

Form I-9 and E-Verify Compliance Updates

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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 \(INA\)](#).



Immigrant and Employee Rights Section (IER)

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*
1-800-255-7688 (TDD: 1-800-616-5525)
- Employers may also contact IER*
1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous
See [IER's "Employer Dos and Don'ts."](#)

Agenda

- Background
- What has changed on Form I-9
- Document Tips
- Correcting Mistakes on Form I-9
- E-Verify
- Resources

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

Form I-9 Requirements

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

- The revised form has a revision date of 07/17/17 N. Employers will be allowed to use either the current form or the new form through September 17, 2017, after which they must use the revised form.
- 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.

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Completing Form I-9

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Section 1: Employee Attestation

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

1. I am the preparer of this form. I am (check one of the following boxes):
 - I am the employer.
 - I am the preparer of this form for the employer.
2. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
3. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
4. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
5. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
6. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
7. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
8. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
9. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.
10. I have provided a valid U.S. State Identification Number (ID#) to the preparer of this form.

- 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.

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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.
- The EMPLOYER that examines the original documents in the presence of the employee MUST sign and date Section 2.
- Documents MUST be UNEXPIRED.

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Section 1: Employee Information and Attestation

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 Last Names Used (if any)) State ZIP Code

Address (Street Number and Name) Apt. Number City or Town Employees' Telephone Number

Date of Birth (mm/dd/yyyy) U.S. Social Security Number Employee's E-mail Address Employee's Telephone Number

- Employee's email address is an optional field
- Employees should enter N/A if choose to skip field
- Employers should not enter their business email address in Section 1

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Section 1: Preparer/Translator (P/T) Certification

This certification is required when Section 1 is prepared by someone other than the employee.

- Employees must check the first box if they don't use a preparer or translator.
- If the first box is checked, no entries can be made in the fields as the check box is equivalent to stating N/A.

If the employee uses a P/T, the P/T must check the second box in this section, then choose from the drop-down menu the number of preparers and translators used.

- If the dropdown indicates more than one P/T, the form automatically generates an extra page to enter up to four more P/Ts.
- P/Ts must sign and date the areas by hand.
- If the form is being completed on paper, P/Ts may use the supplement on the Form I-9 download page to enter multiple P/Ts.

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Lists of Acceptable Documents

- Use MOST CURRENT Form I-9 VERSION, 07/17/17 N
- 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

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LIST A DOCUMENTS

- Documents that Establish Both Identity and Employment Authorization
 - The documents on List A show both identity and employment authorization. Employees presenting acceptable List A documents are not asked to present any other document.
 - Some List A documents are in fact a combination of 2 or more documents.
 - In these cases, the documents presented together count as one List A document.
 - Identify the Alien Number on documents
 - Identify the Document Number on documents



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LIST B DOCUMENTS

- Documents that Establish Identity
 - The documents on List B establish only identity. Employees who choose to present a List B document must also present a document from List C for Section 2.



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Section 2 Certification and Hire Date

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, and (2) I have verified the information contained in the document(s) against the information in the E-Verify system. The employee's first day of employment (mm/dd/yyyy) is: **05/01/2018** (See [Section 2 Certification](#) for more information.)

Signature of Employer or Authorized Representative: _____ Hire date: _____
 Today's Date (mm/dd/yyyy) [] Employee's Business or Organization Name [] Representative []

Last Name of Employer or Authorized Representative [] City or Town [] State [] ZIP Code []

Click to Finish
 Section 2 completion in progress.

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Redesigned Green Cards and Employment Authorization Documents



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LIST C DOCUMENTS

- LIST C DOCUMENTS
 - The documents in List C only establish employment authorization.
 - Employees who choose to present a List C document must also provide a document from List B for Section 2.



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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
- Section 2 **MUST** be filled out in the presence of the employee
- The document **MUST** be original* – photocopies are **NOT** acceptable
 - *Exception: Certified copy of a birth certificate

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Section 3: Reverification & Rehires

Section 3: Reverification and Rehires This is the completion and record by employer or authorized representative.

Employer Name (Employer Name) First Name (Given Name) Last Name (Family Name) Middle Initial (If applicable)

Social Security Number (Social Security Number) Social Security Number (9-digits) Date (Month/Day/Year)

Date of Birth (Date of Birth) First Name (Given Name) Last Name (Family Name) Middle Initial (If applicable) Date (Month/Day/Year)

Signature of Employer or Authorized Representative (Signature of Employer or Authorized Representative) Signature of Employer or Authorized Representative (Typed Name) Date (Month/Day/Year)

Signature of Employee (Signature of Employee) Signature of Employee (Typed Name) Date (Month/Day/Year)

Employer or Authorized Representative (Employer or Authorized Representative) Name of Employer or Authorized Representative (Typed Name) Title of Employer or Authorized Representative (Typed Title)

Employee (Employee) Name of Employee (Typed Name) Title of Employee (Typed Title)

You MUST reverify an employee using Section 3 if his or her temporary employment authorization has expired.

You MAY also complete Section 3 if you:

- Rehire the EMPLOYEE within 3 years of the date of initial execution of the Form I-9
- Update the biographic information of an employee

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

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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
- Store copies of documents with the Form I-9 or with the employee's records
- 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
- Ensure that only completed forms containing a signature and date are retained

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Form I-9 and E-Verify

Form I-9 must be completed before a case can be created in E-Verify.

COMPLETE FORM I-9 The employee and employer must complete Form I-9 before creating an E-Verify case.

PROCESS CASE The employer must create an E-Verify case for the employee.

RECEIVE RESULTS Results are available in the E-Verify system.

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Correcting Form I-9

Correcting Mistakes

If you discover a mistake on Form I-9, correct the existing form

OR prepare a new Form I-9:

- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms

If you discover you are missing the Form I-9 for an employee:

- Provide the employee with a Form I-9
- Complete the Form I-9 as soon as possible
- DO NOT backdate the Form I-9.

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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, 2015, and on July 5, 2017, employment was terminated.

November 1, 2015 + 3 years = November 1, 2018

July 5, 2017 + 1 year = July 5, 2018

The retention date is November 1, 2018

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What is E-Verify?

- Free web-based service that's fast and easy to use Electronically verifies the employment eligibility of
 - Newly hired employees
 - Existing employees assigned to work on a qualifying federal contract
- Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)

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Why E-Verify?

- ✓ Peace of mind
- ✓ State/ Federal contract requirements:
- ✓ E-Verify is Business Friendly
- ✓ Access methods
 - ✓ Works with Form I-9 seamless:
 - ✓ Combat document fraud
 - ✓ Easy case processing
 - ✓ Interactive training
 - ✓ Award winning customer service

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Form I-9 & E-Verify Work Together

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Contact Us

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E-Verify received the highest rating for customer service of all federal agencies.

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: I9Control@uscis.dhs.gov
- E-Verify E-Mail: E-Verify@uscis.dhs.gov
- Form I-9 Website: www.uscis.gov/I9Control
- E-Verify Website: www.dhs.gov/E-Verify

Available Monday-Friday 8:00 a.m. - 8:00 p.m. EST

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State E-Verify Requirements

Enacted legislation requiring mandatory use of E-Verify that may include most employers, various public entities / contractors

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Results after TNC

You should check E-Verify periodically for one of the following responses:

- Employment Authorized
- Review and Update Employee Data
- Case in Continuance
- DHS Verification in Process
- DHS No Show
- Final Nonconfirmation

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