Form I-9
Employment Eligibility Verification

Form I-9
Background
in 1986, in an effort to control illegal immigration, Congress passed the Immigration Reform and Control Act (IRCA).
IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.
The employment eligibility verification provisions of IRCA are found in Section 274A of the Immigration and Nationality Act (INA).

Form I-9
Background
To comply with the employment eligibility verification provisions of the INA an employer must:
• Verify the identity and employment authorization documents of employees hired after November 6, 1986
• Complete and retain a Form I-9 for each employee hired after November 6, 1986
• Refrain from discriminating against individuals on the basis of actual or perceived national origin, citizenship or immigration status
The Form I-9 is the only hiring form that we can fined for!!! It has to be 100% correct!
Form I-9

Completing Form I-9

All U.S. employers must have a Form I-9 on file for all current employees.

Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.

Form I-9

Completing Form I-9

Section 1: Employee Information and Verification

- To be completed by EMPLOYEE.
- Employer MUST verify Section 1 is COMPLETE.
Form I-9

Completing Form I-9
Section 1: Important Area – Employee Attestation

- The EMPLOYEE MUST select one of the four categories and sign and date Section 1 of Form I-9.
- All employees must complete Section 1 no later than the first business day of employment for pay.

Form I-9

Completing Form I-9
Section 1: Preparer/Translator Certification

- This certification is required when Section 1 is prepared by someone other than the employee.
- By signing, the preparer is attesting that Section 1 is true and correct to the best of his or her knowledge.
- Note that only the EMPLOYEE can sign the Section 1 Employee Signature Block.

Form I-9

Completing Form I-9
Section 2: Employer Certification of Document Review

- Completed by EMPLOYER.
- MUST be completed no later than 3 business days after the employee begins work for pay.
- EMPLOYER MUST examine original documents.
- Documents MUST be UNEXPIRED.
Form I-9

Completing Form I-9
Section 2: Lists of Acceptable Documents

- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9.
- Make sure you use Form I-9 with (Rev. 02/02/09) or (Rev. 08/07/09) – expiration date for both forms is 08/31/2012.

Form I-9

Completing Form I-9
Section 2: Lists of Acceptable Documents

<table>
<thead>
<tr>
<th>List A</th>
<th>Establishes Identity and Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>List B</td>
<td>Establishes Identity</td>
</tr>
<tr>
<td>List C</td>
<td>Establishes Employment Authorization</td>
</tr>
</tbody>
</table>

The EMPLOYEE MUST provide either:
- One document from List A OR
- One document from List B AND one document from List C

Form I-9

Completing Form I-9
Section 2: Documents – Genuineness and Photocopies

- You are not required to be a document expert.
- You MUST accept a document presented by an employee if it reasonably appears to be:
  - Genuine AND
  - Relates to the individual presenting it
- The document MUST be original* – photocopies are NOT acceptable.

*The only exception is a certified copy of a birth certificate.
Form I-9

Completing Form I-9
Section 2: Receipt Rule

- Receipts may be used as temporary proof of employment eligibility when a List A, B or C document has been lost, stolen or destroyed.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date.

Form I-9

Completing Form I-9
Section 3: Reverification

You must reverify an employee on Section 3 or on a new Form I-9 if his or her temporary employment authorization has expired.
You MAY also complete Section 3 if you:
- Rehire the EMPLOYEE within 3 years of original hire date*
- Update the biographic information of an employee

* USCIS recommends completing a new Form I-9 for rehires

Form I-9 Resources

- Form I-9, Employment Eligibility Verification
- Form M-274, Handbook for Employers
  http://www.uscis.gov/files/nativedocuments/m-274.pdf
- I-9 Central
  www.uscis.gov/I-9Central

10/23/2012