct the forms.
- If anything is added to Section 1 of the form, remember to complete the Preparer/Translator portion of the form (*or Supplement A if I-9 date of issue is after 8-1-2024*) if applicable.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

- Use the audit date as the date to insert in the Preparer/Translator portion of the form (*or Supplement A if I-9 date of issue is after 8-1-2024*), since it is better to have a "late completion" problem than missing information on the form.
- Do not white-out or cover up the original information on the form; instead, simply cross out the incorrect information.
- If you are adding information to Section 2 of the form, initial and date the corrections. Include the words "Self-Audit" as well.
- If necessary, ask employees to sign or date Section 1 of the form or present correct documents.
- As forms are corrected, cross out deficiencies on the "stick-on" notes. When all items are crossed out, remove the notes.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

- When the form is correct, refile it.
- Annotate or highlight the master audit employee list to show forms that have been corrected.
- There may be some deficiencies that simply cannot be cured.
  - For example, you may have terminated employees from whom you accepted invalid documents, but the form cannot yet be discarded.
  - Annotate the list to show a "major" problem, remove the "stick-on" note, and re-file the form.
- We recommend that you create a "tickler" or reminder file or some other system for reminding you to discard defective forms when you no longer need to retain them.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

**SECTION 1:** If minimal omissions or inaccurate information exist

- The employee (or a translator/preparer if necessary) must make the change. **YOU SHOULD NOT MAKE CORRECTIONS TO SECTION 1!**
- The employee should draw one line through the inaccurate information, enter or write the correct information, and initial and date the correct information.
- If the employee needs assistance, the translator/preparer should draw one line through the incorrect information and enter or write the correct information.
- Then the employee should initial and date the correct information, and the translator/preparer should initial and date the correction next to the employee's initials.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

**SECTION 1:** If errors, omissions, or inaccurate information exist

- The employee (or a translator/preparer if necessary) must make the change.
- The employer should ask the employee to correct the error. When doing so, the employee should:
  1. draw a line through the incorrect information;
  2. enter the correct or omitted information; and
  3. initial and date the correction or omitted information.
- If an employee needs assistance correcting or entering omitted information in Section 1, the employee can have a preparer and/or translator help with the correction, using Supplement B both for old and current I-9s.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

**Sections 2 or 3 (Supplement B for I-9 dated 8-1-2023 or later):** If minimal omissions or inaccurate information exist:

- The employer must make the change.
- If there are not multiple errors, the best way to correct the form is to:
  1. draw a line through the incorrect information;
  2. enter the correct or omitted information; and
  3. initial and date the correction or omitted information.
  4. Include the words "Self-Audit" as well.
- If there are multiple errors, you may complete sections 2 and/or 3 (or Supplement B) on a new Form I-9 and attach it to the previously completed form. You should also attach to an existing Form I-9 an explanation of the changes made or why a new Form I-9 was completed, and sign and date the explanation.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

**Sections 2 or 3: Sections 2 or 3 (Supplement B for I-9 dated 8-1-2023 or later): Continued**

- As with Section 1, if the employer finds that Section 2 was never completed or is missing, the current version of the Form I-9 should be completed as soon as possible.
- Do not backdate the form. Instead, clearly state the actual date of hire in the certification portion of Section 2. The employer should also attach a signed and dated explanation of the corrective action taken.
- Even when correcting Forms I-9, an employer may not request specific documents when making corrections. You may specify that the document called into question cannot be used to correct the Form I-9.
- The employee should be permitted to present his or her choice of other documents, as long as they are acceptable for verification purposes.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

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



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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

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



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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

**You need a new Form I-9 if one of the following scenarios occur:**

- The current I-9 is invalid due to missing information or signatures
- The current form is so chock-full of errors that it doesn't make sense
- Your business was notified that you made a substantive violation
- Form I-9 is missing
- The form has been accidentally destroyed

If there are many errors on a form or if an entire section has not been completed, fill out a new I-9 and attach it to the original.

- Under no circumstances are you to discard the original form. You should also notate the reason for the changes you made.
- Be sure to be up front with the changes you make, don't try to hide them, as that may raise suspicion.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

If an outdated version of Form I-9 was completed:

USCIS Guidance:

*“If an employer discovers that the wrong version of the I-9 was completed at the time of hire, but the documentation presented was acceptable under the rules in place at the time, the employer may:*

- *Staple the outdated completed form to a blank copy of the current version; and*
- *Sign the current blank version and note why the current blank version is attached (e.g. wrong edition was used at time of hire).”*

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

If an employee’s employment authorization or employment authorization document has expired, or if an employee has changed names:

- Complete Supplement B (*replaced Section 3 as of 8-1-2023*) no the current version of the I-9 form for re-verification.
- Keep the completed Section 3 or Supplement B with the original Form I-9.
- Keep in mind that U.S. citizens and noncitizen nationals (lawful permanent residents who presented a Form I-551 for Section 2), List B documents should not be re-verified, even if now expired. If the document was expired when completing the original Form I-9, correct Section 2 instead.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

If the employer finds that Section 1 was never completed or is missing:

- Attach to the existing Form I-9 a signed and dated statement identifying the error or omission and explain why corrections could not be made.
- If the employer finds that Section 1 was never completed or is missing, the current version of the Form I-9 should be completed as soon as possible. But the employer should not backdate the form.
- Instead, the employer should clearly state the actual date employment began in the certification portion of Section 2. The employer should also attach a signed and dated explanation of the corrective action taken.

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**POMS CORRECTING FORM I-9 OMISSIONS, OR DISCREPANCIES**

If the employer finds errors on an I-9 of already terminated employee:

- Once an employee is terminated from employment, employers are required to retain I-9s for three years after the employee’s date of hire, or for one year following his or her date of termination, whichever date is later.
- Employers should use a process similar to the one outlined herein to correct any errors they find on I-9s retained for terminated employees.
  - Employers will be unable to correct any errors that require the former employee’s input (e.g., missing documentation, missing signature).
  - All corrections and instances in which the employer was unable to make corrections should be noted on the Form I-9 audit log, and in a memo attached to the I-9.

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**POMS 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](http://www.dhs.gov/E-Verify).”*

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**POMS USCIS CUSTOMER SERVICE**

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




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**POMS QUESTIONS**

- This is the chance to address issues that may not have been covered to your satisfaction:
  - To ask a question.
  - To expand on a point; or
  - To clarify a point.
- If there are any further questions which we were not able to get to today, please feel free to contact the instructor(s).



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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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