



ALASKA SHRM STATE COUNCIL

**HOW DO YOU STAY 'BETWEEN THE LINES' WHEN USING FORM I-9**

By: *Dave Basham*

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**E-Verify**

U.S. Citizenship and Immigration Services

**How Do You Stay 'Between the Lines' when using Form I-9**

[www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central)

*Dave Basham*

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**E Verify** U.S. Citizenship and Immigration Services

## Agenda

- Background
- Completing Form I-9
- Storage and Retention
- Resources

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## 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, and sanctions, of IRCA are found in [Section 274A of the Immigration and Nationality Act](#) (INA).



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## Working in the U.S.

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work

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### Employment Verification

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

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### Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of **unlawful conduct**:

- Citizenship or immigration status discrimination\*
- National origin discrimination\*
- Document abuse during Form I-9 process
- Retaliation

\* *Actual or perceived*

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### Office of Special Counsel (OSC)

The anti-discrimination provisions of the INA are enforced by:

**Department of Justice  
Civil Rights Division  
Office of Special Counsel for  
Immigration Related Unfair Employment Practices**



- Employees may contact the **Office of Special Counsel (OSC)** to obtain additional information regarding employment discrimination and employee rights and responsibilities\*  
1-800-255-7688 (TDD: 1-800-616-5525)
- Employers may also contact OSC\*  
1-800-255-8155 (TDD: 1-800-362-2735)

\*callers may remain anonymous  
See **OSC's "Employer Dos and Don'ts."**

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## Completing Form I-9

**Section 1: Employee Information and Attestation**  
**Section 2: Employer or Authorized Representative Review and Verification**

Form I-9 03/08/13 N

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## Form I-9 Requirements

**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 03/08/13 N

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## Form I-9 Exceptions

You are **NOT** required to complete Form I-9 for:

- Casual domestic service employees working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States.\*

\* 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands

Form I-9 03/08/13 N

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## List of Acceptable Documents

- Use MOST CURRENT [Form I-9](#) VERSION, 03/08/13
- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9

The EMPLOYEE MUST provide:

- One document from List A

OR

- One document from List B AND one document from List C

| LIST A<br>Documents That Establish Both Identity and Employment Authorization  | LIST B<br>Documents That Establish Identity   | LIST C<br>Documents That Establish Employment Authorization   |
|--|---|---|
| 1. U.S. Passport or a Passport Card<br>2. Permanent Resident Card or Alien Registration Card<br>3. Employment authorization document (EAD) issued by USCIS<br>4. Employment authorization document (EAD) issued by the Department of Homeland Security<br>5. The original or certified copy of a foreign passport with a U.S. visa<br>6. Original non-immigrant visa issued by the Department of State<br>7. Temporary lawful permanent resident card<br>8. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>9. The original or certified copy of a foreign passport with a U.S. visa<br>10. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>11. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>12. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>13. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>14. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>15. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>16. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>17. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>18. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>19. Temporary lawful permanent resident card issued by the Department of Homeland Security<br>20. Temporary lawful permanent resident card issued by the Department of Homeland Security | 1. Driver's License or Identification Card issued by a State, District, or Territory<br>2. U.S. Military Identification Card<br>3. U.S. Merchant Marine Document<br>4. U.S. Coast Guard Document<br>5. U.S. State Department Document<br>6. U.S. State Department Document<br>7. U.S. State Department Document<br>8. U.S. State Department Document<br>9. U.S. State Department Document<br>10. U.S. State Department Document<br>11. U.S. State Department Document<br>12. U.S. State Department Document<br>13. U.S. State Department Document<br>14. U.S. State Department Document<br>15. U.S. State Department Document<br>16. U.S. State Department Document<br>17. U.S. State Department Document<br>18. U.S. State Department Document<br>19. U.S. State Department Document<br>20. U.S. State Department Document | 1. Form I-90, Permanent Resident Card<br>2. Form I-766, Employment Authorization Document<br>3. Form I-797, Notice of Action<br>4. Form I-797C, Notice of Action<br>5. Form I-797D, Notice of Action<br>6. Form I-797E, Notice of Action<br>7. Form I-797F, Notice of Action<br>8. Form I-797G, Notice of Action<br>9. Form I-797H, Notice of Action<br>10. Form I-797I, Notice of Action<br>11. Form I-797J, Notice of Action<br>12. Form I-797K, Notice of Action<br>13. Form I-797L, Notice of Action<br>14. Form I-797M, Notice of Action<br>15. Form I-797N, Notice of Action<br>16. Form I-797O, Notice of Action<br>17. Form I-797P, Notice of Action<br>18. Form I-797Q, Notice of Action<br>19. Form I-797R, Notice of Action<br>20. Form I-797S, Notice of Action |

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## Does a Green Card Need Signature?

- USCIS recently changed the appearance of certain Permanent Resident Cards (Form I-551), also known as a Green Card.
- An increasing number of green cards are being issued with the words "Signature Waived" in place of the Lawful Permanent Resident's actual signature.
- All employers should be aware of this recent change in Green Cards when [examining acceptable documents](#) presented by workers during the Form I-9 process.
- Read the [USCIS Web Alert](#) for more information

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## Section 1: Employee Information

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.)

|                                  |                             |                |                           |
|----------------------------------|-----------------------------|----------------|---------------------------|
| Last Name (Family Name)          | First Name (Given Name)     | Middle Initial | Other Names Used (if any) |
| Address (Street Number and Name) | Apt. Number                 | City or Town   | State Zip Code            |
| Date of Birth (mm/dd/yyyy)       | U.S. Social Security Number | E-mail Address | Telephone Number          |

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

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### Section 2: Examining 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

*\*Exception:* Certified copy of a birth certificate

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### 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 damaged.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date. EXCEPTIONS:
  - The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
  - The departure portion of the Form I-94/I-94A with a refugee admission stamp
- A receipt indicating that an individual has applied for an **initial** employment authorization document (Form I-766) or for a **renewal** of an expiring employment authorization document (Form I-766) is **NOT** acceptable for Form I-9.
- Receipts are never acceptable if employment will last less than 3 business days.

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### Section 2: Copying Documents

You may choose to make copies of employee documentation presented to you for Section 2.

- If you choose to photocopy documents, you must do so for **ALL** employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.

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## Storage and Retention



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## Storage

- Form I-9 **MUST** be on file for all current employees.
- Store Forms I-9 securely in a way that meets your business needs – on site, off-site, storage facility or electronically.
- **Store Forms I-9** and document copies together.
- Ensure that only authorized personnel have access to stored Forms I-9.
- Make Forms I-9 available within 3 days of an official request for inspection.

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## Retention

**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, 1993, and on July 5, 1994, employment was terminated.  
November 1, 1993 + 3 years = November 1, 1996  
July 5, 1994 + 1 year = July 5, 1995  
The retention date is November 1, 1996

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## Resources



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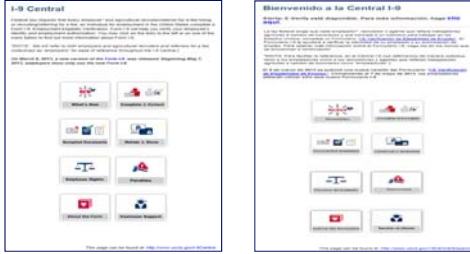
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## I-9 Central

I-9 Central: [www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central) I-9 Central Spanish: [www.uscis.gov/I-9Central/Espanol](http://www.uscis.gov/I-9Central/Espanol)



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## Form I-9 Multimedia Resources

- [Section 1 Vignette](#)
- [Section 2 Vignette](#)
- [Section 3 Vignette](#)
- [I-9 Webinar on Demand](#)



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### E-Verify

#### Stay Up to Date

- NEW Follow [www.Twitter.com/EVerify](http://www.Twitter.com/EVerify) to receive updates and tips on Form I-9, E-Verify, myE-Verify, Self Check, employee rights and more.
- Subscribe to [e-newsletter E-Verify Connection](#) and visit our websites
  - [www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central)
  - [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)
  - E-Verify [What's New](#)
  - E-Verify [Monitoring and Compliance](#)
  - [www.uscis.gov/myE-Verify](http://www.uscis.gov/myE-Verify)
- Submit an idea [E-Verify Listens](#)
- Like [USCIS on Facebook](#)
- Read [E-Verify blogs](#)

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### E-Verify

#### E-Verify Outreach

- [Free Customized Webinars](#)
- [Content for your newsletters](#)
- [Authorization to use the E-Verify® Logo and Name and I E-Verify Seal](#)
- 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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### E-Verify

#### Customer Service

E-Verify received the highest rating for customer service of all federal agencies.  
(2013 American Customer Satisfaction Survey)

- 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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### Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

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■ Thank You!!

■ You may download your credit certificates at <http://alaska.shrm.org/certificate>

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