

## USCIS Response to Coronavirus 2019 (COVID-19)



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## Reminder: Ensure Employees Choose the Correct Attestation on Form I-9

When reviewing an employee's completed [Form I-9, Employment Eligibility Verification](#), USCIS recommends that employers closely review the Employee Information and Attestation area in [Section 1](#) for two common mistakes employees make:

- Falsely attesting to being a “citizen of the United States.” Employees may be subject to imprisonment, fines and even removal from the United States for making this false statement.
- Choosing “noncitizen national of the United States.” Only individuals born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad should choose this attestation.

Employers must always provide the [Form I-9 Instructions \(PDF, 585.48 KB\)](#) to employees. When an employee selects the *noncitizen national of the United States* attestation, ensure that the employee has reviewed the definition, item #2 in the Attestation section on page 3 of the Instructions.

Employers are ultimately responsible for the information contained on an employee's Form I-9, and can be held liable for these attestation errors, which may result in fines and other penalties. The U.S. Immigration and Customs Enforcement (ICE) agency enforces Form I-9 requirements, and can fine for such errors during an I-9 inspection.

Learn more about our [Form I-9 Resources](#).

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