

Mira Mdivani's Employer Immigration Compliance Plans, Policies and Procedures

This book is a practical guide for corporate immigration compliance officers, corporate lawyers, HR professionals, and business owners on establishing an effective Immigration Plan, Policies and Procedures based on ICE Best Employment Practices. Volume 1 can serve as a company's written compliance plan, or can be used as a starting point for creating a more company-specific plan. Volume 2 contains an appendix with valuable training materials.



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Ms. Mdivani has authored several books on business immigration law to help employers across the country comply with Immigration Reform and Control Act requirements and prepare themselves for potential government immigration worksite enforcement actions.

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EMPLOYER IMMIGRATION COMPLIANCE PLANS, POLICIES AND PROCEDURES Volume 1

Mira Mdivani



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Volume 1

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To Dennis

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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 Information in this book may be outdated if policy or law change by the time you are ready to act on your compliance needs.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.

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TERMS & ABBREVIATIONS

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Terms and abbreviations are defined for purposes of this book only.

DHS **U.S Department of Homeland Security.**

DHS includes, together with dozens of other agencies, USCIS and ICE.
www.dhs.gov

EAD **Employment Authorization Document.**

Often referred to as a “work permit.” USCIS can issue EADs to foreign nationals who are in the process of adjusting their status to permanent resident, to foreign students graduating from U.S. colleges and universities, spouses of L-1 and E visa holders, survivors of domestic violence, temporary protected status holders, and several other categories of foreign nationals. EADs can be issued for up to 29 months. Employment eligibility must be re-verified at expiration.

Employer Immigration Compliance Plan, Policies and Procedures

A written document which contains an explanation of the Employer’s immigration compliance policies and **procedures and prompts scheduling of training, I-9 audits, reviews and updates.**

E-Verify

An on-line employment verification program administered by DHS and SSA that allows employers to check whether a new worker is authorized to be employed in the United States after an I-9 is completed. E-Verify remains a controversial program due to its error rate. www.uscis.gov

I-9 Administrator

I-9 Administrators are responsible for I-9 completion, review, copying of the supporting documents, and E-Verify queries. They are also responsible for I-9 record keeping, including storing and timely destruction. Normally I-9 functions of I-9 Administrators are performed by HR professionals. Smaller businesses often delegate I-9 Administrator functions to payroll or administrative personnel.

TERMS & ABBREVIATIONS

Terms and abbreviations are defined for purposes of this book only.

I-9 Auditor

I-9 Auditors review I-9s, prepare Audit Reports, and recommend training and necessary updates to Policies and Procedures. I-9 Administrators and I-9 Auditors should not be the same person to ensure impartiality of the I-9 Audit.

I-9 FORM Employment Eligibility Verification I-9 Form

Employers must complete a government-issued I-9 Form available at www.uscis.gov for each employee hired in the United States after November 6, 1986.

I-9 Self Audit Review of the I-9s initiated by the employer for the purposes of making sure that I-9s comply with the law. I-9 Audit Reports produced as a result of I-9 Self-Audits help employers identify and correct mistakes. I-9 Audit Reports help determine what training I-9 Administrators should receive to avoid mistakes in the future and how the Employer's policies and procedures should be updated to ensure compliance.

ICE Immigration and Customs Enforcement

ICE is a branch of the Department of Homeland Security responsible for investigating and enforcing immigration laws against aliens and employers. www.uscis.gov

ICE Best Employment Practices

A list of practices compiled by ICE (Immigration and Customs Enforcement) as part of the IMAGE system that is indicative of ICE's view of employer's immigration compliance obligations.

IMAGE ICE Mutual Agreement between Government and Employers

A "probation-like" program created by Immigration and Customs Enforcement (ICE), which is summarized in the ICE Best Employment Practices. While most employers do not need to sign up for IMAGE, many use the Best Employment Practices as guidelines for their immigration compliance policies and procedures.

TERMS & ABBREVIATIONS

Terms and abbreviations are defined for purposes of this book only.

IRCA **Immigration Reform and Control Act of 1986**

IRCA made it illegal for “any person or entity to knowingly hire or recruit undocumented workers.” “Constructive” knowledge, i.e. “not doing enough to comply” has become the de facto IRCA standard lately adopted by the government.

M-274 I-9 Handbook for Employers

A reference tool by U.S. Citizenship and Immigration Services providing instructions for completing the I-9 Form. It can be found at **www.uscis.gov**.

SSA **Social Security Administration**

A U.S. government agency that administers the E-Verify Employment Verification Program together with DHS. **www.ssa.gov**

USCIS **United States Citizenship and Immigration Services**

USCIS is a branch of the Department of Homeland Security responsible for adjudicating immigration and naturalization matters and establishing policies. It also has responsibilities for updating I-9 forms and hosting the E-Verify system. **www.uscis.gov**

“You”

I use “You” in this book to address I-9 Auditors, those who need the I-9 Auditor training, and HR professionals and attorneys in charge of setting up an I-9 Audit process for employers.

CHAPTER 1

How to Use this Book

Chapter

1

HOW TO USE THIS BOOK

PRACTICAL GUIDE TO EMPLOYER IMMIGRATION COMPLIANCE

.....

This book is a **practical guide** for employers. Its purpose is to enable corporate lawyers, HR professionals, and compliance officers to bring companies to compliance with immigration law so that they can reasonably rely on a “good faith effort to comply” defense through the implementation of an immigration compliance plan, policies and procedures.

UNDERSTANDING LAW AND POLICY

.....

One of the problems with immigration non-compliance is that employers often do not realize the risk of criminal and civil liability until the employer is actually targeted. The government has not enforced immigration law against employers very seriously for over twenty years. In recent years, the government, without providing alternatives such as legal visas for most job categories, has stepped up enforcement against employers, announcing that Immigration and Customs Enforcement’s job is to lay the groundwork for criminal prosecution of management. Current enforcement brings about uneven results, where managers of a restaurant with six unauthorized workers may go to jail for three years, while managers of a company with a thousand unauthorized workers may either get a fine or probation.

Absent established plans, policies and procedures, few employers can avail themselves of the “good faith effort defense.” They often plead guilty to charges that sound egregious. Press releases published by the government sometimes portray employers pleading guilty to immigration violations as

villains. Executive and management of other businesses are under the impression that since they are not villains involved in egregious behavior pled to by management of prosecuted companies, nothing like that can happen to them. Chapter 2 is a short overview of law and policy that is intended to be helpful in assessing the scope of potential problems related to not enough immigration compliance.

READY-TO-USE SAMPLE IMMIGRATION COMPLIANCE MANUAL

.....

Chapter 3 offers a practical solution to the issue of employer immigration compliance. It contains a ready-to-to use Employer Immigration Compliance Plan, Policies and Procedures. Upon advice of the employer’s legal counsel, this sample plan can be either adopted as drafted or tailored to an employer’s specific needs. It contains simple, specific policies and procedures on appointing an Immigration Compliance Officer, conducting I-9 Audits, I-9 and E-Verify Administration, E-Verify for Federal Contractors, I-9 and E-Verify Administrator Training, Contractor Immigration Compliance, Record Keeping, and Government contact procedures.

TRAINING MATERIALS

.....

The Appendix is an excellent source of training materials for anyone involved in making decisions and in the implementation of employer immigration compliance. It contains the text of ICE policy memoranda, IRCA, IRIRIRA, several state immigration statutes, press releases, indictments relating to prosecutions and settlements, cases on point, and ICE and USCIS-issued training materials on Form I-9, E-Verify, FAR E-Verify and SSN no-match notices. While there is much more I could have included, I chose to include these materials because they are helpful in learning about specific aspects of employer immigration compliance.

CHAPTER 2

Why Employers Need a Written Immigration Compliance Plan, Policies and Procedures

Chapter

2

WHY EMPLOYERS NEED A WRITTEN IMMIGRATION COMPLIANCE PLAN, POLICIES AND PROCEDURES

Simply put, in the world of employer immigration compliance, if it is not in writing, it is not going to be done. If there is no written Employer Immigration Compliance Plan, Policies and Procedures, the employer will not follow it. Such an employer will have a hard time demonstrating the required “good faith effort to comply”¹ necessary to defend itself from possible allegations of immigration violations, which may lead to criminal and civil consequences.

I. POLICY AND STATUTES

A. I-9 Form

The Immigration Reform and Control Act (IRCA)² went into effect in 1986. The law imposed the burden of verifying workers’ employment eligibility on employers and introduced civil and criminal penalties for violations. IRCA prohibits employers from hiring and continuing to employ aliens not authorized to work in the United States if employers have knowledge that the aliens are not authorized. It requires employers to execute form I-9, Employment Eligibility Verification Form, for each employee hired on or after November 6, 1986.³ For years, many employers have been under the impression that a “good faith effort” defense referred to in the Act is simple:

¹ *Immigration Reform and Control Act of 1986 (IRCA)* – [PL 99-603, 100 Stat. 3359 (Nov. 6, 1986), 1986 S. 1200].

² *Id.*

³ *USCIS.gov, Form I-9 Employment Eligibility Verification (rev. 08/07/09)*, <http://www.uscis.gov/files/form/I-9.pdf> (last visited Jan. 19, 2010).

make sure you complete the I-9 Form on each worker. However, recent developments have shown that completing Form I-9s lull employers into a false sense of security as far as immigration compliance goes. Recent developments also point to the fact that actionable “knowledge” that the worker is not authorized to work in the U.S. does not have to be actual; constructive knowledge or “turning a blind eye” standards are widely used in immigration-related matters. Lack of I-9 administrator training, lack of self-correction/self-audits, lack of procedures on SSN no-match letters and on contractor immigration compliance have been used by ICE in targeting employers for immigration violations. Much more than I-9s are now needed to ensure compliance with ever-changing immigration law and policy and to protect employers, executives, management and supervisors against civil and criminal liability based on alleged immigration violations.

B. Immigration Customs and Enforcement (ICE) Enforcement Policy

1. April 30, 2009 ICE Worksite Enforcement Memo

On April 30, 2009, Marcy Forman, Director of ICE’s Office of Investigations, issued a memorandum directed at the ICE Assistant Director, Deputy Assistant Directors, and Special Agents in Charge, titled “Worksite Enforcement Strategy.”⁴ The memorandum states that “enforcement efforts focused on employers better target the route of illegal immigration. An effective strategy must do all of the following: 1) penalize employers who knowingly hire illegal workers; 2) deter employers who are tempted to hire illegal workers; 3) encourage all employers to take advantage of well-crafted compliance tools. To accomplish these goals, ICE must prioritize the criminal prosecution of the actual employers who knowingly hire illegal workers because such employers are not sufficiently punished or deferred by the arrest of their illegal workforce.”⁵

Under “**Criminal Prosecution of Employers,**” the Worksite Enforcement Memorandum states:

- “The criminal prosecution of employers (in this context, “employer” referred to someone involved in the hiring or management of employees. This includes owners, CEOs, supervisors, managers and other occupational titles) is a priority of ICE’s workforce enforcement (WSE) program and interior enforcement strategy.

⁴ ICE.gov, April 30, 2009 ICE Worksite Enforcement Strategy Memo, http://www.ice.gov/doclib/foia/dro_policy_memos/worksite_enforcement_strategy4_30_2009.pdf (last visited Jan. 19, 2010).

⁵ *Id.*

- ICE is committed to targeting employers, owners, corporate managers, supervisors, and others in the management structure of a company for criminal prosecution through the use of carefully planned criminal investigations.
- ICE offices should utilize the full range of reasonably available investigative methods and techniques, including but not limited to: use of confidential sources and cooperating witnesses, introduction of undercover agents, consensual and non-consensual intercepts and Forms I-9 audits.
- ICE offices should consider the wide variety of criminal offenses that may be present in a worksite case. ICE offices should look for evidence of the mistreatment of workers, along with evidence of trafficking, smuggling, harboring, visa fraud, identification document fraud, money laundering, and other such criminal conduct.
- Absent exigent circumstances, ICE offices should obtain indictments, criminal arrests or search warrants, or a commitment from a U.S. Attorney's Office (USAO) to prosecute the targeted employer before arresting employees for civil violations at a worksite. In the absence of a timely commitment from a USAO, ICE offices should obtain guidance from ICE Headquarters prior to proceeding with a worksite enforcement operation.”⁶

Under “**Administrative and Civil Tools,**” the Memorandum states:

- “ICE offices should use administrative tools to advance criminal cases and, in the absence of criminal charges, to support the imposition of civil fines or other available penalties.
- The Form I-9 audit process will be utilized in both criminal and administrative investigations to identify illegal workers.
- Although auditors will assume primary responsibility for conducting Form I-9 audits, ICE special agents and auditors must coordinate closely because this process will often serve as an important step in the criminal investigation and prosecution of employers.
- ICE offices may issue documents to employers, including Discrepancy and Suspect Documents letters, for the purposes of fostering prompt corrections in hiring and documentation practices and also laying the groundwork to establish probable cause to support subsequent criminal charges if corrections are not made.”⁷

⁶ *Id.*

⁷ *Id.*

Under “**Civil Fines**,” the Memorandum states:

“Civil fines, although not as key as criminal prosecutions, are an important part of an effective worksite enforcement strategy. These fines provide a penalty when the evidence is not sufficient to support a criminal prosecution or as otherwise appropriate.”⁸

Under “**Debarment**,” the Memorandum states:

“Debarment precludes companies that have knowingly hired illegal aliens.”⁹

2. November 21, 2009 ICE I-9 Inspection Overview Fact Sheet

On November 21, 2009, ICE issued a Fact Sheet titled “Form I-9 Inspection Overview.”¹⁰

The Fact Sheet outlines the best case scenario: an I-9 audit that does not result in a criminal prosecution, but rather, ends with a notice of compliance or with a fine. It provides several tables outlining fine schedules. It provides increased penalties ranging from \$935 to \$2,725 per Form I-9 if more than 50% of the employer’s I-9 Forms contain technical or reflect substantive violations. Based on my experience auditing previously unaudited I-9s, it is rare that less than 50% of I-9s do not contain errors. In many cases, that number is much higher. Fines can be increased by another 25% based on a combination of factors, including “business size, good faith, seriousness, unauthorized aliens, and history.”¹¹ A copy of the Fact Sheet with the ICE I-9 Inspection Overview is enclosed in the Appendix.

3. Sample I-9 Inspection Notices

Sample I-9 Inspection Notices are enclosed for review in the Appendix.

B. Federal Immigration Statutes

1. IRCA

The Immigration Reform and Control Act (IRCA) came into effect on November 6, 1986. Among other provisions, it contains measures targeted to prohibit “unlawful employment of aliens,”¹² unfair immigration-related employment practices, fraud and misuse of

⁸ *Id.*

⁹ *Id.*

¹⁰ *ICE.gov, November 21, 2009 ICE I-9 Inspection Overview*, <http://www.ice.gov/doclib/pi/news/factsheets/i9-inspection.pdf> (last visited Jan. 19, 2010).

¹¹ *Id.*

¹² *IRCA. See Fn. 1*

certain immigration-related documents, and provided specific authority to Immigration and Naturalization Services to enforce these laws.

IRCA Section 274A(a) (8 USC Section 1324) makes employment of unauthorized aliens unlawful. Specifically, it makes it unlawful for a person or other entity to hire, to continuously employ, or to recruit or refer for a fee, for employment in the United States, an alien knowing that the alien is an unauthorized alien. It also prohibited transportation and harboring, including providing employment, of unauthorized aliens. Section 274 provided for civil sanctions and for criminal penalties, including fines, jail terms, and forfeiture. A copy of the text of IRCA is found in the Appendix.

2. IIRIRA

Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA),¹³ among other provisions; provided enhanced enforcement tools to the government, such as use of wiretaps and subpoena; increased penalties for smuggling and other racketeering offences which may involve unauthorized workers; increased penalties for document fraud; authorized a pilot program that eventually became E-Verify, limited liability for purely paperwork I-9 violations, and enhanced unfair immigration-related employment practices provisions. A copy of the IIRIRA text is enclosed in the Appendix.

C. State Statutes - Examples

Traditionally, state legislation in the field of immigration law has been considered to be pre-empted by federal law. Despite that, over a dozen states have enacted their own immigration laws imposing immigration-related requirements and penalties on employers. These include Arizona, Arkansas, Colorado, Georgia, Idaho, Indiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Rhode Island, South Carolina, Utah, Louisiana, Nevada, New Hampshire, Pennsylvania, Tennessee, Virginia, West Virginia. In some cases, these laws contradict each other and the federal law. In all cases, they create additional hurdles for employers who operate in more than one state. Chambers of Commerce and other organizations have challenged some of these state immigration laws in court. The Courts of Appeals are split on whether states have the right to legislate in the immigration area. The Second Circuit Court of Appeals upheld Arizona law requiring all employers

¹³ *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)* – [PL 104-208, div. C; 110 Stat. 3009, 3009-46 to 724 (Sept. 30, 1996), 104th Cong. 2d Sess.; HR Conf. Rep. No. 104-828, 104th Cong. 2d Sess. (Sept. 24, 1996); S. Rep. 104-249, 104th Cong. 2d Sess. (Apr. 10, 1996); 142 Cong. Rec. S4730-01, sect. 150 (May 6, 1996); 142 Cong. Rec. H2378-05, Sect. 309 (Mar. 19, 1996) at H10, 841-02].

in Arizona to use E-Verify system.¹⁴

The Tenth Circuit Court of Appeals struck down parts of the Oklahoma immigration law imposing employer sanctions for knowingly employing unauthorized workers and the use of I-9 s for independent contractors.¹⁵

1. Arizona

Arizona’s immigration law was enacted in 2007. It requires all employees in the state of Arizona to use E-Verify (then called Basic Pilot Program); prohibits employment of “unauthorized aliens;” requires use of “Affidavit of Legal Employment,” and provides for criminal and civil penalties, including fines and suspension of business licenses, for businesses that are found to violate the law.¹⁶ A copy of the Act is enclosed in the Appendix.

2. Utah

The Utah law was enacted in 2008. Among other provisions, the law requires public employers and state contractors to use E-Verify; makes it illegal to transport an “illegal alien;” and makes it illegal to “conceal, harbor, or shelter from detection an alien, in a place within the state for commercial advantage or private financial gain, knowing or in reckless disregard of the fact the alien is in the United States in violation of law.”¹⁷ A copy of the law is enclosed in the Appendix.

3. Missouri

The Missouri law prohibits, among other conduct, employment of unauthorized aliens with knowledge, which is defined very broadly to include constructive knowledge; provides for suspension and revocation of business licenses, debarment of businesses from state contracts; withholding of up to 25% of monies due under state contract, prohibits tax deductions of wages paid to unauthorized workers; requires use of E-Verify by public employers and state contractors; and encourages contractor affidavits testifying to immigration law compliance as a defense to a contractor’s failure to comply with immigration law.¹⁸ A copy of the bill is provided in the Appendix.

¹⁴ *CPLC, Inc. v. Napolitano*, 558 F.3d 856 (9th Cir. 2009).

¹⁵ *Chamber of Commerce of the U.S., et al. V. Edmondson*, No. 08-6127 (10th Cir. 2010) .

¹⁶ *Legal Arizona Workers Act, H.B. 2779 (Ariz. 2007)*, available at <http://www.azleg.gov/legtext/48leg/1r/bills/hb2779h.pdf>.

¹⁷ *Illegal Immigration, S.B. 81, et al (Utah 2008)*, available at <http://le.utah.gov/~2008/bills/sbillenr/sb0081.htm>.

¹⁸ *H.B. 1549, et al (Mo. 2008)*, available at <http://www.house.mo.gov/billtracking/bills081/biltxt/truly/HB1549T.htm>

4. Missouri Immigration Law Regulation

In implementing its immigration law, Missouri went even further than the language of the statute itself. For example, the Missouri rule not only requires certain state contractors to use E-Verify, but it requires the same of their subcontractors.¹⁹

II. CASES, PRESS RELEASES, INDICTMENTS, SETTLEMENTS - EXAMPLES

.....

Most matters including investigation of employers with respect to alleged I-9 violations settle before they reach the courts. Therefore, only a handful of cases are available for analysis.

A. Cases

1. Tipton:²⁰

Owner and Manager Sentenced to 27 and 30 Months in Jail for Six Undocumented Workers

Nicole Tipton and Sadik Seferi were convicted of hiring, harboring, and conspiring to hire and harbor undocumented workers at a restaurant owned by Nicole Tipton. Tipton and Seferi worked at a restaurant, called The Galley, in Vinton, Iowa, and both hired and supervised staff there. ICE alleged that six of the workers at the restaurant were undocumented. The employer failed to complete I-9 Forms for some the workers. ICE described documents presented with other I-9s as “fantasy documents” and claimed they were counterfeit. Nicole Tipton was sentenced to 27 months, and Sadik Seferi, to 30 month imprisonment, respectively. Tipton and Seferi appealed their sentences. The Eighth Circuit affirmed the judgment of the district court.

2. Commercial Cleaning - Use of RICO in a Lawsuit by Competitors

Commercial Cleaning Services, LLC v. Colin Service Systems, Inc.²¹ is an example of competitors suing an employer in a class-action law suit under IRCA Section 274, 8 U.S.C. § 1324(a) and Racketeering and Influenced Organizations statute (RICO), 18 U.S.C. § 1964(c)(2000). Commercial Cleaning Services, Inc., a small cleaning company, and other similarly situated companies, brought a class-action lawsuit for damages against their business competitor, Colin Service Systems, Inc. The complaint alleged

¹⁹ 34 Mo. Reg. 1458-1461 (July 15, 2009)

²⁰ U.S. v. Tipton, 518 F. 3d 591 (8th Cir. 2008).

²¹ Commercial Cleaning Services LLC v. Colin Service Systems Inc., 271 F.3d 374 (2d Cir. 2001).

that Colin engaged in a pattern of racketeering activity by hiring undocumented workers for profit in violation of IRCA and RICO. According to the complaint, Colin's illegal hiring practices enabled the company to lower its costs, and it was able to underbid its competitors, which lost bids and customers to Colin. Initially, the trial court dismissed the lawsuit finding that Commercial Cleaning had not alleged that a direct injury had been proximately caused by Colin's illegal hiring. However, on appeal the U.S. Court of Appeals for the Second Circuit overturned that decision and allowed the lawsuit to proceed. The parties settled for an undisclosed amount. A copy of the decision is enclosed in the Appendix.

3. Zirkle Fruit Company - Use of RICO by Employees; Alleged Undocumented Workers are Contractors

The Zirkle Fruit Company case is significant for two reasons: first, it was a class action by employees against an employer based on allegations of unlawful hiring, and second, the allegedly undocumented workers were contractors, not employees of the defendant. Zirkle Fruit Company operated an apple orchard in the state of Washington. They used a labor company to provide contract workers to pick their apples. In this case, the court had to decide whether, under the Racketeering and Influenced Organizations statute (RICO), 18 U.S.C. § 1961-1968, legally documented workers can sue their employers, whom they allege depressed their salary by conspiring to hire undocumented workers at below market wages. The company initially tried to defend itself alleging that they cannot be responsible for verifying employment eligibility of contractors. Initially, the trial court agreed with the employer. However, the Ninth Circuit Court of Appeals reversed that decision and allowed the workers to proceed with their lawsuit. Zirkle settled with the workers for an undisclosed amount. A copy of the decision is enclosed in the Appendix.

4. Fischer Homes - Liability for Contractor's Non-Compliance

The Fischer Homes/Pratt prosecution²² is another example of employers being unaware that they can be held liable not only for hiring direct employees without authorization but for providing work to contractors who do not have authorization as well. In this case, ICE charged construction owners and managers on account of providing work to unauthorized subcontractors alleging that they "did conceal,

²² Press Release, Immigration and Customs Enforcement, *N. Kentucky contractor, supervisors sentenced for harboring illegal aliens* (Nov. 15, 2007), <http://www.ice.gov/pi/news/newsreleases/articles/071115covington.htm> (last visited on Feb. 04, 2010).

harbor, and shield the aliens from detection in any place, that is, by providing them employment, in knowing and in reckless disregard of the fact that such aliens had come to, entered and remained in the United States in violation of law, for the purposes of commercial advantage and private financial gain, all in violation of 8 U.S.C. § 1324(a)(1)(A)(iii) and (a)(B)(I).”²³ It is interesting to note that ICE agents came to the construction site operated by Fischer Homes without identifying themselves, with a local Sheriff, who told Fischer that he was “investigating a murder out of Texas,” and he needed help with the investigation. A criminal complaint and the ICE agent’s affidavit are enclosed in the Appendix.

5. Mohawk - Legal Employees Sue Under RICO

Mohawk Industries, Inc. is the largest carpet manufacturer in the U.S., with over 30,000 employees. Mohawk employees sued the company in a class action under RICO alleging that Mohawk and its recruiters, under Mohawk’s direction, worked together to recruit illegal workers to come to Georgia and that they had common purpose of providing illegal workers to Mohawk so that Mohawk could reduce its labor costs and the recruiters could get paid. The complaint alleged that “Mohawk’s employment and harboring large numbers of illegal workers has enabled Mohawk to depress wages and thereby pay all of its hourly employees, including legally employed workers who are members of the class, wages that are lower than they would be if Mohawk did not engage in this illegal conduct.”²⁴ The Eleventh Circuit Court of Appeals found that plaintiffs met all elements of the RICO claim and that they could proceed with their lawsuit against Mohawk. A copy of the decision is enclosed in the Appendix.

6. Elite Logistics - Title VII or RICO Unfair Employment Practices?

Ramon Zamora, an employee at Elite Logistics, Inc. sued his employer alleging a Title VII-prohibited discrimination based on his national origin.²⁵ The employer suspended Mr. Zamora without pay when his social security number was flagged as not matching his name. The employer requested additional I-9 related documentation, and Mr. Zamora did not immediately produce acceptable Form I-9 List A or List B and C documents after requested by the employer. Mr. Zamora was eventually allowed to return to work. He insisted on an apology, but instead, he was fired by the Elite Logistics, Inc.’s HR Manager who allegedly insulted Mr. Zamora based on Mr. Zamora’s

²³ *Fischer Homes Criminal Complaint and ICE Affidavit*

²⁴ *Williams v. Mohawk Industries Inc.*, 465 F.3d 1277 (11th Cir. 2007).

²⁵ *Zamora v. Elite Logistics, Inc.*, 478 F.3d 1160 (10th Cir. 2007) (en banc).

national origin. The sharply divided en banc panel of the Tenth Circuit Court of Appeals did not allow to proceed based on Title VII, encouraging the plaintiff to re-file based on possible IRCA violations.²⁶ A copy of the court's decision is enclosed in the Appendix.

B. Press Releases

1. Agriprocessors: CEO and Managers in Jail

Agriprocessors, Inc. used to be the biggest kosher meat processor in the United States. On June 22, 2010, Agriprocessors' CEO Sholom Rubashkin was sentenced to 27 years in prison following a government investigation stemming from allegations that the company hired unauthorized workers at its large slaughterhouse operation in Postville, Iowa. Previously, Agriprocessors' HR manager, an HR assistant, and other supervisory employees were sentenced to jail time and probation on immigration-related charges.²⁷

2. Columbia Farms

On November 3, 2009, chicken producer Columbia Farms reached an agreement with the federal prosecutors to defer prosecution for two years of charges related to alleged hiring of unauthorized workers and related charges.²⁸ After a raid in 2008, over 300 allegedly unauthorized workers were detained by ICE. Twenty-one Columbia Farms supervisory/management employees were charged with various violations triggered by alleged hiring of unauthorized employees. The terms of the agreement reached between DOJ and Columbia Farms are as follows:

Financial Consequences:

Columbia Farms will pay \$1.5 million to the government to defer all criminal, civil or administrative claims. The charges will be dismissed if the company and its affiliates comply with the terms of the agreement.

Changes in the Way Hiring is Done:

In addition, the company agreed to:

²⁶ *Id.*

²⁷ *Press Release, Immigration and Customs Enforcement, Agriprocessors Manager Pleads Guilty to Document Fraud Conspiracy (Jan. 11, 2010)*, <http://www.ice.gov/pi/nr/1001/100111cedarrapids.htm> (last visited on Jan. 19, 2010).

²⁸ *Press Release, Immigration and Customs Enforcement, Columbia Farms to Enter into Deferred Prosecution Agreement (Nov. 19, 2009)*, <http://www.ice.gov/pi/nr/0911/091103columbia.htm> (last visited on Jan. 19, 2010).

- Use E-Verify;
- Use Spanish language interpreters to help complete of I-9 Employee Eligibility Verification Forms by Spanish-speaking job applicants;
- Use DOL's Social Security Number Verification Service;
- Regularly train employees on hiring practices relating to immigration compliance;
- Use an external auditor to conduct annual I-9 audits.

How Enforced:

The Court, the U.S. Attorney's Office, and U.S. Immigration and Customs Enforcement will supervise the company's compliance with the settlement agreement. If the company does not meet the terms of the agreement, charges will be reinstated.

Charges Against Supervisory/Management Employees

It was agreed that Columbia Farms HR Department employees Elaine Crump and Barry Cronin would go through a diversion program for a year. Charges involving alleged hiring of unauthorized workers will be dismissed if they successfully complete the program.

3. George's Processing Company

Immigration and Customs Enforcement (ICE) reported on September 16, 2009, that George's Processing Inc., a Arkansas-based company, (George's) paid a \$450,000 fine for IRCA I-9 violations on September 11, 2009 as part of a settlement agreement.²⁹ Two of the company's hiring personnel were convicted of harboring illegal aliens and inducing illegal aliens to remain in the United States. ICE arrested 136 undocumented workers at the plant in 2007. George's paid a \$450,000 administrative fine as a result of a worksite enforcement investigation conducted by U.S. Immigration and Customs Enforcement (ICE). ICE announced that they would use the funds to promote future law enforcement programs and activities in worksite enforcement.

ICE said that the settlement further directs George's to train its human resource managers and employees on how to avoid hiring undocumented aliens, and to establish a compliance program to ensure that its hiring and employment practices are in accordance with U.S. immigration laws.

"Significant fines help hold businesses accountable to ensure a legal workforce," said

²⁹ Press Release, Immigration and Customs Enforcement, *Missouri Poultry Processing Plant Pays \$450,000 Fine for Hiring Illegal Aliens (Sept. 15, 2009)*, <http://www.ice.gov/pi/nr/0909/090915springfield.htm> (last visited on Jan. 19, 2010).

Homeland Security Assistant Secretary for ICE John Morton. "ICE works diligently to oversee corporate responsibility and to protect jobs for this country's lawful workers."³⁰

4. Shipley Do-Nut:

In January 2008, ICE began its investigation of hiring practices at Shipley Do-Nut Flour and Supply Company, Inc., a Houston-based employer.³¹ As part of the investigation, ICE interviewed current and former employees, conducted an I-9 audit and reviewed social security no-match letters. On August 7, 2009, the U.S. District Court of the Southern District Court of Texas ordered the employer to pay a criminal fine of \$250,000 and forfeit \$1.334 million to ICE. In addition, the court imposed a three-year supervision period.

Shipley Do-Nut's President, Lawrence Shipley, pled guilty to charges of hiring undocumented workers. He was sentenced to pay a \$6,000 fine and to six months probation. Two warehouse managers and the warehouse supervisor pled guilty to immigration violations charges. They were sentenced to fines of \$1,000 and \$2,000, and to six months probation.

C. Indictments

1. Applied Plastics - Non-Payment of ICE-Imposed Fine

Applied Plastics is an example of civil sanctions imposed on a small company as a result of ICE finding a failure to properly complete 94 Form I-9s. It appears based on the released documents that there were no allegations of the employer actually knowingly employing unauthorized workers, just paperwork I-9 violations. ICE ordered the employer to pay \$41,360 in fines.³² The company refused. ICE sued to enforce in the U.S. District Court.

2. Howard Industries - HR Manager Charged

Howard Industries, Inc.'s HR Manager was charged with encouraging illegal aliens to reside in the United States, attempting to conceal and harbor illegal aliens, and

³⁰ *Id.*

³¹ *Press Release, Immigration and Customs Enforcement, Houston-based Doughnut Company Ordered to Pay Criminal Fine and Forfeit \$ 1.334 Million to ICE (Aug. 7, 2009)*, <http://www.ice.gov/pi/nr/0908/090807houston.htm> (last visited on Jan. 19, 2010).

³² *U.S. v. Applied Plastic Products, D.C. No. CV-14399-RHC (Mich. Dist. Ct. 2009)*.

falsely attesting to the validity of employment-related documents.³³ The indictment alleges that it was a part of the conspiracy that the HR Manager, on behalf of Howard Industries, would routinely hire illegal aliens and, in the process of such hiring, would accept false identity documents, including alien registration receipt cards and social security cards.

D. Announced Settlements

1. Pilgrim's Pride - ICE's Version

The U.S. Department of Justice announced on December 30, 2009 that the U.S. Attorney's Office, Eastern District of Texas, Pilgrim's Pride Corporation, and Immigration and Customs Enforcement reached a non-prosecution agreement to resolve an investigation with respect to the hiring and employment of unauthorized aliens at Pilgrim's Pride's plants in the Eastern District of Texas.³⁴ Under the terms of the agreement, Pilgrim's Pride agrees to pay \$4.5 million and adopt more stringent immigration compliance practices to ensure that its workforce is composed of employees legally entitled to work in the United States. In return, the U.S. Attorney's Office agrees to conclude its immigration-related investigation of Pilgrim's Pride and of any current or former employees. Terms of the settlement agreement call for ICE Best Practices based compliance measures to be implemented by Pilgrim's Pride.

2. Pilgrim's Pride - Company Version

Specifically, Pilgrim's Pride's December 30, 2009 press release described the immigration compliance measures agreed upon:

"As part of the settlement, Pilgrim's Pride recognizes that its voluntary compliance programs can be enhanced to more accurately identify unauthorized persons who seek or gain employment through identity fraud or other unlawful means.

Pilgrim's Pride shares the government's goal of eliminating the hiring or employment of unauthorized workers, and has stringent workplace verification programs in place. All of the company's U.S. locations voluntarily participate in E-Verify (formerly known as the Basic Pilot/Employment Eligibility Verification Program), which determines employment eligibility for all new hires. However, the E-Verify/Basic Pilot program is unable to detect

³³ *Press Release, United States Attorney Southern District of Mississippi, Howard Industries Human Resources Manager Charged with Conspiracy and Employee Verification Fraud (May 7, 2009)*, <http://www.justice.gov/usao/mss/press/May2009/Gonzalez%20indictment.pdf> (last visited on Jan. 25, 2010).

³⁴ *Press Release, Immigration and Customs Enforcement, Justice Department and ICE Reach \$4.5 Million Agreement with Pilgrim's Pride (December 30, 2009)*, <http://www.ice.gov/pi/nr/0912/091230beaumont.htm>.

identity theft situations.

Pilgrim's Pride has relied on the ICE Best Hiring Practices in designing its immigration compliance program. These practices include participation in E-Verify, prompt attention to Social Security No-Match letters, and retention of outside experts in immigration compliance to ensure that the company is doing all that it can to verify that its employees have work authorization. These practices also require that the company be sensitive to all applicable anti-discrimination laws.

Pilgrim's Pride continually audits and reviews its processes and procedures to assure continuing compliance with best hiring practices and existing employment law. The company provides education and training on proper hiring procedures, fraudulent document detection, use of the E-Verify/Basic Pilot Employment Verification Program, and anti-discrimination procedures. Pilgrim's Pride also conducts internal and third-party audits of I-9 forms and hiring practices on an ongoing basis, and fully investigates any reports of alleged identity theft."³⁵

III. I-9 TOOLS

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A. M-274 Handbook for Employers

A "simple" I-9 Form now has a 69-page explanation. The M-274 Handbook for Employers,³⁶ Instructions for Completing Form I-9, is a useful tool for I-9 administrators and I-9 auditors. While it does not cover all the issues arising out of the I-9 administration, it is well-written tool that I-9 administrators and auditors should know "cold."

B. Look at Facts, Not at Faces

IRCA not only prohibits employing unauthorized workers with knowledge, it also prohibits using employment eligibility verification requirements for illegal discrimination. "Look at Facts, Not at Faces,"³⁷ is a useful tool to train I-9 Administrators and Auditors on IRCA's non-discrimination provisions.

³⁵ Press Release, Pilgrim's Pride, Pilgrim's Pride Announces Settlement Agreement with U.S. Attorney's Office for Eastern District of Texas and U.S. Immigration and Customs Enforcement (Dec 30, 2009), <http://www.pilgrimspride.com/aboutus/pressroom.aspx> (Follow News Releases, then follow 2009) (last visited Jan. 27, 2010).

³⁶ USCIS.gov, M - 274 Handbook for Employers: Instructions on Completing Form I-9 (Rev. 04/03/09), <http://www.uscis.gov/files/natedocuments/m-274.pdf> (last visited Jan. 19, 2010).

³⁷ U.S. Department of Justice office of Special Counsel for Immigration-Related Unfair Employment Practices, Look at the Facts. Not at the Faces. Your Guide to Fair Employment http://www.justice.gov/crt/osc/pdf/publications/ee_factsfaces_english2.pdf (last visited Jan. 27, 2010).

IV. E-VERIFY AND FAR E-VERIFY GUIDES

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A. MOU: Sample E-Verify Memorandum of Understanding

Employers should read and understand a sample E-Verify Memorandum of Understanding (MOU)³⁸ before they sign it. A sample MOU is provided in the Appendix.

B. E-Verify User Manual

The recently updated E-Verify User Manual³⁹ should be reviewed by I-9 and E-Verify Administrators. Some of the most important rules include: with limited exceptions, E-Verify is forward-looking; I-9 Administrator should not proceed to the E-Verify stage until the I-9 is properly completed; and periodic reports should be run to ensure that all non-confirmation cases are properly closed. A copy is provided in the Appendix.

C. E-Verify for Federal Contractors User Guide (FAR E-Verify)

The Federal Acquisition Regulation (FAR) requires federal contractors with contracts over \$100,000 worth for at least 6 months, as well as federal subcontractors with contracts worth \$3,000, if they have a FAR E-Verify clause in their federal contract, to use E-Verify they should become familiar with the FAR E-Verify Guide.⁴⁰ The Guide explains FAR-E-Verify requirements, including deadlines for E-Verify registration, E-Verification of existing workers, and options for meeting E-Verify MOU Section D requirements, including an enhanced I-9 audit and executing new I-9s.

V. WORK VISAS

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One of the major problems with the U.S. Government's insistence on immigration compliance is unavailability of a legal way to hire foreign workers in most semi-skilled and unskilled positions. For example, if a meat processing plant or an office cleaning company would like to hire foreign workers to process meat or clean an office building legally, there is not a temporary work visa category available to them. In the absence of a work visa, their only other theoretically available option is sponsoring workers for lawful permanent resident

³⁸ USCIS.gov, *The E-Verify Program for Employment Verification Memorandum of Understanding*, <http://www.uscis.gov/files/natedocuments/MOU.pdf> (last visited Jan 27, 2010).

³⁹ USCIS.gov, *December 2009 E-Verify User Manual For Employers*, http://www.uscis.gov/files/natedocuments/E-Verify_Manual.pdf (last visited Jan. 19, 2010).

⁴⁰ USCIS.gov, *September 8, 2009 E-Verify Supplemental Guide for Federal Contractors*, http://www.uscis.gov/USCIS/Controlled%20Vocabulary/Native%20Documents/FEDK%20Employer%20Manual%209.3.09_FINAL1.pdf (last visited Jan. 19, 2010).

status, otherwise known as a “green card.” The problem with that option is severe shortage of green cards in that category, often requiring over ten years of wait outside the United States before the worker can legally come to the United States to work for the employer. Thus, the green card is not really a viable option either. Effective compliance can be better achieved if employers could legally bring workers from abroad on employer-sponsored visas for positions that are not being filled by U.S. workers, provided that sufficient controls are implemented to assure workers are paid prevailing wages and are given legal rights to demand equal working conditions with their U.S. co-workers. Immigration reform introducing such legal visas is long overdue.

Employers can sponsor foreign workers for temporary work visas in narrowly defined categories. These categories include:

- H-1B specialty occupations, including for positions requiring at least a bachelor’s degree in a specific field or highly specialized knowledge;
- H-1B1 specialty occupations for citizens of Chile and Singapore under Free Trade agreements;
- H-2A temporary agricultural workers;
- H-2B temporary non-agricultural workers in seasonal, one-time need, or peak-load position;
- H-3 trainees;
- E-1 treaty traders;
- E-2 treaty investors;
- L-1 intracompany executive/managerial or key knowledge transferees;
- O-1 extraordinary ability aliens;
- O-2 accompanying personnel for O-1;
- P-1 internationally recognized athletes or entertainers;
- P-1S essential support personnel for P-1;
- P-3 artists and entertainers coming to the U.S. to perform, teach, or coach under a culturally unique program;
- P-3S essential personnel for P-3;
- Q-1 aliens coming to participate in a cultural exchange program;
- R-1 religious workers;
- TN professionals in certain listed occupations from Canada and Mexico under NAFTA.

As you can see, the above-listed visas are not available for year-round positions in manufacturing, service, food processing, construction, transportation, and many other industries.

A. I-129 Form

Form I-129 is used by employers to file petitions for most temporary work visas.⁴¹ In most cases, it is filed by employers with U.S. Citizenship and Immigration Services (USCIS). Employers must understand that they are in the driver seat as far as the work visa process. It is the employer's petition, the employer must make decisions and sign the petition under penalty of perjury. In petitions for work visas filed with USCIS, lawyers represent employers, not employees.

The I-129 form itself is a summary of information that is minimally necessary for USCIS to begin adjudication of a petition. However, it is not a substitute for the evidence. The heart of every petition for a work visa is evidence that demonstrates to USCIS that the employer and the petition's intended beneficiary have met the requirements as outlined in the law.

A copy of I-129 Form with instructions can be found in the Appendix to this book. To make sure the most current version is used, please download your copy from the USCIS website www.uscis.gov.

Use of some temporary work visas imposes additional record keeping requirements on employers. For example, H-1B employers must create and keep for five years a Labor Condition Application Public Access File outlining specific work conditions for their H-1B workers. Employers should become familiar with visa requirements and process before they file their petitions for a visa.

B. H-1B Timeline

A timeline for a simple H-1B matter is enclosed in the Appendix.

C. Green Card Timelines

Some employers choose to undergo the employment-based permanent residency ("green card") process for their workers. Employers must be aware that they will need to be actively pursuing every step of the process, with the beneficiary worker's role limited to providing documentation and information about his education, experience, and previous immigration status. The employer will have to make all the decisions, conduct recruitment, file applications and petitions and bear legal and recruitment costs until the very last step of the process, adjustment or consular processing, when the worker can also participate in the process. Two timelines are enclosed in the

⁴¹ USCIS.gov, *I-129, Petition for Nonimmigrant worker Instructions and Form* <http://www.uscis.gov/files/form/i-129.pdf> (last visited Jan. 19, 2010).

Appendix: one describes all four steps of the employment-based green card, and the other, necessary actions to file the Labor Certification Application based on a position located in Kansas City, Missouri. These steps will be similar in other labor markets, provided that advertising is placed in the newspaper of general circulation for that market.

CHAPTER 3

Sample Immigration Compliance Plan

**EMPLOYER IMMIGRATION
COMPLIANCE PLAN,
POLICIES AND PROCEDURES**

Company Name

Company Name _____

EMPLOYER IMMIGRATION COMPLIANCE PLANS, POLICIES & PROCEDURES

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Business Immigration Compliance Checklist, ICE Best Employment Practices, and Immigration Compliance Policy

☞ WHAT IS THIS?

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

3 HOW TO USE THIS

Ask executive and management of the company questions on the checklist. If the employer is able to check off all the items on the checklist, the employer is likely in decent shape. If some items cannot be checked off, it is time to adopt and implement a specific employer immigration compliance plan, policies and procedures.

NOTES:

MDIVANI BUSINESS IMMIGRATION CHECKLIST

I. DOES EMPLOYER UNDERSTAND CONSEQUENCES OF IMMIGRATION NON-COMPLIANCE?

.....

- Criminal:** By DHS, DOL & DOJ: IRCA & RICO arrests, jail terms, fines, assets forfeiture: Golden Fence, IFCO, Tipton
- Civil Sanctions:** by DHS under IRCA
- Civil Class Actions:** By Employees: Zirkle Fruit Company
By Competitors: Commercial Cleaning
- Unfair Employment Practices:** Elite Logistics, Target, Whole Foods
- Under State Law:** Loss of Business Licence, loss of State Credits
- What Else** Everything else could be triggered: Tax, Child labor

II. IMMIGRATION COMPLIANCE OFFICER: IS ANYONE IN CHARGE?

.....

III. WRITTEN IMMIGRATION COMPLIANCE PLAN: USE ICE BEST EMPLOYMENT PRACTICES

.....

- 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?**

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*)

EMPLOYER _____

Immigration Compliance Officer Authorization

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*)

ICE Best Employment Practices

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. IMAGE is a probation-like program whereby the employer agrees to follow ICE Best Employment Practices, report to ICE “any violations,” and be available for inspections and other intrusive actions. 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.

3 HOW TO USE THIS

We generally do not recommend IMAGE to our clients. However, we recommend that our clients review ICE Best practices, adopt those that are reasonable, reject those that are IMAGE-program specific, and use ICE Best Practices as a foundation for the Immigration Compliance Plan, Policies and Procedures.

NOTES:

IMAGE Employer Certification Requirements: Best Employment Practices

To become an IMAGE participant, your company must adhere to the following Best Employment Practices, required for certification.

1. Use the DHS employment eligibility verification program E-Verify to verify the employment eligibility of all new hires.
2. Establish an internal training program on the hiring process, with annual updates (i.e., on how to manage completion of Form I-9 [Employment Eligibility Verification Form]), and on how to detect the fraudulent use of documents in the I-9 process, and cooperate with ICE to make employees available for ICE training sessions as deemed appropriate.
3. Permit the I-9 and E-Verify process to be conducted only by individuals who have received this 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.
4. Arrange for annual I-9 audits by an external auditing firm or a trained employee not otherwise involved in the I-9 process.
5. Establish a self-reporting procedure for the reporting to ICE of any violations or discovered deficiencies.
6. Ensure and document the definitive resolution of no-match letters received from the Social Security Administration (SSA), per SSA and Department of Homeland Security guidance.*
7. Establish a tip line mechanism (inbox, e-mail, etc.) for employees to report activity relating to the employment of unauthorized aliens, and a protocol for responding to employee tips.
8. 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.
9. Communicate IMAGE guidelines to other companies in the hiring network (such as employment services and agencies) and contractors and subcontractors. Work toward incorporating IMAGE guidelines into relationships and agreements with these companies and establish a protocol for assessing the adherence to the Best Employment Practices guidelines by the company's contractors and subcontractors.
10. Submit an annual report to ICE to track results and assess the effect of participation in the IMAGE program. The report should include (a) identification of individuals removed from employment in accordance with participation in the IMAGE program; (b) instances and resolution of SSA no-match letters; (c) major organizational changes; and (d) identification of any vulnerabilities that are found to be exploited by unscrupulous employees and unauthorized aliens. When appropriate, ICE encourages timely disclosure in advance of the annual report. Discovery or allegations of substantive criminal violations must be immediately reported to ICE (in accordance with Best Employment Practice 5, above), whereas technical violations may be documented in the annual report. For more information on the IMAGE Program or to request an information packet, please visit www.ice.gov/image.

To combat unlawful employment ICE has introduced the ICE Mutual Agreement between Government and Employers (IMAGE). IMAGE is a voluntary partnership initiative to assist employers in building legal workforces. IMAGE is designed to build cooperative relationships between government and industry to reduce the unlawful employment of illegal aliens through strengthened employment practices and enhanced training of employers. By voluntarily participating in IMAGE, companies reduce unauthorized employment and the use of fraudulent identity documents. As part of IMAGE, ICE and U.S. Citizen and Immigration Services (USCIS) will provide education and training on proper hiring procedures, fraudulent document detection, use of the E-Verify employment eligibility verification program and anti-discrimination safe-guards. For more information, please visit [IMAGE online at www.ice.gov/image](http://www.ice.gov/image). To obtain additional information regarding IMAGE, click on IMAGE Information Packet Request.

To provide feedback regarding this ALERT, send an e-mail to IMAGE@dhs.gov.

* On October 10, 2007 the U.S. District Court for the Northern District of California issued a preliminary injunction in *AFL-CIO, et al. v. Chertoff, et al.* (N.D. Cal. Case No. 07-CV-4472 CRB). The preliminary injunction enjoins and restrains DHS and the Social Security Administration from implementing the Final Rule entitled "Safe-Harbor Procedures for Employers Who Receive a No-Match Letter."

ICE BEST EMPLOYMENT PRACTICES

12 Best Hiring Practices

NOTE:

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

- (✓) Use E-Verify, the DHS employment eligibility verification program, to verify the employment eligibility of all new hires.
- (✓) 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.
- (✓) Establish a written hiring and employment eligibility verification policy.
- (✓) 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.
- (✓) 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.
- (✓) 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.
- (✓) Establish a procedure to report to ICE credible information of suspected criminal misconduct in the employment eligibility verification process.
- (✓) 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.
- (✓) 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).
- (✓) Establish a 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.

- (✓) 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.
- (✓) 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

Mdivani Best Employment Practices *based on ICE Best Practices*

👉 WHAT IS THIS?

To streamline the process, I have put together this list of edited ICE Best Practices that can be reasonably implemented by employers.

3 HOW TO USE THIS

Review the MDIVANI Best Employment Practices, consider using these as a foundation for your Employer Immigration Compliance Plan, Policies and Procedures. Use for training of the Immigration Compliance Officer, in-house I-9 Auditors (if using) and I-9 Administrators.

NOTES:

MDIVANI BEST EMPLOYMENT PRACTICES

Based on ICE Best Employment Practices

1. E-Verify
2. Annual I-9 Administrator Training
3. Only Trained I-9 Administrators to Complete I-9s and E-Verify
4. Secondary Review of I-9s by a Second Trained I-9 Administrator
5. Annual I-9 Audits
6. Report I-9 Violations to Management; Annual I-9 Audit Report
7. SSN No-Match Procedures
8. Open Door Policy for Employees to Report IRCA and Other (e.g. Title VII) Violations
9. Establish Policies to Avoid Use of Verification for Unlawful Discrimination
10. Contractors and Subcontractors: Communicate ICE Best Practices, Include in Contracts, Assess Compliance through Contractor Certification

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.

3 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:

EMPLOYER _____

Immigration Compliance Policy

ESTABLISHED _____

_____ 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 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. In furtherance of our Immigration Compliance Policy, we have established a protocol for requiring immigration compliance from our contractors, and we conduct contractor immigration compliance audits. In addition, we have established a protocol for responding to no-match letters received from the Social Security Administration (SSA) and the Department of Homeland Security (DHS). We are committed to not using the verification process for unlawful discrimination, and we conduct proper training on this issue.

We have considered and rejected establishing self-reporting procedures to ICE for "any violations or discovered deficiencies" because we have established strong internal audit procedures and because it is not clear how this should work.

We have considered and rejected establishing a "Tip Line for employees to report activity relating to the employment of unauthorized aliens, and a protocol for responding to employee tips" because we believe it may trigger an appearance that we encourage work-place discrimination, which is contrary to our anti-discrimination policy. Instead, we have established procedures for reporting and investigating allegations of unauthorized employment and unlawful employment discrimination, within our Open Door Policy.

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**
DATE

Signature _____ Title _____

Name _____ Date _____

.....
20__ Revision Scheduled for _____, **20__**

Revision Made _____, **20__**
DATE

Signature _____ Title _____

Name _____ Date _____

.....
20__ Revision Scheduled for _____, **20__**

Revision Made _____, **20__**
DATE

Signature _____ Title _____

Name _____ Date _____

20__ Revision Scheduled for _____ , **20**__

Revision Made _____ , **20**__

DATE

Signature _____ Title _____

Name _____ Date _____

.....

20__ Revision Scheduled for _____ , **20**__

Revision Made _____ , **20**__

DATE

Signature _____ Title _____

Name _____ Date _____

.....

20__ Revision Scheduled for _____ , **20**__

Revision Made _____ , **20**__

DATE

Signature _____ Title _____

Name _____ Date _____

.....

20__ Revision Scheduled for _____ , **20**__

Revision Made _____ , **20**__

DATE

Signature _____ Title _____

Name _____ Date _____

Prepare Annual Immigration Compliance Policy and Procedure Revision schedule for the next five years.

Revision Made _____, 20____
DATE

Signature _____ Title _____

Name _____ Date _____

I-9 Self-Audits

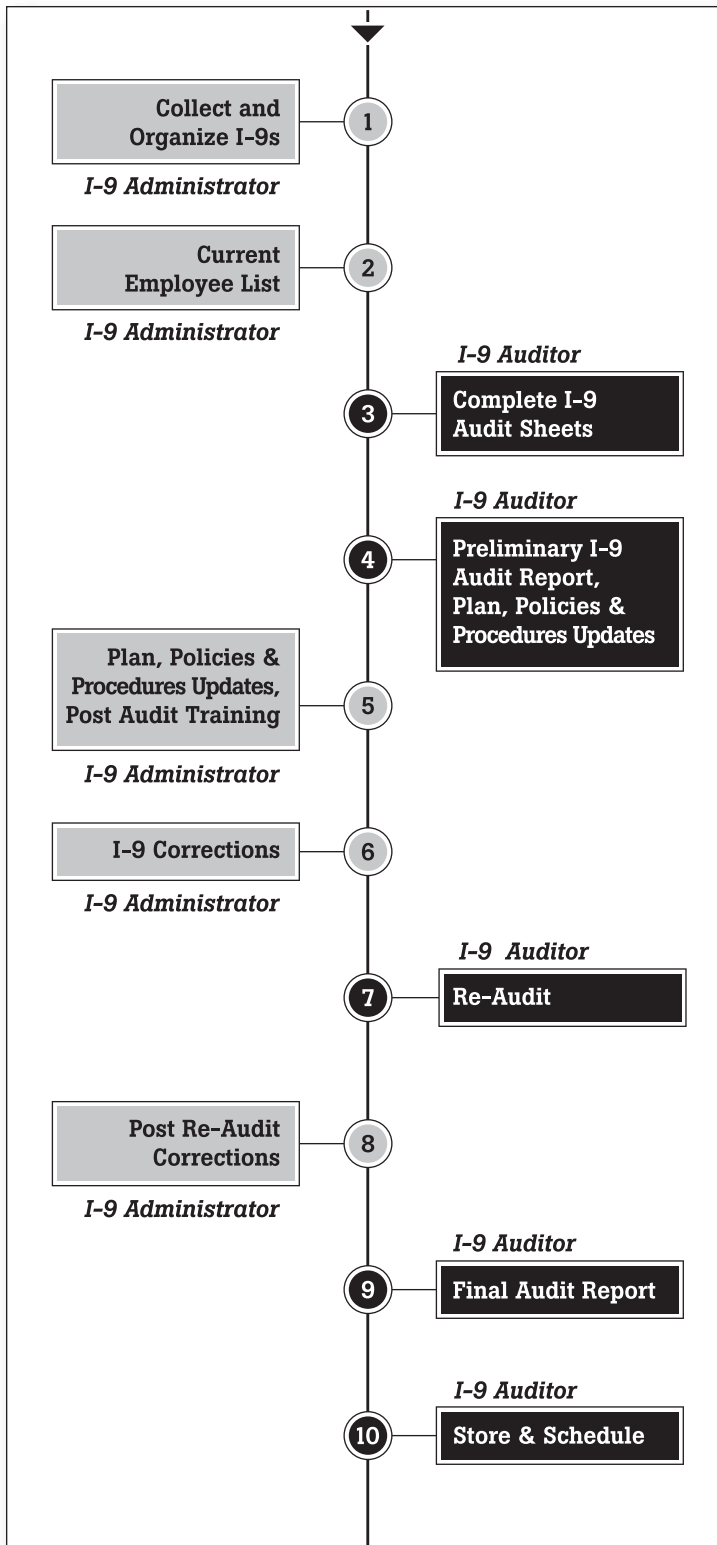
WHAT IS THIS?

The Ten Steps of the I-9 Self-Audit Process is an explanation of how an employer can conduct an I-9 self-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 Preliminary Audit Report, and a sample I-9 Audit Schedule.

3 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

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 Re-Audit Sheets.
- Receives Post-Audit training on I-9 completion.

* Administrator's functions are shown in GREY

The I-9 AUDITOR

- Prepares I-9 for the Audit.
- Reviews I-9s and fills out I-9 Audit and Re-Audit Sheets and updates Employer Compliance Policies and Procedures.
- Writes Preliminary and Final Audit Reports, makes sure corrections are made by I-9 Administrator as directed by I-9 Audit and Re-Audit 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-9s audits.

* Auditor's functions are shown in BLACK

THE TEN STEPS OF THE I-9 SELF-AUDIT PROCESS

Step One: Collect & Organize I-9s

Collect the I-9s and supporting documents. Organize them in alphabetical order.

Step Two: List of Current Employees

Obtain a list of all current employees.

Step Three: I-9 Audit Sheets

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

Step Four: Preliminary I-9 Audit Report & Employer Immigration Compliance Plan, Policies & Procedures Update

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

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: Re-Audit After Corrections

When I-9 Administrators complete corrections, review the corrected I-9s to make sure that all corrections are properly made. Fill out the I-9 Re-Audit Sheets on any remaining items, train I-9 Administrators and oversee corrections until they are completed.

Step Eight: Post Re-Audit Corrections (Again!)

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

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__ I-9 Audit Scheduled For _____ , **20__**

Audit Conducted _____ , **20__**
DATE

Signature _____ Title _____

Name _____ Date _____

.....
20__ I-9 Audit Scheduled For _____ , **20__**

Audit Conducted _____ , **20__**
DATE

Signature _____ Title _____

Name _____ Date _____

20__ I-9 Audit Scheduled For _____ , 20__

Audit Conducted _____ , 20__

DATE

Signature _____ Title _____

Name _____ Date _____

.....

20__ I-9 Audit Scheduled For _____ , 20__

Audit Conducted _____ , 20__

DATE

Signature _____ Title _____

Name _____ Date _____

.....

20__ I-9 Audit Scheduled For _____ , 20__

Audit Conducted _____ , 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



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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) Name Last		First Name (Given Name) John		Middle Initial Car	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy) 01/10/21970	U.S. Social Security Number [] [] [] - [] [] [] - [] [] []		Employee's E-mail Address		Employee's Telephone Number	

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

I attest, under penalty of perjury, that I am (check one of the following boxes):

<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 (Alien Registration Number/USCIS Number): _____
<input checked="" type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
 An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____ OR	QR Code - Section 1 Do Not Write In This Space
2. Form I-94 Admission Number: _____ OR	
3. Foreign Passport Number: _____ Country of issuance: _____	

Signature of Employee <i>John Name</i>	Today's Date (mm/dd/yyyy) 03/11/2020
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Preparer and/or Translator Certification (check one):
 I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
 (Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

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		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

STOP | Employer Completes Next Page | STOP



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
------------------------------	-------------------------	-------------------------	------	--------------------------------

List A		OR	List B		AND	List C	
Identity and Employment Authorization			Identity			Employment Authorization	
Document Title		Document Title	Driver's License	Document Title		Social Security Card	
Issuing Authority		Issuing Authority	State	Issuing Authority		Social Security Admin.	
Document Number		Document Number	000-0000	Document Number		000-00-0000	
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)	05/12/2021	Expiration Date (if any)(mm/dd/yyyy)		n/a	
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write in This Space			
Issuing Authority							
Document Number							
Expiration Date (if any)(mm/dd/yyyy)							
Document Title							
Issuing Authority							
Document Number							
Expiration Date (if any)(mm/dd/yyyy)							

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear 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.

The employee's first day of employment (mm/dd/yyyy): 03/14/2021 (See instructions for exemptions)

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative		
<i>Signature</i>		<u>03/11/2021</u>	HR Director		
Last Name of Employer or Authorized Representative		First Name of Employer or Authorized Representative	Employer's Business or Organization Name		
<i>Signature</i>			Business		
Employer's Business or Organization Address (Street Number and Name)			City or Town	State	ZIP Code
<u>P.O. Box 2 / Business 2 P.O. Box 1</u>					

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)			B. Date of Hire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative

I-9 Audit Tracking Form

Employee's Name NAME, John Last
ID 000-00-000
Date of Employment 03/11/2021

Audit Notes:

PROBLEM 1: SECTION 1

The employee wrote his Last Name as NAME LAST. It is not clear from documents presented that this is fact is his last name. The employee wrote CAR as his Middle Initial, not clear why. It is the I-9 Administrator's responsibility to make sure the employee writes his legal name as requested, as well as his middle initial, in Section 1.

HOW TO CORRECT PROBLEM 1

Ask the employee to write his last name under Last Name, and his middle initial, if any, under Middle Initial, and to initial and date the changes.

PROBLEM TAKEN CARE OF:

<hr/>	
Signature	Name
<hr/>	
Title	Date

**PROBLEM 2:
SECTION 1, DATE OF BIRTH**

The employee wrote too many numbers in this box. It is the I-9 Administrator's responsibility to make sure Section 1 makes sense, including making sure the employer makes corrections where necessary.

HOW TO CORRECT THE PROBLEM

Ask employee to write the date of employment authorization expiration in Section 1, and to initial and date. It is a training issue.

PROBLEM TAKEN CARE OF:

Signature	Name
Title	Date

**PROBLEM 3:
SECTION 1, ATTESTATIONS**

Employee checked that he is an "alien authorized to work until," ...but did not write the date when his employment authorization expires. It is the I-9 Administrator's responsibility to make sure that an employee answers all applicable questions in Section 1, including the date employment authorization expires. The I-9 Administrator is responsible for recording the expiration date information into the Re-Verification Table and calendaring a reminder to re-verify employment authorization in Outlook.

HOW TO CORRECT THE PROBLEM

Ask employee to write the date of employment authorization expiration in Section 1, and to initial and date. It is a training issue.

PROBLEM TAKEN CARE OF:

Signature	Name
Title	Date

**PROBLEM 4:
SECTION 2, LIST C**

The I-9 Administrator accepted an unacceptable Social Security Card as a list C document. This card specifically states “Valid for work only with INS authorization,” and cards with this language are specifically excluded from List C. It is the I-9 Administrator’s responsibility to know what documents are acceptable under the List of Acceptable Documents.

HOW TO CORRECT THE PROBLEM

Ask the employee to present a new list C or list A document, or any other acceptable combination (such as B and C). Examine the document (s) and record it/ them on Form I-9.

PROBLEM TAKEN CARE OF:

Signature	Name
<hr/>	
Title	Date

PROBLEM 5:

The worker’s SSN was verified through SSA. If this was done for all employees hired at that time, this is not a problem. If it was not being done for all new hires at that time, this may present a problem.

HOW TO CORRECT THE PROBLEM

Call legal counsel to discuss facts and SSN verification/ E-Verify use.

PROBLEM TAKEN CARE OF:

Signature	Name
<hr/>	
Title	Date

**PROBLEM 6:
CERTIFICATION, BUSINESS NAME**

This I-9 lists two business names. This is not an appropriate practice from a liability point of view. When executing I-9s, it is the I-9 Administrator's duty to simply write the employer's legal name in this section. The full legal name of the business is not recorded. The full legal name of the business is Company, Inc. It is the I-9 Administrator's duty to fill out the full legal name of the business. The P.O. box address is used. The instructions ask for a street address. The I-9 Administrator should write in the full street address as requested by the form.

HOW TO CORRECT THE PROBLEM

Draw a single line through incorrect information, write in correct information, initial and date if you are the original I-9 Administrator; sign and date if you are not.

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date

PROBLEM 7:

Section 1 was executed on 03/11/2021, date of employment in Certification is indicated as 03/14/2021. After discussing with the employer, I confirmed that this is not a pre-screening issue. The employee began actual work on 03/14/2021. Discussed with employer that the employment relationship began on the day of hiring, 03/11/2021, and that is the date that needs to be marked in the Certification as the "date employment began."

HOW TO CORRECT THE PROBLEM

Training should be conducted to understand "Date employment began."

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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) Doe		First Name (Given Name) John		Middle Initial	Other Last Names Used (if any) Allen	
Address (Street Number and Name) Address			Apt. Number	City or Town	State	ZIP Code
Date of Birth (mm/dd/yyyy) 01/01/0001	U.S. Social Security Number 0000 - 00 - 0000		Employee's E-mail Address		Employee's Telephone Number	

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

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input checked="" 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 (Alien Registration Number/USCIS Number): _____
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>
QR Code - Section 1 Do Not Write In This Space

Signature of Employee <i>John Doe</i>	Today's Date (mm/dd/yyyy) 06/26/2021
--	--

Preparer and/or Translator Certification (check one):

I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

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		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

STOP | Employer Completes Next Page | STOP



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title Driver's License		Document Title Social Security Card
Issuing Authority		Issuing Authority State		Issuing Authority U.S. Gov.
Document Number		Document Number 000-0000		Document Number 000-00-0000
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy) 08/21/2021		Expiration Date (if any)(mm/dd/yyyy) n/a
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear 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.

The employee's first day of employment (mm/dd/yyyy): **07/07/2021** (See instructions for exemptions)

Signature of Employer or Authorized Representative <i>Signature</i>		Today's Date(mm/dd/yyyy) 06/26/2021	Title of Employer or Authorized Representative Title	
Last Name of Employer or Authorized Representative Signature	First Name of Employer or Authorized Representative	Employer's Business or Organization Name Business		
Employer's Business or Organization Address (Street Number and Name) P.O. Box 2 / Business 2 P.O. Box 1		City or Town	State	ZIP Code

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
----------------	-----------------	---------------------------------------

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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I-9 Audit - Current Employees
Employer: Company

Sample I-9 Audit Sheet
Page 1

I-9 Audit Tracking Form

Employee's Name DOE, John
ID 000-00-000
Date of Employment 06/26/2021?

Audit Notes:

**PROBLEM 1:
SECTION 1, MAIDEN NAME**

Under maiden name, the employee wrote, "Allen." It is the I-9 Administrator's duty to make sure that Section 1 is correctly filled out by the employee, including whether or not the employee has a maiden name..

HOW TO CORRECT PROBLEM 1

Ask the employee to confirm that he has a maiden name. If not, ask the employee to draw a single line through the incorrect information and to initial and date the correction.

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date

**PROBLEM 2:
SECTION 1, LIST C**

The Issuing Authority is recorded as “US Gvm.” It is the I-9 Administrator’s duty to examine the document and answer the Section 2 questions based on the information contained on the documents. The correct way to record the issuing authority is by looking at the document and copy the issuing authority from the document. In this case, the issuing authority appears to be “Health and Human Services.”

HOW TO CORRECT THE PROBLEM

Review the copy of the document, identify the Issuing Authority, strike through the incorrect information, write in the Issuing Authority. Initial and date if you are the original I-9 Administrator, or sign and date if you are not.

PROBLEM TAKEN CARE OF:

Signature	Name
-----------	------

Title	Date
-------	------

**PROBLEM 3:
CERTIFICATION, BUSINESS NAME**

When executing I-9s, it is the I-9 Administrator’s duty to write the employer’s legal name in this section. The full legal name of the business is not recorded. The full legal name of the business is Company, Inc. It is the I-9 Administrator’s duty to fill out the full legal name of the business. The instructions ask for a street address. The I-9 Administrator should write in full street address as requested by the form.

HOW TO CORRECT THE PROBLEM

Write in additional information, initial and date if you are the original I-9 Administrator; sign and date if you are not.

PROBLEM TAKEN CARE OF:

Signature	Name
-----------	------

Title	Date
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PROBLEM 4:

Section 1 and Section 2 are executed on 06/26/2021; date of employment in Certification is indicated as 07/07/2021. After discussing with the employer, I confirmed that this is not a pre-screening issue. The employee began actual work on 07/07/2021. Discussed with employer that the employment relationship began on the day of hiring, 06/26/2021, and that is the date that needs to be marked in the Certification as the "date employment began."

HOW TO CORRECT THE PROBLEM

Training should be conducted to understand "Date employment began."

PROBLEM TAKEN CARE OF:

Signature	Name
<hr/>	
Title	Date

PROBLEM 5:

E-Verify: Employee's information was not entered into E-Verify within 3 days of when employment began. All newly hired employees after 10/03/2021 (when the company enrolled) must be entered into E-Verify within 3 days from the date of employment.

HOW TO CORRECT THE PROBLEM

E-Verify employee following E-verify procedures. Print out result and keep it with the employee's I-9.

PROBLEM TAKEN CARE OF:

Signature	Name
<hr/>	
Title	Date



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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) Average		First Name (Given Name) Joe		Middle Initial	Other Last Names Used (if any) Allen	
Address (Street Number and Name) Address			Apt. Number	City or Town Diery San Diego		State ZIP Code
Date of Birth (mm/dd/yyyy) 01/01/0001	U.S. Social Security Number 0000 - 00 - 00000		Employee's E-mail Address		Employee's Telephone Number	

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

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States
<input type="checkbox"/> 2. A noncitizen national of the United States (<i>See instructions</i>)
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (<i>See instructions</i>)

*Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
 An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.*

1. Alien Registration Number/USCIS Number: _____
 OR
 2. Form I-94 Admission Number: _____
 OR
 3. Foreign Passport Number: _____
 Country of Issuance: _____

QR Code - Section 1
 Do Not Write In This Space

Signature of Employee <i>Average Joe</i>	Today's Date (mm/dd/yyyy) 05/29/2020
---	--

Preparer and/or Translator Certification (check one):
 I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

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		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

STOP | Employer Completes Next Page | STOP



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
-------------------------------------	-------------------------	-------------------------	------	--------------------------------

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title Social Security Card		Document Title Driver's License
Issuing Authority		Issuing Authority U.S. Gov.		Issuing Authority State
Document Number		Document Number 000-00-0000		Document Number 000-0000
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy) n/a		Expiration Date (if any)(mm/dd/yyyy) 07/06/2020
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear 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.

The employee's first day of employment (mm/dd/yyyy): **05/30/2020** (See instructions for exemptions)

Signature of Employer or Authorized Representative <i>Signature</i>	Today's Date(mm/dd/yyyy) 06/05/2020	Title of Employer or Authorized Representative HR Director	
Last Name of Employer or Authorized Representative Signature	First Name of Employer or Authorized Representative	Employer's Business or Organization Name Business	
Employer's Business or Organization Address (Street Number and Name) P.O. Box 2 / Business 2 P.O. Box 1	City or Town	State	ZIP Code

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
----------------	-----------------	---------------------------------------

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
--	---------------------------	---

I-9 Audit - Current Employees
Employer: Company

Sample I-9 Audit Sheet
Page 1

I-9 Audit Tracking Form

Employee's Name AVERAGE, Joe
ID 000-00-000
Date of Employment 05/29/2021

Audit Notes:

PROBLEM 1:

SECTION 1, MAIDEN NAME

A correction is made, but it is not initialed/dated. I-9 Administrator's responsibility to make sure that if corrections are made, the employee initials and dates the corrections.

HOW TO CORRECT PROBLEM 1

Ask the employee to review information and to initial and date the correction. Do not backdate.

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date

**PROBLEM 2:
SECTION 1, ATTESTATIONS**

The employee did not check any of the boxes attesting to citizenship/alienage status. It is the I-9 Administrator's responsibility to make sure that the employee checks a box and fills out additional information, if applicable.

HOW TO CORRECT THE PROBLEM

Ask the employee to check one of the boxes and fill out additional requested information, if applicable, and initial and date the change.

PROBLEM TAKEN CARE OF:

Signature	Name
Title	Date

**PROBLEM 3:
CERTIFICATION, BUSINESS NAME**

List C document (Social Security Card) is listed in the place for List B document, and List B document (ID card) is listed in the space for List C document. It is the I-9 Administrator's responsibility to list documents in their appropriate places.

HOW TO CORRECT THE PROBLEM

Draw arrows to correct places for each of the documents, initial and date, if you are the original I-9 administrator; sign and date if you are not.

PROBLEM TAKEN CARE OF:

Signature	Name
Title	Date

**PROBLEM 4:
SECTION 2, LIST C DOCUMENT**

The Social Security's Issuing Authority is listed as U.S. Govt. The attached document shows that the Issuing Authority is the Social Security Administration. It is the I-9 Administrator's responsibility to examine documents presented and record the Issuing Authority the way it is indicated on the document.

HOW TO CORRECT THE PROBLEM

Review the document and record the Issuing Authority the way it is indicated on the document.

PROBLEM TAKEN CARE OF:

Signature	Name
-----------	------

Title	Date
-------	------

PROBLEM 5:

Section 1 was executed on 05/29/2021. Section 2 was executed on 06/05/2021. Section 2 was not executed within 3 days. It is the I-9 Administrator's responsibility to make sure that Section 2 is complete within 3 days of the date employment began and Section 1 was executed.

HOW TO CORRECT THE PROBLEM

Training on this issue should be conducted.

PROBLEM TAKEN CARE OF:

Signature	Name
-----------	------

Title	Date
-------	------

**PROBLEM 6:
CERTIFICATION, BUSINESS NAME**

This I-9 lists two business names. This is not an appropriate practice from a liability point of view. When executing I-9s, it is the I-9 Administrator's duty to simply write the employer's legal name in this section. The full legal name of the business is not recorded. The full legal name of the business is Company, Inc. It is the I-9 Administrator's duty to fill out the full legal name of the business. The P.O. box address is used. The instructions ask for a street address. The I-9 Administrator should write in the full street address as requested by the form.

HOW TO CORRECT THE PROBLEM

Draw a single line through incorrect information, write in correct information, initial and date if you are the original I-9 Administrator; sign and date if you are not.

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date

PROBLEM 7:

Section 1 was executed on 05/29/2021, date of employment in Certification is indicated as 05/30/2021. After discussing with the employer, I confirmed that this is not a pre-screening issue. The employee began actual work on 05/30/2021. Discussed with employer that the employment relationship began on the day of hiring, 03/11/2021, and that is the date that needs to be marked in the Certification as the "date employment began."

HOW TO CORRECT THE PROBLEM

Training should be conducted to understand "Date employment began."

PROBLEM TAKEN CARE OF:

Signature

Name

Title

Date

CONFIDENTIAL

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

[If prepared by an attorney]

Attorney Work Product

Sample
**PRELIMINARY
I-9 AUDIT REPORT**

I-9 Audit

Date

Audit Conducted By

I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

1. Immigration Compliance Plan, Policies and Procedures

2. I-9s Kept Separate From Personnel Files and Other Unrelated Documents

3. I-9s Procedures Are Applied to ALL Employees

4. Re-Verification of Employment Eligibility

5. Timely Destruction of I-9s

Preliminary I-9 Audit Report	Date:
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I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

6. Consistency in the Recording and Copying of Documents Presented

a. Copying of Documents

b. Over-Documentation

c. Copying Both Sides of the Permanent Resident Alien Card

7. Issuing Authority, Number of the Document and Expiration Date

8. Corrections

Preliminary I-9 Audit Report

Date:

I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

9. Authorized Representatives

10. Current Version of I-9

11. New I-9 List of Acceptable Documents

12. Other Issues

13. Recommended Changes to Policy and Procedures

14. Recommended Training

Preliminary I-9 Audit Report

Date:

CONFIDENTIAL

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

[If prepared by an attorney]

Attorney Work Product

Sample

I-9 AUDIT

Employer: Company, Inc.

(Date)

Preliminary Audit Report

By The Mdivani Law Firm LLC
7007 College Blvd, Suite 460
Overland Park, KS 66211
www.uslegalimmigration.com
(913) 317-6200

CONTENTS

I. SCOPE OF THE AUDIT

II. I-9 AUDIT FINDINGS AND RECOMMENDATIONS

III. I-9 AUDIT RECOMMENDATION SUMMARY

I. SCOPE OF THE AUDIT

.....
The scope of the audit is as follows: All I-9 Forms for current employees.

II. I-9 AUDIT FINDINGS AND RECOMMENDATIONS

.....
The following errors have been found:

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LAST NAME, First

Company, Inc
[Date]

Sample Preliminary I-9 Audit Report
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LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First

There are I-9s for employees who are not on the Payroll list, including:

LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First
LAST NAME, First	LAST NAME, First

Specific Errors Include:

_____ **Section 2: More documents than required have been recorded. In some cases, more documents are recorded and copied for non-citizens. This gives the appearance of over-documentation. This is an important training issue.**

RULE: Only the document(s) recorded for I-9 purposes should be copied and kept with the I-9.

EXAMPLE: LAST NAME, First (referring to a specific I-9): a driver's license, 3 DHS Approval Notices, Visa, I-94 and Passport pages were copied, when only the I-94 and Passport needed to be copied.

EXAMPLE: LAST NAME, First (referring to a specific I-9): a Social Security (C), Driver's License (B) and Permanent Resident Card (A) was copied with the I-9.

_____ **Section 2: In some cases, documents that were recorded for I-9 verification were not copied. This gives the appearance that you are under-documenting for other employees.**

RULE: All document(s) recorded for I-9 purposes should be copied and kept with the I-9.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Driver's License and Social Security Card were recorded in Section 2, but only the Driver's License was copied and kept with the I-9.

_____ **Copies Some copied documents were very difficult to read.**

EXAMPLE: LAST NAME, First (referring to a specific I-9): copy of the Lawful Permanent Resident Card is poor, it is impossible to see the relevant information such as A number.

_____ **Section 2: Documents have not been recorded correctly, specifically, issuing authority is missing or incorrect, document titles are incorrect, expiration dates are missing, documents recorded in the wrong column, in some cases, difficult to read or illegible.**

RULE: It is the I-9 Administrator's responsibility to examine the document and record its Issuing Authority, expiration dates, and document information the way it is indicated on the document.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Section 2: List C (Social Security Card) document title is not the correct document name. The I-9 Administrator should write the complete document name (Social Security Card) or an acceptable abbreviation (SS Card).

EXAMPLE: LAST NAME, First (referring to a specific I-9). :Section 2: List B (Driver's License) expiration date is not the complete date.

_____ **Improper Corrections: Corrections are not made in the proper manner; specifically, white-out was used, mistakes were blacked out, and corrections were made without initials/ signatures/dates.**

RULE: When making a correction, strike a single line through the change. Do not white-out or black-out information. It is the I-9 Administrator's duty to make sure corrections are properly documented on the I-9.

EXAMPLE: LAST NAME, First (referring to a specific I-9):Section 2: White out was used in "address" box.

EXAMPLE: LAST NAME, First (referring to a specific I-9):Information is scratched out in the Name and Citizenship/Alienage Status box.

_____ **Section 2: Issuing authority for I-9 documents is recorded incorrectly, specifically, passport and social security cards, driver license—the I-9 Administrators appear to presume who issues the document rather than copying the issuing authority from the document.**

RULE: It is the I-9 Administrator's responsibility to examine the document and record the Issuing Authority, the way it is indicated on the document.

EXAMPLE: LAST NAME, First (referring to a specific I-9): The Social Security Card's Issuing Authority is recorded as "Gov't."

_____ **Section 2: Two different company addresses were typed in Section 2, which is not good from a liability perspective. The full legal name of the company was not being recorded. Also, most all I-9's contained the P.O. Box address and not the physical "street" address as requested.**

RULE: This I-9 lists two business names. This is not an appropriate practice from a liability point of view. When executing I-9s, it is the I-9 Administrator's duty to simply write the employer's legal name in this section. The full legal name of the business is not recorded. The full legal name of the business is Company, Inc. It is the I-9 Administrator's duty to fill out the full legal name of the business. The PO box address is used. The instructions clearly ask for a street address. The I-9 Administrator should write in full street address as requested by the form.

Company, Inc
[Date]

Sample Preliminary I-9 Audit Report
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EXAMPLE: LAST NAME, First (referring to a specific I-9).

_____ **Section 1: Of the I-9 is not properly monitored by the I-9 Administrators, specifically, employees are completing maiden names when they do not need to, making corrections without initialing and dating them, not filling out A numbers when Lawful Permanent Resident box is checked, and/or checking more than one citizenship/alienage status box, birthdates are incorrectly recorded on the I-9 completion date, and Section 1 is sloppy.**

RULE: It is the I-9 Administrator's duty to make sure the employee properly complete Section 1, including making sure the employee properly records changes, and fills out all required information.

EXAMPLE: LAST NAME, First (referring to a specific I-9):Employee made a correction in the Section 1 Address box without initialing and dating the change.

_____ **Section 1: Employees were not recording their full legal name, addresses were not filled out properly.**

RULE: It is the I-9 Administrator's duty to make sure that the documents examined relate to the person in Section 1, including making sure that a legal name is used in Section 1 and that the employee's address is correctly recorded.

EXAMPLE: LAST NAME, First (referring to a specific I-9):The employee listed his first name as "Kenny." Both documents attached to the I-9 show that his first name is "Kenneth."

EXAMPLE: LAST NAME, First (referring to a specific I-9):Section 1, Address: The City, State, and zip code are recorded on the wrong line.

_____ **Section 1: I-9 Administrators are filling out Section 1 without completing the Preparer/Translator Section, or making corrections to Section 1.**

RULE: There are two different handwriting styles used in Section 1. It appears that The I-9 Administrator and not the employee filled out the Last Name box of Section 1. Section 1 must be filled out by the employee. If anyone else writes

in Section 1, that person must fill out the Preparer/Translation Section.

EXAMPLE: LAST NAME, First (referring to a specific I-9).

_____ **Date of Hire: There is an appearance that some I-9s are executed before the employment begins. There is confusion on when the date employment began. Training is needed on this issue.**

RULE: I-9s must be completed within 3 days from the date employment begins. Completing I-9's before employment begins gives the appearance of pre-screening.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Section 1 and Section 2 are executed on 03-26-21, date of employment in Certification is indicated as 03-31-21. After discussing with the employer, I confirmed that this is not a pre-screening issue. The employee began actual work on 03-31-21. Discussed with employer that the employment relationship began on the day of hiring, 03-26-21, and that is the date that needs to be marked in the Certification as the "date employment began."

_____ **E-Verify: Was not done on some of the employees hired after 10-03-2007.**

RULE: All newly hired employees after 10-03-2021 (when the company enrolled) must be entered into E-Verify within 3 days from the date of employment.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Employee's information was not entered into E-Verify within 3 days of when employment began.

_____ **Timing: Some I-9s are not executed within the three-day period allowed.**

RULE: It is the I-9 Administrator's obligation to make sure that the employee completes Section 1 on the first day of employment, and Section 2 is completed within three days.

EXAMPLE: LAST NAME, First (referring to a specific I-9): The employee signed Section 1 on 11-27-98. The I-9 Administrator recorded the date employment began as 12-21-98 in Certification. In this case, the employee apparently

did not fill out Section 1 until six days after his employment began. Section 2 was signed by the I-9 Administrator on 12-21-98, six days ahead of the employee's signing Section 1.

_____ **Comments on I-9: Do not write payroll related comments on I-9s and copies of documents. This may create liability to for the company.**

RULE: List C, Social Security Card. Name on I-9 does not match. Documents presented for I-9 verification need to match the name recorded on the I-9.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Note written on SS card, about names not matching for payroll related reasons.

_____ **I-9 Organization: I-9s listed on Payroll are not in the same order as I-9's in the I-9 Binder. This can be confusing for an outside Auditor (ex: ICE). It gives the appearance that I-9s are missing when they may not be.**

EXAMPLE: LAST NAME, First (referring to a specific I-9): I-9 is out of order in the I-9 Binder.

_____ **Re-Verification: Re-Verification of receipts and work authorization documents are not being calendared and re-verified. Make sure all receipts and documents that need re-verification are calendared and re-verified on time.**

RULE: Receipt for a Social Security Card, Driver License or ID is valid for 90 days for I-9 purposes. The receipt in the file was not replaced by an acceptable document within 90 days.

EXAMPLE: LAST NAME, First (referring to a specific I-9).

_____ **Acceptable Docs: I-9 Administrator's are accepting documents that are not on the List of Acceptable Documents.**

RULE: It is the I-9 Administrator's responsibility to review the List of Acceptable Document and M-274 to understand what documents are acceptable.

EXAMPLE: LAST NAME, First (referring to a specific I-9): Postal Receipt is not an acceptable document.

_____ **I-9s for the Wrong Business: Some Business 2 I-9's were in the Business 1 I-9 Binders. From a liability perspective, please make sure the company I-9s are separated. We have flagged these I-9s with post-it tabs.**

_____ **E-Verify printouts are missing. Discuss policy.**

REHIRES AND E-VERIFY

_____ **Rehires:**

RULE: If an employee is rehired within three years of the initial hire date, it is the I-9 Administrator's responsibility to fill out Section 3 re-verification or use a new I-9, and examine and record either the List A or C document. If the I-9 form is outdated, use a new I-9 to reverify employment eligibility.

_____ **I- 9 Retention**

Some rehired employees had a new I-9 completed with the rehire date listed as the Date of hire but did not have the copy of the old I-9 behind it when applicable. Some employee's I-9s were missing from the binder. This made it very difficult to record the rehire issue on the I-9 Audit sheet.

RULE: Once an employee is terminated, an I-9 must be retained for three years after the date of employment or one year after date of termination, whichever ever is later.

EXAMPLE: LAST NAME, First (referring to a specific I-9): payroll shows a rehire date of 11/10/2021. Previous I-9 with hire date of 09/04/20 is missing.

E-VERIFY ON RE-HIRES

RULE: The E-Verify system treats re-hired employees as new employees. Each employee that is re-hired after 10.03.2007, date of E-Verify registration for this company, must be run through the E-Verify system **AFTER** rehire

Company, Inc
[Date]

Sample Preliminary I-9 Audit Report
Page 4

information has been properly documented on the I-9 to avoid the appearance of misusing the E-Verify System.

Example: LAST NAME, First (referring to a specific I-9).

With regards to re-hires, our recommendations are:

1. Develop a uniform company policy to prevent future confusion.
2. Make sure I-9s are properly completed pursuant to company policy.
3. Make sure all employees listed below have properly been re-verified by completing Section 3 or a new I-9.
4. Make sure E-verify has been run on all rehired employees after 10-03-2007.

Files that need to be corrected:

LAST NAME, First	LAST NAME, First
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First	LAST NAME, First
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First
LAST NAME, First	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First	LAST NAME, First (Please E-Verify, if not done)
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First
LAST NAME, First (Please E-Verify, if not done)	LAST NAME, First
LAST NAME, First	LAST NAME, First

Company, Inc
[Date]

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Page 4

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

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LAST NAME, First

LAST NAME, First
(Please E-Verify, if not done)

Company, Inc
[Date]

Sample Preliminary I-9 Audit Report
Page 4

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First

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LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First

LAST NAME, First

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First
(Please E-Verify, if not done)

LAST NAME, First

LAST NAME, First
(Please E-Verify, if not done)

Preliminary Audit Recommendations:

1. Appoint Immigration Compliance Officer
The Employer should appoint an Immigration Compliance Officer to oversee that policies and procedures are up to date and are followed, records are properly kept, I-9 audits conducted and corrections made, and proper training is provided.
2. Written Immigration Compliance Plan, Policies and Procedures
These should be updated to include the I-9 Checklist; training.
3. Annual I-9 Audit
I-9s for newly hired employees should be audited every year.
4. Written Audit Records
Written I-9 audit tracking form/Audit sheets should be produced during the I-9 audit.
5. Annual I-9 Training
During the annual I-9 audit, I-9 Administrators should be trained at least once a year on proper I-9 administration. I-9 Administrators should be trained based on errors identified during the audit and should correct the errors.

6. Annual E-Verify Training
During the annual I-9 audit, run an E-Verify report and train I-9 Administrators at least once a year on proper E-Verify administration.
7. Only Trained I-9 Administrators
Only Trained I-9 Administrators who are authorized in writing upon being trained, should be allowed to handle I-9s and E-Verify.
8. I-9 administrators Authorized
I-9 Administrators should be authorized in writing.
9. Secondary Verification
Introduce a secondary verification of I-9s and E-verify printouts by a second trained I-9 Administrator
10. E-Verify
E-Verify queries should be performed by trained I-9 Administrators as soon as they complete the I-9, while the worker is still present.
11. Date Employment Began
Refers to when employment relationship was created, employee presented for work, and hiring paperwork is done (not necessarily the first day of actual work). Re-train on policy.

III. I-9 AUDIT RECOMMENDATIONS SUMMARY

.....

Immediate:	The audit has identified the need to do the following: The Employer should, without delay, complete an I-9 self audit, train its I-9 Administrators, and make corrections on I-9s in order to bring I-9 to full compliance.
Within Six Weeks of the Audit:	Implement all the I-9 Audit recommendations.

CONFIDENTIAL

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

[If prepared by an attorney]

Attorney Work Product

Sample
FINAL I-9
AUDIT REPORT

I-9 Audit

Date

Audit Conducted By

I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

1. Immigration Compliance Plan, Policies and Procedures

2. I-9s Kept Separate From Personnel Files and Other Unrelated Documents

3. I-9s Procedures Are Applied to ALL Employees

4. Re-Verification of Employment Eligibility

5. Timely Destruction of I-9s

Preliminary I-9 Audit Report	Date:
------------------------------	-------

I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

6. Consistency in the Recording and Copying of Documents Presented

a. Copying of Documents

b. Over-Documentation

c. Copying Both Sides of the Permanent Resident Alien Card

7. Issuing Authority, Number of the Document and Expiration Date

8. Corrections

Preliminary I-9 Audit Report

Date:

I-9 AUDIT - PRELIMINARY RECOMMENDATIONS

9. Authorized Representatives

10. Current Version of I-9

11. New I-9 List of Acceptable Documents

12. Other Issues

Preliminary I-9 Audit Report

Date:

Annual Employer Immigration Compliance Training

WHAT IS THIS?

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

3 HOW TO USE THIS

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

NOTES:

EMPLOYER _____

ANNUAL EMPLOYER IMMIGRATION COMPLIANCE TRAINING SCHEDULE

We conduct immigration compliance training for our I-9 Administrators, in-house I-9 Auditors (if using), and the Immigration Compliance Officer once a year.

We adhere to the following training schedule:

_____ 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__

20__ Training Performed on _____ , 20__

CONDUCTED BY:

Signature Title

Name Date

.....

LIST OF PARTICIPANTS:

Name Title

Name Title

Name Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____ , 20__

20__ Training Performed on _____ , 20__

CONDUCTED BY:

Signature Title

Name Date

.....

LIST OF PARTICIPANTS:

Name Title

Name Title

Name Title

Name Title

Name Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____ , 20__

20__ Training Performed on _____ , 20__

CONDUCTED BY:

Signature Title

Name Date

.....

LIST OF PARTICIPANTS:

Name Title

Name Title

Name Title

Name Title

Name Title

Written Materials, Copy Attached:

20__ Training Scheduled for _____ , 20__

20__ Training Performed on _____ , 20__

CONDUCTED BY:

Signature Name

Title Date

.....

LIST OF PARTICIPANTS:

Name Title

Name Title

Name Title

Name Title

Name Title

Written Materials, Copy Attached:

PREPARE TRAINING SCHEDULE FOR NEXT 5 YEARS

Schedule Prepared _____, 20__

CONDUCTED BY:

Signature Title

Name Date

.....

LIST OF PARTICIPANTS:

Name Title

Name Title

Name Title

Written Materials, Copy Attached:

Training Materials

Please reference Volume 2: Appendix for Training Materials

I-9 Procedures

NOTES:

EMPLOYER _____

We follow these I-9 Procedures:

- A. List of Authorized Personnel
- B. New Employee I-9 Checklist
- C. I-9 Form and List of Acceptable Documents
- D. RE-Verification of Employment Eligibility
- E. Timely I-9 Destruction

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.

3 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. Direct investigations of possible IRCA violations (both unauthorized employment and prohibited discrimination)
8. Direct company immigration compliance efforts and update company's policies and procedures
9. Conduct in-house I-9 self-audits

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 <i>(if applicable)</i>
1		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator <input type="checkbox"/> I-9 Auditor	_____, 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 <input type="checkbox"/> I-9 Auditor	_____, 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 (if applicable)
3		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator <input type="checkbox"/> I-9 Auditor	_____ 20__ _____ 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 <input type="checkbox"/> I-9 Auditor	_____ 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 (if applicable)
5		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator <input type="checkbox"/> I-9 Auditor	_____ 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 <input type="checkbox"/> I-9 Auditor	_____ 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 (if applicable)
7		<input type="checkbox"/> Immigration Compliance Officer <input type="checkbox"/> I-9 Administrator <input type="checkbox"/> I-9 Auditor	_____, 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 <input type="checkbox"/> I-9 Administrator <input type="checkbox"/> I-9 Auditor	_____, 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 <input type="checkbox"/> I-9 Auditor	_____, 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 <input type="checkbox"/> I-9 Auditor	_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__		_____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__ _____, 20__

I-9 Checklist

WHAT IS THIS?

This is a checklist I use to ensure proper administration of the Form I-9 and E-Verify, proper scheduling of I-9 re-verification and timely destruction, and proper storage of I-9 related records.

3 HOW TO USE THIS

Review the Checklist to see if it is a good fit for your company. Use it to train I-9 Administrators. Make sure I-9 Administrators use it to ensure proper completion of I-9s.

NOTES:

I-9 CHECKLIST

1. 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.
2. 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(1) document from List C within three (3) days.
3. Inspect and record documents presented by employee in Section 2; copy front and back.
4. Follow E-Verify procedures and print result.
5. Have a second Authorized Employee review the I-9 and E-Verify printout.
6. 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.
7. Scan all documents into the I-9 computer file.
8. Store the original I-9 and copies of presented documents and E-Verify printout in the I-9 Records Binder.

PLEASE REMEMBER:

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



Instructions for Form I-9, Employment Eligibility Verification

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

USCIS
Form I-9

OMB No. 1615-0047
Expires 10/31/2022

Anti-Discrimination Notice. It is illegal to discriminate against work-authorized individuals in hiring, firing, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9 and E-Verify) process based on that individual's citizenship status, immigration status or national origin. Employers CANNOT specify which document(s) the employee may present to establish employment authorization. The employer must allow the employee to choose the documents to be presented from the Lists of Acceptable Documents, found on the last page of Form I-9. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination. For more information, contact the Immigrant and Employee Rights Section (IER) in the Department of Justice's Civil Rights Division at <https://www.justice.gov/ier>.

What is the Purpose of This Form?

Employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 27, 2011.

General Instructions

Both employers and employees are responsible for completing their respective sections of Form I-9. For the purpose of completing this form, the term “employer” means all employers, including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors, as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act, Public Law 97-470 (29 U.S.C. 1802). An “employee” is a person who performs labor or services in the United States for an employer in return for wages or other remuneration. The term “Employee” does not include those who do not receive any form of remuneration (volunteers), independent contractors or those engaged in certain casual domestic employment. Form I-9 has three sections. Employees complete Section 1. Employers complete Section 2 and, when applicable, Section 3. Employers may be fined if the form is not properly completed. See 8 USC § 1324a and 8 CFR § 274a.10. Individuals may be prosecuted for knowingly and willfully entering false information on the form. Employers are responsible for retaining completed forms. **Do not mail completed forms to U.S. Citizenship and Immigration Services (USCIS) or Immigration and Customs Enforcement (ICE).**

These instructions will assist you in properly completing Form I-9. The employer must ensure that all pages of the instructions and Lists of Acceptable Documents are available, either in print or electronically, to all employees completing this form. When completing the form on a computer, the English version of the form includes specific instructions for each field and drop-down lists for universally used abbreviations and acceptable documents. To access these instructions, move the cursor over each field or click on the question mark symbol (?) within the field. Employers and employees can also access this full set of instructions at any time by clicking the Instructions button at the top of each page when completing the form on a computer that is connected to the Internet.

Employers and employees may choose to complete any or all sections of the form on paper or using a computer, or a combination of both. Forms I-9 obtained from the USCIS website are not considered electronic Forms I-9 under DHS regulations and, therefore, cannot be electronically signed. Therefore, regardless of the method you used to enter information into each field, you must print a hard copy of the form, then sign and date the hard copy by hand where required.

Employers can obtain a blank copy of Form I-9 from the USCIS website at <https://www.uscis.gov/i-9>. This form is in portable document format (.pdf) that is fillable and savable. That means that you may download it, or simply print out a blank copy to enter information by hand. You may also request paper Forms I-9 from USCIS.

Certain features of Form I-9 that allow for data entry on personal computers may make the form appear to be more than two pages. When using a computer, Form I-9 has been designed to print as two pages. Using more than one preparer and/or translator will add an additional page to the form, regardless of your method of completion. You are not required to print, retain or store the page containing the Lists of Acceptable Documents.

The form will also populate certain fields with N/A when certain user choices ensure that particular fields will not be completed. The Print button located at the top of each page that will print any number of pages the user selects. Also, the Start Over button located at the top of each page will clear all the fields on the form.

The Spanish version of Form I-9 does not include the additional instructions and drop-down lists described above. Employers in Puerto Rico may use either the Spanish or English version of the form. Employers outside of Puerto Rico must retain the English version of the form for their records, but may use the Spanish form as a translation tool. Additional guidance to complete the form may be found in the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) and on USCIS' Form I-9 website, [I-9 Central](#).

Completing Section I: Employee Information and Attestation

You, the employee, must complete each field in Section 1 as described below. Newly hired employees must complete and sign Section 1 no later than the first day of employment. Section 1 should never be completed before you have accepted a job offer.

Entering Your Employee Information

Last Name (Family Name): Enter your full legal last name. Your last name is your family name or surname. If you have two last names or a hyphenated last name, include both names in the Last Name field. *Examples of correctly entered last names include: De La Cruz, O'Neill, Garcia Lopez, Smith-Johnson, Nguyen.* If you only have one name, enter it in this field, then enter "Unknown" in the First Name field. You may not enter "Unknown" in both the Last Name field and the First Name field.

First Name (Given Name): Enter your full legal first name. Your first name is your given name. *Some examples of correctly entered first names include: Jessica, John-Paul, Tae Young, D'Shaun, Mai.* If you only have one name, enter it in the Last Name field, then enter "Unknown" in this field. You may not enter "Unknown" in both the First Name field and the Last Name field.

Middle Initial: Your middle initial is the first letter of your second given name, or the first letter of your middle name, if any. If you have more than one middle name, enter the first letter of your first middle name. If you do not have a middle name, enter N/A in this field.

Other Last Names Used: Provide all other last names used, if any (e.g., maiden name). Enter N/A if you have not used other last names. For example, if you legally changed your last name from Smith to Jones, you should enter the name Smith in this field.

Address (Street Name and Number): Enter the street name and number of the current address of your residence. If you are a border commuter from Canada or Mexico, you may enter your Canada or Mexico address in this field. If your residence does not have a physical address, enter a description of the location of your residence, such as "3 miles southwest of Anytown post office near water tower."

Apartment: Enter the number(s) or letter(s) that identify(ies) your apartment. If you do not live in an apartment, enter N/A.

City or Town: Enter your city, town or village in this field. If your residence is not located in a city, town or village, enter your county, township, reservation, etc., in this field. If you are a border commuter from Canada, enter your city and province in this field. If you are a border commuter from Mexico, enter your city and state in this field.

State: Enter the abbreviation of your state or territory in this field. If you are a border commuter from Canada or Mexico, enter your country abbreviation in this field.

ZIP Code: Enter your 5-digit ZIP code. If you are a border commuter from Canada or Mexico, enter your 5- or 6-digit postal code in this field.

Date of Birth (mm/dd/yyyy): Enter your date of birth as a 2-digit month, 2-digit day, and 4-digit year (mm/dd/yyyy). For example, enter January 8, 1980 as 01/08/1980.

U.S. Social Security Number: Providing your 9-digit Social Security number is voluntary on Form I-9 unless your employer participates in E-Verify. If your employer participates in E-Verify and:

1. You have been issued a Social Security number, you must provide it in this field; or
2. You have applied for, but have not yet received a Social Security number, leave this field blank until you receive a Social Security number.

Employee's E-mail Address (Optional): Providing your e-mail address is optional on Form I-9, but the field cannot be left blank. To enter your e-mail address, use this format: name@site.domain. One reason Department of Homeland Security (DHS) may e-mail you is if your employer uses E-Verify and DHS learns of a potential mismatch between the information provided and the information in government records. This e-mail would contain information on how to begin to resolve the potential mismatch. You may use either your personal or work e-mail address in this field. Enter N/A if you do not enter your e-mail address.

Employee's Telephone Number (Optional): Providing your telephone number is optional on Form I-9, but the field cannot be left blank. If you enter your area code and telephone number, use this format: 000-000-0000. Enter N/A if you do not enter your telephone number.

Attesting to Your Citizenship or Immigration Status

You must select one box to attest to your citizenship or immigration status.

- 1. A citizen of the United States.**
- 2. A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
- 3. A lawful permanent resident:** An individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. This term includes conditional residents. Asylees and refugees should not select this status, but should instead select "An Alien authorized to work" below.

If you select "lawful permanent resident," enter your 7- to 9-digit Alien Registration Number (A-Number), including the "A," or USCIS Number in the space provided. When completing this field using a computer, use the dropdown provided to indicate whether you have entered an Alien Number or a USCIS Number. At this time, the USCIS Number is the same as the A-Number without the "A" prefix.

- 4. An alien authorized to work:** An individual who is not a citizen or national of the United States, or a lawful permanent resident, but is authorized to work in the United States.

If you select this box, enter the date that your employment authorization expires, if any, in the space provided. In most cases, your employment authorization expiration date is found on the document(s) evidencing your employment authorization. Refugees, asylees and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau, and other aliens whose employment authorization does not have an expiration date should enter N/A in the Expiration Date field. In some cases, such as if you have Temporary Protected Status, your employment authorization may have been automatically extended; in these cases, you should enter the expiration date of the automatic extension in this space.

Aliens authorized to work must enter one of the following to complete Section 1:

1. Alien Registration Number (A-Number)/USCIS Number; or
2. Form I-94 Admission Number; or
3. Foreign Passport Number and the Country of Issuance.

Your employer may not ask you to present the document from which you supplied this information.

Alien Registration Number/USCIS Number: Enter your 7- to 9-digit Alien Registration Number (A-Number), including the "A," or your USCIS Number in this field. At this time, the USCIS Number is the same as your A-Number without the "A" prefix. When completing this field using a computer, use the dropdown provided to indicate whether you have entered an Alien Number or a USCIS Number. If you do not provide an A-Number or USCIS Number, enter N/A in this field then enter either a Form I-94 Admission Number, or a Foreign Passport and Country of Issuance in the fields provided.

Form I-94 Admission Number: Enter your 11-digit I-94 Admission Number in this field. If you do not provide an I-94 Admission Number, enter N/A in this field, then enter either an Alien Registration Number/USCIS Number or a Foreign Passport Number and Country of Issuance in the fields provided.

Foreign Passport Number: Enter your Foreign Passport Number in this field. If you do not provide a Foreign Passport Number, enter N/A in this field, then enter either an Alien Number/USCIS Number or a I-94 Admission Number in the fields provided.

Country of Issuance: If you entered your Foreign Passport Number, enter your Foreign Passport's Country of Issuance. If you did not enter your Foreign Passport Number, enter N/A.

Signature of Employee: After completing Section 1, sign your name in this field. If you used a form obtained from the USCIS website, you must print the form to sign your name in this field. By signing this form, you attest under penalty of perjury (28 U.S.C. § 1746) that the information you provided, along with the citizenship or immigration status you selected, and all information and documentation you provide to your employer, is complete, true and correct, and you are aware that you may face severe penalties provided by law and may be subject to criminal prosecution for knowingly and willfully making false statements or using false documentation when completing this form. Further, falsely attesting to U.S. citizenship may subject employees to penalties, removal proceedings and may adversely affect an employee's ability to seek future immigration benefits. If you cannot sign your name, you may place a mark in this field to indicate your signature. Employees who use a preparer or translator to help them complete the form must still sign or place a mark in the Signature of Employee field on the printed form.

If you used a preparer, translator, and other individual to assist you in completing Form I-9:

- Both you and your preparer(s) and/or translator(s) must complete the appropriate areas of Section 1, and then sign Section 1. If Section 1 was completed on a form obtained from the USCIS website, the form must be printed to sign these fields. You and your preparer(s) and/or translator(s) also should review the instructions for **Completing the Preparer and/or Translator Certification** below.
- If the employee is a minor (individual under 18) who cannot present an identity document, the employee's parent or legal guardian can complete Section 1 for the employee and enter "minor under age 18" in the signature field. If Section 1 was completed on a form obtained from the USCIS website, the form must be printed to enter this information. The minor's parent or legal guardian should review the instructions for Completing the Preparer and/or Translator Certification below. Refer to the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) for more guidance on completion of Form I-9 for minors. If the minor's employer participates in E-Verify, the employee must present a list B identity document with a photograph to complete Form I-9.
- If the employee is a person with a disability (who is placed in employment by a nonprofit organization, association or as part of a rehabilitation program) who cannot present an identity document, the employee's parent, legal guardian or a representative of the nonprofit organization, association or rehabilitation program can complete Section 1 for the employee and enter "Special Placement" in this field. If Section 1 was completed on a form obtained from the USCIS website, the form must be printed to enter this information. The parent, legal guardian or representative of the nonprofit organization, association or rehabilitation program completing Section 1 for the employee should review the instructions for Completing the Preparer and/or Translator Certification below. Refer to the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) for more guidance on completion of Form I-9 for certain employees with disabilities.

Today's Date: Enter the date you signed Section 1 in this field. Do not backdate this field. Enter the date as a 2-digit month, 2-digit day and 4-digit year (mm/dd/yyyy). For example, enter January 8, 2014 as 01/08/2014. A preparer or translator who assists the employee in completing Section 1 may enter the date the employee signed or made a mark to sign Section 1 in this field. Parents or legal guardians assisting minors (individuals under age 18) and parents, legal guardians or representatives of a nonprofit organization, association or rehabilitation program assisting certain employees with disabilities must enter the date they completed Section 1 for the employee.

Completing the Preparer and/or Translator Certification

If you did not use a preparer or translator to assist you in completing Section 1, you, the employee, must check the box marked **I did not use a Preparer or Translator**. If you check this box, leave the rest of the fields in this area blank.

If one or more preparers and/or translators assist the employee in completing the form using a computer, the preparer and/or translator must check the box marked "**A preparer(s) and/or translator(s) assisted the employee in completing Section 1**", then select the number of Certification areas needed from the dropdown provided. Any additional Certification areas generated will result in an additional page. [The Form I-9 Supplement](#), Section 1 Preparer and/or Translator Certification, can be separately downloaded from the USCIS Form I-9 webpage, which provides additional Certification areas for those completing Form I-9 using a computer who need more Certification areas than the 5 provided or those who are completing Form I-9 on paper. The first preparer and/or translator must complete all the fields in the Certification area on the same page the employee has signed. There is no limit to the number of preparers and/or translators an employee can use, but each additional preparer and/or translator must complete and sign a separate Certification area. Ensure the employee's last name, first name and middle initial are entered at the top of any additional pages. The employer must ensure that any additional pages are retained with the employee's completed Form I-9.

Signature of Preparer or Translator: Any person who helped to prepare or translate Section 1 of Form I-9 must sign his or her name in this field. If you used a form obtained from the USCIS website, you must print the form to sign your name in this field. The Preparer and/or Translator Certification must also be completed if “Individual under Age 18” or “Special Placement” is entered in lieu of the employee’s signature in Section 1.

Today's Date: The person who signs the Preparer and/or Translator Certification must enter the date he or she signs in this field on the printed form. Do not backdate this field. Enter the date as a 2-digit month, 2-digit day, and 4-digit year (mm/dd/yyyy). For example, enter January 8, 2014 as 01/08/2014.

Last Name (*Family Name*): Enter the full legal last name of the person who helped the employee in preparing or translating Section 1 in this field. The last name is also the family name or surname. If the preparer or translator has two last names or a hyphenated last name, include both names in this field.

First Name (*Given Name*): Enter the full legal first name of the person who helped the employee in preparing or translating Section 1 in this field. The first name is also the given name.

Address (*Street Name and Number*): Enter the street name and number of the current address of the residence of the person who helped the employee in preparing or translating Section 1 in this field. Addresses for residences in Canada or Mexico may be entered in this field. If the residence does not have a physical address, enter a description of the location of the residence, such as “3 miles southwest of Anytown post office near water tower.” If the residence is an apartment, enter the apartment number in this field.

City or Town: Enter the city, town or village of the residence of the person who helped the employee in preparing or translating Section 1 in this field. If the residence is not located in a city, town or village, enter the name of the county, township, reservation, etc., in this field. If the residence is in Canada, enter the city and province in this field. If the residence is in Mexico, enter the city and state in this field.

State: Enter the abbreviation of the state, territory or country of the preparer or translator’s residence in this field.

ZIP Code: Enter the 5-digit ZIP code of the residence of the person who helped the employee in preparing or translating Section 1 in this field. If the preparer or translator's residence is in Canada or Mexico, enter the 5- or 6-digit postal code.

Presenting Form I-9 Documents

Within 3 business days of starting work for pay, you must present to your employer documentation that establishes your identity and employment authorization. For example, if you begin employment on Monday, you must present documentation on or before Thursday of that week. However, if you were hired to work for less than 3 business days, you must present documentation no later than the first day of employment.

Choose which unexpired document(s) to present to your employer from the Lists of Acceptable Documents. An employer cannot specify which document(s) you may present from the Lists of Acceptable Documents. You may present either one selection from List A or a combination of one selection from List B and one selection from List C. Some List A documents, which show both identity and employment authorization, are combination documents that must be presented together to be considered a List A document: for example, the foreign passport together with a Form I-94 containing an endorsement of the alien’s nonimmigrant status and employment authorization with a specific employer incident to such status. List B documents show identity only and List C documents show employment authorization only. If your employer participates in E-Verify and you present a List B document, the document must contain a photograph. If you present acceptable List A documentation, you should not be asked to present, nor should you provide, List B and List C documentation. If you present acceptable List B and List C documentation, you should not be asked to present, nor should you provide, List A documentation. If you are unable to present a document(s) from these lists, you may be able to present an acceptable receipt. Refer to the Receipts section below.

Your employer must review the document(s) you present to complete Form I-9. If your document(s) reasonably appears to be genuine and to relate to you, your employer must accept the documents. If your document(s) does not reasonably appear to be genuine or to relate to you, your employer must reject it and provide you with an opportunity to present other documents from the Lists of Acceptable Documents. Your employer may choose to make copies of your document(s), but must return the original(s) to you. Your employer must review your documents in your physical presence.

Your employer will complete the other parts of this form, as well as review your entries in Section 1. Your employer may ask you to correct any errors found. Your employer is responsible for ensuring all parts of Form I-9 are properly completed and is subject to penalties under federal law if the form is not completed correctly.

Minors (individuals under age 18) and certain employees with disabilities whose parent, legal guardian or representative completed Section 1 for the employee are only required to present an employment authorization document from List C. Refer to the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) for more guidance on minors and certain individuals with disabilities.

Receipts

If you do not have unexpired documentation from the Lists of Acceptable Documents, you may be able to present a receipt(s) in lieu of an acceptable document(s). New employees who choose to present a receipt(s) must do so within three business days of their first day of employment. If your employer is reverifying your employment authorization, and you choose to present a receipt for reverification, you must present the receipt by the date your employment authorization expires. Receipts are not acceptable if employment lasts fewer than three business days.

There are three types of acceptable receipts:

1. A receipt showing that you have applied to replace a document that was lost, stolen or damaged. You must present the actual document within 90 days from the date of hire or, in the case of reverification, within 90 days from the date your original employment authorization expires.
2. The arrival portion of Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual. You must present the actual Permanent Resident Card (Form I-551) by the expiration date of the temporary I-551 stamp, or, if there is no expiration date, within 1 year from the date of admission.
3. The departure portion of Form I-94/I-94A with a refugee admission stamp. You must present an unexpired Employment Authorization Document (Form I-766) or a combination of a List B document and an unrestricted Social Security Card within 90 days from the date of hire or, in the case of reverification, within 90 days from the date your original employment authorization expires.

Receipts showing that you have applied for an initial grant of employment authorization, or for renewal of your expiring or expired employment authorization, are not acceptable.

Completing Section 2: Employer or Authorized Representative Review and Verification

You, the employer, must ensure that all parts of Form I-9 are properly completed and may be subject to penalties under federal law if the form is not completed correctly. Section 1 must be completed no later than the employee's first day of employment. You may not ask an individual to complete Section 1 before he or she has accepted a job offer. Before completing Section 2, you should review Section 1 to ensure the employee completed it properly. If you find any errors in Section 1, have the employee make corrections, as necessary and initial and date any corrections made.

You may designate an authorized representative to act on your behalf to complete Section 2. An authorized representative can be any person you designate to complete and sign Form I-9 on your behalf. You are liable for any violations in connection with the form or the verification process, including any violations of the employer sanctions laws committed by the person designated to act on your behalf.

You or your authorized representative must complete Section 2 by examining evidence of identity and employment authorization within 3 business days of the employee's first day of employment. For example, if an employee begins employment on Monday, you must review the employee's documentation and complete Section 2 on or before Thursday of that week. However, if you hire an individual for less than 3 business days, Section 2 must be completed no later than the first day of employment.

Entering Employee Information from Section 1

This area, titled, "Employee Info from Section 1" contains fields to enter the employee's last name, first name, middle initial exactly as he or she entered them in Section 1. This area also includes a Citizenship/Immigration Status field to enter the number of the citizenship or immigration status checkbox the employee selected in Section 1. These fields help to ensure that the two pages of an employee's Form I-9 remain together. When completing Section 2 using a computer, the number entered in the Citizenship/Immigration Status field provides drop-downs that directly relate to the employee's selected citizenship or immigration status.

Entering Documents the Employee Presents

You, the employer or authorized representative, must physically examine, in the employee's physical presence, the unexpired document(s) the employee presents from the Lists of Acceptable Documents to complete the Document fields in Section 2.

You cannot specify which document(s) an employee may present from these lists. If you discriminate in the Form I-9 process based on an individual's citizenship status, immigration status, or national origin, you may be in violation of the law and subject to sanctions such as civil penalties and be required to pay back pay to discrimination victims. A document is acceptable as long as it reasonably appears to be genuine and to relate to the person presenting it. Employees must present one selection from List A or a combination of one selection from List B and one selection from List C.

List A documents show both identity and employment authorization. Some List A documents are combination documents that must be presented together to be considered a List A document, such as a foreign passport together with a Form I-94 containing an endorsement of the alien's nonimmigrant status.

List B documents show identity only, and List C documents show employment authorization only. If an employee presents a List A document, do not ask or require the employee to present List B and List C documents, and vice versa. If an employer participates in E-Verify and the employee presents a List B document, the List B document must include a photograph.

If an employee presents a receipt for the application to replace a lost, stolen or damaged document, the employee must present the replacement document to you within 90 days of the first day of work for pay, or in the case of reverification, within 90 days of the date the employee's employment authorization expired. Enter the word "Receipt" followed by the title of the receipt in Section 2 under the list that relates to the receipt.

When your employee presents the replacement document, draw a line through the receipt, then enter the information from the new document into Section 2. Other receipts may be valid for longer or shorter periods, such as the arrival portion of Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is valid until the expiration date of the temporary I-551 stamp or, if there is no expiration date, valid for one year from the date of admission.

Ensure that each document is an unexpired, original (no photocopies, except for certified copies of birth certificates) document. Certain employees may present an expired employment authorization document, which may be considered unexpired, if the employee's employment authorization has been extended by regulation or a Federal Register Notice. Refer to the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) or [I-9 Central](#) for more guidance on these special situations.

Refer to the M-274 for guidance on how to handle special situations, such as students (who may present additional documents not specified on the Lists) and H-1B and H-2A nonimmigrants changing employers.

Minors (individuals under age 18) and certain employees with disabilities whose parent, legal guardian or representative completed Section 1 for the employee are only required to present an employment authorization document from List C. Refer to the M-274 for more guidance on minors and certain persons with disabilities. If the minor's employer participates in E-Verify, the minor employee also must present a List B identity document with a photograph to complete Form I-9.

You must return original document(s) to the employee, but may make photocopies of the document(s) reviewed. Photocopying documents is voluntary unless you participate in E-Verify. E-Verify employers are only required to photocopy certain documents. If you are an E-Verify employer who chooses to photocopy documents other than those you are required to photocopy, you should apply this policy consistently with respect to Form I-9 completion for all employees. For more information on the types of documents that an employer must photocopy if the employer uses E-Verify, visit E-Verify's website at www.everify.gov. For non-E-Verify employers, if photocopies are made, they should be made consistently for ALL new hires and reverified employees.

Photocopies must be retained and presented with Form I-9 in case of an inspection by DHS or another federal government agency. You must always complete Section 2 by reviewing original documentation, even if you photocopy an employee's document(s) after reviewing the documentation. Making photocopies of an employee's document(s) cannot take the place of completing Form I-9. You are still responsible for completing and retaining Form I-9.

List A - Identity and Employment Authorization: If the employee presented an acceptable document(s) from List A or an acceptable receipt for a List A document, enter the document(s) information in this column. If the employee presented a List A document that consists of a combination of documents, enter information from each document in that combination in a separate area under List A as described below. All documents must be unexpired. If you enter document information in the List A column, you should not enter document information or N/A in the List B or List C columns. If you complete Section 2 using a computer, a selection in List A will fill all the fields in the Lists B and C columns with N/A.

Document Title: If the employee presented a document from List A, enter the title of the List A document or receipt in this field. The abbreviations provided are available in the dropdown when the form is completed on a computer. When completing the form on paper, you may choose to use these abbreviations or any other common abbreviation to enter the document title or issuing authority. If the employee presented a combination of documents, use the second and third Document Title fields as necessary.

Full name of List A Document	Abbreviations
U.S. Passport	U.S. Passport
U.S. Passport Card	U.S. Passport Card
Permanent Resident Card (Form I-551)	Perm. Resident Card (Form I-551)
Alien Registration Receipt Card (Form I-551)	Alien Reg. Receipt Card (Form I-551)
Foreign passport containing a temporary I-551 stamp	1. Foreign Passport 2. Temporary I-551 Stamp
Foreign passport containing a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)	1. Foreign Passport 2. Machine-readable immigrant visa (MRIV)
Employment Authorization Document (Form I-766)	Employment Auth. Document (Form I-766)
For a nonimmigrant alien authorized to work for a specific employer because of his or her status, a foreign passport with Form I-94/I-94A that contains an endorsement of the alien's nonimmigrant status	1. Foreign Passport, work-authorized non-immigrant 2. Form I-94/I-94A 3. Form I-20 or Form DS-2019 Note: In limited circumstances, certain J-1 students may be required to present a letter from their Responsible Officer in order to work. Enter the document title, issuing authority, document number and expiration date from this document in the Additional Information field.
Passport from the Federated States of Micronesia (FSM) with Form I-94/I-94A	1. FSM Passport with Form I-94 2. Form I-94/I-94A
Passport from the Republic of the Marshall Islands (RMI) with Form I-94/I-94A	1. RMI Passport with Form I-94 2. Form I-94/I-94A
Receipt: The arrival portion of Form I-94/I-94A containing a temporary I-551 stamp and photograph	Receipt: Form I-94/I-94A w/I-551 stamp, photo
Receipt: The departure portion of Form I-94/I-94A with an unexpired refugee admission stamp	Receipt: Form I-94/I-94A w/refugee stamp
Receipt for an application to replace a lost, stolen or damaged Permanent Resident Card (Form I-551)	Receipt replacement Perm. Res. Card (Form I-551)
Receipt for an application to replace a lost, stolen or damaged Employment Authorization Document (Form I-766)	Receipt replacement EAD (Form I-766)
Receipt for an application to replace a lost, stolen or damaged foreign passport with Form I-94/I-94A that contains an endorsement of the alien's nonimmigrant status	1. Receipt: Replacement Foreign Passport, work-authorized nonimmigrant 2. Receipt: Replacement Form I-94/I-94A 3. Form I-20 or Form DS-2019 (if presented)
Receipt for an application to replace a lost, stolen or damaged passport from the Federated States of Micronesia with Form I-94/I-94A	1. Receipt: Replacement FSM Passport with Form I-94 2. Receipt: Replacement Form I-94/I-94A
Receipt for an application to replace a lost, stolen or damaged passport from the Republic of the Marshall Islands with Form I-94/I-94A	1. Receipt: Replacement RMI Passport with Form I-94 2. Receipt: Replacement Form I-94/I-94A

Issuing Authority: Enter the issuing authority of the List A document or receipt. The issuing authority is the specific entity that issued the document. If the employee presented a combination of documents, use the second and third Issuing Authority fields as necessary.

Document Number: Enter the document number, if any, of the List A document or receipt presented. If the document does not contain a number, enter N/A in this field. If the employee presented a combination of documents, use the second and third Document Number fields as necessary. If the document presented was a Form I-20 or DS-2019, enter the Student and Exchange Visitor Information System (SEVIS) number in the third Document Number field exactly as it appears on the Form I-20 or the DS-2019.

Expiration Date (if any) (mm/dd/yyyy): Enter the expiration date, if any, of the List A document. The document is not acceptable if it has already expired. If the document does not contain an expiration date, enter N/A in this field. If the document uses text rather than a date to indicate when it expires, enter the text as shown on the document, such as "D/S" (which means, "duration of status"). For a receipt, enter the expiration date of the receipt validity period as described above. If the employee presented a combination of documents, use the second and third Expiration Date fields as necessary. If the document presented was a Form I-20 or DS-2019, enter the program end date here.

List B - Identity: If the employee presented an acceptable document from List B or an acceptable receipt for the application to replace a lost, stolen, or destroyed List B document, enter the document information in this column. If a parent or legal guardian attested to the identity of an employee who is an [individual under age 18](#) or certain [employees with disabilities](#) in Section 1, enter either "Individual under age 18" or "Special Placement" in this field. Refer to the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#) for more guidance on individuals under age 18 and certain person with disabilities.

If you enter document information in the List B column, you must also enter document information in the List C column. If an employee presents acceptable List B and List C documents, do not ask the employees to present a List A document. If you enter document information in List B, you should not enter document information or N/A in List A. If you complete Section 2 using a computer, a selection in List B will fill all the fields in the List A column with N/A.

Document Title: If the employee presented a document from List B, enter the title of the List B document or receipt in this field. The abbreviations provided are available in the dropdown when the form is completed on a computer. When completing the form on paper, you may choose to use these abbreviations or any other common abbreviations to document the document title or issuing authority.

Full name of List B Document	Abbreviations
Driver's license issued by a State or outlying possession of the United States	Driver's license issued by state/territory
ID card issued by a State or outlying possession of the United States	ID card issued by state/territory
ID card issued by federal, state, or local government agencies or entities (Note: This selection does not include the driver's license or ID card issued by a State or outlying possession of the United States as described in B1 of the List of Acceptable Documents.)	Government ID
School ID card with photograph	School ID
Voter's registration card	Voter registration card
U.S. Military card	U.S. Military card
U.S. Military draft record	U.S. Military draft record
Military dependent's ID card	Military dependent's ID card
U.S. Coast Guard Merchant Mariner Card	USCG Merchant Mariner card
Native American tribal document	Native American tribal document
Driver's license issued by a Canadian government authority	Canadian driver's license
School record (for persons under age 18 who are unable to present a document listed above)	School record (under age 18)
Report card (for persons under age 18 who are unable to present a document listed above)	Report card (under age 18)
Clinic record (for persons under age 18 who are unable to present a document listed above)	Clinic record (under age 18)
Doctor record (for persons under age 18 who are unable to present a document listed above)	Doctor record (under age 18)
Hospital record (for persons under age 18 who are unable to present a document listed above)	Hospital record (under age 18)
Day-care record (for persons under age 18 who are unable to present a document listed above)	Day-care record (under age 18)
Nursery school record (for persons under age 18 who are unable to present a document listed above)	Nursery school record (under age 18)

Full name of List B Document	Abbreviations
Individual under age 18 endorsement by parent or guardian	Individual under Age 18
Special placement endorsement for persons with disabilities	Special Placement
Receipt for the application to replace a lost, stolen or damaged Driver's License issued by a State or outlying possession of the United States	Receipt: Replacement driver's license
Receipt for the application to replace a lost, stolen or damaged ID card issued by a State or outlying possession of the United States	Receipt: Replacement ID card
Receipt for the application to replace a lost, stolen or damaged ID card issued by federal, state, or local government agencies or entities	Receipt: Replacement Gov't ID
Receipt for the application to replace a lost, stolen or damaged School ID card with photograph	Receipt: Replacement School ID
Receipt for the application to replace a lost, stolen or damaged Voter's registration card	Receipt: Replacement Voter reg. card
Receipt for the application to replace a lost, stolen or damaged U.S. Military card	Receipt: Replacement U.S. Military card
Receipt for the application to replace a lost, stolen or damaged Military dependent's ID card	Receipt: Replacement U.S. Military dep. card
Receipt for the application to replace a lost, stolen or damaged U.S. Military draft record	Receipt: Replacement Military draft record
Receipt for the application to replace a lost, stolen or damaged U.S. Coast Guard Merchant Mariner Card	Receipt: Replacement Merchant Mariner card
Receipt for the application to replace a lost, stolen or damaged Driver's license issued by a Canadian government authority	Receipt: Replacement Canadian DL
Receipt for the application to replace a lost, stolen or damaged Native American tribal document	Receipt: Replacement Native American tribal doc
Receipt for the application to replace a lost, stolen or damaged School record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement School record (under age 18)
Receipt for the application to replace a lost, stolen or damaged Report card (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Report card (under age 18)
Receipt for the application to replace a lost, stolen or damaged Clinic record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Clinic record (under age 18)
Receipt for the application to replace a lost, stolen or damaged Doctor record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Doctor record (under age 18)
Receipt for the application to replace a lost, stolen or damaged Hospital record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Hospital record (under age 18)
Receipt for the application to replace a lost, stolen or damaged Day-care record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Day-care record (under age 18)
Receipt for the application to replace a lost, stolen or damaged Nursery school record (for persons under age 18 who are unable to present a document listed above)	Receipt: Replacement Nursery school record (under age 18)

Issuing Authority: Enter the issuing authority of the List B document or receipt. The issuing authority is the entity that issued the document. If the employee presented a document that is issued by a state agency, include the state as part of the issuing authority.

Document Number: Enter the document number, if any, of the List B document or receipt exactly as it appears on the document. If the document does not contain a number, enter N/A in this field.

Expiration Date (if any) (mm/dd/yyyy): Enter the expiration date, if any, of the List B document. The document is not acceptable if it has already expired. If the document does not contain an expiration date, enter N/A in this field. For a receipt, enter the expiration date of the receipt validity period as described in the Receipt section above.

List C - Employment Authorization: If the employee presented an acceptable document from List C, or an acceptable receipt for the application to replace a lost, stolen, or destroyed List C document, enter the document information in this column. If you enter document information in the List C column, you must also enter document information in the List B column. If an employee presents acceptable List B and List C documents, do not ask the employee to present a list A document. If you enter document information in List C, you should not enter document information or N/A in List A. If you complete Section 2 using a computer, a selection in List C will fill all the fields in the List A column with N/A.

Document Title: If the employee presented a document from List C, enter the title of the List C document or receipt in this field. The abbreviations provided are available in the dropdown when the form is completed on a computer. When completing the form on paper, you may choose to use these abbreviations or any other common abbreviations to document the document title or issuing authority. If you are completing the form on a computer, and you select an Employment authorization document issued by DHS, the field will populate with List C #7 and provide a space for you to enter a description of the documentation the employee presented. Refer to the M-274 for guidance on entering List C #7 documentation.

Full name of List C Document	Abbreviations
Social Security Account Number card without restrictions	(Unrestricted) Social Security Card
Certification of Birth Abroad (Form FS-545)	Form FS-545
Certification of Report of Birth (Form DS-1350)	Form DS-1350
Consular Report of Birth Abroad (Form FS-240)	Form FS-240
Original or certified copy of a U.S. birth certificate bearing an official seal	Birth Certificate
Native American tribal document	Native American tribal document
U.S. Citizen ID Card (Form I-197)	Form I-197
Identification Card for use of Resident Citizen in the United States (Form I-179)	Form I-179
Employment authorization document issued by DHS (List C #7) (Note: This selection does not include the Employment Authorization Document (Form I-766) from List A.)	Employment Auth. document (DHS) List C #7
Receipt for the application to replace a lost, stolen or damaged Social Security Account Number Card without restrictions	Receipt: Replacement Unrestricted SS Card
Receipt for the application to replace a lost, stolen or damaged Original or certified copy of a U.S. birth certificate bearing an official seal	Receipt: Replacement Birth Certificate
Receipt for the application to replace a lost, stolen or damaged Native American Tribal Document	Receipt: Replacement Native American Tribal Doc.
Receipt for the application to replace a lost, stolen or damaged Employment Authorization Document issued by DHS	Receipt: Replacement Employment Auth. Doc. (DHS)

Issuing Authority: Enter the issuing authority of the List C document or receipt. The issuing authority is the entity that issued the document.

Document Number: Enter the document number, if any, of the List C document or receipt exactly as it appears on the document. If the document does not contain a number, enter N/A in this field.

Expiration Date (if any) (mm/dd/yyyy): Enter the expiration date, if any, of the List C document. The document is not acceptable if it has already expired, unless USCIS has extended the expiration date on the document. For instance, if a conditional resident presents a Form I-797 extending his or her conditional resident status with the employee's expired Form I-551, enter the future expiration date as indicated on the Form I-797. If the document has no expiration date, enter N/A in this field. For a receipt, enter the expiration date of the receipt validity period as described in the Receipt section above.

Additional Information: Use this space to notate any additional information required for Form I-9 such as:

- Employment authorization extensions for Temporary Protected Status beneficiaries, F-1 OPT STEM students, CAP-GAP, H-1B and H-2A employees continuing employment with the same employer or changing employers, and other nonimmigrant categories that may receive extensions of stay
- Additional document(s) that certain nonimmigrant employees may present
- Discrepancies that E-Verify employers must notate when participating in the IMAGE program
- Employee termination dates and form retention dates
- E-Verify case number, which may also be entered in the margin or attached as a separate sheet per E-Verify requirements and your chosen business process
- Any other comments or notations necessary for the employer's business process

You may leave this field blank if the employee's circumstances do not require additional notations.

Entering Information in the Employer Certification

Employee's First Day of Employment: Enter the employee's first day of employment as a 2-digit month, 2-digit day and 4-digit year (mm/dd/yyyy).

Signature of Employer or Authorized Representative: Review the form for accuracy and completeness. The person who physically examines the employee's original document(s) and completes Section 2 must sign his or her name in this field. If you used a form obtained from the USCIS website, you must print the form to sign your name in this field. By signing Section 2, you attest under penalty of perjury (28 U.S.C. § 1746) that you have physically examined the documents presented by the employee, the document(s) reasonably appear to be genuine and to relate to the employee named, that to the best of your knowledge the employee is authorized to work in the United States, that the information you entered in Section 2 is complete, true and correct to the best of your knowledge, and that you are aware that you may face severe penalties provided by law and may be subject to criminal prosecution for knowingly and willfully making false statements or knowingly accepting false documentation when completing this form.

Today's Date: The person who signs Section 2 must enter the date he or she signed Section 2 in this field. Do not backdate this field. If you used a form obtained from the USCIS website, you must print the form to write the date in this field. Enter the date as a 2-digit month, 2-digit day and 4-digit year (mm/dd/yyyy). For example, enter January 8, 2014 as 01/08/2014.

Title of Employer or Authorized Representative: Enter the title, position or role of the person who physically examines the employee's original document(s), completes and signs Section 2.

Last Name of the Employer or Authorized Representative: Enter the full legal last name of the person who physically examines the employee's original documents, completes and signs Section 2. Last name refers to family name or surname. If the person has two last names or a hyphenated last name, include both names in this field.

First Name of the Employer or Authorized Representative: Enter the full legal first name of the person who physically examines the employee's original documents, completes, and signs Section 2. First name refers to the given name.

Employer's Business or Organization Name: Enter the name of the employer's business or organization in this field.

Employer's Business or Organization Address (*Street Name and Number*): Enter an actual, physical address of the employer. If your company has multiple locations, use the most appropriate address that identifies the location of the employer. Do not provide a P.O. Box address.

City or Town: Enter the city or town for the employer's business or organization address. If the location is not a city or town, you may enter the name of the village, county, township, reservation, etc, that applies.

State: Enter the two-character abbreviation of the state for the employer's business or organization address.

ZIP Code: Enter the 5-digit ZIP code for the employer's business or organization address.

Completing Section 3: Reverification and Rehires

Section 3 applies to both reverification and rehires. When completing this section, you must also complete the Last Name, First Name and Middle Initial fields in the Employee Info from Section 1 area at the top of Section 2, leaving the Citizenship/Immigration Status field blank. When completing Section 3 in either a reverification or rehire situation, if the employee's name has changed, record the new name in Block A.

Reverification

Reverification in Section 3 must be completed prior to the earlier of:

- The expiration date, if any, of the employment authorization stated in Section 1, or
- The expiration date, if any, of the List A or List C employment authorization document recorded in Section 2 (with some exceptions listed below).

Some employees may have entered "N/A" in the expiration date field in Section 1 if they are aliens whose employment authorization does not expire, e.g. asylees, refugees, certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau. Reverification does not apply for such employees unless they choose to present evidence of employment authorization in Section 2 that contains an expiration date and requires reverification, such as Form I-766, Employment Authorization Document.

You should not reverify U.S. citizens and noncitizen nationals, or lawful permanent residents (including conditional residents) who presented a Permanent Resident Card (Form I-551). Reverification does not apply to List B documents.

For reverification, an employee must present an unexpired document(s) (or a receipt) from either List A or List C showing he or she is still authorized to work. You CANNOT require the employee to present a particular document from List A or List C. The employee is also not required to show the same type of document that he or she presented previously. See specific instructions on how to complete Section 3 below.

Rehires

If you rehire an employee within three years from the date that the Form I-9 was previously executed, you may either rely on the employee's previously executed Form I-9 or complete a new Form I-9.

If you choose to rely on a previously completed Form I-9, follow these guidelines.

- If the employee remains employment authorized as indicated on the previously executed Form I-9, the employee does not need to provide any additional documentation. Provide in Section 3 the employee's rehire date, any name changes if applicable, and sign and date the form.
- If the previously executed Form I-9 indicates that the employee's employment authorization from Section 1 or employment authorization documentation from Section 2 that is subject to reverification has expired, then reverification of employment authorization is required in Section 3 in addition to providing the rehire date. If the previously executed Form I-9 is not the current version of the form, you must complete Section 3 on the current version of the form.
- If you already used Section 3 of the employee's previously executed Form I-9, but are rehiring the employee within three years of the original execution of Form I-9, you may complete Section 3 on a new Form I-9 and attach it to the previously executed form.

Employees rehired after three years of original execution of the Form I-9 must complete a new Form I-9.

Complete each block in Section 3 as follows:

Block A - New Name: If an employee who is being reverified or rehired has also changed his or her name since originally completing Section 1 of this form, complete this block with the employee's new name. Enter only the part of the name that has changed, for example: if the employee changed only his or her last name, enter the last name in the Last Name field in this Block, then enter N/A in the First Name and Middle Initial fields. If the employee has not changed his or her name, enter N/A in each field of Block A.

Block B - Date of Rehire: Complete this block if you are rehiring an employee within three years of the date Form I-9 was originally executed. Enter the date of rehire in this field. Enter N/A in this field if the employee is not being rehired.

Block C - Complete this block if you are reverifying expiring or expired employment authorization or employment authorization documentation of a current or rehired employee. Enter the information from the List A or List C document(s) (or receipt) that the employee presented to reverify his or her employment authorization. All documents must be unexpired.

Document Title: Enter the title of the List A or C document (or receipt) the employee has presented to show continuing employment authorization in this field.

Document Number: Enter the document number, if any, of the document you entered in the Document Title field exactly as it appears on the document. Enter N/A if the document does not have a number.

Expiration Date (if any) (mm/dd/yyyy): Enter the expiration date, if any, of the document you entered in the Document Title field as a 2-digit month, 2-digit day, and 4-digit year (mm/dd/yyyy). If the document does not contain an expiration date, enter N/A in this field.

Signature of Employer or Authorized Representative: The person who completes Section 3 must sign in this field. If you used a form obtained from the USCIS website, you must print Section 3 of the form to sign your name in this field. By signing Section 3, you attest under penalty of perjury (28 U.S.C. §1746) that you have examined the documents presented by the employee, that the document(s) reasonably appear to be genuine and to relate to the employee named, that to the best of your knowledge the employee is authorized to work in the United States, that the information you entered in Section 3 is complete, true and correct to the best of your knowledge, and that you are aware that you may face severe penalties provided by law and may be subject to criminal prosecution for knowingly and willfully making false statements or knowingly accepting false documentation when completing this form.

Today's Date: The person who completes Section 3 must enter the date Section 3 was completed and signed in this field. Do not backdate this field. If you used a form obtained from the USCIS website, you must print Section 3 of the form to enter the date in this field. Enter the date as a 2-digit month, 2-digit day, and 4-digit year (mm/dd/yyyy). For example, enter January 8, 2014 as 01/08/2014.

Name of Employer or Authorized Representative: The person who completed, signed and dated Section 3 must enter his or her name in this field.

What is the Filing Fee?

There is no fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the "DHS Privacy Notice" below.

USCIS Forms and Information

For additional guidance about Form I-9, employers and employees should refer to the *Handbook for Employers: Guidance for Completing Form I-9 (M-274)* or USCIS' Form I-9 website at <https://www.uscis.gov/i-9-central>.

You can also obtain information about Form I-9 by e-mailing USCIS at I-9Central@dhs.gov, or by calling 1-888-464-4218 or 1-877-875-6028 (TTY).

You may download and obtain the English and Spanish versions of Form I-9, the *Handbook for Employers*, or the instructions to Form I-9 from the USCIS website at <https://www.uscis.gov/i-9>. To complete Form I-9 on a computer, you will need the latest version of Adobe Reader, which can be downloaded for free at <http://get.adobe.com/reader/>. You may order paper forms at <https://www.uscis.gov/forms/forms-by-mail> or by contacting the USCIS Contact Center at 1-800-375-5283 or 1-800-767-1833 (TTY).

Information about E-Verify, a web-based system that allows employers to confirm the eligibility of their employees to work in the United States, can be obtained at <https://www.e-verify.gov> or by contacting E-Verify at <https://www.e-verify.gov/contact-us>.

Employees with questions about Form I-9 and/or E-Verify can reach the USCIS employee hotline by calling 1-888-897-7781 or 1-877-875-6028 (TTY).

Photocopying Blank and Completed Forms I-9 and Retaining Completed Forms I-9

Employers may photocopy or print blank Forms I-9 for future use. All pages of the instructions and Lists of Acceptable Documents must be available, either in print or electronically, to all employees completing this form. Employers must retain each employee's completed Form I-9 for as long as the individual works for the employer and for a specified period after employment has ended. Employers are required to retain the pages of the form on which the employee and employer entered data. If copies of documentation presented by the employee are made, those copies must also be retained. Once the individual's employment ends, the employer must retain this form and attachments for either 3 years after the date of hire (i.e., first day of work for pay) or 1 year after the date employment ended, whichever is later. In the case of recruiters or referrers for a fee (only applicable to those that are agricultural associations, agricultural employers, or farm labor contractors), the retention period is 3 years after the date of hire (i.e., first day of work for pay).

Forms I-9 obtained from the USCIS website that are not printed and signed manually (by hand) are not considered complete. In the event of an inspection, retaining incomplete forms may make you subject to fines and penalties associated with incomplete forms.

Employers should ensure that information employees provide on Form I-9 is used only for Form I-9 purposes. Completed Forms I-9 and all accompanying documents should be stored in a safe, secure location.

Form I-9 may be generated, signed, and retained electronically, in compliance with Department of Homeland Security regulations at 8 CFR 274a.2.

DHS Privacy Notice

AUTHORITIES: The information requested on this form, and the associated documents, are collected under the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

PURPOSE: The primary purpose for providing the requested information on this form is for employers to verify your identity and employment authorization. Consistent with the requirements of the Immigration Reform and Control Act of 1986, employers use the Form I-9 to document the verification of the identity and employment authorization for new employees to prevent the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States. This form is completed by both the employer and employee, and is ultimately retained by the employer.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may result in termination of employment. Failure of the employer to ensure proper completion of this form may result in the imposition of civil or criminal penalties against the employer. In addition, knowingly employing individuals who are not authorized to work in the United States may subject the employer to civil and/or criminal penalties.

ROUTINE USES: This information will be used by employers as a record of their basis for determining eligibility of an individual to work in the United States. The employer must retain this completed form and make it available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 35 minutes per response, when completing the form manually, and 26 minutes per response when using a computer to aid in completion of the form, including the time for reviewing instructions and completing and retaining the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529-2140; OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

▶ **START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.**

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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

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

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>	
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>	
QR Code - Section 1 Do Not Write In This Space	

Signature of Employee	Today's Date <i>(mm/dd/yyyy)</i>
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Preparer and/or Translator Certification (check one):
 I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

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		Today's Date <i>(mm/dd/yyyy)</i>	
Last Name <i>(Family Name)</i>		First Name <i>(Given Name)</i>	
Address <i>(Street Number and Name)</i>		City or Town	State ZIP Code

Employer Completes Next Page



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear 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.

The employee's first day of employment (mm/dd/yyyy): _____ **(See instructions for exemptions)**

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State	ZIP Code

Section 3. Reverification and Rehires *(To be completed and signed by employer or authorized representative.)*

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
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I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

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

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status 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. 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 	OR	<ol style="list-style-type: none"> 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, gender, height, eye color, and address 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, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <li style="text-align: center;">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 	AND	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 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. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

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

Refer to the instructions for more information about acceptable receipts.

I-9 Form and List of Acceptable Documents

WHAT IS THIS?

This is a copy of the I-9 Employment Eligibility Verification Form and List of Acceptable Documents.

3 HOW TO USE THIS

I-9 Administrators should ask new employees to complete Form I-9 on the first day of employment; they should examine one List A or a combination of a List B and a List C document and complete Section 2 within three days of beginning of employment. In addition, I-9 Administrators should use I-9 Forms to re-verify continuous employment eligibility. It is important to use the LATEST version of the I-9 Form. It is a good practice to download it from www.uscis.gov right before the I-9 Administrator is ready to proceed with the I-9. Conduct training.

NOTES:

Re-Verification of Employment Eligibility

WHAT IS THIS?

This is a list of documents that need to be re-verified before they expire. It is followed by a sample Re-Verification schedule.

3 HOW TO USE THIS

Review the list and the table. If it is a good fit for your company, adopt them as part of your procedures. Conduct training.

NOTES:

RE-VERIFICATION OF EMPLOYMENT ELIGIBILITY

A system tracking when a worker's employment authorization needs to be re-verified on an I-9 must be established without delay.

When to Re-verify Employment Eligibility

1. Work Permits (Employment Authorization Documents / EADs)
2. I-94 based on work visas/status (such as H-1B, H-2B, TN, L, etc.)
3. Students with CPT Work Authorization Noted on Their I-20s
4. Temporary I-551 Stamp in Passport
5. Temporary I-551 Printed Notation on a Machine-Readable Immigrant Visa
6. J-1 Exchange Visitor Temporary Work Authorization on DS-2019
7. Specials cases (e.g. expired TPS EADs extended by regulation)

How to Re-verify

1. How to schedule employment re-verification
2. Sample re-verification table (ATTACHED)

COMPANY NAME: _____

EMPLOYMENT AUTHORIZATION RE-VERIFICATION TABLE							
Employee Name	ID#	Type of Document	Date of Expiration	Date Notice Went	Who Gave Notice: Name, Title & Signature	Date of Re-Verification	Who Re-Verified Name, Title & Signature

I-9 Destruction

WHAT IS THIS?

This is a table to calendar orderly destruction of I-9 forms for terminated employees where their retention is no longer required.

3 HOW TO USE THIS

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

NOTES:

I-9 DESTRUCTION

Our policy with regards to I-9 Forms for terminated employees is based on the IRCA rule that requires retention of I-9s for three years after the date of hire or one year after the date of termination, whichever is later. The attached I-9 Destruction Schedule/Record is used to schedule and record timely destruction of I-9s for terminated employees.

COMPANY NAME: _____

FIRST TERMINATE, THEN:

I-9 DESTRUCTION RECORD

Date I-9 should be destroyed either three (3) years from date of hire
OR one (1) year from date of termination, whichever is later

Employee Name	Employee ID#	Date of Hire	Date of Termination	Date I-9 Should Be Destroyed	Date I-9 Was Destroyed	Who Destroyed <small>Name, Title & Signature</small>

E-Verify Procedures

WHAT IS THIS?

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

3 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.

1. 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.

2. 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.

3. E-Verify Posters

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

4. Good I-9s First

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

5. 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

6. 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.

7. 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. For a Sample E-Verify Memorandum of Understanding, please see the Appendix.

E-Verify User Posters

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



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

User Roles and Permission Chart



E-VERIFY IS A SERVICE OF DHS AND SSA

User roles determine permissions assigned to an individual.
The following table shows the permissions for the different User Roles:

User Role Permission	General User	Program Administrator	Corporate Administrator
<i>Perform verification queries</i>	✓	✓	
<i>Register Verification Locations</i>		✓	✓
<i>Create accounts for new users</i>		✓ Other Program Administrators/ General Users at their site	✓ Other Corporate Administrators/ Program Administrators and General Users for all sites)
<i>View Reports</i>	✓	✓	✓ (for all Sites)
<i>Update Reports</i>			
<i>Update personal user profile</i>	✓	✓	✓
<i>View Users</i>		✓	✓
<i>Request Termination</i>		✓	✓

Far E-Verify for Federal Contractors

Use FAR-E-Verify User Guide in the Appendix

Social Security Administration No-Match Procedures

WHAT IS THIS?

This is a Q and A sheet issued by the U.S. Immigration and Customs Enforcement as part of the planned SSN No-Match Letters regulation. The regulation was rescinded, however ICE continues to use SSN no-match letters in employer investigations as potential proof that the employer was on notice of a potential employment eligibility issue, thus, may have had constructive knowledge under IRCA. In the absence of the regulation, this Q and A sheet provides a procedure that employers should consider.

3 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.

NOTES:



**U.S. Immigration
and Customs
Enforcement**

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 and 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

Page 2

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 errors 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.

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.

3 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:

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.

Training Materials

Please reference the Appendix for Training Materials

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.

3 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, 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. We will communicate ICE Best Employment Practices to every contractor or subcontractor we use by attaching a copy to our bid and contracts.
2. All new contracts with contractors contain contractor immigration compliance certification language.

3. 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.

Appendix _____
Contractor/Subcontractor Immigration Compliance Certification

To: _____
 Company requesting Certification (hereinafter referred to as “you”)

I hereby certify that you have communicated ICE Best Employment Practices to us and have requested that we adhere to them. I hereby certify that I and all employees of this company and/or contractors/vendors of this company are duly authorized to work in the United States, and this company complies with requirements of the Immigration Reform and Control Act (IRCA) and other federal and state laws governing identity and employment authorization verification. Should you and/or any of your owners or employees incur any liability or legal expenses in connection with this company’s failure to comply with federal immigration laws or applicable state laws, this company agrees to indemnify you and/or any of your owners or employees for any such liability or legal expenses incurred.

I. Contractor/Subcontractor, certify on behalf of this company that we:

- 1. E-VERIFY:**
 Use E-Verify for all new hires since (DATE: _____) YES NO
 E-Verify Registration # _____
- 2. I-9 ADMINISTRATOR TRAINING:**
 Train I-9 Administrator(s) at least once (1) a year YES NO
 Date of Last Training: _____
- 3. TRAINED I-9 ADMINISTRATOR(S):**
 Allow only trained personnel to administer I-9 and E-Verify Training YES NO
- 4. I-9 AUDITS:**
 Conduct annual I-9 audits. DATE of last audit: _____ YES NO
- 5. RECORDS:**
 Maintain accurate I-9 records for all employees YES NO
- 6. COPIES:**
 Keep photocopies of documents recorded on I-9s behind the I-9s YES NO
- 7. SSN NO-MATCH:**
 Have a protocol for responding to Social Security no-match letters YES NO
- 8. NON-DISCRIMINATION:**
 Do not use the verification process for unlawful discrimination YES NO
- 9. CONTRACTORS/SUBCONTRACTORS:**
 Use contractors or subcontractors YES NO
A. ICE BEST PRACTICES:
 If yes, we communicate ICE Best Employment Practices to them and require immigration compliance certification YES NO
- 10. IMMIGRATION COMPLIANCE POLICIES AND PROCEDURES:**
 We have written Immigration Compliance Policies and Procedures YES NO

Signature	Date
Company	Phone
Name	Title

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__ 1-9 Audit Scheduled for _____, 20__

Audit Conducted _____, 20__

Signature Title

Name Date

.....
20__ 1-9 Audit Scheduled for _____, 20__

Audit Conducted _____, 20__

Signature Title

Name Date

20__ 1-9 Audit Scheduled for _____ , 20__

Audit Conducted _____ , 20__

Signature Title

Name Date

.....
20__ 1-9 Audit Scheduled for _____ , 20__

Audit Conducted _____ , 20__

Signature Title

Name Date

.....
PREPARE AN I-9 AUDIT SCHEDULE FOR THE NEXT 5 YEARS

Audit Conducted _____ , 20__

Signature Title

Name Date

Immigration Related Records

WHAT IS THIS?

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

3 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.

Government Audit 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.

3 HOW TO USE THIS

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

NOTES:

IMMIGRATION AND CUSTOMS ENFORCEMENT AND OTHER GOVERNMENT AGENCIES AUDIT/CONTACT PROCEDURES

RECEPTIONIST'S (OR ANOTHER EMPLOYEE) DUTIES:

1. HOW TO 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, and open the written procedures for ICE /Government Audit (this page).
- _____ Call the Company's Immigration Compliance officer to take over communication with the government.

COMPANY'S IMMIGRATION OFFICER'S DUTIES

2. RIGHT TO AN ATTORNEY (if represented by an attorney)

- _____ Inform the agent that you would like to call your attorney before answering any questions, and call the company's attorney.

3. IF WARRANT OR SUBPOENA

- _____ Please ask if the agent(s) has a warrant or subpoena.
- _____ If he/she does, tell him (her) you are ready to produce the records, provide copy to the company's attorney.
- _____ Ask the officer(s) for time to MAKE A COPY of requested documents
- _____ Give the records to the agent.

4. IF NO WARRANT OR SUBPOENA

- _____ If the agent does not have a warrant or subpoena, they probably have a Notice of Inspection. You have three days, or more in some cases, to produce the record.
- _____ Make sure you have his (her) business card and copies of any paperwork he (she) wants the company to have.
- _____ Tell the agent the company's attorney will produce the record in three days.
- _____ Provide copies to the company's attorney.