

Corporate Immigration Compliance Plans, Policies, and Procedures

Employer:

Compiled by Mdivani Corporate Immigration Law Firm

www.uslegalimmigration.com

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Employer Immigration Compliance Plans, Policies and Procedures

4th Edition

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ISBN: 978-0-9774524-8-4

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LEGAL DISCLAIMER

Information provided in this publication is of a general nature: it is not specific legal advice, and reading it does not create an attorney-client relationship. This information may be inapplicable to your specific circumstances. Immigration law is complex and frequently changes. Information in this book may be outdated if policy or law change by the time you are ready to act on your compliance needs. I strongly suggest that you have a business immigration attorney with expertise in employer compliance, review your plan of action and advise you on the specifics of your immigration compliance before you act.

VERTEX PRESS

CORPORATE IMMIGRATION COMPLIANCE INSTITUTE

U.S. Business Immigration Law Library Kansas City, MO





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▣ **Corporate Immigration
Compliance Policy**

▣ **ICE Best Employment Practices**

▣ **Business Immigration Compliance
Checklist**

Corporate Immigration Compliance Policy

■ WHAT IS THIS?

This is a sample Employer Immigration Compliance Policy that is based on ICE Best Employment Practices. It points out that while the employer complies with immigration law requirements, at the same time the employer complies with law and its policies/procedures regarding non-discrimination and creating and maintaining an inclusive workforce. The Policy is followed by an annual revision schedule.

■ HOW TO USE THIS

Review the policy. Decide if it is a good fit for your company, and either adopt it as drafted or change as appropriate. Use the Revision Schedule to ensure the Policy is revised at least once a year or as often as important changes in the law or policy occur. Conduct training.

NOTES:

Corporate Immigration Compliance Policy

_____ is committed to complying with immigration law.

COMPANY NAME

We are dedicated to ensuring compliance with immigration law in the hiring, retention, and termination of our employees. We are equally committed to having an inclusive workforce, based on non-discriminatory policies and following federal and state laws prohibiting discrimination based on race, nationality, alienage, ethnicity and religion. In furtherance of our Immigration Compliance Policy, we have implemented a comprehensive Immigration Compliance plan with procedures, which are subject to annual revisions. Even though we are not an ICE-IMAGE participant, we were guided by ICE's Best Hiring Practices in establishing our policy. It is our policy to hire and employ only employment-authorized individuals. We designate and properly train Authorized Personnel on how to handle employee and contractor immigration compliance matters. We conduct recurrent audits of I-9s. We have established that employees should report to trained Authorized Personnel if they have a question or issue that needs to be investigated relating to immigration compliance or unlawful discrimination, and a protocol for responding to such reports.

ESTABLISHED _____

NAME _____

SIGNATURE _____

TITLE _____

DATE _____



Corporate Immigration Compliance Policy and Procedures

ANNUAL REVISION SCHEDULE

Employer Immigration Compliance Policy and Procedures should be revised annually to ensure that it reflects changes in immigration law and policy, which may be applicable to this business at that time.

Policies and Procedures Established

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for _____, 20__

DATE

Reviewed _____, 20__

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for _____, 20__

DATE

Reviewed _____, 20__

Signature _____ Title _____

Name _____ Date _____



20__ Revision Scheduled for ____, 20__

DATE

Reviewed ____, 20__

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for ____, 20__

DATE

Reviewed ____, 20__

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for ____, 20__

DATE

Reviewed ____, 20__

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for ____, 20__

DATE

Reviewed ____, 20__

Signature _____ Title _____

Name _____ Date _____

ICE Best Employment Practices

■ WHAT IS THIS?

ICE Best Employment Practices were developed by Immigration and Customs Enforcement as part of the IMAGE Employer Certification program. ICE Best Employment Practices are viewed by the government as one of the "carefully crafted compliance tools," and are routinely included in settlement agreements between employers and ICE. ICE uses these guidelines in assessing whether employers comply with requirements of Immigration Reform and Control Act ("IRCA") applicable to businesses.

■ HOW TO USE THIS

Employers should carefully review ICE Best Practices with their business immigration counsel, adopt those that are reasonable, modify those that are IMAGE-program specific, and use ICE Best Practices as a foundation for the Immigration Compliance Plan, Policies and Procedures to comply with IRCA based on this guidance from the enforcement agency.

NOTES:

ICE BEST EMPLOYMENT PRACTICES

NOTE:

These are the Best Employment Practices recommended by US Immigrations and Customs Enforcement (ICE).

12 Best Hiring Practices

1. Use E-Verify, the OHS employment eligibility verification program, to verify the employment eligibility of all new hires.
2. Use the Social Security Number Verification Service (SSNVS) and make a good faith effort to correct and verify the names and Social Security numbers of the current workforce.
3. Establish a written hiring and employment eligibility verification policy.
4. Establish an internal compliance and training program related to the hiring and employment verification process, including completion of Form I-9, how to detect fraudulent use of documents in the verification process, and how to use E-Verify and SSNVS.
5. Require the Form I-9 and E-Verify process to be conducted only by individuals who have received appropriate training and include a secondary review as part of each employee's verification to minimize the potential for a single individual to subvert the process.
6. Arrange for annual Form I-9 audits by an external auditing firm or a trained employee not otherwise involved in the Form I-9 process.
7. Establish a procedure to report to ^{management} ICE credible information of suspected criminal misconduct in the employment eligibility verification process.
8. Establish a program to assess subcontractors' compliance with employment eligibility verification requirements. Encourage contractors to incorporate IMAGE Best Practices and when practicable incorporate the verification requirements in subcontractor agreements.
9. Establish a protocol for responding to letters received from federal and state government agencies indicating that there is a discrepancy between the agency's information and the information provided by the employer or employee (for example, "no match" letters received from the Social Security Administration).
10. Establish a ^{open-door policy} tip-line mechanism (inbox, e-mail, etc.) for employees to report activity relating to the employment of unauthorized workers, and a protocol for responding to employee tips.
11. Establish and maintain appropriate policies, practices and safeguards against use of the verification process for unlawful discrimination, and to ensure that U.S. citizens and authorized workers do not face discrimination with respect to hiring, firing, or recruitment or referral for a fee because of citizenship status or national origin.
12. Maintain copies of any documents accepted as proof of identity and/or employment authorization for all new hires.

Business Immigration Checklist

■ WHAT IS THIS?

The Business Immigration Checklist is a tool to promptly assess the state of an employer's immigration compliance.

■ HOW TO USE THIS

Ask executive and management of the company questions on the checklist. If the employer can check off all the items on the checklist, the employer is likely in substantial IRCA compliance. If some items cannot be checked off, it is time to adopt and implement a specific employer immigration compliance plan, policies, and procedures based on ICE Best Employment Practices.

NOTES:

MDIVANI BUSINESS IMMIGRATION COMPLIANCE CHECKLIST

I. Does Employer Understand Consequences of Immigration Non-Compliance?

Criminal: By DHS, DOL & DOJ: IRCA & RICO arrests, jail terms, fines, assets forfeiture: Agriprocessors, Asplundh Tree

Civil Sanctions: by DHS under IRCA

IRCA Discrimination: Backpay, fines, DOJ reporting requirements

Under State Law: Loss of business license, loss of state credits

II. Immigration Compliance Officer: Who Is In Charge?

III. Written Corporate Immigration Compliance Policies, Procedures, and Plan: Use ICE Best Employment Practices

- ☐ Corporate Immigration Compliance and Non-Discrimination **Policy**
- ☐ **E-Verify**
- ☐ Annual **I-9 Training** Procedures and Schedule
- ☐ Designated **I-9 Administrators**
- ☐ Annual **I-9 Audits** Procedures and Schedule
- ☐ SSN and DHS **No-Match** Letters Procedures
- ☐ **Contractor** Immigration Compliance Procedures
- ☐ **Work Visa** Procedures
- ☐ **Government Audit** Procedures

IV. Mergers & Acquisitions

New **Visas** for Acquired Employees? Liability for **Incoming I-9s**?



2

- ☐ **I-9 Checklist**

- ☐ **Electronic I-9**

Policy/Procedures

- ☐ **Virtual I-9**

Policy/Procedure

I-9 CHECKLIST

Check as applicable

Remove/Draw a straight line through inapplicable items

- ☐ Ask the employee to complete Part 1 of the I-9 form on the first day of work. Please make sure he (she) signs and dates Part 1, and make sure Section 1 makes sense.
- ☐ Show list of acceptable documents to the new employee, ask him/her to provide either one (1) document from List A or one (1) document from List B and one(l) document from List C within three (3) days.
- ☐ Inspect and record documents presented by employee in Section 2; copy front and back.
- ☐ Follow E-Verify procedures and print result.
- ☐ Have a second Authorized Employee review the I-9 and E-Verify printout.
- ☐ If employment authorization needs to be re-verified, enter the employee's name, date of expiration and date of warning notification into the Re-verification Table and Outlook Calendar.
- ☐ Scan all documents into the I-9 computer file.
- ☐ Store the original I-9 and copies of presented documents and E-Verify printout in the I-9 Records Binder.

Note: The latest version of the I-9 should always be used. The I-9 with instructions can be found at uscis.gov/i-9.

PLEASE REMEMBER:

This list is for Employees only not for contractors, subcontractors, or vendors.





Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9

OMB No.1615-0047

Expires 05/31/2027

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [Instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

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 (if any)	Other Last Names Used (if any)								
Address (Street Number and Name)			Apt. Number (if any)	City or Town		State ZIP Code							
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>									Employee's Email Address		Employee's Telephone Number	
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):											
		<input type="checkbox"/> 1. A citizen of the United States											
		<input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)											
		<input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)											
		<input type="checkbox"/> 4. An alien authorized to work until (exp. date, if any)											
		If you check Item Number 4. , enter one of these:											
		USCIS A-Number		OR	Form I-94 Admission Number								
				OR	Foreign Passport Number and Country of Issuance								
Signature of Employee				Today's Date (mm/dd/yyyy)									

If a preparer and/or translator assisted you in completing Section 1, that person **MUST** complete the [Preparer and/or Translator Certification](#) on Page 3.

Section 2. Employer Review and Verification: Employers or their 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. Enter any additional documentation in the Additional Information box; see Instructions.

List A		OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)		Additional Information			
Issuing Authority		Check here if you used an alternative procedure authorized by DHS to examine documents.			
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.			First Day of Employment (mm/dd/yyyy):		
Last Name, First Name and Title of Employer or Authorized Representative			Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name			Employer's Business or Organization Address, City or Town, State, ZIP Code		

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

LISTS OF ACCEPTABLE DOCUMENTS

All documents containing an expiration date must be unexpired.

* Documents extended by the issuing authority are considered unexpired.

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

Examples of many of these documents appear in the Handbook for Employers (M-274).

LIST A		LIST B	LIST C
Documents that Establish Both Identity and Employment Authorization	OR	Documents that Establish Identity	AND Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address	1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address	2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph	3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card	4. Native American tribal document
5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record	5. U.S. Citizen ID Card (Form I-197)
		6. Military dependent's ID card	6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		7. U.S. Coast Guard Merchant Mariner Card	7. Employment authorization document issued by the Department of Homeland Security For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central . The Form I-766, Employment Authorization Document, is a List A, Item Number 4. document, not a List C document.
		8. Native American tribal document	
		9. Driver's license issued by a Canadian government authority	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		For persons under age 18 who are unable to present a document listed above:	
		10. School record or report card	
		11. Clinic, doctor, or hospital record	
			12. Day-care or nursery school record
Acceptable Receipts May be presented in lieu of a document listed above for a temporary period. For receipt validity dates, see the M-274.			
<ul style="list-style-type: none">• Receipt for a replacement of a lost, stolen, or damaged List A document.• Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual.• Form I-94 with "RE" notation or refugee stamp issued to a refugee.	OR	Receipt for a replacement of a lost, stolen, or damaged List B document.	Receipt for a replacement of a lost, stolen, or damaged List C document.

*Refer to the Employment Authorization Extensions page on [I-9 Central](#) for more information.



Supplement A, Preparer and/or Translator Certification for Section 1

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
Supplement A
OMB No. 1615-0047
Expires 05/31/2027

Last Name (<i>Family Name</i>) from Section 1 .	First Name (<i>Given Name</i>) from Section 1 .	Middle initial (if any) from Section 1 .
--	--	---

Instructions: This supplement must be completed by any preparer and/or translator who assists an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided above. Each preparer or translator must complete, sign, and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code



Supplement B,
Reverification and Rehire (formerly Section 3)

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
Supplement B
OMB No. 1615-0047
Expires 05/31/2027

Last Name (<i>Family Name</i>) from Section 1 .	First Name (<i>Given Name</i>) from Section 1 .	Middle initial (if any) from Section 1 .
--	--	---

Instructions: This supplement replaces Section 3 on the previous version of Form I-9. Only use this page if your employee requires reverification, is rehired within three years of the date the original Form I-9 was completed, or provides proof of a legal name change. Enter the employee's name in the fields above. Use a new section for each reverification or rehire. Review the Form I-9 instructions before completing this page. Keep this page as part of the employee's Form I-9 record. Additional guidance can be found in the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#)

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)		Expiration Date (if any) (<i>mm/dd/yyyy</i>)
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (<i>mm/dd/yyyy</i>)
Additional Information (Initial and date each notation.)			Check here if you used an alternative procedure authorized by DHS to examine documents.

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)		Expiration Date (if any) (<i>mm/dd/yyyy</i>)
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (<i>mm/dd/yyyy</i>)
Additional Information (Initial and date each notation.)			Check here if you used an alternative procedure authorized by DHS to examine documents.

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)		Expiration Date (if any) (<i>mm/dd/yyyy</i>)
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative		Today's Date (<i>mm/dd/yyyy</i>)
Additional Information (Initial and date each notation.)			Check here if you used an alternative procedure authorized by DHS to examine documents.

Electronic I-9 Procedures

This is a sample, please work with your corporate immigration counsel and IT to modify and adopt a policy specifically applicable to your business operations.

COMPANY NAME

8 CFR 274a.2

	Government requirement	How we meet the requirement
Standards for Retention: Rule (e)(i)	Reasonable controls to ensure the integrity, accuracy and reliability of the electronic generation or storage system.	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov.</p> <p>____COMPANY____ does not use third-party software or services to electronically generate any Form I-9.</p> <p>-----</p> <p>Chief Information Officer certifies in Attachment 2 that ____COMPANY____ does the following:</p> <ul style="list-style-type: none"> - Protect against authorized access through hardware, software, and services - Provide data backup and redundancy through multiple instances of archive services - Are able to recover said data within a reasonable timeframe if needed - Protect against information loss such as power interruptions and accidental deletions to the best of our abilities.
Standards for Retention: Rule (e)(ii)	Reasonable controls designed to prevent and detect the unauthorized or accidental creation of, addition to, alteration of, deletion of, or deterioration of an electronically completed or stored Form I-9, including the electronic signature if used.	<p>All completed Forms I-9 are sent to the Compliance Officer at ____COMPANY____ Headquarters for review.</p> <p>Once approved, the Compliance Officer scans the Form I-9 and saves it into the ____COMPANY____ I-9 Library</p> <p>To prevent unauthorized or accidental creation, alteration, deletion, or deterioration of electronically stored I-9 files, access to ____COMPANY____'s I-9 Library is limited the following:</p> <ul style="list-style-type: none"> - Director of HR: _____ – Full editing rights - HR Generalist: _____ – Full editing rights - Payroll Department: Various – Viewing rights only

		<p>All Forms I-9 are saved in Adobe® "PDF" format using a uniform naming template to ensure ease of access and prevent duplicate files:</p> <ul style="list-style-type: none"> - (LAST NAME)-(First Name)_(Employee Number) <p>Electronic signatures are not used. Electronic stamps are used for corrections during I-9 audit as authorized by Chief Human Resources Officer.</p>
Standards for Retention: Rule (e)(iii)	<p>An inspection and quality assurance program evidenced by regular evaluations of the electronic generation or storage system, including periodic checks of the electronically stored Form I-9, including the electronic signature if used.</p>	<p>____COMPANY____ has an inspection and quality assurance program that regularly evaluates the electronic storage system, with periodic checks of the electronically stored Forms I-9.</p> <p>In conjunction with our annual I-9 audit, each newly electronically stored Form I-9 added annually undergoes thorough inspection by the I-9 auditors.</p> <p>The inspection ensures that the policy and procedural controls for creating and correcting the forms have been strictly adhered to; and any practices causing errors are addressed and corrected during the audit with training.</p> <p>Additionally, during the annual audit, all electronically stored Forms I-9 are checked against payroll records to ensure that the ____COMPANY____ I-9 Master File accurately reflects "active" and "terminated" employees</p>
Standards for Retention: Rule (e)(iv)	<p>In the case of electronically retained Forms I-9, a retrieval system that includes an indexing system that permits searches consistent with the requirements of paragraph (e)(6) of this section.</p>	<p>The electronically stored Forms I-9 are filed according to a detailed index of all data so that any particular I-9 Record can be accessed immediately.</p> <p>All Forms I-9 are saved in Adobe® "PDF" format using a uniform naming template to ensure ease of access and prevent duplicate files:</p> <ul style="list-style-type: none"> - (LAST NAME)-(First Name)_(Employee Number) <p>The ____COMPANY____ I-9 Master File maintains all electronically stored Form I-9s, divided into "Active" and "Terminated" employee groups, which are indexed alphabetically.</p> <p>Each form can also be readily searched by employee name or employee number so that any particular record can be accessed immediately.</p>
Standards for Retention: Rule (e)(v)	<p>Ability to reproduce legible and readable hardcopies.</p>	<p>Each of these Form I-9s is evaluated to verify that it will produce a high degree of legibility and readability when displayed on a video display terminal or reproduced on paper</p>

		<ul style="list-style-type: none"> - If it is determined by the Compliance Officer that the original Forms I-9 and supporting documents are not sufficiently legible and readable, they are rescanned at higher resolution.
Standards for Retention: Rule (e)(v)(3)	<p>The storage system must not be subject, in whole or in part, to any agreement (such as a contract or license) that would limit or restrict access to and use of the electronic generation or storage system.</p>	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov. _____COMPANY_____ does not use third-party software or services to electronically generate any Form I-9.</p> <p>-----</p> <p>_____COMPANY_____ uses Microsoft Windows® and Adobe® software to store and access all Forms I-9 and is not subject to any agreement, contract, or license that would limit or restrict access to this software.</p>
Standards for Retention: Rule (e)(v)(5)	<p>For each electronic generation or storage system used _____COMPANY_____ must maintain, and make available upon request, complete descriptions of:</p> <ul style="list-style-type: none"> (i) The electronic generation and storage system, including all procedures relating to its use; and (ii) The indexing system 	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov. _____COMPANY_____ does not use third-party software or services to electronically generate any Form I-9.</p> <p>-----</p> <p>_____COMPANY_____ Electronic I-9 Procedures - Attachment 1, to this document provides a complete description of the electronic storage system including all procedures relating to its use.</p> <p>The indexing system provided above in response to the requirements of paragraph (e)(6) of this section gives a complete description of the system used.</p> <p>Each of these will be made available upon request.</p>
Standards for Retention: Rule (e)(v)(8)	<p>At the time of an inspection, _____COMPANY_____ must:</p> <ul style="list-style-type: none"> (i) Retrieve and reproduce (including printing copies on paper, if requested) only the Forms I-9 electronically retained in the electronic storage system and supporting documentation 	<p>Upon inspection, _____COMPANY_____ will:</p> <ul style="list-style-type: none"> - Retrieve and reproduce (including printing copies on paper, if requested) only the Forms I-9 electronically retained in the electronic storage system and supporting documentation specifically requested by an

	<p>specifically requested by an agency of the United States, along with associated audit trails;</p> <p>(ii) Provide a requesting agency of the United States with the resources (e.g., appropriate hardware and software, personnel and documentation) necessary to locate, retrieve, read, and reproduce (including paper copies) any electronically stored Forms I-9, any supporting documents, and their associated audit trails, reports, and other data used to maintain the authenticity, integrity, and reliability of the records; and</p> <p>(iii) Provide, if requested, any reasonably available or obtainable electronic summary file(s).</p>	<p>agency of the United States, along with associated audit trails;</p> <ul style="list-style-type: none"> - Provide a requesting agency of the United States with the resources (e.g., appropriate hardware and software, personnel and documentation) necessary to locate, retrieve, read, and reproduce (including paper copies) any electronically stored Forms I-9, any supporting documents, and their associated audit trails, reports, and other data used to maintain the authenticity, integrity, and reliability of the records; and - Provide, if requested, any reasonably available or obtainable electronic summary file(s).
Documentation: Rule (f)(1)(5)	<p>Maintain and make available to an agency of the United States upon request, documentation of the business processes that:</p> <p>(i) Create the retained Forms I-9;</p> <p>(ii) Modify and maintain the retained Forms I-9; &</p> <p>(iii) Establish the authenticity and integrity of the Forms I-9, such as audit trails.</p>	<p>____COMPANY____ will maintain and make available to an agency of the United States upon request, documentation of the business processes that:</p> <ul style="list-style-type: none"> - Create the retained Forms I-9; - Modify and maintain the retained Forms I-9; & - Establish the authenticity and integrity of the Forms I-9, such as audit trails.
Security: Rule (g)(1)	<p>Implement an effective records security program that:</p> <p>(i) Ensures that only authorized personnel have access to electronic records;</p> <p>(ii) Provides for backup and recovery of records to protect against information loss, such as power interruptions;</p> <p>(iii) Ensures that employees are trained to minimize the risk of unauthorized or accidental alteration or erasure of electronic records; and</p> <p>(iv) Ensure that whenever the electronic record is created, completed, updated, modified, altered, or corrected, a secure and permanent record is created that establishes the date of access, the identity of the individual who accessed the electronic record, and the particular action taken.</p>	<p>Chief Information Officer certifies in Attachment 2 that ____COMPANY____ does the following:</p> <ul style="list-style-type: none"> - Protect against unauthorized access through hardware, software, and services - Provide data backup and redundancy through multiple instances of archive services - Are able to recover said data within a reasonable timeframe if needed - Protect against information loss such as power interruptions and accidental deletions to the best of our abilities.
Electronic Signatures: Rule (h)	<p>(i) If a Form I-9 is completed electronically, the attestations in Form I-9 must be completed using a system for capturing an electronic signature that meets the standards set forth in this</p>	<p>____COMPANY____ does not electronically sign the attestation of any Form I-9</p> <p>OR</p>

	<p>paragraph. The system used to capture the electronic signature must include a method to acknowledge that the attestation to be signed has been read by the signatory. The electronic signature must be attached to, or logically associated with, an electronically completed Form I-9. In addition, the system must:</p> <ul style="list-style-type: none"> (ii) Affix the electronic signature at the time of the transaction; (iii) Create and preserve a record verifying the identity of the person producing the signature; and (iv) Upon request of the employee, provide a printed confirmation of the transaction to the person providing the signature. (v) Include a method to acknowledge you have attested to the required information in Section 2. <p>(2) Any person or entity who is required to ensure proper completion of a Form I-9 and who chooses electronic signature for a required attestation, but who has failed to comply with the standards set forth in this paragraph, is deemed to have not properly completed the Form I-9, in violation of section 274A(a)(1)(B) of the Act and 8 CFR 274a.2(b)(2).</p> <p>(i) Electronic signatures for employer, recruiter or referrer, or representative. If a Form I-9 is completed electronically, the employer, the recruiter or referrer for a fee, or the representative of the employer or the recruiter or referrer, must attest to the required information in Form I-9. The system used to capture the electronic signature should include a method to acknowledge that the attestation to be signed has been read by the signatory. Any person or entity who</p>	<p>Company completes the I-9 electronically and electronic signatures are used.</p> <p>We are in compliance with rule H because we:</p> <hr/>
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	has failed to comply with the criteria established by this regulation for electronic signatures, if used, and at the time of inspection does not present a properly completed Form I-9 for the employee, is in violation of section 274A(a)(1)(B) of the Act and 8 CFR 274a.2(b)(2).	
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August 22, 2012 - ICE Memo from James Dinkins
Guidance on the Collection and Audit Trail Requirements for Electronically Generated Forms I-9

Government requirement	How we meet the requirement
Whenever an electronic Form I-9 record is created, completed, updated, modified, altered or corrected, a secure and permanent record must be created (audit trail) that establishes the date accessed, who accessed it and what action was taken.	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov. _____COMPANY_____ does not use third-party software or services to electronically generate any Form I-9.</p> <p style="text-align: center;">-----</p> <p>Any time a Form I-9 is completed, updated, modified, altered, or corrected; the action is permanently recorded in the Review/Comments log of the file and is automatically stamped with the name of the editor (assigned to the respective license) as well as the time and date of the change.</p>
Upon notice of Inspection, _____COMPANY_____ must provide the name of the software being utilized and any internal business practices and protocols related to the generation of, use of, storage of, security of, and inspection and quality assurance programs for the electronically generated Forms I-9.	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov. _____COMPANY_____ does not use third-party software or services to electronically generate any Form I-9.</p> <p style="text-align: center;">-----</p> <p>Any completion, update, modification, alteration, or correction made to an electronically stored Form I-9 is conducted using Adobe® Acrobat® software, licensed to _____COMPANY_____ and assigned to the I-9 Compliance Officer and can only be accessed by designated _____COMPANY_____ employees who have been trained as I-9 Compliance Officers.</p> <p>The internal business practices and protocols related to the use of, storage of, security of and inspection and quality assurance programs for the electronically stored Forms I-9 are provided in this document and</p>

	in ____COMPANY____ Electronic I-9 Procedures - Attachment 1.
____COMPANY____ should also provide the indexing system identifying how the electronic information contained in the Form I-9 is linked to each employee and documentation of the system used to capture the electronic signature, including identity and attestation of the individual electronically signing the Form I-9.	<p>The electronically stored Forms I-9 are filed according to a detailed index of all data so that any particular I-9 Record can be accessed immediately.</p> <p>All Forms I-9 are saved in Adobe® "PDF" format using a uniform naming template to ensure ease of access and prevent duplicate files:</p> <ul style="list-style-type: none"> - (LAST NAME)-(First Name)_(Employee Number) <p>The ____COMPANY____ I-9 Master File maintains all electronically stored Form I-9s, divided into "Active" and "Terminated" employee groups, which are indexed alphabetically.</p> <p>Each form can also be readily searched by employee name or employee number so that any particular record can be accessed immediately</p> <p>____COMPANY____ does not electronically sign the attestation of any Form I-9</p>
____COMPANY____ must produce at least one printed completed electronically generated Form I-9 to ensure compliance with the regulation.	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov.</p> <p>____COMPANY____ does not use third-party software or services to electronically generate any Form I-9.</p> <p>However, all electronically stored Forms I-9 are checked for legibility and readability in compliance with the regulation and will be printed upon request by the inspecting agency.</p>
Upon request by an inspecting agency, ____COMPANY____ must provide access to their storage system for a demonstration of the generation of an electronic Form I-9.	<p>All Forms I-9 are created and completed by the employee and I-9 Administrator on physical paper forms and/or using the digital completion method available at www.uscis.gov.</p> <p>____COMPANY____ does not use third-party software or services to electronically generate any Form I-9.</p> <p>-----</p> <p>However, upon request, ____COMPANY____ will provide a demonstration to an inspecting agency of the internal business practices and protocols related to the use of, storage of, security of, and inspection and quality assurance programs for the electronically stored Forms I-9.</p>

Electronic I-9 Procedures – Attachment 1

This is a sample, please work with your corporate immigration counsel and IT to modify and adopt a policy specifically applicable to your business operations.

STEP 1: I-9 Administrator

- **Supervise Section 1:** Supervise the employee to complete and sign Section 1 of the Form I-9 on physical paper forms and/or using www.uscis.gov.
- **Complete Section 2:** Review, record and make copies of documents in Section 2.
- Complete and sign Section 2.
- **Transmit Record to Compliance Officer:** Using your company-issued and password-protected cell phone or computer, send completed Forms I-9 and copies of document(s) to the Compliance Officer.

STEP 2: I-9 Compliance Officer

- **Review:** Review Forms I-9 and supporting documents.
- **If correct,** instruct the I-9 Administrator to mail the original Form I-9 with document(s) to you.
- **If corrections are needed,** instruct the I-9 Administrator on how to correct the errors, and then to email the Form I-9 and document(s) to you for review.
- **Once corrected,** instruct the I-9 Administrator to mail the original Form I-9 with document(s) to you

STEP 3: I-9 Administrator in the Field

- **Mail originals:** Once approved by the I-9 Compliance Officer, mail the original Form I-9 with document(s) to the I-9 Compliance Officer.

STEP 4: I-9 Compliance Officer

- **Scan and Save:** Scan and save all materials in to the ___company___ I-9 Library in Adobe® "PDF" format using the uniform naming template:
 - (LAST NAME)-(First Name)_(Employee Number)



STEP 5: I-9 Auditors during Annual Audit

- **Review electronically stored Forms I-9** to ensure that when printed, the documents produce a high degree of legibility and readability.
- **Cause IT to conduct a security review** of all __company__ information technology, including:
 - Security and protection against unauthorized access to __company's__ secure servers.
 - Backup and recovery of __company's__'s secured servers to protect against information loss, power interruptions, or accidental deletion.
- **Cause orderly, documented destruction** of original Forms I-9 with document(s).

STEP 6: I-9 Compliance Officer

- **Make corrections**, per I-9 Audit Sheets:
 - On original I-9s, Compliance Officer will use electronic stamp to sign and date.
 - The same may be delegated to I-9 Administrators using their own stamps.
- **Terminated employees**, move to inactive library
- **Arrange for necessary training** for newly hired I-9 Administrators and recertification for those previously trained.



MDIVANI Sample Remote I-9 Procedure

This employer administers I-9 remotely according to USCIS requirements.

E-Verify Employer in Good Standing

- ✓ We E-Verify ALL new hires.
- ✓ This remote procedure is available to ALL employees.
- ✓ We are enrolled in E-Verify with respect to ALL hiring sites.

Remote Examination of Documents Procedures:

- ☐ On live video, such as Zoom, Google Meet, Teams, etc. observe the employee in their completion and signing of the I-9.
- ☐ Ask the employee to email the signed I-9 to you
- ☐ Ask the employee to email you the identity and employment authorization document(s) – List A or combination of List B and List C documents.
- ☐ Ask the employee to show you the emailed document(s); examine copies (front and back, if the document is two-sided) of I-9 documents/acceptable receipts to ensure that the presented document(s) reasonably appears to be genuine and relates to the employee.
- ☐ Retain a legible copy of the document(s), front + back if two-sided. Per DHS, *"The retention of document copies allows an opportunity, at the time of a routine employer audit or for a DHS auditor to assess if the documentation presented during the remote examination appears to be genuine and relate to the employee. In the event of a Form I-9 audit by a federal government inspector, you must make available copies of the identity and U.S. work authorization documentation the employee presented for remote document examination."*

Indicate that you used an Alternative Procedure on Form I-9:

- ☐ On the Form I-9 dated 08/01/2023, check the "Alternative Procedure" box in the Additional Information field in Section 2. On the Form I-9 dated 10/21/2019, notate "Alternative Procedure" in the Additional Information field in Section 2.

Reverification or Rehire

- ☐ If you are completing the remote documentation examination for a rehire or reverification, check the box on Form I-9 Edition 08/01/2023, in Supplement B.

3

- **E-Verify Procedures**

- **E-Verify MOU**

E-Verify Procedures

▪ WHAT IS THIS?

These are sample E-Verify procedures and documents to assist the employer with the E-Verify process administration.

▪ HOW TO USE THIS

Review the procedures. If they are a good fit for your company, adopt them and conduct training.

NOTES:

E-VERIFY PROCEDURES

After the I-9 is properly completed to the I-9 Administrator's satisfaction, and within 3 days of beginning of the new employee's employment, enter information into E-Verify.

☐ **How to Set Up E-Verify:**

1. Go to <https://myeverify.uscis.gov/> and "Create an Account"
2. Sign up the company and a program administrator-once these are signed up, then select users and have them create accounts as well.
3. Place E-Verify MOU in this binder
4. You will be emailed a Username and a Temporary Password, then:
 - a. [Log-in](#) using that username and password
 - b. Update the password to something of your choice
5. Take and Pass E-Verify Tutorial
6. Start using it for all newly hired employees!

☐ **Memorandum of Understanding (MOU)**

The Immigration Compliance Officer together with the employer's legal counsel should review the MOU prior to signing. If the decision is made to proceed, once the MOU is signed, keep a copy in your Immigration Compliance Plan, Policy and Procedures book.

☐ **Training**

I-9 Administrators performing E-Verify queries should be re-trained on E-Verify administration annually, as part of the I-9 annual training.

☐ **E-Verify Posters**

Employer should post E-Verify posters so they are visible to job applicants and new hires.

For remote hires, include electronic copy of E-Verify posters with list of acceptable documents with onboarding paperwork.

☐ **Good I-9s First**

E-Verification should not be performed before the I-9 Administrator is confident that the I-9 is properly completed.

☐ **Designate Roles**



Immigration Compliance Officer should make sure I-9 Administrators and other participants in E-Verify process, properly register in the E-Verify system and understand their role, per attached User Roles and Permission Chart

□ **FAR E-Verify for Federal Contractors**

Federal Contractors with FAR (Federal Acquisition Regulations) E-Verify clauses in their contracts should become familiar and implement FAR E-Verify requirements.

□ **Reports**

Immigration Compliance Officer should make sure E-Verify reports are run at the time of the annual I-9 self-Audit and all outstanding issues, if any, are resolved. Use the attached documents and documents contained in the Appendix for training and record keeping.

E-VERIFY MEMORANDUM OF UNDERSTANDING

- ☐ Insert your Company's signed Memorandum of Understanding behind this page.

E-Verify User Posters

☐ Insert E-Verify User Posters here

User Roles and Permissions Chart

- Locate your company's user roles and permissions chart in E-Verify, only allow trained I-9 Administrators, as authorized by E-Verify administrator, to administer I-9s and E-Verify.

This Organization Participates in E-Verify



This employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

IMPORTANT: If the Government cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact DHS and/or the SSA before taking adverse action against you, including terminating your employment.

Employers may not use E-Verify to pre-screen job applicants and may not limit or influence the choice of documents you present for use on the Form I-9.

To determine whether Form I-9 documentation is valid, this employer uses E-Verify's photo matching tool to match the photograph appearing on some permanent resident cards, employment authorization cards, and U.S. passports with the official U.S. government photograph. E-Verify also checks data from driver's licenses and identification cards issued by some states.

If you believe that your employer has violated its responsibilities under this program or has discriminated against you during the employment eligibility verification process based upon your national origin or citizenship status, please call the Office of Special Counsel at 800-255-7688, 800-237-2515 (TDD) or at www.justice.gov/crt/osc.

E-Verify Works for Everyone

For more information on E-Verify, please contact DHS:

888-897-7781

www.dhs.gov/E-Verify

NOTICE:

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.



E-VERIFY IS A SERVICE OF DHS AND SSA

The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.

Esta organización participa en E-Verify



MUESTRA SOLAMENTE!

Este empleador proporcionará a la Administración del Seguro Social (SSA, por sus siglas en inglés) y, de ser necesario, al Departamento de Seguridad Nacional (DHS, por sus siglas en inglés) la información incluida en el Formulario I-9 de todo empleado nuevo con el propósito de confirmar su autorización de trabajo.

IMPORTANTE: Si el gobierno no puede confirmar que usted tiene autorización para trabajar, el empleador debe suministrarle las instrucciones por escrito y darle la oportunidad de ponerse en contacto con DHS o SSA antes de sancionarlo de cualquier forma o finalizar la relación laboral.

Los empleadores no pueden utilizar E-Verify para realizar preselecciones de solicitantes y no pueden limitar ni influenciar la selección de los documentos que usted presente para su inclusión en el Formulario I-9.

Para determinar si los documentos incluidos en el Formulario I-9 son válidos, este empleador utiliza la técnica de comparación fotográfica para comparar la fotografía que aparece en las Tarjetas de Residente Permanente, Tarjetas de Autorización de Empleo y pasaportes de los EE. UU. con la fotografía oficial del gobierno de los EE. UU. Asimismo, E-Verify verifica los datos incluidos en licencias de conducir y tarjetas de identificación emitidas por algunos estados.

Si considera que su empleador ha infringido sus responsabilidades en virtud de este programa o lo ha discriminado durante el proceso de verificación de la elegibilidad de empleo por su origen nacional o estatus de ciudadanía, comuníquese con la Oficina del Consejero Especial llamando al 800-255-7688, 800-237-2515 (para personas con impedimentos auditivos) o visitando www.justice.gov/crt/osc.

E-Verify funciona para todos

Para obtener más información sobre E-Verify, comuníquese con DHS al:

888-897-7781

www.dhs.gov/E-Verify

AVISO:

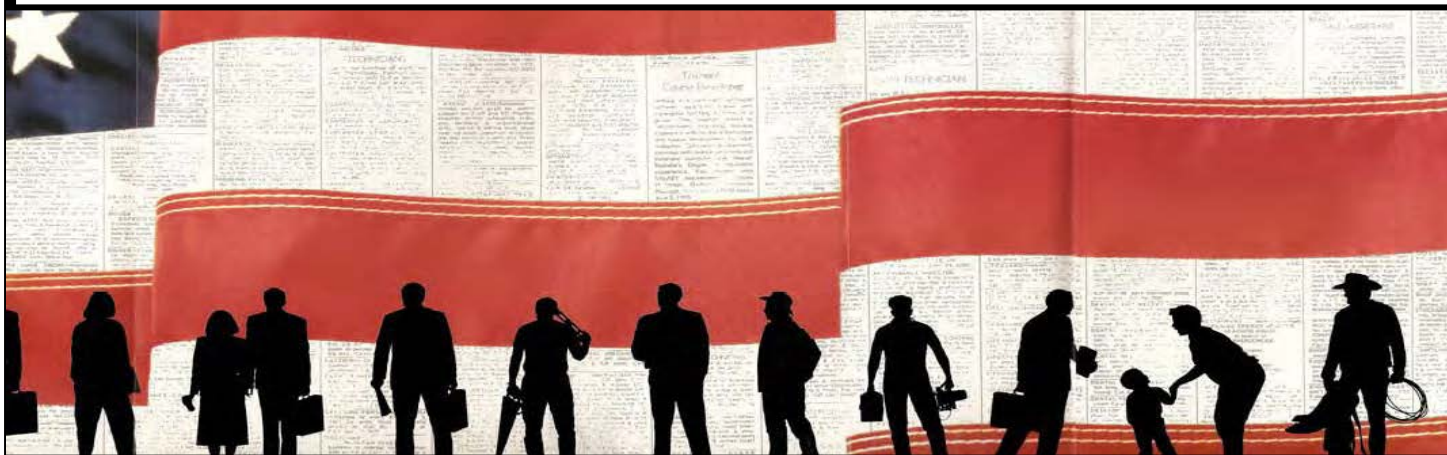
La ley federal exige a todos los empleadores que verifiquen la identidad y la elegibilidad de empleo de todas las personas contratadas en los Estados Unidos.



E-VERIFY IS A SERVICE OF DHS AND SSA

El logotipo y la marca de E-Verify son marcas registradas del Departamento de Seguridad Nacional. Queda estrictamente prohibida la venta comercial de este afiche.

IF YOU HAVE THE RIGHT TO WORK



Don't let anyone take it away.

There are laws to protect you from discrimination in the workplace.

You should know that...

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.

Contact IER

For assistance in your own language
Phone: 1-800-255-7688
TTY: 1-800-237-2515

Email us
IER@usdoj.gov

Or write to
U.S. Department of Justice – CRT
Immigrant and Employee Rights – NYA
950 Pennsylvania Ave., NW
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).



— DEPARTMENT OF JUSTICE —
IMMIGRANT & EMPLOYEE RIGHTS SECTION
— CIVIL RIGHTS DIVISION —

Immigrant and Employee Rights Section

U.S. Department of Justice, Civil Rights Division

www.justice.gov/ier

SI USTED TIENE DERECHO A TRABAJAR



No deje que nadie se lo quite.

Existen leyes que lo protegen contra la discriminación en el trabajo.

Usted debe saber que...

En la mayoría de los casos, los empleadores no pueden negarle un empleo o despedirlo debido a su nacionalidad de origen o estatus de ciudadanía, ni tampoco negarse a aceptar sus documentos válidos y legales.

Los empleadores no pueden rechazar documentos porque tengan una fecha de vencimiento futura.

Los empleadores no pueden despedirlo debido a E-Verify sin darle una oportunidad de resolver el problema

En la mayoría de los casos, los empleadores no pueden exigir que usted sea ciudadano estadounidense o residente legal permanente.

Comuníquese con la IER

Para ayuda en su propio idioma:

Teléfono: 1-800-255-7688

TTY: 1-800-237-2515

Mándenos un correo:

IER@usdoj.gov

O escribanos a:

U.S. Department of Justice – CRT
Immigrant and Employee Rights – NYA
950 Pennsylvania Ave., NW
Washington, DC 20530

Si alguna de estas cosas le ha sucedido, comuníquese con la Sección de Derechos de Inmigrantes y Empleados (IER, por sus siglas en inglés)



— DEPARTAMENTO DE JUSTICIA DE LOS EE. UU. —
SECCIÓN DE DERECHOS DE INMIGRANTES Y EMPLEADOS
— DIVISIÓN DE DERECHOS CIVILES —

Sección de Derechos de Inmigrantes y Empleados
Departamento de Justicia de los EE. UU., División de Derechos Civiles

www.justice.gov/ier

www.justice.gov/crt-about/espanol/ier

User Roles and Permission Chart

USER ROLE OVERVIEW

USER ROLE	PERMISSIONS
Program Administrator (at least one required)	<p>Every E-Verify account must have at least one program administrator. The program administrator is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.</p> <p>The program administrator role includes functions of a general user.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> • Registering new users • Creating user accounts for other program administrators and general users • Creating and managing cases • Viewing reports • Updating profile information for other program administrators and general users • Unlocking user accounts • Closing company and user accounts
General User (optional)	<p>Employers can have as many or no general users as they desire. The general user is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> • Creating and managing own cases • Viewing reports • Updating his/her own user profile

1.5 USER RULES AND RESPONSIBILITIES

All E-Verify users are bound by the guidelines in the MOU and the rules and responsibilities outlined in this manual.

To ensure proper use of E-Verify and protection of employee workplace rights, employers should periodically review all of the program rules and employer responsibilities with their users.



For information on E-Verify rules and responsibilities for federal contractors with the FAR E-Verify clause, refer to the [‘E-Verify Supplemental Guide for Federal Contractors.’](#)

All E-Verify users must follow the guidelines specified in the ‘Rules and Responsibilities Overview.’

RULES AND RESPONSIBILITIES OVERVIEW

Employers who participate in E-Verify **MUST**:

- ✓ Follow E-Verify procedures for each newly hired employee while enrolled and participating in E-Verify.
- ✓ Notify each job applicant of E-Verify participation.
- ✓ Clearly display the ‘Notice of E-Verify Participation’ and the ‘Right to Work’ posters in English and Spanish and may also display the posters in other languages provided by DHS.

4

- **SSNVS Registration**
- **SSN No-Match
Procedures**

SSNVS Registration Procedures and Social Security Number No-Match Procedures

■ WHAT IS THIS?

This section contains instructions for registering and using the Social Security Number Verification Service ("SSNVS") administered by the Social Security Administration. We also provide sample procedures to handle social security number "no-matches". Enclosed is a Q and A sheet issued by ICE as part of the planned SSN No-Match Letters regulation. This Q and A is informal guidance that is important because ICE continues to use SSN no-match letters in employer investigations as evidence the employer was on notice of a potential employment eligibility issue, thus, may have had constructive knowledge under IRCA.

■ HOW TO USE THIS

Review the proposed procedure and adopt it if it fits your company. If it does not, draft a SSN no-match letter procedures bearing in mind that they need to take care of the potential constructive knowledge issue, and they must ensure that there is no discrimination.

SOCIAL SECURITY NUMBER VERIFICATION SERVICE (SSNVS) REGISTRATION PROCEDURE

How to Enroll in SSNVS:

- ☐ Register User with Business Services Online by going to this link:
<https://www.ssa.gov/bso/bsowelcome.htm> and clicking "Register"
- ☐ Input individual information, including name, phone, address, email, and SSN
 - Register for Social Security Number Verification Service
 - Print the confirmation page showing you have registered for SSNVS and put behind this tab
- ☐ SSA will physically mail a Username and Temporary Password (typically in two separate mailings)
- ☐ When you receive this, log-in by clicking "Log In" on the main page:
<https://www.ssa.gov/bso/bsowelcome.htm>
- ☐ Insert SSNVS registration materials here.

PROCEDURES TO ADDRESS SSN NO-MATCH

When to Use SSNVS:

SSNVS should be used when you receive information other than from E-Verify that your employee's social security number is not matching government records. It is **only** to be used to verify someone's Social Security Number IF you receive prompting from another source stating the number is mismatched on other records. It should **not** be used to randomly verify your employee's social security number.

Examples of when you may need to use SSNVS:

1. If you are issued a "No-Match" letter from Social Security Administration letting you know some filing with an individual's social security number does not match SSA's records.
2. Employee files for Worker's Compensation or Unemployment Benefits and DOL issues a letter asking to verify a social security number that does not match employment records.
3. You receive information challenging SSN/identity of the worker from any other source.

What to do if you receive a notice of mismatch of employee SSN:

1. Promptly (no later than 30 days) check your records to ensure the mismatch was not the result of an error on your part;
2. If this does not resolve the problem, ask your employee to confirm the accuracy of your records;
3. If necessary, ask the employee to resolve the issue with SSA;
4. If you were able to successfully resolve the mismatch, make sure you have followed all the instructions enclosed in the SSA letter (or other government correspondence).
5. You should also verify that the correction has been made by using the Social Security Number Verification System (SSNVS) administered by SSA, and retain a record of the date and time of your verification.

6. If none of the foregoing measures resolves the matter within 90 days of receipt of no-match letter, you should complete, within 3 days, a new Form I-9 as if the employee in question was newly hired, except that no document may be used to verify the employee's authorization for work that uses the questionable Social Security number and no document may be used to verify the employee's identity that does not have a photograph of the employee.



U.S. Citizenship
and Immigration
Services

Dear Employer:

The purpose of this letter is to provide you with additional guidance on how to respond to the enclosed letter from the Social Security Administration (SSA) in a manner that is consistent with your obligations under United States immigration laws.

You are now aware that the Social Security numbers you have provided on W-2 Forms for certain employees do not match SSA's records. Many employers that receive this information are concerned about how to respond appropriately and whether the receipt of such information implicates an employer's obligations under the Immigration Nationality Act. This letter will answer the common questions arising from this situation.

Q: Can I simply disregard the letter from the SSA?

A: No. You have received official notification of a problem that may have significant legal consequences for you and your employees. If you elect to disregard the notice you have received and if it is determined that some employees listed in the enclosed letter were not authorized to work, the Department of Homeland Security could determine that you have violated the law by knowingly continuing to employ unauthorized persons. This could lead to civil and criminal sanctions.

Q: What should I do?

A: You should take reasonable steps to resolve the mismatch, and apply these reasonable steps uniformly to all employees listed in the enclosed SSA letter. It is possible that a mismatch was the result of a clerical error on the part of the employee, the employer, or the government. You should:

- 1) Promptly (no later than 30 days) check your records to ensure that the mismatch was not the result of an error on your part;
- 2) If this does not resolve the problem, ask your employee to confirm the accuracy of your records;
- 3) If necessary, ask the employee to resolve the issue with SSA;
- 4) If you were able to successfully resolve the mismatch, make sure you have followed all of the instructions in the enclosed SSA letter. You should also verify that the correction has been made by using the Social Security Number Verification System (SSNVS) administered by SSA, and retain a record of the date and time of your verification. SSNVS can be

accessed through <http://www.ssa.gov/employer/ssnv.htm> or by telephone at 1-800-772-6270; and

- 5) If none of the foregoing measures resolves the matter within 90 days of receipt of this letter, you should complete, within three days, a new I-9 Form as if the employee in question were newly hired, except that no document may be used to verify the employee's authorization for work that uses the questionable Social Security number and no document may be used to verify the employee's identity that does not have a photograph of the employee.

If you cannot confirm that the employee is authorized to work (by following the above procedures), you risk liability for violating the law by knowingly continuing to employ unauthorized persons.

Q: Does receiving a mismatch letter, standing alone, indicate that I ought to immediately terminate the employees whose numbers did not match SSA records?

A: There are many reasons for a mismatch between employer and SSA records, including transcription and name changes due to marriage that are not reported to SSA. Employers should not assume that the mismatch is the result of any wrongdoing on the part of the employee. Moreover, an employer who takes action against an employee based on nothing more substantial than a mismatch letter may in fact violate the law.

Q: Will I be liable for discrimination charges brought by the United States if I terminate the employee after following the steps outlined above?

A: No. An employer that receives such a letter and terminates employees without attempting to resolve the mismatches, or who treats employees differently based upon national origin or other prohibited characteristics, may be found to have engaged in unlawful discrimination. However, if an employer that follows all of the procedures outlined by DHS in this letter (and <http://www.ice.gov>) cannot determine that an employee is authorized to work in the United States, and therefore terminates that employee, and if that employer applied the same procedures to all employees referenced in the mismatch letter, then that employer will not be subject to suit by the United States under the Immigration and Nationality Act's anti-discrimination provision.

If you have any additional questions, please visit <http://www.ice.gov> for extensive information or feel free to contact the ICE Office of Investigations at 800-421-7105.

5

- **I-9 Training Program/Schedule**
- **Training Materials**
- **Training Certificates**

I-9 Training Program/Schedule, Training Materials, Training Certificates

■ WHAT IS THIS?

This is a sample training program/schedule to ensure annual training of I-9 Administrators, in-house I-9 Auditors (if used), and the Corporate Immigration Compliance Officer.

■ HOW TO USE THIS

Review the program/schedule, and if it is a good fit for the company, adopt the schedule.

NOTES:

EMPLOYER _____

ANNUAL EMPLOYER IMMIGRATION COMPLIANCE TRAINING PROGRAM/ SCHEDULE

- We provide immigration compliance training for our I-9 Administrators, in-house I-9 Auditors (if using), and the Immigration Compliance Officer once a year.
- Per guidance from ICE Best Employment Practices, only trained I-9 Administrators are allowed to administer I-9 and E-Verify.
- Any new I-9 Administrator needs to first receive I-9 training and obtain a training certificate before administering I-9 and E-Verify.

We adhere to the following training schedule:

_____ Date of Last Training

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____

20__ Training Performed on _____

CONDUCTED BY:

Signature

Name

Title

Date

LIST OF PARTICIPANTS:

Name

Title

Name

Title

Name

Title

Written Materials, Copy Attached:



6

- **Corporate
Immigration
Compliance Officer
Designation**
- **List of Authorized I-9
Administrators**

Sample List of Authorized Personnel

■ WHAT IS THIS?

This a *Sample* List of Authorized Personnel, which shows who is authorized to act as an I-9 Administrator, in-house I-9 Auditor, and Immigration Compliance Officer. The key feature of the List is making authorization available only to personnel received appropriate immigration compliance training within previous year.

■ HOW TO USE THIS

Review the List of Authorized Personnel, if it is a good fit for your company, adopt and maintain it to ensure proper authorization of all personnel involved in immigration compliance matters.

NOTES:

EMPLOYER _____

LIST OF AUTHORIZED PERSONNEL

Only these trained employees are duly authorized, on behalf of the Employer, to:

1. Fill out I-9s and conduct E-Verify queries
2. Maintain I-9 and E-Verify records
3. Re-verify I-9s and update the I-9 Re-verification Table
4. Enter information into the I-9 Destruction Table
5. Destroy I-9s
6. Maintain contractor certification records
7. Lead investigations of possible IRCA violations (both unauthorized employment and prohibited discrimination)
8. Direct company immigration compliance efforts and update company's policies and procedures

Authorized Personnel receive immigration compliance training at least once a year, and have access to legal assistance on immigration compliance issues if there are additional questions.

TABLE OF AUTHORIZED PERSONNEL

	Authorized Person (Name)	Authorized As	Date of Last Training	Authorized by and Signature	Authorization Termination Date (if applicable)
1		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__
2		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

TABLE OF AUTHORIZED PERSONNEL

	Authorized Person (Name)	Authorized As	Date of Last Training	Authorized by and Signature	Authorization Termination Date <i>(if applicable)</i>
3		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__
4		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

TABLE OF AUTHORIZED PERSONNEL

	Authorized Person (Name)	Authorized As	Date of Last Training	Authorized by and Signature	Authorization Termination Date <i>(if applicable)</i>
5		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__
6		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

TABLE OF AUTHORIZED PERSONNEL

	Authorized Person (Name)	Authorized As	Date of Last Training	Authorized by and Signature	Authorization Termination Date <i>(if applicable)</i>
7		<input type="checkbox"/> Immigration Compliance Officer	_____, 20__ _____, 20__		_____, 20__ _____, 20__
		<input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__
8		<input type="checkbox"/> Immigration Compliance Officer	_____, 20__ _____, 20__		_____, 20__ _____, 20__
		<input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

TABLE OF AUTHORIZED PERSONNEL

	Authorized Person (Name)	Authorized As	Date of Last Training	Authorized by and Signature	Authorization Termination Date <i>(if applicable)</i>
9		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__
10		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

EMPLOYER _____

Immigration Compliance Officer Authorization

1. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

2. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

3. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

4. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

5. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

6. _____ is hereby appointed as the Company's
NAME **Immigration Compliance Officer**

Signature

Date of Authorization

Date of Last Training

Date Authorization Terminated (if applicable)

7

- **Internal I-9 Audit Procedures**
- **Audit Schedule**
- **Audit Reports**

Annual Internal I-9 Audits

■ WHAT IS THIS?

The Ten Steps of the Annual Internal I-9 Audit Process is an explanation of how an employer can undergo the audit. It is followed by a sample I-9 Audit Sheet, I-9 Preliminary Audit Report, training samples of I-9 Audit Sheets and a Audit Progress Audit Report, and a sample I-9 Audit Schedule.

■ HOW TO USE THIS

Review the ten steps, and sample Audit Sheets, Audit Reports and Audit Schedule. If this is a good fit for your company, use the process and samples to conduct I-9 self-audits.

NOTES:

WHO DOES WHAT IN THE I-9 PROCESS

CORPORATE IMMIGRATION COMPLIANCE OFFICER

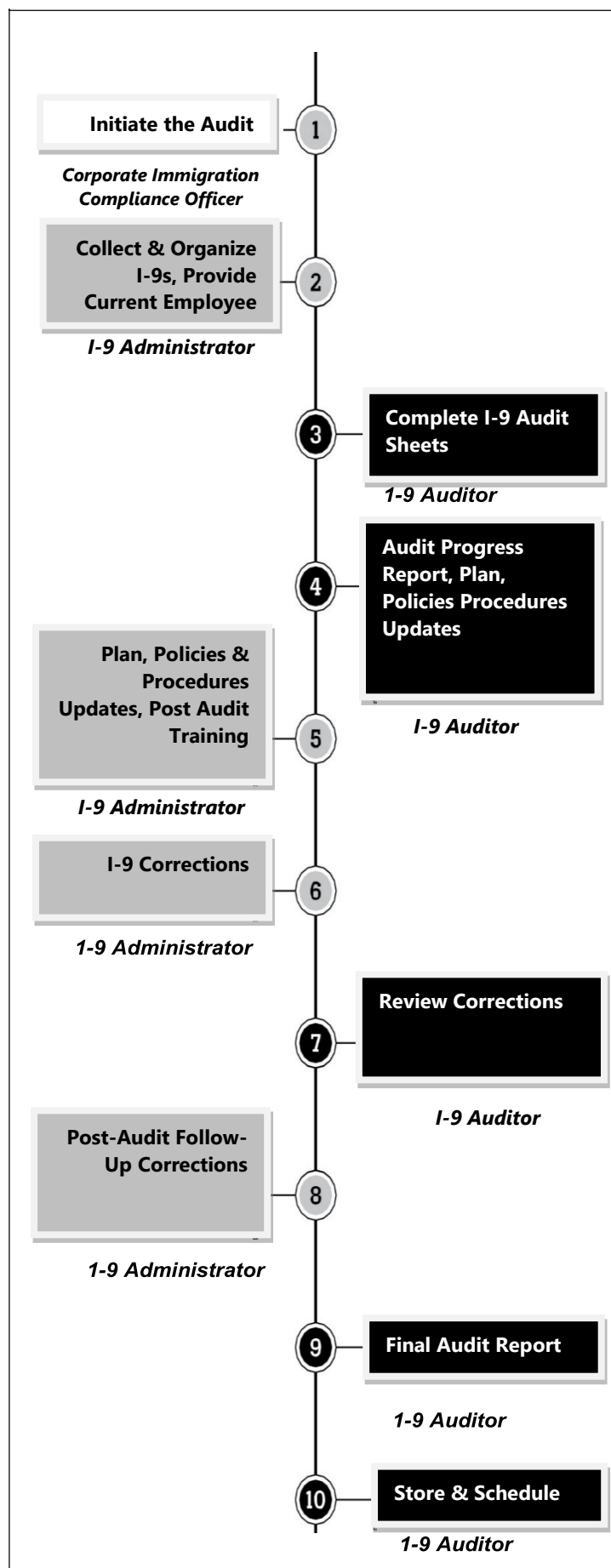
- Establishes and maintains Corporate Immigration Compliance Plan, Policies, and Procedures
- Receives training
- Schedules audits and training for I-9 Administrators

THE I-9 ADMINISTRATOR

- Completes and stores I-9s
- Assists I-9 Auditor with collecting I-9s and supporting documentation and a list of current employees
- Makes corrections as suggested on I-9 Audit and Review of Corrections

THE I-9 AUDITOR

- Prepares I-9 for the Audit.
- Reviews I-9s and fills out the I-9 Audit and review sheets and updates Employer Compliance Policies and Procedures
- Writes Audit Progress & Final Audit Reports, makes sure corrections are made by I-9 Administrator as directed by I-9 Audit and Review sheets.
- Recommends training on I-9 completion and changes to Employer Immigration Compliance Policies and Procedures, trains I-9 Administrator(s).
- Stores I-9 Audit records and schedules next I-9 audits.



THE TEN STEPS OF THE ANNUAL INTERNAL I-9 AUDIT

Step One: Initiate the Audit

Corporate Immigration Compliance Officer arranges with external auditors to conduct an internal audit of all un-audited employee I-9s.

Step Two: Collect & Organize I-9s, Provide List of Current Employees

Collect the I-9s and supporting documents. Organize them in alphabetical order. Obtain a list of all current employees.

Step Three: I-9 Audit Sheets

Review I-9s and complete I-9 Audit Sheet.

Step Four: Audit Progress Report

Write I-9 Audit Report, summarize repeated errors, point out trends, recommend necessary I-9 corrections, updates to Employer Immigration Compliance Plan, Policies and Procedures, and recommend training for I-9 Administrators.

Step Five: Post-Audit Training & Employer Immigration Compliance Plan, Policies & Procedures Update

Train I-9 Administrators on issues noted in the Preliminary Audit Report and Updated Employer Compliance Plan, Policies and Procedures, if necessary.

Step Six: Corrections

I-9 Administrators should make corrections as noted on the I-9 Audit Sheet.

Step Seven: Review After Corrections

When I-9 Administrators complete corrections, review the corrected I-9s to make sure that all corrections are properly made. Complete the I-9 Follow-Up Corrections on any remaining items, train I-9 Administrators and oversee corrections until they are completed.

Step Eight: Post Review Corrections (Again!)

I-9 Administrators should make corrections as noted on the follow-up corrections notes.

Step Nine: Final Audit Report

Prepare Final Audit Report.

Step Ten: Store and Schedule Next Audit

Store I-9 Audit Records per Employer's Procedures and schedule your next Annual I-9 Self-Audit.



I-9 Audit Schedule and Record
I-9 audits should be conducted every twelve (12) months.

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

20__ Audit Performed On _____, 20__

DATE

Signature _____ Title _____

Name _____ Date _____

Company Name
Date
Conducted By

Sample

I-9 AUDIT SHEET

EMPLOYEE'S NAME _____

DATE OF HIRE _____ ID (if applicable) _____

AUDIT NOTES *[To be completed by the I-9 Auditor]:*

PROBLEM 1:

HOW TO ADDRESS PROBLEM 1:

PROBLEM RESOLVED *[To be completed by the I-9 Administrator]*

Signature _____ Title _____

Name _____ Date _____

Company Name
Date
Conducted By

Sample I-9 AUDIT SHEET *(continued)*

PROBLEM 2:

HOW TO ADDRESS PROBLEM 2:

PROBLEM RESOLVED [To be completed by the I-9 Administrator]

Signature

Title

Name

Date

PROBLEM 3:

HOW TO ADDRESS PROBLEM 3:

PROBLEM RESOLVED [To be completed by the I-9 Administrator]

Signature

Title

Name

Date

Company Name
Date
Conducted By

Sample **I-9 AUDIT SHEET** *(continued)*

PROBLEM 4:

HOW TO ADDRESS PROBLEM 4:

PROBLEM RESOLVED [To be completed by the I-9 Administrator]

Signature

Title

Name

Date

PROBLEM 5:

HOW TO ADDRESS PROBLEM 5:

PROBLEM RESOLVED [To be completed by the I-9 Administrator]

Signature

Title

Name

Date

Confidential

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Attorney Work Product

Sample
**I-9 AUDIT PROGRESS
REPORT**

I-9 Audit

Date

Audit Conducted By

CONFIDENTIAL

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Attorney Work Product

Sample
**FINAL I-9
AUDIT REPORT**

I-9 Audit

Date

Audit Conducted By

8

Procedures for Reporting and Investigating Allegations of IRCA Violations

PROCEDURES FOR REPORTING AND INVESTIGATING ALLEGATIONS OF UNAUTHORIZED EMPLOYMENT AND/OR PROHIBITED DISCRIMINATION

1. Any Employee may report allegations of unauthorized employment or prohibited discrimination to any supervisor or manager. We have an open-door policy.
2. If an allegation is made, the supervisor or manager should report to the Company's Immigration Compliance Officer within 48 hours.
3. Once a report is made, the Immigration Compliance Officer must investigate and make a written report and recommendations for action required, if any, within 14 days. If the investigation appears complex, the Company's Immigration Compliance Officer should contact the company's Attorney.

9

Contractor Immigration Compliance Procedures

Contractor Immigration Compliance

■ WHAT IS THIS?

This is a Contractor Immigration Compliance Protocol followed by a Contractor Immigration Compliance Certification Forms and a Contractor Immigration Compliance Schedule.

■ HOW TO USE THIS

Review the policy and the forms, decide whether they are a good fit for your company, and adopt them if appropriate as part of your Compliance Plan, Policies and Procedures.
Conduct training.

NOTES:

COMPANY NAME _____

CONTRACTOR IMMIGRATION COMPLIANCE PROTOCOL

I-9 or E-Verify procedures cannot be used to verify employment eligibility of contractors or subcontractors. However, the law prohibits using contractors if the employer knows they are not authorized to work in the United States. Since we are unable to verify whether or not they are authorized to work in the U.S. through the I-9 and E-Verify process. We will follow ICE Best Employment Practices, (the so-called "three Cs" of contractor compliance) including: vendors should be asked to certify, in writing, that they are following their obligations as employers regarding immigration compliance and that they verify that their workers are authorized to be employed in the U.S. Sample certification language is attached.

1. **COMMUNICATE:** We will communicate ICE Best Employment Practices to every contractor or subcontractor we use by attaching a copy to our bid and contracts.
2. **CONTRACTS:** All new contracts with contractors contain contractor immigration compliance certification language.
3. **CERTIFICATION:** NO CONTRACTOR AND/OR SUBCONTRACTOR IS ALLOWED TO WORK ON SITE UNLESS THEY INDICATE ON THE ATTACHED IMMIGRATION COMPLIANCE CERTIFICATION REQUEST THAT THE CONTRACTOR COMPLIES WITH ALL LISTED IMMIGRATION LAW REQUIREMENTS.



SAMPLE EMAIL TO CONTRACTORS:

"To Whom It May Concern:

*With regard to ___**Employer's**___ Corporate Immigration Compliance Plans, Policies, and Procedures:*

- 1. I am providing you with a copy of ICE Best Practices*
- 2. Please review and fill out our Contractor Certification Language*
- 3. Please sign and email it to me as soon as possible."*



Employer Immigration Certification

for Contractors/Subcontractors

We comply with immigration law requirements as follows:

- ☐ We have received a copy of ICE Best Practices, and are working on implementing appropriate immigration compliance practices. We comply with all federal and state laws pertaining to immigration compliance, we do not knowingly employ unauthorized workers, and we do not knowingly work with subcontractors not authorized to work in the United States.
- ☐ We maintain properly executed I-9s on all employees hired after November 6, 1986
- ☐ We use E-Verify

We registered for E-Verify on _____

Our E-Verify registration No. is _____

- ☐ We keep copies of document(s) recorded in Section 2 of the I-9 with our I-9s

BY: _____
NAME OF COMPANY

SIGNATURE

NAME

TITLE

DATE



ICE BEST EMPLOYMENT PRACTICES

12 Best Hiring Practices

NOTE:

These are the Best Employment Practices recommended by US Immigrations and Customs Enforcement (ICE).

1. Use E-Verify, the OHS employment eligibility verification program, to verify the employment eligibility of all new hires.
2. Use the Social Security Number Verification Service (SSNVS) and make a good faith effort to correct and verify the names and Social Security numbers of the current workforce.
3. Establish a written hiring and employment eligibility verification policy.
4. Establish an internal compliance and training program related to the hiring and employment verification process, including completion of Form I-9, how to detect fraudulent use of documents in the verification process, and how to use E-Verify and SSNVS.
5. Require the Form I-9 and E-Verify process to be conducted only by individuals who have received appropriate training and include a secondary review as part of each employee's verification to minimize the potential for a single individual to subvert the process.
6. Arrange for annual Form I-9 audits by an external auditing firm or a trained employee not otherwise involved in the Form I-9 process.
7. Establish a procedure to report to ^{management} ICE credible information of suspected criminal misconduct in the employment eligibility verification process.
8. Establish a program to assess subcontractors' compliance with employment eligibility verification requirements. Encourage contractors to incorporate IMAGE Best Practices and when practicable incorporate the verification requirements in subcontractor agreements.
9. Establish a protocol for responding to letters received from federal and state government agencies indicating that there is a discrepancy between the agency's information and the information provided by the employer or employee (for example, "no match" letters received from the Social Security Administration).
10. Establish a ^{open-door policy} tip-line mechanism (inbox, e-mail, etc.) for employees to report activity relating to the employment of unauthorized workers, and a protocol for responding to employee tips.

11. Establish and maintain appropriate policies, practices and safeguards against use of the verification process for unlawful discrimination, and to ensure that U.S. citizens and authorized workers do not face discrimination with respect to hiring, firing, or recruitment or referral for a fee because of citizenship status or national origin.
12. Maintain copies of any documents accepted as proof of identity and/or employment authorization for all new hires.

For more information on the IMAGE Program, please visit the IMAGE [FAQ](#) page. You may request an information packet via the [IMAGE Information Packet Request](#) form.

From www.ice.gov

Last Modified: Friday, February 26, 2010



Language to Add to Contactor/ Subcontractor Agreement re Immigration Compliance

The Subcontractor represents to **Requestor** that all employees and/or subcontractors of the Subcontractor are duly authorized to work in the United States, and that Subcontractor complies with all applicable requirements of the Immigration Reform and Control Act (IRCA) and other federal and state laws governing identity and employment authorization verification. Should **Requestor** and/or any of its owners or employees incur any liability or legal expenses in connection with Subcontractor's company's failure to comply with any immigration law requirements, Subcontractor will indemnify **Requestor** and any of its owners for any such liability or legal expenses incurred. Exhibit 2 contains documents relating to this agreement that need to be signed before workers are on site. If the Subcontractor is awarded contract, Subcontractor will need to be able to demonstrate, at a minimum, that the Subcontractor is in compliance with the following employer immigration compliance requirements:

1. Maintain properly executed Form I-9 on all employees hired after November 6, 1986, ensuring that you have established identity and employment authorization for all workers you have on our sites
2. Use E-Verify
3. Keep copies of document(s) recorded in Section 2 of the I-9 Form
4. We also encourage the Subcontractor to work towards other ICE Best Practices (attached in Exhibit 2), including, but not limited to:
 1. Maintain a written immigration compliance plan, policies, and procedures based on ICE (Immigration Customs Enforcement) Best Practices
 2. Conduct I-9 administrator training at least once a year
 3. Allow your Form I-9s to be administered only by individuals who have received the I-9 Administrator training
 4. Internal I-9 Audits: Have your I-9s audited by an external I-9 Auditor, have your I-9s corrected, and keep written audit notes and audit report available for inspection
 5. Have a written procedure for Social Security Number No-Match letters
 6. Have written procedures to ensure that the verification process is not used to discriminate against eligible individuals
 7. For subcontractors, if any, communicate these requirements to them, include these requirements into your agreements with subcontractors, and receive certification and audit their compliance with these requirements
 8. Other ICE-encouraged compliance practices

Individual Contractor Certification

I, _____, am an authorized representative of

_____ (name of contractor/subcontractor company), and do hereby certify that I and (if any) all the employees of this company and/or contractors of this company are duly authorized to work in the United States, and that this company has an immigration law compliance policy and a comprehensive immigration compliance plan. Should any of our customers/clients incur any liability or legal expenses in connection with this company's failure to comply with immigration laws of the United States, this company agrees to indemnify any of our customers/clients for any such liability or legal expenses incurred.

By:

Signature

Date



Example of a State-specific Compliance Document (State of Missouri)

Re: _____
Name of Contractor/Subcontractor

I am aware that subsection 1 of the Missouri statute RSMO 286.530 states:

"285.530. 1. No business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri."

I attest, under penalty of perjury, on behalf of this business entity and/or employer, that we are not knowingly in violation of subsection 1 of RSMO 285.530, and shall not henceforth be in violation, that we do not knowingly employ, hire for employment, or continue to employ, any unauthorized aliens to perform work within the state of Missouri, and that our employees and contractors, if any, are lawfully employed in the United States.

Signed _____ Date _____

Title _____

Company _____

Notary Public:

STATE OF _____)
) SS
COUNTY OF _____)

Sworn and subscribed before me on this ____ day of _____, 2____, in
_____ (location), _____ (state).

Signature of Notary Public: _____

My commission expires on _____



CONTRACTOR IMMIGRATION COMPLIANCE AUDITS

Contractor Certification Audits should be conducted every twelve (12) months and preferably in concurrence with I-9 Audits.

Base Audit Performed On _____, **20**__

Signature

Title

Name

Date

20__ **Audit Scheduled for** _____, **20**__

Signature

Title

Name

Date

20__ **Audit Scheduled for** _____, **20**__

Signature

Title

Name

Date

20__ **Audit Scheduled for** _____, **20**__

Signature

Title

Name

Date



20__ Audit Scheduled for _____, 20__

Signature

Title

Name

Date

20__ Audit Scheduled for _____, 20__

Signature

Title

Name

Date

20__ Audit Scheduled for _____, 20__

Signature

Title

Name

Date

20__ Audit Scheduled for _____, 20__

Signature

Title

Name

Date

20__ Audit Scheduled for _____, 20__

Signature

Title

Name

Date

10

Immigration Compliance Records

IMMIGRATION RELATED RECORDS

▪ WHAT IS THIS?

This is a sample policy on what immigration compliance-related records must be kept.

▪ HOW TO USE THIS

Review the policy. If it is a good fit for your company, adopt it. Conduct training.

NOTES:

IMMIGRATION COMPLIANCE RECORDS

Every employer should keep its immigration-compliance records in good order.

These include, at a minimum:

1. Current I-9s
2. Terminated I-9s
3. Contractor Immigration Compliance Certifications
4. Immigration Compliance Plan, Policy and Procedures
5. I-9 Audit Records
6. Visa-Specific Records, if applicable

This is how employer immigration-related records should be kept:

1. Current I-9s

Hard copies I-9s should be kept in alphabetical order in CURRENT I-9s binders, separate from Employee Personnel Files. Copies of supporting documents and E-Verify printouts for those hired after the employer registers for E-Verify should follow each I-9. For workers with expiring work visas and work authorizations, 120-day and the date-of expiration reminders should be entered into the Employment Authorization Re-Verification Table and in I-9 Administrator's Outlook.

Electronic Copies: we also always recommend that electronic copies of I-9s are kept. In addition, as long as the procedures for electronic records keeping meet requirements outlined in M-274, electronic copies may completely replace hard copies of I-9s. One word of caution: there has not yet been any cases testing if an employer meets M-274 requirements on keeping electronic copies only.

2. Terminated I-9s

Once the worker is terminated, the I-9 Administrator should calculate the Date of Timely Destruction, which is three (3) years from date of hire or one (1) year from date of termination, whichever is later. I-9s should be transferred into Terminated I-9 Binder(s) and/or computer file. I-9s should be destroyed and the destruction properly recorded as prompted by the Destruction Table.



3. Contractor Immigration Compliance Certifications

There are two ways to keep track of Contractor Immigration Compliance Certifications. One way is for each certification to be kept as an exhibit to the contract, and that in my opinion is the preferable way if you have many contractors. Another way is to keep copies in a separate binder or computer folder, in alphabetical order.

4. Immigration Compliance Plan, Policy and Procedures

These should be kept at the central office both in hard and electronic copy, with copies available to I-9 Administrators at the local offices or through electronic access. The Compliance Plan, Policy and Procedures should be updated at least once a year and when there are significant changes in the law.

5. I-9 Audit Records

These should be kept in hard copy or electronic copy.

6. Visa-Specific Records

Special rules apply if the employer sponsors work visas or employment-based green cards.

H-1Bs: Public Access Files should be kept for each H-1B employee.

Other Visas: If used, make sure the rule for record-keeping is enclosed after this page.

Labor Certifications: Proof of Recruitment and copy of the application should be kept for each employee for at least 5 years.

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IRCA Non-Discrimination Procedures

Balancing Employer Immigration Compliance with Non-Discrimination and Diversity

Sample Procedures for Reporting and Investigating Allegations of Unauthorized Employment and/or Prohibited Discrimination and Training Materials

■ WHAT IS THIS?

These are procedures and training materials to ensure that the employer complies with immigration law requirements but does not use them to engage in unlawful discrimination.

■ HOW TO USE THIS

Read the procedures and adopt them if they are a good fit for your company. Use the training materials to train your I-9 Administrators and other personnel as part of your annual immigration compliance training.

NOTES:

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



Look At The Facts. Not At The Faces.

Your Guide To Fair Employment



What Do You Need to Know About INA ?

The Immigration and Nationality Act (INA), which the Immigration Reform and Control Act of 1986 (IRCA) amended, requires that you, as an employer, verify the identity and work eligibility of every employee hired after November 6, 1986. It is now illegal to knowingly hire anyone who is not authorized to work in the United States. As part of this process, you must complete the Department of Homeland Security's Form I-9 for all your employees—citizens and noncitizens alike. Failure to comply with the I-9 requirements may result in sanctions against you.

Congress recognizes that these employer sanctions might unintentionally discourage you from hiring workers who are not U.S. citizens or who appear to be foreign. In order to protect work-authorized individuals, INA also contains provisions prohibiting discrimination in hiring and firing on the basis of citizenship status or national origin. Under these provisions, you must treat all qualified, eligible job applicants equally. Employers found to discriminate may be required to pay fines and penalties, and to hire or rehire employees, with back pay.



How Do You Avoid Immigration-Related Employment Discrimination?

- Treat all people the same when you are announcing the job, taking applications, interviewing, offering the job, filling out the Form I-9, hiring, and firing.
- Avoid "citizens only" hiring policies or requirements that applicants have a particular immigration status, unless required by law.
- Give out the same job information over the telephone and use the same application forms for all applicants.
- Base your decisions about firing on job performance and/or behavior, not on appearance, language, name, or citizenship status of your employees.

How Do You Comply with the Form I-9 Requirements?

- In order to avoid any appearance of discrimination, verify work eligibility **after** you have decided to hire an individual and allow your employee three days to provide the documents.
- Let your employee **choose** which documents to present, as long as they appear to be reasonably genuine.
- Understand that there are many different documents, with different appearances, that your employee may present. You can find a list of these documents on the back of the Form I-9.



How Do You Comply with INA's Hiring Regulations ?

- Hire only those persons that are authorized to work in the U.S.
- Ask all your new employees—U.S. citizens and noncitizens alike—to show documents that establish both identity and work authorization.
- Complete the DHS Employment Eligibility Verification Form I-9 for every new employee.

If You Have Any Further Questions
about Compliance with INA's
Antidiscrimination Provisions, Call
the Office of Special Counsel's
Automated Employer Hotline:

1-800-255-8155

TDD for hearing-impaired: 1-800-237-2515
In the Washington, D.C. area call: 202-616-5594

The Employer Hotline will guide you through the employment verification process, and includes a fax-back feature through which you can receive a Form I-9, a list of acceptable documents and tips on fair hiring. There is also an option to speak with an operator.

or write to OSC at:
U.S. Department of Justice
Civil Rights Division
Office of Special Counsel
950 Pennsylvania Ave., NW
Washington, DC 20530

OSC's e-mail address is:
oscrt@usdoj.gov

to find us on the web, go to:
www.justice.gov/crt/osc



U.S. Department of Justice
Civil Rights Division
Office of Special Counsel
for Immigration-Related
Unfair Employment Practices

950 Pennsylvania Ave., NW
Washington, DC 20530

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Government Audit/Investigation Procedures

Sample ICE and Other Government Agencies Audit/Contact Procedures

■ WHAT IS THIS?

This is a sample procedure to follow in case ICE or other government agencies visit the employer with an audit or on account of any other immigration compliance-related questions.

■ HOW TO USE THIS

Review the policy. If it is a good fit for your company, adopt it. Conduct training.

NOTES:

SAMPLE ICE/DHS CONTACT PROCEDURES

RECEPTIONIST:

GREET GOVERNMENT REPRESENTATIVES

- ☐ We follow the best available immigration compliance practices. Specifically:
- ☐ Greet the agents in a courteous and confident manner and inquire about their business.
- ☐ Ask the agent(s) for a business card.
- ☐ Inform the agent(s) that you will follow the company procedures
- ☐ Call the Company's Immigration Compliance officer to take over

COMPANY'S IMMIGRATION OFFICER:

- ☐ Ask the officers for ID and any paperwork they have;
- ☐ Tell the officers that you are represented by an attorney and that you would like to call your attorney before answering any questions. Then call the company's attorney.

IF WARRANT

- ☐ Please ask if the agent(s) if they have a warrant
- ☐ If they do, tell them you are ready to cooperate.
- ☐ Ask the officer(s) for time to MAKE A COPY, email the company attorney.

IF NO WARRANT

- ☐ If the agent does not have a warrant, they probably have a Notice of Inspection /Subpoena). You have three days, or more in some cases, to produce the record.
- ☐ Tell the agent the company's attorney will produce the record in three days.
- ☐ Email copies to the company's attorney.