

[EMPLOYER NAME] USCIS FORM I-9 **AND E-VERIFY**

EMPLOYMENT ELIGIBILITY VERIFICATION

ADMINISTRATIVE POLICY

Sample Basic Policy

In today's complex regulatory environment, proper employment eligibility verification isn't just a legal formality - it's an essential business practice that protects your organization from potentially devastating penalties and reputation damage. An effective I-9 policy provides your hiring managers and HR team with clear guidelines to navigate federal requirements while maintaining efficient onboarding processes.

This sample policy can help employers codify their policy on completing Forms I-9 and adhering to employment eligibility verification requirements. These practices are legally mandated and overseen by the U.S. Department of Homeland Security, but effectively integrating these practices into your HR processes can also strengthen hiring accuracy and workforce accountability.

Customize this sample policy according to your organization's policies and procedures for I-9 forms. Include whether you use electronic or paper I-9 forms; whether you verify acceptable documents in person, remotely, or a combination of both; and whether you make copies of I-9 documents inspected in person and retain them for your records.

If your organization is enrolled in E-Verify, this practice is also required. Please make sure to adapt this sample policy to fit the unique needs of your business and consult with legal counsel or a compliance expert to ensure full compliance with all applicable laws and regulations.

INTRODUCTION:

The United States Citizenship and Immigration Services (USCIS) requires employees to provide identification and proof of their authorization to work in the United States via the Form I-9. **In addition to the I-9 process, [Employer Name] utilizes E-Verify, to electronically confirm the employment eligibility of new hires.**

This policy establishes procedures for managing USCIS Form I-9 **and the E-Verify** employment verification processes to ensure compliance with federal employment verification requirements for all employees.

It applies to all new hires and departing employees across the organization, regardless of location, citizenship, or any other protected status.

This policy sample policy is provided as general guidance for I-9 and E-Verify compliance, and is meant to assist organizations, and can be modified to fit an organization's particular onboarding, offboarding, and ongoing compliance workflows, as a measure to reduce federal and state audit risk. Organizations should consult with legal counsel to ensure their specific policies meet all regulatory requirements.

PURPOSE OF POLICY:

The purpose of this policy is to establish and communicate [Employer Name's] consistent process for completing, maintaining, and storing Form I-9, Employment Eligibility Verification, in compliance with immigration regulations.

SCOPE:

This policy applies to all employees hired by [Employer Name] regardless of business unit, location, or type of employment (full time, part time, or temporary).

POLICY STATEMENT:

Prompt: Customize the policy statement to include whether your organization uses E-Verify to verify employment eligibility, and if so, whether you use it for all or certain hiring sites.

[Employer Name] is committed to complying with the Immigration Reform and Control Act of 1986. All employees hired after Nov. 6, 1986, must complete a Form I-9 to verify their identity and eligibility to work in the U.S.

Optional: [Employer Name] uses E-Verify, U.S. Citizenship and Immigration Services' online system for verifying employment eligibility, to verify [all/some] employees' employment eligibility. [Insert language about which hiring sites utilize E-Verify.] E-Verify shall not take the place of completing the Form I-9.

[Employer Name] has designated the [Job Title Position] in the [HR Department] as its internal authorized representative, to be responsible for the implementation, monitoring, and compliance of this policy.

[Employer Name] may designate a third-party authorized representative to complete and sign Form I-9 on its behalf. [Employer Name] is liable for any statutory and regulatory violations made in connection with the form or the verification process, including any violations committed by any individual designated to act on [Employer Name]'s behalf.

Discrimination against individuals on the basis of national origin or citizenship is a violation of this policy and other applicable federal and state laws. E-Verify shall not be used to prescreen applicants for employment or to reverify employees who have temporary employment authorization.

ADMINISTRATIVE POLICIES:

- [Employer Name] shall complete, retain, and make its USCIS Forms I-9 that relate to its employees available for inspection by authorized parties, or to meet other requirements of applicable regulations or laws.
- The Form I-9 and E-Verify process cannot be completed until a written conditional offer of employment letter has been extended and accepted. Newly hired employees must complete and sign Section 1 of Form I-9 after acceptance of the offer of employment but no later than the close of business of his/her first day of work for pay. Employers or their

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authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C of the list of acceptable documents. Examples of these documents appear in the [USCIS Handbook for Employers \(M-274\)](#).

- The default method of verifying an employee's Form I-9 documentation is physically examining the documents that an employee supplies, along with the Form I-9, to verify the identity and authorization of an employee to work in the United States.
- All [Employer Name] employment eligibility verification procedures are to limit the possibility that sensitive employee information is transmitted to an unintended recipient or stored in an incorrect employee file. For that reason, [Employer Name] required sequential, rather than concurrent, processing of these documents. This means that only one Form I-9 is verified at a time. All documents related to the verification process must be closed or securely stored away before starting any new Form I-9 or E-Verify processes.
- [Employer Name] must honor an employee's request to perform the document verification in person. An employee might make this request if, for example, they have concerns over the security of transmitting their personal documents electronically.
- The [Employer Name] authorized representative must complete a new Form I-9 for ALL new hires. This includes completing a new Form I-9 for rehires or those who have previously worked for [Employer Name], regardless of the length of the break in service. An employee who is on leave but has a reasonable expectation of continued employment is not considered a rehire upon return.
- [Employer Name] shall display all required notices in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system.
- [Employer Name] or its authorized representative cannot specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may constitute a violation of federal and/or state laws.
- E-Verify participants may accept any document or combination of documents from the Lists of Acceptable Documents on Form I-9, but if the employee chooses to present a List B and combination, the List B (identity only) document must have a photograph.
- [Employer Name] shall not terminate or take any adverse employment action against an employee based on a Temporary Non-Confirmation (Mismatch or while Social Security Administration (SSA) or Department of Homeland Security (DHS) is processing the verification request unless the employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized.
- Employees are responsible for informing the [Employer Name] HR representative of any changes that may affect the information contained on their Form I-9. The representative will update the Form I-9 to maintain accurate information. If an employee informs their representative of changes, the employee is required to present original documentation to

show the reason for the change or misinformation on their current Form I-9. Changes must be well documented in this manner in case of a government audit.

PROCEDURES:

Pre-Employment (HR Department)

The HR department must initiate the following steps before the employee's first day:

1. Create a new employee profile in your HR system after accepting the job offer
2. Provide the employee with Form I-9 Section 1 to complete
3. Schedule document verification meeting for the employee's first day

First Day of Employment (HR Representative)

The assigned HR representative must:

1. Review the employee's completed Section 1 information
2. Physically examine original identification documents
3. Complete Section 2 within three business days of the employee's first day
4. Retain copies of verification documents, as required by company policy
5. Submit to E-Verify in accordance to state and federal policy

Offboarding Procedures

Upon receiving notice of employment termination:

1. Update employee status in your HR system
2. Calculate the appropriate retention period (3 years from hire date or 1 year from termination, whichever is later)

Record Retention

Maintain I-9 records according to the following schedule:

1. Active Employees: Maintain I-9 records throughout employment
2. Terminated Employees: Retain I-9 records according to federal requirements

Electronic I-9 System Access and Security

User Management:

1. Limit access to authorized HR personnel only
2. Require unique login credentials for each user
3. Review user access quarterly
4. Deactivate access immediately upon HR personnel departure

Data Protection

1. Use secure connections when accessing I-9 information
2. Never share login credentials
3. Log out of systems when not in active use
4. Report any security concerns to IT department immediately

GUIDANCE:

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1. Completion of Form I-9

Customize the below to include whether your organization uses paper or electronic I-9s and how it conducts verification of I-9 documents.

- All new employees of [Employer Name] must complete Section 1 of Form I-9 [electronically/on paper] after accepting their offer of employment and no later than their first day of employment.
- Employees must present acceptable documentation [in person/via videoconference] to verify identity and employment eligibility within three business days of their start date.
- **Optional:** Employees hired at E-Verify hiring sites may verify identity and employment eligibility via videoconference, provided that they first send clear copies of acceptable documentation before the videoconference for [Employer Name]'s review. If the document(s) presented are two-sided, then the employee must send copies of both sides of the document(s) prior to the videoconference and must present the same documents during the live video interaction.
- HR or designated personnel [or authorized representative] will complete Section 2 of Form I-9 by reviewing and verifying the employee's documentation within three business days of the employee's start date.

2. Documentation

- Only original and unexpired documents from the lists of acceptable documents may be used for I-9 verification.
- Photocopies, faxes, or digital scans of identity or employment eligibility documents are not permissible for verification purposes.

3. Retention and Storage

Customize this section to specify whether your organization copies and retains copies of I-9 documents.

- [Employer Name] will retain completed I-9 forms for three years after the date of hire or one year after employment ends, whichever is later.
- **Optional:** [Employer Name] will/will not make and retain copies of I-9 documents (front and back sides) along with each employee's I-9 form.
- [Employer Name] stores I-9 forms [and copies of documents, if applicable] separately from employee personnel files to ensure privacy and ease of access for audit purposes.

4. Reverification

Prompt: *Customize this section to include any relevant information about how your organization will track expiration dates and notify employees that they must present documentation for reverification.*

- Reverification of employment authorization is required when an employee's List A or List C document has an expiration date. The only exceptions are if the document provided was: 1) a valid I-551 Permanent Resident Card, 2) an expired I-551 Permanent Resident Card with Form I-797 receipt notice for a Form I-90, or 3) an expired I-551 Permanent Resident Card with Form I-797C receipt notice for a Form N-400 with language on the I-797C automatically extending the I-551 Permanent Resident Card.
- Employees must present valid documentation for reverification before their current authorization expires.
- [Employer Name] will notify employees [30 days or insert number] in advance of an authorization expiration date that their documentation will need to be reverified.
- HR will complete Supplement B (formerly Section 3) of Form I-9 for reverification purposes.

5. Training

- All HR personnel and designated staff involved in the I-9 process will receive training on I-9 compliance and verification procedures.
- **Optional:** Authorized representatives will receive guidance on [Employer Name]'s expectations for completing the employment eligibility verification process.
- Training will be reviewed and updated annually or as regulations change.

6. Audits and Compliance

- [Employer Name]'s HR personnel will conduct routine internal audits of I-9 documentation to ensure compliance.
- **Optional:** Employees whose I-9 forms or documents are found to be in violation will be placed on administrative/unpaid [or paid] leave until the situation can be remedied. During this time, the employee may not work.
- Noncompliance or violations may result in disciplinary action, up to and including termination of employment.

COMPLIANCE MONITORING

Internal Audits - Conduct regular annual audits to ensure:

1. All active employees have correctly completed I-9 forms
2. Forms are completed within federally-required timeframes
3. Expiring documents are updated timely
4. Supporting documentation is properly stored

Compliance Issues - If compliance issues are identified:

1. Document the issue in detail

2. Implement immediate corrective action
3. Consider consultation with experts for serious violations

System Outage - In the event of HRIS, ATS, or ERP system unavailability:

1. Use paper Form I-9 as backup (download current form from USCIS.gov)
2. Enter information into your digital system when available
3. Document reason for paper form usage

Training Requirements - Ensure adequate training for:

1. New HR personnel upon hiring
2. All HR staff when system updates occur
3. Annual refresher training for all users
4. Ad-hoc training when compliance issues are identified

ROLES AND RESPONSIBILITIES:

- **HR Department:** Responsible for the implementation, monitoring, and compliance of this policy.
- **Managers and Supervisors:** Ensure that all employees complete the Form I-9 in a timely manner.
- **Employees:** Provide necessary documentation and complete all required sections of the Form I-9.

EFFECTIVE DATE:

[Insert Date]

POLICY REVIEW:

This policy will be reviewed annually and updated as needed to comply with current regulations, and when significant changes occur in:

1. Federal I-9 requirements
2. Federal and Local E-Verify requirements
3. Company verification systems or processes
4. Company organizational or functional structure or authorities.

CONTACT INFORMATION:

For questions or clarification about this policy, please contact [HR Contact Name] at [Contact Information].