Form I-9 Compliance and Maintenance

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Alaska Public Entity Insurance
In compliance with the Immigration Reform and Control Act of 1986, all U.S. employers must verify the identity and employment eligibility of all new employees (both citizen and noncitizen) hired after November 6, 1986.

This requirement is satisfied by having newly hired employees complete the United States Citizenship and Immigration Services (USCIS) Form I-9.

Violations of this federal law result in penalties for an employer. It is therefore important that hiring managers or human resource staff who are responsible for overseeing the completion of Forms I-9 know how the form is to be completed and retained.

This presentation provides that knowledge.
Agenda

Purpose of Form I-9

Sections 1, 2 and 3 of Form I-9 (see the Form I-9 in included in your handouts)

Performing an I-9 audit and making corrections

Form I-9 retention requirements

Resources
Purpose of Form I-9

- Used for verifying the identity and employment authorization of individuals hired for employment in the United States.
- All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens.
- On the form, an employee must attest to his or her employment authorization.
- The employee must also present his or her employer with acceptable documents evidencing identity and employment authorization.
- The employer must examine the employment eligibility and identity document(s) an employee presents.
  - Determine whether the document(s) *reasonably appear* to be genuine and to relate to the employee
  - Record the document information on the Form I-9.
Current Form I-9
(Ensure you are using the current form!!!)
Sections of Form I-9

Section 1, Employee Information and Attestation
• Must be completed by the new employee no later than the date the employee begins employment.
• May also be completed prior to the beginning of employment, after the individual has accepted an employment offer.

Section 2, Employer or Authorized Representative Review and Verification
• Must be completed by the company’s representative before or within three business days of the employee’s first day of employment.
Section 3, Reverification and Rehires

• Employers or their authorized representatives should complete Section 3 when reverifying that an employee is authorized to work.

• When rehiring an employee within three years of the date Form I-9 was originally completed, employers have the option to
  • Complete a new Form I-9, or
  • Complete Section 3.

• In either a reverification or rehire situation, if the employee’s name has changed, employers must record the name change in Block A.

• For employees who provide an employment authorization expiration date in Section 1, employers must reverify employment authorization on or before the date provided.
Section 1: Employee Information and Attestation

- The employee may use a translator or preparer to complete Section 1 of the form.
  - The form must be signed by the employee, and
  - The translator or preparer must complete the last portion of Section 1.

- Social Security numbers are not required from new employees (unless the employer uses E-Verify).

- When an employee enters an employment authorization expiration date in Section 1, the employer is required to reverify employment authorization for the employee in Section 3 on or before the expiration date provided by the employee.

- Must be completed no later than the end of the employee’s first day of employment.
Section 1: Employee Information and Attestation

You must ensure that all parts of Form I-9 are properly completed; otherwise, you may be subject to penalties under federal law.”

Handbook for Employers M-274, Page 5
Section 2: Employer or Authorized Representative Review and Verification

- The new employee must present original and unexpired document(s) that prove his or her identity and employment authorization. Certified copies of birth certificates are acceptable.
  - Documents from List A show both identity and employment authorization.
  - Documents from List B show identity only (employers participating in E-Verify can accept List B documents only with a photograph).
  - Documents from List C show employment authorization only.
Section 2: Employer or Authorized Representative Review and Verification (cont.)

Please see the list of acceptable documents included with the Form I-9:

- Employers must accept any document(s) from the Lists of Acceptable Documents presented by the new employee that reasonably appear on their face to be genuine and to relate to the person.
- Employers may not specify which document(s) an employee should present.
- Employers must examine the documents presented and fully complete Section 2 by recording the title, issuing authority, number and expiration date (if any) of the document(s).
Section 2: Employer or Authorized Representative Review and Verification

Enter information from document from List A OR one document each from List B AND C.

If the employee presents documents from all three lists, have them choose which they want recorded.

Exception to B and C: Native American tribal documents from a federally recognized tribe. If the employee presents this, no other document is needed as it covers both B and C.

"If an employee presents a receipt for the application to replace a lost, stolen or damaged document, the employee must present the replacement document to you within 90 days from the first day of work."

Handbook for Employers M-274, Page 7
Section 2: Employer or Authorized Representative Review and Verification (cont.)

Retaining Copies of Form I-9 Documentation—Employer Options

• Make and retain copies of all documentation provided, and attach the copies to the Form I-9.
• Do not make copies of documentation provided.
• Whichever method is use, be consistent in your practice.
Section 3: Reverification and Rehires

- Reverifying means updating the employee’s work authorization
  - Done only when an expiration date is entered in Section 1.
  - Reverification must be done on or before the expiration date recorded in Section 1.

- The employee must present a document that shows either
  - An extension of the initial employment authorization; or
  - New employment authorization.
  - This can be any document from Lists A or C.

<table>
<thead>
<tr>
<th>Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. New Name (If applicable)</td>
</tr>
<tr>
<td>Last Name (Family Name)</td>
</tr>
<tr>
<td>First Name (Given Name)</td>
</tr>
<tr>
<td>C. If the employee’s previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.</td>
</tr>
<tr>
<td>Document Title</td>
</tr>
<tr>
<td>I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.</td>
</tr>
<tr>
<td>Signature of Employer or Authorized Representative</td>
</tr>
</tbody>
</table>
• U.S. citizens and noncitizen nationals never need reverification.

• Employers should not reverify an Alien Registration Receipt Card/Permanent Resident Card (Form I-551) or a List B document that has expired.

• Employees cannot work beyond the date their employment authorization expires without reverifying their authorization to work in the U.S.

• If the employee is rehired within three years of the date the Form I-9 was originally completed, employers have a choice of reverifying the rehire with the use of Section 3 or by completing a new Form I-9 for the rehire.
Performing an I-9 Audit

- If your organization is contacted by a federal agency (DHS, IER, or DOL) requesting an inspection of your I-9’s a minimum of three days notice is given before the inspection.
- Conducting a self-audit of the I-9s your organization has on file will allow you correct errors, ensure an accurate process going forward and identify forms that can be disposed of.
  - Gather all I-9s on file
  - Obtain Forms I-9 for current employees who are missing I-9s
  - Audit Forms I-9 for current employees
  - Correct errors
  - Audit terminated employee Forms I-9
    - Correct errors only in sections that the employer would normally complete
    - Note errors by employees in section 1 that cannot be corrected in a memo and attach the memo to the I-9
    - Identify I-9s that are beyond the required retention date and dispose of them
Common Errors on Form I-9

• Missing the basics: blanks not complete, missing signature, etc.
• Employee lists a PO Box for their address. Must be a street address.
• Dates not listed in the mm/dd/yyyy format.
• Overlooking the “Employee Info from Section 1” at the top of Section 2.
• Entering document information in list A, B, and C rather than A or B and C in section 2.
• Entering expired or unacceptable documents in section 2.
• Neglecting to enter the employee’s first day of employment date.
• Neglecting to reverify employment eligibility when a work authorization has expired.
Common Errors on Previous I-9 Forms

- There should be one document listed in List A OR one document each in List B AND C.
- Ensure all the necessary information for each document is listed.
- Check for List A expired documents that may require Updated and Reverification (Section 3).

Is this box checked for a current employee? If so, has their work authorization document expired?

No signature here!

Ensure this is a STREET address, not a PO Box
Making Corrections to Form I-9

- Section 1: Only the employee may make corrections to the Employee Information and Attestation.
- Section 2 and 3: The employer or authorized representative may make corrections to these sections.
- To correct the form:
  - Draw *a line* (no white out, scribble out) through the error
  - Enter the correct information
  - Initial and date the correction

<table>
<thead>
<tr>
<th>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.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Last Name (Family Name)</strong></td>
</tr>
<tr>
<td>Smith</td>
</tr>
<tr>
<td><strong>Address (Street Number and Name)</strong></td>
</tr>
<tr>
<td>PO Box 10 123 Main Street</td>
</tr>
<tr>
<td><strong>Date of Birth (mm/dd/yyyy)</strong></td>
</tr>
<tr>
<td>05/15/1980</td>
</tr>
</tbody>
</table>
Form I-9 Storage and Retention

- It is recommended that Form I-9 is kept separate from the personnel file to facilitate an inspection request and allow for easy, audit and disposal.

- Different requirements exist for storing the form in paper form, electronically or on microfilm/microfiche. Refer to the Handbook for more information.

- Form I-9 must be retained for:
  - 3 years after the date of hire, OR
  - 1 year after the date of termination, whichever is later.

- Forms that are kept beyond the retention requirements are still subject to audit and penalties.
Resources

- I-9 Central: [https://www.uscis.gov/i-9-central](https://www.uscis.gov/i-9-central)
  - I-9 Q&A
  - Acceptable Documents
  - Learning Resources


- I-9 Customer Support
  - Monday-Friday, 8 AM-8 PM ET: 888-464-4218
  - I-9Central@dhs.gov