

# Handbook for Employers

Instructions for Completing the Form I-9  
(*Employment Eligibility Verification Form*)



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Form I-9, Employment Eligibility Verification

## Obtaining Forms I-9 and the M-274

This Handbook includes one copy of the Form I-9, which can be photocopied. To order more forms or handbooks, call the U.S. Citizenship and Immigration Service (USCIS) toll-free number at 1-800-870-3676. Individuals also can order them by phoning the USCIS National Customer Service Center at 1-800-375-5283, or download PDF versions from the USCIS website at [www.uscis.gov](http://www.uscis.gov).

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## Part One

### Why Employers Must Verify Employment Eligibility of New Employees

In 1986, Congress reformed U.S. immigration laws. These reforms, the result of a bipartisan effort, preserved the tradition of legal immigration while seeking to close the door to illegal entry. The employer sanctions provisions, found in Section 274A of the Immigration and Nationality Act, were added by the Immigration Reform and Control Act of 1986 (IRCA). These provisions further changed with the passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. References to “the Act” in this Handbook refer to the Immigration and Nationality Act (INA), as amended.

Employment is often the magnet that attracts individuals to reside in the United States illegally. The purpose of the employer sanctions law is to remove this magnet by requiring employers to hire only individuals who may legally work here: citizens and nationals of the United States, lawful permanent residents, and aliens authorized to work. To comply with the law, you must verify the identity and employment eligibility of each person you hire, complete and retain a Form I-9 for each employee, and refrain from discriminating against individuals on the basis of national origin or citizenship. (See Part Four for more information on unlawful discrimination.)

The Form I-9 helps employers to verify individuals who are authorized to work in the United States. You should complete a Form I-9 for every new employee you hire after November 6, 1986. The law requires you as an employer to:

1. Ensure that your employees fill out Section 1 of the Form I-9 when they start to work;
2. Review document(s) establishing each employee’s identity and eligibility to work;
3. Properly complete Section 2 of the Form I-9;
4. Retain the Form I-9 for 3 years after the date the person begins work or 1 year after the person’s employment is terminated, whichever is later; and
5. Upon request, provide Forms I-9 to authorized officers of the Department of Homeland Security (DHS), the U.S. Department of Labor (DOL), or the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) for inspection.

*NOTE: This does not preclude DHS or DOL from obtaining warrants based on probable cause for entry onto the premises of suspected violators without advance notice.*

These requirements apply to all employers, including:

1. Agricultural associations, agricultural employers or farm labor contractors who employ, recruit or refer people for a fee; and
2. Those who employ anyone for domestic work in their private home on a regular basis (such as every week).

If you are self-employed, you do not need to complete a Form I-9 on yourself unless you are also an employee of a business entity, such as a corporation or partnership, in which case the business entity is required to complete a Form I-9 on you.

This Handbook will explain how to properly complete the Form I-9, and answer frequently asked questions about the law as it relates to the Form I-9.

### Developments in the Law and Changes to the Form I-9

Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, on September 30, 1996. Section 412(a) of IIRIRA mandated a reduction in the number of documents that employers may accept from newly hired employees during the employment verification process. On September 30, 1997, the former Immigration and Naturalization Service (INS), published an Interim Designation of Acceptable Documents for Employment Verification that implemented the changes required by IIRIRA. See 62 FR 51001-51006 (“1997 interim rule”). However, the Form I-9 was not amended at that time to reflect the changes made by the 1997 interim rule. For this reason, DHS has updated the Form I-9 to bring it into compliance with the 1997 interim rule. DHS has also updated this Handbook for Employers as a companion to the new version of the Form I-9.

In the supplementary information accompanying the 1997 interim rule, the INS stated that it would exercise prosecutorial discretion not to penalize violations resulting from the changes made by that interim rule as a temporary transitional measure until a new Form I-9 was released in the context of a broader final rulemaking. While DHS still intends to pursue other changes to the Form I-9 in a future update, it decided to update the Form I-9 to bring it in compliance with existing law before making any further changes. Therefore, the Form I-9 has been amended to reflect those changes made by the 1997 regulations, but any changes that would have required the drafting of a new regulation are being saved for a future update of the Form I-9. Employers who do not comply with the current regulatory requirements as indicated on the new Form I-9, for example, by accepting documents no longer listed on the Form I-9 Lists of Acceptable Documents, may be subject to penalties under section 274A of the Immigration and Nationality Act.

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The most significant change to the Form I-9 is a reduction in the acceptable List A documents identified on the form. Five documents are no longer listed as documents acceptable for establishing both identity and employment eligibility under List A: (1) the Certificate of United States Citizenship (Form N-560 or N-561); (2) the Certificate of Naturalization (Form N-550 or N-570); (3) the Form I-151, a long out-of-date version of the Alien Registration Receipt Card (“green card”); (4) the Unexpired Reentry Permit (Form I-327); and (5) the Unexpired Refugee Travel Document (Form I-571).

The amended Form I-9 retains four types of acceptable List A documents: (1) the U.S. Passport (unexpired or expired); (2) an unexpired Permanent Resident Card or Alien Registration Receipt Card (Form I-551); (3) an unexpired foreign passport with a temporary I-551 stamp; and (4) an unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B). In addition, the amended Form I-9 modifies one acceptable List A document, replacing the “unexpired foreign passport with an attached Form I-94 indicating unexpired employment authorization” with “an unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status, if that status authorizes the alien to work for the employer.” All of these acceptable List A documents were carried over from the previous Form I-9, with the exception of the Form I-766, which is a new version of the Employment Authorization Document that has been added to List A. The order and organization of List A also have been revised for ease of use. For example, the various Employment Authorization Documents are listed together as one category, and the unexpired foreign passport with temporary I-551 stamp is a separate entry from the unexpired passport with Form I-94 indicating an employer-specific work-authorized nonimmigrant status.

This updating of List A on the Form I-9 will help streamline the hiring process by providing employers a better means to conform their document acceptance practices to the requirements of the law. As discussed above, the 1997 regulatory List A on the Form I-9 was not enforced pursuant to the prosecutorial discretion policy described in the supplementary information to the interim rule. With a Form I-9 now available that includes the correct List A, the prosecutorial discretion policy is no longer necessary, and Immigration and Customs Enforcement (ICE) has confirmed that it will no longer be in effect 30 days following publication of the Federal Register Notice.

The amended Form I-9 also informs employees that providing their Social Security number is voluntary, pursuant to section 7 of the Privacy Act (8 U.S.C. 552a(note)). However, employees must provide their Social Security number if their employer participates in E-Verify (the employment eligibility verification program formerly known as Basic Pilot Program or Electronic Employment Verification (EEV)), as provided

by Section 403(a)(1)(A) of IIRIRA. The Form I-9 also includes changes to its organization and formatting that are more consistent with standard DHS practices, such as including a clarification that there is no filing fee associated with the Form I-9.

### **The Homeland Security Act**

The Homeland Security Act of 2002 created an executive department combining numerous federal agencies with a mission dedicated to homeland security. On March 1, 2003, the authorities of the former INS were transferred to three new agencies in the Department of Homeland Security: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE). The two DHS immigration components most involved with the matters discussed in this Handbook are USCIS and ICE. USCIS is responsible for most documentation of alien work authorization, for the Form I-9 itself, and for the E-Verify employment eligibility verification program. ICE is responsible for enforcement of the penalty provisions of section 274A of the Act, and for other immigration enforcement within the United States.

Under the Homeland Security Act, the Department of Justice retained certain important responsibilities related to the Form I-9 as well. In particular, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) in the Civil Rights Division is responsible for enforcement of the anti-discrimination provisions in section 274B of the Act, while the Executive Office for Immigration Review (EOIR) is responsible for the administrative adjudication of cases under sections 274A, 274B, and 274C (civil document fraud) of the Act.

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## **Part Two**

### **When You Must Complete the Form I-9**

You must complete the Form I-9 every time you hire any person to perform labor or services in return for wages or other remuneration. This requirement applies to everyone hired after November 6, 1986.

Ensure that the employee fully completes Section 1 of the Form I-9 at the time of the hire - when the employee begins work. Review the employee's document(s) and fully complete Section 2 of the Form I-9 within 3 business days of the hire.

If you hire a person for less than 3 business days, Sections 1 and 2 of the Form I-9 must be fully completed at the time of the hire – when the employee begins work.

You DO NOT need to complete a Form I-9 for persons who are:

1. Hired before November 7, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times;
2. Employed for casual domestic work in a private home on a sporadic, irregular, or intermittent basis;
3. Independent contractors; or
4. Providing labor to you who are employed by a contractor providing contract services (e.g., employee leasing or temporary agencies).

*NOTE: You cannot contract for the labor of an alien if you know the alien is not authorized to work in the United States.*

### **Completing the Form I-9**

#### **Section 1**

Have the employee complete Section 1 at the time of the hire (when he or she begins to work) by filling in the correct information and signing and dating the form. Ensure that the employee prints the information clearly.

If the employee cannot complete Section 1 without assistance or if he or she needs the Form I-9 translated, someone may assist him or her. The preparer or translator must read the form to the employee, assist him or her in completing Section 1, and have the employee sign or mark the form in the appropriate place. The preparer or translator must then complete the Preparer/ Translator Certification block on the Form I-9.

You are responsible for reviewing and ensuring that your employee fully and properly completes Section 1.

*NOTE: Providing a Social Security number on the Form I-9 is voluntary for all employees unless you are an employer participating in the USCIS E-Verify Program, which requires an employee's Social Security number for employment eligibility verification. You may not, however, ask an employee to provide you a specific document with his or her Social Security number on it, to avoid unlawful discrimination. For more information on the E-Verify Program, see Part Six. For more information on unlawful discrimination, see Part Four.*

**Figure 1: Instructions for Completing Section 1: Employee Identification and Verification**

<b>Section 1. Employee Information and Verification.</b> To be completed and signed by employee at the time employment begins.			
1.	Print Name: Last <i>Doe</i>	First <i>Joanne</i>	Middle Initial <i>M.</i>
2.	Address (Street Name and Number) <i>12 Main St.</i>		Apt. # Date of Birth (month/day/year) <i>5/15/1973</i>
3.	City <i>Anywhere, VA</i>	State <i>VA</i>	Zip Code <i>23456</i>
4.	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): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A <input checked="" type="checkbox"/> An alien authorized to work until <i>10/31/2007</i> (Alien # or Admission #) <i>9876543210</i>
5.	Employee's Signature <i>Joanne M. Doe</i>		Date (month/day/year) <i>9/6/2005</i>
<b>Preparer and/or Translator Certification.</b> (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.			
6.	Preparer's/Translator's Signature <i>Joseph Doe</i>		Print Name <i>Joseph Doe</i>
	Address (Street Name and Number, City, State, Zip Code) <i>16 Main St. Anywhere, VA 23456</i>		Date (month/day/year) <i>9/6/2005</i>

1. Employee enters full name and maiden name, if applicable.
2. Employee enters current address and date of birth.
3. Employee enters his or her city, state and Social Security number. Entering the Social Security number is optional unless the employer verifies employment eligibility through the USCIS E-Verify Program.
4. Employee reads warning and attests to immigration status.
5. Employee signs and dates the form.
6. If the employee uses a preparer or translator to fill out the form, that person must certify that he or she assisted the employee by completing this signature block.

**Section 2**

The employee must present to you an original document or documents that establish identity and employment eligibility within 3 business days of the date employment begins. Some documents establish both identity and employment eligibility (List A). Other documents establish identity only (List B) or employment authorization only (List C). The employee can choose which document(s) he or she wants to present from the Lists of Acceptable Documents. This list appears in Part Eight and on the last page of the revised Form I-9, dated June 5, 2007.

Examine the original document or documents the employee presents and then fully complete Section 2 of the Form I-9. You must examine one document from List A, or one from List B and one from List C. Record the title, issuing authority, number, and expiration date (if any) of the document(s); fill in the date of hire and correct information in the certification block; and sign and date the Form I-9. You must accept any document(s) from the Lists of Acceptable Document presented by the individual which reasonably appear on their face to be genuine and to relate to the person presenting them. You may not specify which document(s) an employee must present.

*NOTE: If you participate in the E-Verify Program, you may only accept List B documents that bear a photograph.*

In certain circumstances, employers, recruiters and referrers for a fee must accept a receipt in lieu of a List A, List B, or a List C document if one is presented by an employee. A receipt indicating that an individual has applied for initial work authorization or for an extension of expiring work authorization is NOT acceptable proof of employment eligibility on the Form I-9. Receipts are never acceptable if employment lasts less than 3 business days.

Receipts and other documents that serve as proof of temporary employment eligibility that employers can accept are:

1. Receipts for the application of a replacement document where the document was lost, stolen, or destroyed, which can be a List A, List B, or List C document. The employee must present the replacement document within 90 days from the date of hire.

2. The arrival portion of a Form I-94 with an attached photo and a temporary I-551 stamp, which is a receipt for a List A document. When the stamp expires, or if the stamp has no expiration, one year from date of issue, the employee must present the Form I-551 Permanent Resident Card.
3. The departure portion of the Form I-94 with a refugee admission stamp, which is a receipt for a List A document. The employee must present, within 90

days from date of hire, Form I-766, or a List B document and an unrestricted Social Security card.

When the employee provides an acceptable receipt, the employer should record the document title in Section 2 of the Form I-9 and write the word "receipt" and any document number in the "Document #" space. When the employee presents the actual document, the employer should cross out the word "receipt" and any accompanying document number, insert the number from the actual document presented, and initial and date the change.

**Figure 2:** Section 2: Employer Review and Verification

1. **Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: <u>Employment Authorization</u>				
Issuing authority: <u>USCIS</u>				
Document #: <u>9876543210</u>				
Expiration Date (if any): <u>10/31/07</u>				
Document #:				
Expiration Date (if any):				

2. **CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) 9/6/2005 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)**

Signature of Employer or Authorized Representative <u>Jolene Doe</u>	Print Name <u>Jolene Doe</u>	Title <u>Owner</u>
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) <u>Jolene's Jellybean Factory, 123 Broadstreet Hwy, Anywhere, VA 27456</u>		Date (month/day/year) <u>9/6/2005</u>

3.

1. Employer records document title(s), issuing authority, document number, expiration date from original documents supplied by employee. See Part Eight for the Lists of Acceptable Documents.
2. Employer enters date of hire (i.e. first day of work).
3. Employer attests to examining the documents provided by filling out the signature block.

### Minors (Individuals under Age 18)

If a minor – a person under the age of 18 – cannot present a List A document or an identity document from List B, the Form I-9 should be completed in the following way:

1. A parent or legal guardian must complete Section 1 and write “Individual under age 18” in the space for the employee’s signature;

2. The parent or legal guardian must complete the “Preparer/Translator Certification” block;
3. You should write “Individual under age 18” in Section 2, under List B; and
4. The minor must present a List C document showing his or her employment eligibility. You should record the required information in the appropriate space in Section 2.

**Figure 3: Completing the Form I-9 for Minors**

<b>Section 1. Employee Information and Verification.</b> To be completed and signed by employee at the time employment begins.			
Print Name: Last <b>DOE</b>	First <b>JOSEPHINE</b>	Middle Initial <b>S.</b>	Maiden Name <b>N/A</b>
Address (Street Name and Number) <b>12 MAIN ST.</b>		Apt. #	Date of Birth (month/day/year) <b>7/18/1992</b>
City <b>ANYWHERE</b>	State <b>MN</b>	Zip Code <b>54321</b>	Social Security # <b>123-45-6789</b>
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): <input checked="" type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____	
Employee's Signature <b>INDIVIDUAL UNDER 18</b>		Date (month/day/year)	
<b>Preparer and/or Translator Certification.</b> (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.			
Preparer's/Translator's Signature <b>John Doe</b>		Print Name <b>JOHN DOE</b>	
Address (Street Name and Number, City, State, Zip Code) <b>12 MAIN ST. ANYWHERE, MN 54321</b>		Date (month/day/year) <b>7/3/2007</b>	
<b>Section 2. Employer Review and Verification.</b> To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).			
<b>List A</b>	<b>OR</b>	<b>List B</b>	<b>AND</b>
Document title: _____		<b>Individual under age 18</b>	<b>Social Security Card</b>
Issuing authority: _____		_____	<b>Social Security Administration</b>
Document #: _____		_____	<b>123-45-6789</b>
Expiration Date (if any): _____		_____	_____
Document #: _____		_____	_____
Expiration Date (if any): _____		_____	_____
<b>CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) <b>7/3/07</b> and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)</b>			
Signature of Employer or Authorized Representative <b>Jane Doe</b>		Print Name <b>Jane Doe</b>	Title <b>President</b>
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) <b>Acme Marketing Company, 100 Broad St. Anywhere, MN 54321</b>		Date (month/day/year) <b>7/3/07</b>	

1. A parent or legal guardian of a minor employee completes Section 1 and writes, “Individual under age 18” in signature space.
2. A parent or legal guardian completes the Preparer and/or Translator block.
3. Employer enters “Individual under age 18” under List B and records the List C document the minor presents.

**Employees with Disabilities (Special Placement)**

If a person with a disability, who is placed in a job by a nonprofit organization or as part of a rehabilitation program, cannot present a List A document or an identity document from List B, the Form I-9 should be completed in the following way:

1. A representative of the nonprofit organization, a parent or a legal guardian must complete Section 1 and write "Special Placement" in the space for the employee's signature;
2. The representative, parent or legal guardian must complete the "Preparer/Translator Certification" block;
3. You should write "Special Placement" in Section 2, under List B; and
4. The employee with a disability must present a List C document showing his or her employment eligibility. You should record the required information in the appropriate space in Section 2.

**Figure 4: Completing the Form I-9 for Employees with Disabilities (Special Placement)**

<b>Section 1. Employee Information and Verification.</b> To be completed and signed by employee at the time employment begins.			
Print Name: Last <u>Doe</u> First <u>Jane</u> Middle Initial <u>A.</u> Maiden Name <u>None</u>			
Address (Street Name and Number) <u>12 Main St.</u> Apt. # _____ Date of Birth (month/day/year) <u>11/14/1972</u>			
City <u>Anywhere</u> State <u>IN</u> Zip Code <u>12345</u> Social Security # <u>123-45-6789</u>			
1. 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):		
	<input checked="" type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____		
Employee's Signature <u>Special Placement</u>		Date (month/day/year) _____	
2. <b>Preparer and/or Translator Certification.</b> (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.			
Preparer's/Translator's Signature <u>John Q. Public</u>		Print Name <u>John Q. Public</u>	
Address (Street Name and Number, City, State, Zip Code) <u>2 Elm St., Anywhere, IN 12345</u>		Date (month/day/year) <u>09/13/2007</u>	
3. <b>Section 2. Employer Review and Verification.</b> To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).			
List A	OR	List B	AND List C
Document title: _____		<u>Special Placement</u>	<u>Social Security Card</u>
Issuing authority: _____		_____	<u>SSA</u>
Document #: _____		_____	<u>123-45-6789</u>
Expiration Date (if any): _____		_____	_____
Document #: _____		_____	_____
Expiration Date (if any): _____		_____	_____
<b>CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) <u>09/13/2007</u> and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)</b>			
Signature of Employer or Authorized Representative <u>Jack Doe</u>		Print Name <u>Jack Doe</u> Title <u>Manager</u>	
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) <u>ABC Family Diner, 423 1<sup>st</sup> St., Anywhere, IN 12345</u>		Date (month/day/year) <u>09/13/2007</u>	

1. A representative of a nonprofit organization, parent or legal guardian of an individual with a disability completes Section 1 and writes, "Special Placement" in signature space.
2. The representative, parent or legal guardian completes the Preparer and/or Translator block.
3. Employer enters "Special Placement" under List B and records the List C document the employee with a disability presents.

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## Future Expiration Dates

Future expiration dates may appear on the employment authorization documents of aliens, including, among others, permanent residents and refugees. USCIS includes expiration dates even on documents issued to aliens with permanent work authorization. The existence of a future expiration date:

1. Does not preclude continuous employment authorization;
2. Does not mean that subsequent employment authorization will not be granted; and
3. Should not be considered in determining whether the alien is qualified for a particular position.

Considering a future employment authorization expiration date in determining whether an alien is qualified for a particular job may constitute employment discrimination. (See Part Four.) However, as described below, you may need to reverify the employee's eligibility to work upon the expiration of certain List A or List C documents.

## Reverifying Employment Authorization for Current Employees

When an employee's work authorization expires, you must reverify his or her employment eligibility. You may use Section 3 of the Form I-9, or, if Section 3 has already been used for a previous reverification or update, use a new Form I-9. If you use a new form, you should write the employee's name in Section 1, complete Section 3, and retain the new form with the original. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. If the employee cannot provide you with proof of current work authorization (e.g. any document from List A or List C, including an unrestricted Social Security card), you cannot continue to employ that person.

*NOTE: List B identity documents, such as a driver's license, should not be reverified when they expire.*

**To maintain continuous employment eligibility, an employee with temporary work authorization should apply for new work authorization at least 90 days before the current expiration date.** If USCIS fails to adjudicate the application for employment authorization within 90 days, then the employee will be authorized for employment on Form I-766 for a period not to exceed 240 days.

*NOTE: You must reverify an employee's employment eligibility on the Form I-9 not later than the date the employee's work authorization expires.*

## Reverifying or Updating Employment Authorization for Rehired Employees

When you rehire an employee, you must ensure that he or she is still authorized to work. You may do this by completing a new Form I-9 or you may reverify or update the original form by completing Section 3.

If you rehire an employee who has previously completed a Form I-9, you may reverify on the employee's original Form I-9 (or on a new Form I-9 if Section 3 of the original has already been used) if:

1. You rehire the employee within three years of the initial date of hire; and
2. The employee's previous grant of work authorization has expired, but he or she is currently eligible to work on a different basis or under a new grant of work authorization than when the original Form I-9 was completed.

To reverify, you must:

1. Record the date of rehire;
2. Record the document title, number and expiration date (if any) of any document(s) presented;
3. Sign and date Section 3; and
4. If you are reverifying on a new Form I-9, write the employee's name in Section 1.

If you rehire an employee who has previously completed a Form I-9, you may update on the employee's original Form I-9 or on a new Form I-9 if:

1. You rehire the employee within three years of the initial date of hire; and
2. The employee is still eligible to work on the same basis as when the original Form I-9 was completed.

To update, you must:

1. Record the date of rehire;
2. Sign and date Section 3; and
3. If you are updating on a new Form I-9, write the employee's name in Section 1.

Employers always have the option of completing Sections 1 and 2 of a new Form I-9 instead of completing Section 3 when rehiring employees.

**Figure 5: Reverification of Employment Eligibility for Current Employees and Rehires**

<b>Section 3. Updating and Reverification. To be completed and signed by employer.</b>	
1. A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.	
2. Document Title: <u>Employment Authorization Card</u> Document #: <u>9876543210</u> Expiration Date (if any): <u>10/31/09</u>	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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.	
3. Signature of Employer or Authorized Representative <u>Jolene Doe</u>	Date (month/day/year) <u>10/31/07</u>

Form I-9 (Rev. 3/26/07) N

1. Record the employee's new name, if applicable, and date of rehire, if applicable
2. Record the document title, number, and expiration date (if any) of document(s) presented
3. Sign and date

*NOTE: You may also fill out a new Form I-9 in lieu of filling out this section.*

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## Part Three

### Photocopying and Retaining the Form I-9

Employers must retain completed Forms I-9 for all employees for 3 years after the date they hire an employee or 1 year after the date employment is terminated, whichever is later. These forms can be retained in paper, microfilm, microfiche, or, more recently, electronically.

To store Forms I-9 electronically, you may use any electronic recordkeeping, attestation, and retention system that complies with DHS standards, which includes most off-the-shelf computer programs and commercial automated data processing systems. However, the system must not be subject to any agreement that would restrict access to and use of it by an agency of the United States. (See Electronic Retention of Forms I-9 below.)

### Paper Retention of Forms I-9

The Form I-9 can be signed and stored in paper format. Simply reproduce a complete, blank Form I-9, and ensure that the employee receives the instructions for completing the form.

When copying or printing the paper Form I-9, you may reproduce the two-sided form by making either double-sided or single-sided copies.

You may retain completed paper forms onsite, or at an off-site storage facility, for the required retention period, as long as you are able to present the Forms I-9 within 3 days of an audit request from DHS, OSC, or DOL officers.

### Microform Retention of Forms I-9

You may store Forms I-9 on microfilm or microfiche. To do so:

1. Select film stock that will preserve the image and allow accessibility and usability for the entire retention period, which in certain circumstances could be upward of 20 years, depending on the employee and your business.
2. Use well-maintained equipment to create and view microfilms and microfiche that provides a high degree of legibility and readability, and has the ability to reproduce legible and readable paper copies. DHS officers must have immediate access to clear, readable documents should they need to inspect your forms.
3. We suggest that you place the required indexes either in the first frames of the first roll of film or in the last frames of the last roll of film of a series. For microfiche, place them in the last frames of the last microfiche or microfilm jacket of a series.

*Remember: Forms I-9 must be stored for 3 years after the date you hire an employee or 1 year after the date you or the employee terminates employment, whichever is later. For example, if an employee retires from your company after 15 years, you will need to store his or her Form I-9 for a total of 16 years.*

### Electronic Forms I-9

USCIS provides a Portable Document Format fillable-printable Form I-9 from its website, [www.uscis.gov](http://www.uscis.gov). The Form I-9 can also be electronically generated or retained, provided that:

1. The resulting form is legible;
2. No change is made to the name, content, or sequence of the data elements and instructions;
3. No additional data elements or language are inserted;
4. The employee receives the Form I-9 instructions; and
5. The standards specified under 8 CFR 274a.2(e) are met.

### Electronic Retention of Forms I-9

Employers may complete or retain the Form I-9 in an electronic generation or storage system that includes:

1. Reasonable controls to ensure the integrity, accuracy and reliability of the electronic storage system;
2. Reasonable controls designed to prevent and detect the unauthorized or accidental creation of, addition to, alteration of, deletion of, or deterioration of an electronically completed or stored Form I-9, including the electronic signature if used;
3. An inspection and quality assurance program evidenced by regular evaluations of the electronic generation or storage system, including periodic checks of electronically stored Forms I-9, including the electronic signature if used;
4. A retrieval system that includes an indexing system that permits searches by any data element; and
5. The ability to reproduce legible and readable hardcopies.

*Remember, Forms I-9 must be stored for 3 years after the date you hire an employee or 1 year after the date you or the employee terminates employment, whichever is later, which can result in a long retention period.*

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## Retaining Copies of Form I-9 Documentation

You may choose to copy or scan documents presented by an employee, which you must retain with his or her Form I-9. Retaining copies of documentation does not relieve you from the requirement to fully complete section 2 of the Form I-9. If you choose to retain copies of employee documentation, you may not just do so for employees of certain national origins or citizenship statuses, or you may be in violation of anti-discrimination laws.

## Electronic Signature of Forms I-9

You may choose to fill out a paper Form I-9 and scan and upload the signed Form to retain it electronically. Once you have securely stored the Form I-9 in electronic format, you may destroy the original paper Form I-9.

If you complete Forms I-9 electronically using an electronic signature, you must implement a system for capturing electronic signatures that allows signatories to acknowledge that they read the attestation; and can associate an electronic signature with an electronically completed Form I-9. In addition, the system must:

1. Affix the electronic signature at the time of the transaction;
2. Create and preserve a record verifying the identity of the person producing the signature; and
3. Provide a printed confirmation of the transaction, at the time of the transaction, to the person providing the signature.

*NOTE: If you choose to use electronic signature to complete Form I-9, but do not comply with these standards, DHS will determine that you have not properly completed the Form I-9, in violation of Section 274A(a)(1)(B) of the Act.*

## System Documentation

For each electronic generation or storage system used, you must maintain, and make available upon request, complete descriptions of:

1. The electronic generation and storage system, including all procedures relating to its use;
2. The indexing system, which permits the identification and retrieval for viewing or reproducing of relevant records maintained in an electronic storage system; and
3. The business processes that create, modify, and maintain the retained Forms I-9, and establish the authenticity and integrity of the Forms, such as audit trails.

*Note: Insufficient or incomplete documentation is a violation of section 274A(a)(1)(B) of the Act (8 CFR Part 274a.2(f)(2)).*

## Security

If you retain Forms I-9 electronically, you must implement a records security program that:

1. Ensures that only authorized personnel have access to electronic records;
2. Provides for backup and recovery of records to protect against information loss;
3. Ensures that employees are trained to minimize the risk of unauthorized or accidental alteration or erasure of electronic records; and
4. Ensures that whenever an individual creates, accesses, views, updates, or corrects an electronic record, the system creates a secure and permanent record that establishes the date of access, the identity of the individual who accessed the electronic record, and the particular action taken.

*Note: If an employer's action or inaction results in the alteration, loss, or erasure of electronic records, and the employer knew, or reasonably should have known, that the action or inaction could have that effect, the employer is in violation of Section 274A(a)(1)(B) of the Act.*

## Inspection

DHS, OSC and DOL give employers three day's notice prior to inspecting retained Forms I-9. The employer must make Forms I-9 available upon request at the location where DHS, OSC or DOL requests to see them.

If you store Forms I-9 at an off-site location, inform the inspecting officer of the location where you store them, and make arrangements for the inspection. The inspecting officers can perform your inspection at an office of an authorized agency of the United States if previous arrangements are made. Recruiters or referrers for a fee who designate an employer to complete employment verification procedures may present a photocopy or printed electronic image of the Form I-9 at an inspection. If you refuse or delay an inspection, you will be in violation of DHS retention requirements.

At the time of an inspection, you must:

1. Retrieve and reproduce only the Forms I-9 electronically retained in the electronic storage system and supporting documentation specifically requested by the inspecting officer. This documentation includes associated audit trails that show who has accessed a computer system and

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the actions performed within or on the computer system during a given period of time.

2. Provide the inspecting officer with appropriate hardware and software, personnel, and documentation necessary to locate, retrieve, read, and reproduce any electronically stored Forms I-9, any supporting documents, and their associated audit trails, reports, and other data used to maintain the authenticity, integrity, and reliability of the records.
3. Provide the inspecting officer, if requested, any reasonably available or obtainable electronic summary file(s), such as a spreadsheet, containing all of the information fields on all of the electronically stored Forms I-9.

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## **Part Four**

### **Unlawful Discrimination and Penalties for Prohibited Practices**

#### **Unlawful Discrimination**

##### **General Provisions**

The anti-discrimination provision of the Act, as amended, prohibits four types of unlawful conduct: (1) citizenship or immigration status discrimination; (2) national origin discrimination; (3) unfair documentary practices during the Form I-9 process (document abuse); and (4) retaliation. The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), part of the United States Department of Justice Civil Rights Division, enforces the anti-discrimination provision of the INA. Title VII of the Civil Rights Act of 1964 (Title VII), as amended, also prohibits national origin discrimination, among other types of conduct. The United States Equal Employment Opportunity Commission (EEOC) enforces Title VII.

As discussed further below, OSC and EEOC share jurisdiction over national origin discrimination charges. Generally, the EEOC has jurisdiction over larger employers with 15 or more employees, whereas OSC has jurisdiction over smaller employers with between 4 and 14 employees. OSC's jurisdiction over national origin discrimination claims is limited to intentional acts of discrimination with respect to hiring, firing, and recruitment or referral for a fee, but the EEOC's jurisdiction is broader. Title VII covers both intentional and unintentional acts of discrimination in the workplace, including discrimination in hiring, firing, recruitment, promotion, assignment, compensation, and other terms and conditions of employment. OSC has exclusive jurisdiction over citizenship or immigration status discrimination claims against all employers with four or more employees. Similarly, OSC has jurisdiction over all document abuse claims against employers with four or more employees.

##### **Types of Employment Discrimination Prohibited Under the INA**

###### **Document Abuse**

Discriminatory documentary practices related to verifying the employment eligibility of employees and the Form I-9 process are called document abuse. Document abuse occurs when employers treat individuals differently on the basis of national origin or citizenship status in the Form I-9 process. Document abuse can be broadly categorized into four types of conduct: 1) improperly requesting that employees produce more documents than are required by the Form I-9 to establish the employee's identity and work authorization; 2) improperly requesting that employees produce a particular document,

such as a "green card," to establish identity or work eligibility; 3) improperly rejecting documents that reasonably appear to be genuine and belong to the employee presenting them; 4) improperly treating groups of applicants differently when completing the Form I-9, such as requiring certain groups of employees that look or sound "foreign" to produce particular documents the employer does not require other employees to produce. These practices may constitute unlawful document abuse and should be avoided when verifying employment eligibility. All work authorized individuals are protected against this type of discrimination. The INA's prohibition against document abuse covers employers with 4 or more employees.

###### **Citizenship Status Discrimination**

Citizenship or immigration status discrimination occurs when an employer treats employees differently based on their citizenship or immigration status in regard to hiring, firing, or recruitment or referral for a fee. U.S. citizens, recent permanent residents, temporary residents under the IRCA legalization program, asylees, and refugees are protected. An employer must treat all of these groups the same. Subject to limited exceptions, the INA's prohibition against citizenship or immigration status discrimination covers employers with 4 or more employees.

###### **National Origin Discrimination**

This form of discrimination occurs when an employer treats employees differently based on their national origin in regard to hiring, firing, or recruitment or referral for a fee. An employee's national origin relates to the employee's place of birth, country of origin, ancestry, native language, accent, or because he or she is perceived as looking or sounding "foreign." All work-authorized individuals are protected from national origin discrimination. The INA's prohibition against intentional national origin discrimination generally covers employers with 4 to 14 employees.

###### **Retaliation**

Retaliation occurs when an employer or other covered entity intimidates, threatens, coerces, or otherwise retaliates against an individual because the individual has filed an immigration-related employment discrimination charge or complaint; has testified or participated in any immigration-related employment discrimination investigation, proceeding, or hearing; or otherwise asserts his or her rights under the INA's anti-discrimination provision.

###### **Types of Discrimination Prohibited by Title VII**

As noted above, Title VII also prohibits employment discrimination on the basis of national origin, as well as race, color, religion, and sex. Title VII covers employers that

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employ 15 or more employees for 20 or more weeks in the preceding or current calendar year, and prohibits discrimination in any aspect of employment, including: hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of company facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, and leave; or other terms and conditions of employment.

### **Avoiding Discrimination in Recruiting, Hiring and the Form I-9 Process**

In practice, employers should treat employees equally when recruiting and hiring, and when verifying employment eligibility and completing the Form I-9. Employers should not:

1. Set different employment eligibility verification standards or require that different documents be presented by employees because of their national origin and citizenship status. For example, employers cannot demand that non-U.S. citizens present DHS-issued documents.

Each employee must be allowed to choose the documents that he or she will produce from the lists of acceptable Form I-9 documents. For example, both citizens and work authorized aliens may produce a driver's license (List B) and an unrestricted Social Security card (List C) to establish identity and employment eligibility.

2. Request to see employment eligibility verification documents before hire and completion of the Form I-9 because someone looks or sounds "foreign," or because someone states that he or she is not a U.S. citizen.
3. Refuse to accept a document, or refuse to hire an individual, because a document has a future expiration date.
4. Request that, during reverification, an employee present a new unexpired employment authorization document (EAD) if he or she presented an EAD during initial verification. For reverification, each employee must be free to choose to present any document either from List A or from List C. Refugees and asylees may possess EADs, but they are authorized to work based on their status, and may possess other documents that prove work authorization from List A or List C to show upon reverification, such as an unrestricted Social Security card.
5. Limit jobs to U.S. citizens unless U.S. citizenship is required for the specific position by law; regulation; executive order; or federal, state, or local government contract. On an individual basis, an employer may legally prefer a U.S. citizen or national over an equally qualified

alien to fill a specific position, but may not adopt a blanket policy of always preferring citizens over non-citizens.

### **Procedures for Filing Charges of Employment Discrimination**

#### **OSC**

Discrimination charges may be filed by an individual who believes he or she is the victim of employment discrimination, a person acting on behalf of such an individual, or a DHS officer who has reason to believe that discrimination has occurred. Discrimination charges must be filed with OSC within 180 days of the alleged discriminatory act. Upon receipt of a complete discrimination charge, OSC will notify the employer within 10 days that a charge has been filed and commence its investigation. If OSC has not filed a complaint with an administrative law judge within 120 days of receiving a charge of discrimination, it will notify the charging party of its determination not to file a complaint. The charging party (other than a DHS officer) may file a complaint with an administrative law judge within 90 days after receiving the notice from OSC. In addition, OSC may still file a complaint within this 90-day period. The administrative law judge will conduct a hearing and issue a decision. OSC may also attempt to settle a charge or the parties may enter into settlement agreements resolving the charge.

#### **EEOC**

A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights. This 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law.

### **Employers Prohibited from Retaliating against Employees**

An employer cannot take retaliatory action against a person who has filed a charge of discrimination with OSC or the EEOC, was a witness or otherwise participated in the investigation or prosecution of a discrimination complaint, or otherwise asserts his or her rights under the INA's anti-discrimination provision and/or Title VII. Such retaliatory action may constitute a violation of the INA's anti-discrimination provision and/or Title VII.

### **Additional Information**

For more information about the anti-discrimination provision of the INA and the procedures of OSC, call 1-800-255-7688 (worker hotline) or 1-800-255-8155 (employer hotline); or 1-800-237-2515 (TDD for hearing impaired); or visit OSC's website at <http://www.usdoj.gov/crt/osc>

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For more information on Title VII and policies and procedures of the Equal Employment Opportunity Commission, call 1-800-USA-EEOC; or 1-800-669-6820 (TTY for hearing impaired); or visit EEOC's website at <http://www.eeoc.gov>.

## Penalties for Prohibited Practices

### A. UNLAWFUL EMPLOYMENT

#### 1. Civil Penalties

The Department of Homeland Security (DHS) may impose penalties if an investigation reveals that an employer has knowingly hired or knowingly continued to employ an unauthorized alien, or has failed to comply with the employment eligibility verification requirements, with respect to employees hired after November 6, 1986. DHS will issue a Notice of Intent to Fine (NIF) when it intends to impose penalties. Employers who receive a NIF may request a hearing before an administrative law judge. If an employer's request for a hearing is not received within 30 days, DHS will impose the penalty and issue a Final Order, which cannot be appealed.

##### a. Hiring or continuing to employ unauthorized aliens

DHS may order employers it determines to have knowingly hired unauthorized aliens (or to be continuing to employ aliens knowing that they are or have become unauthorized to work in the United States) to cease and desist from such activity, and pay a civil money penalty as follows:

1. First Offense: Not less than \$275 and not more than \$2,200 for each unauthorized alien;
2. Second offense: Not less than \$2,200 and not more than \$5,500 for each unauthorized alien; or
3. Subsequent Offenses: Not less than \$3,300 and not more than \$11,000 for each unauthorized alien.

DHS will consider an employer to have knowingly hired an unauthorized alien if, after November 6, 1986, the employer uses a contract, subcontract or exchange, entered into, renegotiated or extended, to obtain the labor of an alien and knows the alien is not authorized to work in the United States. The employer will be subject to the penalties set forth above.

##### b. Failing to comply with the Form I-9 requirements

Employers who fail to properly complete, retain, and/or make available for inspection Forms I-9 as required by law may face civil money penalties in an amount of not less than \$110 and not more than \$1,100 for each individual with respect to whom such violation occurred.

In determining the amount of the penalty, DHS will consider:

1. The size of the business of the employer being charged;
2. The good faith of the employer;
3. The seriousness of the violation;
4. Whether or not the individual was an unauthorized alien; and
5. The history of previous violations of the employer.

##### c. Enjoining pattern or practice violations

If the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment or referral in violation of section 274A(a)(1)(A) or (2) of the Act, the Attorney General may bring civil action in the appropriate U.S. District Court requesting relief, including a permanent or temporary injunction, restraining order or other order against the person or entity, as the Attorney General deems necessary.

##### d. Requiring indemnification

Employers found to have required a bond or indemnity from an employee against liability under the employer sanctions laws may be ordered to pay a civil money penalty of \$1,000 for each violation and to make restitution, either to the person who was required to pay the indemnity, or, if that person cannot be located, to the U.S. Treasury.

##### e. Good faith defense

If the employer can show that he or she has in good faith complied with the Form I-9 requirements, then the employer has established a "good faith" defense with respect to a charge of knowingly hiring an unauthorized alien, unless the government can show that the employer had actual knowledge of the unauthorized status of the employee.

A good faith attempt to comply with the paperwork requirements of Section 274A(b) of the Act may be adequate notwithstanding a technical or procedural failure to comply, unless the employer has failed to correct the violation within 10 days after notice from DHS, or the employer is engaging in a pattern or practice of violations.

### 2. Criminal Penalties

#### a. Engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens

Persons or entities who are convicted of having engaged in a pattern or practice of knowingly hiring unauthorized aliens (or

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continuing to employ aliens knowing that they are or have become unauthorized to work in the United States) after November 6, 1986, may face fines of up to \$3,000 per employee and/or six months imprisonment.

b. Engaging in fraud or false statements, or otherwise misusing visas, immigration permits and identity documents

Persons who use fraudulent identification or employment eligibility documents or documents that were lawfully issued to another person, or who make a false statement or attestation for purposes of satisfying the employment eligibility verification requirements, may be fined, or imprisoned for up to five years, or both. Other federal criminal statutes may provide higher penalties in certain fraud cases.

## B. UNLAWFUL DISCRIMINATION

If an investigation reveals that an employer has engaged in unfair immigration-related employment practices under the INA, the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) may take action. An employer will be ordered to stop the prohibited practice and may be ordered to take one or more corrective steps, including:

1. Hire or reinstate, with or without back pay, individuals directly injured by the discrimination;
2. Post notices to employees about their rights and about employers' obligations;
3. Educate all personnel involved in hiring and in complying with the employer sanctions and antidiscrimination laws about the requirements of these laws.

The court may award attorney's fees to prevailing parties, other than the United States, if it determines that the losing parties' argument is without foundation in law and fact.

Employers who commit citizenship status or national origin discrimination in violation of the anti-discrimination provision of the INA may also be ordered to pay a civil money penalty as follows:

1. First Offense: Not less than \$275 and not more than \$2,200 for each individual discriminated against;
2. Second Offense: Not less than \$2,200 and not more than \$5,500 for each individual discriminated against;
3. Subsequent Offenses: Not less than \$3,300 and not more than \$11,000 for each individual discriminated against.

Employers who commit document abuse in violation of the anti-discrimination provision of the INA may similarly be ordered to pay a civil money penalty as follows:

1. Not less than \$110 and not more than \$1,100 for each individual discriminated against.

If an employer is found to have committed national origin discrimination under Title VII of the Civil Rights Act of 1964 (Title VII), it may be ordered to stop the prohibited practice and to take one or more corrective steps, including:

1. Hire, reinstate or promote with back pay and retroactive seniority;
2. Post notices to employees about their rights and about the employer's obligations; and/or
3. Remove incorrect information, such as a false warning, from an employee's personnel file.

Under Title VII, compensatory damages may also be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages may be available if the employer acted with malice or reckless indifference.

The employer may also be required to pay attorneys' fees, expert witness fees and court costs.

## C. CIVIL DOCUMENT FRAUD

If a DHS investigation reveals that an individual has knowingly committed or participated in acts relating to document fraud (See Part One ), DHS may take action. DHS will issue a Notice of Intent to Fine (NIF) when it intends to impose penalties. Persons who receive a NIF may request a hearing before an administrative law judge. If DHS does not receive a request for a hearing within 30 days, it will impose the penalty and issue a Final Order, which is final and cannot be appealed.

Individuals found by DHS or an administrative law judge to have violated Section 274C of the Act may be ordered to pay a civil money penalty as follows:

To cease and desist from such behavior; and

To pay a civil penalty as follows:

- a. First offense: Not less than \$275 and not more than \$2,200 for each fraudulent document that is the subject of the violation; or
- b. Subsequent offenses: Not less than \$2,200 and not more than \$5,500 for each fraudulent document that is the subject of the violation.

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## Part Five

### Instructions for Recruiters and Referrers for a Fee

Under the Immigration and Nationality Act (INA), as amended, it is unlawful for an agricultural association, agricultural employer, or farm labor contractor to hire, or to recruit or refer for a fee, an individual for employment in the United States without complying with the employment eligibility verification requirements. This provision applies to those agricultural associations, agricultural employers, and farm labor contractors who recruit persons for a fee and those who refer persons or provide documents or information about persons to employers in return for a fee.

**This limited class of recruiters and referrers for a fee must complete the Form I-9 when a person they refer is hired.**

The Form I-9 must be fully completed within three business days of the date employment begins, or, in the case of an individual hired for less than three business days, at the time employment begins.

Recruiters and referrers for a fee may designate agents, such as national associations or employers, to complete the verification procedures on their behalf. If the employer is designated as the agent, the employer should provide the recruiter or referrer with a photocopy of the Form I-9. However, recruiters and referrers are still responsible for compliance with the law and may be found liable for violations of the law.

Recruiters and referrers for a fee must retain the Form I-9 for three years after the date the referred individual was hired by the employer. They must also make Forms I-9 available for inspection by a DHS, DOL, or OSC officer.

*NOTE: This does not preclude DHS or DOL from obtaining warrants based on probable cause for entry onto the premises of suspected violators without advance notice.*

The penalties for failing to comply with the Form I-9 requirements and for requiring indemnification, as described in Part Four, apply to this limited class of recruiters and referrers for a fee.

*NOTE: All recruiters and referrers for a fee are still liable for knowingly recruiting or referring for a fee aliens not authorized to work in the United States.*

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## Part Six

### E-Verify: The Web-based Verification Companion to the Form I-9

Since verification of the employment eligibility of new hires became law in 1986, the Form I-9 has been the foundation of the verification process. To improve the accuracy and integrity of this process, USCIS operates an electronic employment eligibility verification system called E-Verify.

E-Verify provides an automated link to federal databases to help employers determine the employment eligibility of new hires. E-Verify is free to employers and is available in all 50 states, as well as U.S. territories except for American Samoa and the Commonwealth of the Northern Mariana Islands.

Employers who participate in the E-Verify Program complete the Employment Eligibility Verification Form (Form I-9) for each newly hired employee as is required of all employers in the United States. E-Verify employers may accept any document or combination of documents acceptable on the Form I-9, but if the employee chooses to present a List B and C combination, the List B (identity only) document must have a photograph.

After completing the Form I-9 for a new employee, E-Verify employers must submit an electronic query that includes information from Sections 1 and 2 of the Form I-9. After submitting the query, the employer will receive an automated response from the E-Verify system regarding the employment eligibility of the individual. In some cases, E-Verify will provide a response indicating a tentative nonconfirmation of the employee's employment eligibility. This does not mean that the employee is necessarily unauthorized to work in the United States. Rather, it means that the system is unable to instantaneously confirm that employee's eligibility to work. In the case of a tentative nonconfirmation, the employer and employee must both take steps specified by E-Verify in an effort to resolve the status of the query.

Employers are also required to follow certain procedures when using E-Verify that were designed to protect employees from unfair employment actions. Employers may not verify selectively and must verify all new hires, both U.S. citizens and non-citizens. Employers may not prescreen applicants for employment; check employees hired before the company became a participant in E-Verify; or reverify employees who have temporary work authorization. Employers may not terminate or take other adverse action against employees based on a tentative nonconfirmation.

E-Verify, along with the Form I-9, protects jobs for authorized U.S. workers, improves the accuracy of wage and tax reporting, and helps U.S. employers maintain a legal workforce.

Employers can register online for E-Verify at <https://www.vis-dhs.com/EmployerRegistration>, which provides instructions for completing the registration process. For more information about E-Verify, please contact USCIS at 1-888-464-4218.

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## Part Seven

### Some Questions You May Have About the Form I-9

#### Questions about the Verification Process

1. **Q. Where can I obtain the Form I-9 and the M-274, Handbook for Employers?**

A. Both the Form I-9 and the Employer Handbook are available as downloadable PDFs at [www.uscis.gov](http://www.uscis.gov). Employers with no computer access can order USCIS forms by calling our toll-free number at 1-800-870-3676. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by calling our National Customer Service Center toll-free at 1-800-375-5283.

2. **Q. Do citizens and nationals of the United States need to prove they are eligible to work?**

A. Yes. While citizens and nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9. U.S. citizens include persons born in Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. U.S. nationals include persons born in American Samoa, including Swains Island.

3. **Q. Do I need to complete a Form I-9 for everyone who applies for a job with my company?**

A. No. You should not complete Forms I-9 for job applicants. You only need to complete Forms I-9 for people you actually hire. For purposes of this law, a person is “hired” when he or she begins to work for you.

4. **Q. If someone accepts a job with my company but will not start work for a month, can I complete the Form I-9 when the employee accepts the job?**

A. Yes. The law requires that you complete the Form I-9 only when the person actually begins working. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the I-9 process to screen job applicants.

5. **Q. I understand that I must complete a Form I-9 for anyone I hire to perform labor or services in return for wages or other remuneration. What is “remuneration”?**

A. Remuneration is anything of value given in exchange for labor or services rendered by an employee, including food and lodging.

6. **Q. Do I need to fill out Forms I-9 for independent contractors or their employees?**

A. No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company’s employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you must not knowingly use contract labor to circumvent the law against hiring unauthorized aliens.

7. **Q. What should I do if the person I hire is unable to provide the required documents within three business days of the date employment begins?**

A. If an employee is unable to present the required document or documents within three business days of the date employment begins, the employee must produce an acceptable receipt in lieu of a document listed on the last page of the Form I-9. There are three types of acceptable receipts. See Question 23 below for a description of each receipt and the procedures required to fulfill Form I-9 requirements when an employee presents a receipt.

By having checked an appropriate box in Section 1, the employee must have indicated on or before the time employment began that he or she is already eligible to be employed in the United States.

*NOTE: Employees hired for less than three business days must produce the actual document(s) and the Form I-9 must be fully completed at the time employment begins.*

8. **Q. Can I fire an employee who fails to produce the required documents within three business days?**

A. Yes. You can terminate an employee who fails to produce the required document or documents, or a receipt for a document, within three business days of the date employment begins. However, you must apply these practices uniformly to all employees.

9. **Q. What happens if I properly complete a Form I-9 and DHS discovers that my employee is not actually authorized to work?**

A. You cannot be charged with a verification violation. You will also have a good faith defense

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against the imposition of employer sanctions penalties for knowingly hiring an unauthorized alien, unless the government can show you had knowledge of the unauthorized status of the employee, if you have done the following:

- a. Ensured that the employee fully and properly completed Section 1 of the Form I-9 at the time employment began;
- b. Reviewed the required documents which should have reasonably appeared to have been genuine and to have related to the person presenting them;
- c. Fully and properly completed Section 2 of the Form I-9, and signed and dated the employer certification;
- d. Retained the Form I-9 for the required period of time; and
- e. Made the Form I-9 available upon request to a DHS, DOL, or OSC officer.

#### **Questions about Documents**

**10. Q. May I specify which documents I will accept for verification?**

A. No. The employee can choose which document(s) he or she wants to present from the lists of acceptable documents. You must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on the Form I-9 and found in Part Eight of this Handbook that reasonably appear on their face to be genuine and to relate to the person presenting them. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision in the INA. Individuals who look and/or sound foreign must not be treated differently in the recruiting, hiring or verification process.

*NOTE: An employer participating in the E-Verify Electronic Employment Eligibility Verification Program can only accept a List B document with a photograph.*

**11. Q. If an employee writes down an Alien Number or Admission Number when completing Section 1 of the Form I-9, can I ask to see a document with that number?**

A. No. Although it is your responsibility as an employer to ensure that your employees fully

complete Section 1 at the time employment begins, the employee is not required to present a document to complete this section.

When you complete Section 2, you may not ask to see a document with the employee's Alien Number or Admission Number or otherwise specify which document(s) an employee may present.

**12. Q. What is my responsibility concerning the authenticity of document(s) presented to me?**

A. You must examine the document(s) and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.

**13. Q. Why are certain documents listed in both List B and List C? If these documents are evidence of both identity and employment eligibility, why aren't they found in List A?**

A. Three documents can be found in both List B and List C: the U.S. citizen identification card and the U.S. resident citizen identification card – acceptable as identification cards in List B – and a Native American tribal document. Although these documents are evidence of both identity and employment eligibility, they are not found in List A because List A documents are limited to those designated by Congress in the law. An employee can establish both identity and employment eligibility by presenting one of these documents. You should record the document title, issuing authority, number, and expiration date (if any) for that document in the appropriate spaces for both List B and List C.

**14. Q. An employee has attested to being a U.S. citizen or national on section 1 of the Form I-9, but has presented me with a DHS Form I-551 "green card". Another employee has attested to being a lawful permanent resident alien but has presented a U.S. passport. Should I accept these documents?**

A. In these situations, the employer should first ensure that the employee understood and properly completed the section 1 attestation of status. If the employee made a mistake and corrects the attestation, he or she should initial and date the correction, or complete a new Form I-9. If the employee confirms the accuracy of his or her initial attestation, the

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employer should not accept a “green card” from a U.S. citizen or a U.S. passport from an alien. Although employers are not expected to be immigration law experts, both documents in the question are directly and facially inconsistent with the status attested to and are therefore not documents that reasonably relate to the person presenting them.

**15. Q. May I accept an expired document?**

A. Yes, in limited circumstances. An employer may accept an expired U.S. passport. An employer may also accept an expired document from List B to establish identity. Also, as explained in Question 23, an employer may accept an expired EAD from a Temporary Protected Status (TPS) recipient where DHS has granted an automatic extension. However, the document must reasonably appear on its face to be genuine and to relate to the person presenting it. An employer cannot accept any other expired documents.

**16. Q. How can I tell if a DHS-issued document has expired?**

A. Some DHS-issued documents, such as older versions of the Alien Registration Receipt Card (Form I-551), do not have expiration dates. However, the 1989 revised version of the Resident Alien Card (Form I-551), which is rose-colored with computer readable data on the back, features a 2-year or 10-year expiration date. Other DHS-issued documents, such as the Employment Authorization Document (Form I-766 or I-688B) also have expiration dates. These dates can be found either on the face of the document or on a sticker attached to the back of the document.

**17. Q. Some employees are presenting me with Social Security cards that have been laminated. May I accept such cards as evidence of employment eligibility?**

A. It depends. You may not accept a laminated Social Security card as evidence of employment eligibility if the card states on the back “not valid if laminated.” Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

**18. Q. Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth and their parents’ names as proof of employment eligibility. May I accept such printouts in place of**

**a Social Security card as evidence of employment eligibility?**

A. No. Only a person’s official Social Security card is acceptable.

**19. Q. What should I do if an employee presents a Social Security card marked “NOT VALID FOR EMPLOYMENT,” but states that he or she is now authorized to work?**

A. You should ask the employee to provide another document to establish his or her employment eligibility, since such Social Security cards do not establish this. Such an employee should go to the local SSA office with proof of their lawful employment status to be issued a Social Security card without the “NOT VALID FOR EMPLOYMENT” legend.

**20. Q. May I accept a photocopy of a document presented by an employee?**

A. No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.

**21. Q. I noticed on the Form I-9 that under List A there are two spaces for document numbers and expiration dates. Does this mean I have to see two List A documents?**

A. No. One of the documents found in List A is an unexpired foreign passport with an attached DHS Form I-94, bearing the same name as the passport and containing endorsement of the alien’s nonimmigrant status, if that status authorizes the alien to work for the employer. The Form I-9 provides space for you to record the document number and expiration date for both the passport and the DHS Form I-94.

**22. Q. When I review an employee’s identity and employment eligibility documents, should I make copies of them?**

A. The law does not require you to photocopy documents. However, if you wish to make photocopies, you should do so for all employees, and you should retain each photocopy with the Form I-9. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of the Form I-9 nor is it an acceptable substitute for proper completion of the Form I-9 in general.

**23. Q. When can employees present receipts for documents in lieu of actual documents establishing employment eligibility?**

A. The “receipt rule” is designed to cover situations in which an employee is employment authorized at the time of initial hire or reverification, but he or she is not in possession of a document listed on page 4 of the Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable.

An individual may present a “receipt” in lieu of a document listed on the Form I-9 to complete Section 2 of the Form I-9. The receipt is valid for a temporary period. There are three different documents that qualify as receipts under the rule.

The first type of receipt that an employee may present (described above in the answer to question 7) is a receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the replacement document to complete the Form I-9. Note that this rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.

The second type of receipt that an employee may present is a Form I-94 containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Form I-551, Permanent Resident Card. The individual must present the Form I-551 by the expiration date of the temporary I-551 stamp, or within one year from the date of issuance of the Form I-94 if the I-551 stamp does not contain an expiration date.

The third type of receipt that an employee may present is a Form I-94 containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (i.e., Form I-766 or I-688B) or a combination of an unrestricted Social Security card and List B document. The employee must present acceptable documentation to complete the Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires.

DHS regulations provide that if it does not adjudicate an application for employment authorization within 90 days, it will grant an employment authorization

document valid for a period not to exceed 240 days. To receive an interim employment authorization document, the individual should contact his or her local USCIS office.

Individuals under the Temporary Protected Status (TPS) Program whose EADs are subject to an automatic extension may continue to work with expired EADs during the automatic extension period specified in the Federal Register Notice announcing the extension.

**24. Q. My employee's DHS-issued employment authorization document expired and the employee now wants to show me a Social Security card. Do I need to see a current DHS document?**

A. No. During both initial verification and reverification, an employee must be allowed to choose what documentation to present from the Form I-9 lists of acceptable documents. If an employee presents an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document. However, if an employee presents a “restricted” Social Security card upon reverification, the employer must reject the restricted Social Security card, since it is not an acceptable Form I-9 document and ask the employee to choose different documentation from List A or List C of the Form I-9. A restricted Social Security card may state “not valid for employment” or “valid for work only with DHS authorization.”

**25. Q. Can DHS double-check the status of an alien I hired, or “run” his or her number (typically an A Number or Social Security Number) and tell me whether it's good?**

A. DHS can not double-check a number for an employer, unless the employer participates in E-Verify, which provides employers a way to confirm the employment eligibility of their newly hired employees. For more information about this program, see Part Six. You may also call DHS at 1-888-464-4218 or visit <https://www.vis-dhs.com/employerregistration/>.

An employer also may contact DHS if he or she has strong and articulable reason to believe documentation may not be valid, in which case ICE may investigate the possible violation of law.

**26. Q. My employee presented me with a document issued by INS rather than DHS. Can I accept it?**

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A. Effective March 1, 2003, the functions of the former Immigration and Naturalization Service (INS) in the U.S. Department of Justice were transferred to three agencies within the new DHS: USCIS, U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE). Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new DHS identity.

**27. Q. What should I do if an employee presents a Form I-20 and says the document authorizes her to work?**

A. The Form I-20 is evidence of employment eligibility in two specific situations:

- The employee works on the campus of the school where he or she is an F-1 student for an employer that provides direct student services, or at an off-campus location that is educationally affiliated with the school's established curriculum or related to contractually funded research projects at the post-graduate level where the employment is an integral part of the student's educational program.
- The employee is an F-1 student who has been authorized by the Designated School Official (DSO) to participate in a curricular practical training program that is an integral part of an established curriculum (e.g., alternative work/study, internship, cooperative education, or other required internship offered by sponsoring employers through cooperative agreements with the school). The Form I-20 must be endorsed by the DSO for curricular practical training, and list the employer offering the practical training, and the dates the student will be employed.

In both situations, the Form I-20 must accompany a valid Form I-94 or I-94A indicating F-1 status. When combined with an unexpired foreign passport, the documentation is acceptable for List A of Form I-9.

**28. Q. May I accept Form DS-2019 as proof of employment eligibility?**

A. The Form DS-2019 can be used only by a J-1 exchange visitor for employment when such employment is part of his or her program. For J-1 students, the Responsible Officer of the school may authorize employment in writing. The Form DS-2019 must accompany a valid Form I-94 or I-94A. When combined with an unexpired, foreign passport, the documentation is acceptable for List A of Form I-9.

**Questions about Completing and Retaining the Form I-9**

**29. Q. When do I fill out the Form I-9 if I hire someone for less than three business days?**

A. You must complete both Sections 1 and 2 of Form I-9 at the time of the hire. This means the Form I-9 must be fully completed when the person starts to work.

**30. Q. What should I do if I rehire a person who previously filled out a Form I-9?**

A. If the employee's Form I-9 is the version dated June 5, 2007 or a subsequent version, you rehire the person within three years of the date that the Form I-9 was originally completed, and the employee is still authorized to work, you may reverify the employee in Section 3 of the original Form I-9.

If you used a version of the Form I-9 dated before June 5, 2007 when you initially verified the employee, you must complete a new Form I-9 upon rehire.

**31. Q. What should I do if I need to update or reverify a Form I-9 for an employee who filled out an earlier version of the form?**

A. To update the June 5, 2007, version of the Form I-9, you may line through any outdated information and initial and date any updated information. You may also choose, instead, to complete a new Form I-9.

If you used a version of the Form I-9 dated before June 5, 2007 when you originally verified the employee, the employee must provide any document(s) he or she chooses from the current Lists of Acceptable Documents, which you must enter in Section 3 of the latest version of the Form I-9.

**32. Q. Do I need to complete a new Form I-9 when one of my employees is promoted within my company or transfers to another company office at a different location?**

A. No. You do not need to complete a new Form I-9 for employees who have been promoted or transferred.

**33. Q. What do I do when an employee's work authorization noted in either Section 1 or 2 of the Form I-9 expires?**

A. You will need to reverify on the Form I-9 to continue to employ the person. Reverification must occur no later than the date that work authorization expires. The employee must present a document from either List A or List C that shows either an extension of his or her initial employment authorization or new work authorization. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, record the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space.

If you used a version of the Form I-9 that predates the June 5, 2007, version for the employee's original verification, you must complete Section 3 of the latest Form I-9 upon reverification.

You may want to establish a calendar call-up system for employees whose employment authorization will expire in the future.

*NOTE: You should not reverify an expired U.S. passport or an Alien Registration Receipt Card/Permanent Resident Card, Form I-551, or a List B document that has expired.*

*NOTE: You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on the Form I-9 and in Part Eight of this Handbook that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.*

*NOTE: If an employee's EAD expires before the employee receives a new EAD, the employee may take the application receipt to a local USCIS office to receive temporary employment authorization IF it has been more than 90 days since the employee applied for the new EAD.*

**34. Q. Can I avoid re verifying an employee on the Form I-9 by not hiring persons whose employment authorization has an expiration date?**

A. You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an alien is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

**35. Q. As an employer, do I have to fill out all the Forms I-9 myself?**

A. No. You may designate someone to fill out Forms I-9s for you, such as a personnel officer, foreman, agent or anyone else acting in your interest. However, you are still liable for any violations of the employer sanctions laws.

**36. Q. Can I contract with someone to complete Forms I-9 for my business?**

A. Yes. You can contract with another person or business to verify employees' identities and work eligibility and to complete Forms I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employer sanctions laws.

**37. Q. As an employer, can I negotiate my responsibility to complete Forms I-9 in a collective bargaining agreement with a union?**

A. Yes. However, you are still liable for any violations of the employer sanctions laws. If the agreement is for a multi-employer bargaining unit, certain rules apply. The association must track the employee's hire and termination dates each time the employee is hired or terminated by an employer in the multi-employer association.

**38. Q. What are the requirements for retaining Forms I-9?**

A. If you are an employer, you must retain Forms I-9 for three years after the date employment begins or one year after the date the person's employment is terminated, whichever is later. If you are an agricultural association, agricultural employer, or farm labor contractor, you must retain Forms I-9 for

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three years after the date employment begins for persons you recruit or refer for a fee.

**39. Q. Will I get any advance notice if a DHS or DOL officer wishes to inspect my Forms I-9?**

A. Yes. The officer will give you at least three days (72 hours) advance notice before the inspection. If it is more convenient for you, you may waive the 3-day notice. You may also request an extension of time to produce the Forms I-9. The DHS or DOL officer will not need to show you a subpoena or a warrant at the time of the inspection.

*NOTE: This does not preclude DHS or DOL from obtaining warrants based on probable cause for entry onto the premises of suspected violators without advance notice.*

Failure to provide Forms I-9s for inspection is a violation of the employer sanctions laws and could result in the imposition of civil money penalties.

**40. Q. How does OSC obtain information necessary to determine whether an employer has committed an unfair immigration-related employment practice under the anti-discrimination provision of the INA?**

A. OSC notifies employers in writing about the initiation of all investigations, and requests in writing information and documents. If an employer refuses to cooperate, OSC can obtain subpoenas to compel production of the information requested.

**41. Q. Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?**

A. Yes. You must complete Forms I-9 for all employees. NAFTA entrants must show identity and employment eligibility documents just like all other employees.

**42. Q. If I acquire a business, can I rely on Forms I-9 completed by the previous owner/employer?**

A. Yes. However, you also accept full responsibility and liability for all Forms I-9 completed by the previous employer relating to individuals who are continuing in their employment.

**43. Q. If I am a recruiter or referrer for a fee, do I have to fill out Forms I-9 on persons whom I recruit or refer?**

A. No, with three exceptions: Agricultural associations, agricultural employers, and farm labor contractors are still required to complete Forms I-9 on all individuals who are recruited or referred for a fee. However, all recruiters and referrers for a fee must still complete Forms I-9 for their own employees hired after November 6, 1986. Also, all recruiters and referrers for a fee are still liable for knowingly recruiting or referring for a fee aliens not authorized to work in the United States and must comply with federal anti-discrimination laws.

**44. Q. Can I complete Section 1 of the Form I-9 for an employee?**

A. Yes. You may help an employee who needs assistance in completing Section 1 of the Form I-9. However, you must also complete the "Preparer/Translator Certification" block. The employee must still sign the certification block in Section 1.

**45. Q. If I am a business entity (corporation, partnership, etc.), do I have to fill out Forms I-9 on my employees?**

A. Yes, you must complete Forms I-9 for all of your employees, including yourself.

**46. Q. I have heard that some state employment agencies can certify that people they refer are eligible to work. Is that true?**

A. Yes. State employment agencies may elect to provide persons they refer with a certification of employment eligibility. If one of these agencies refers potential employees to you with a job order or other appropriate referral form, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. However, you must review the certification to ensure that it relates to the person hired and observe the person sign the certification. You must also retain the certification as you would a Form I-9 and make it available for inspection, if requested. You should check with your state employment agency to see if it provides this service and become familiar with its certification document.

**Questions about Avoiding Discrimination**

**47. Q. How can I avoid discriminating against certain employees while still complying with this law?**

A. Employers should:

1. Treat employees equally when recruiting, hiring, and terminating employees, and when verifying employment eligibility and completing the Form I-9.
2. Allow all employees, regardless of national origin or immigration status, to choose which document or combination of documents they want to present from the Lists of Acceptable Documents on the back of the Form I-9. For example, an employer may not require an employee to present an employment authorization document issued by DHS if he or she chooses to present a driver's license and unrestricted Social Security card.

Employers should NOT:

1. Set different employment eligibility verification standards or require that different documents be presented by employees because of their national origin or citizenship status. For example, employers cannot demand that non-U.S. citizens present DHS-issued documents like "green cards".
2. Ask to see a document with an employee's Alien or Admission Number when completing Section 1 of the Form I-9.
3. Request to see employment eligibility verification documents before hire or completion of the I-9 Form because someone looks or sounds "foreign," or because someone states that he or she is not a U.S. citizen.
4. Refuse to accept a valid employment eligibility document, or refuse to hire an individual, because the document has a future expiration date.
5. Reverify the employment eligibility of a lawful permanent resident ("LPR") whose "green card" has expired after the LPR is hired.
6. Request that, during reverification, an employee present a new unexpired employment authorization document. For reverification, employees are free to choose any document either from List A or from List C of the I-9 Form, including an unrestricted Social Security card.

7. Limit jobs to U.S. citizens unless U.S. citizenship is required for the specific position by law, regulation, executive order, or federal, state or local government contract.

*NOTE: On an individual basis, an employer may legally prefer a U.S. citizen over an equally qualified alien to fill a specific position, but may not adopt a blanket policy of always preferring citizens over non-citizens.*

**48. Q. Who is protected from discrimination on the basis of citizenship status or national origin under the anti-discrimination provision of the INA?**

A. All U.S. citizens, permanent residents, temporary residents, asylees and refugees are protected from citizenship status discrimination, except for those lawful permanent residents who have failed to make a timely application for naturalization after they become eligible.

An employer cannot discriminate against any work-authorized individual in hiring, firing, or recruitment because of his or her national origin.

Similarly, work-authorized individuals are protected from document abuse with the purpose or intent of discriminating on the basis of national origin or citizenship status in the case of a protected individual (e.g. discrimination during the Form I-9 process).

**49. Q. Can I be charged with discrimination if I contact DHS about a document presented to me that does not reasonably appear to be genuine and relate to the person presenting it?**

A. No. An employer who is presented with documentation that does not reasonably appear to be genuine or to relate to the employee cannot accept that documentation. While you are not legally required to inform DHS of such situations, you may do so if you choose. However, DHS is unable to provide employment eligibility verification services to employers other than through its E-Verify program. Employers who treat all employees the same and do not single out employees who look or sound foreign for closer scrutiny cannot be charged with discrimination.

**50. Q. I recently hired someone who checked box three on Section 1 of the Form I-9, indicating that he is an alien. However, he informed me that he does not have an employment authorization**

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**expiration date, which appears to be required by the form. What should I do?**

A. Refugees and asylees, as well as some other classes of alien such as certain nationals of the Federated States of Micronesia, the Marshall Islands, and Palau, are authorized to work incident to status. Some such aliens may not possess an employment authorization document (I-766 or I-688B) issued by DHS, yet can still establish employment eligibility and identity by presenting other documentation, including a driver's license and an unrestricted Social Security card or Form I-94 indicating their work-authorized status. Such individuals should write "N/A" in Section 1 next to the alien box. The refusal to hire work-authorized aliens because of their immigration status, or because they are unable to provide an expiration date on the Form I-9, may violate the anti-discrimination provision in the INA.

**51. Q. What should I do if I have further questions regarding the INA's anti-discrimination provision and the Form I-9 Verification Process?**

A. Employers should call OSC's employer hotline with questions:  
1-800-255-8155  
1-800-362-2735 (TDD); or  
Visit the OSC website,  
<http://www.usdoj.gov/crt/osc/>, for more information.

**52. Q. What if someone believes they have experienced discrimination under the INA's anti-discrimination provision?**

A. Call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) employee hotline:  
1-800-255-7688  
1-800-237-2515 (TDD); or  
Visit the OSC website,  
<http://www.usdoj.gov/crt/osc/>, for more information and to download a charge form.

**53. Q. What if someone believes he or she has experienced discrimination under Title VII of the Civil Rights Act of 1964?**

A. Call the Equal Employment Opportunity Commission (EEOC):  
1-800-USA-EEOC  
1-800-669-6820 (TTY); or  
Visit EEOC's website at <http://www.eeoc.gov>.

### **Questions about Employees Hired Before November 6, 1986**

**54. Q. Does this law apply to my employees if I hired them before November 7, 1986?**

A. No. You are not required to complete Forms I-9 for employees hired before November 7, 1986.

*NOTE: This "grandfather" status does not apply to seasonal employees, or to employees who change employers within a multi-employer association.*

**55. Q. What if an employee was hired before November 7, 1986, but has taken an approved leave of absence?**

A. You do not need to complete a Form I-9 for that employee if the employee is continuing in his or her employment and has a reasonable expectation of employment at all times. However, if that employee has quit or been terminated, or is an alien who has been removed from the United States, you will need to complete a Form I-9 for that employee.

**56. Q. Will I be subject to employer sanctions penalties if an employee I hired before November 7, 1986, is an illegal alien?**

A. No. You will not be subject to employer sanctions penalties for retaining an illegal alien in your workforce if the alien was hired before November 7, 1986. However, the fact that an illegal alien was on your payroll before November 7, 1986, does not give him or her any right to remain in the United States. Unless the alien obtains permission from DHS to remain in the United States, he or she is subject to apprehension and removal.

### **Questions about Changes to Form I-9**

**57. Q. Why was the Form I-9 updated?**

A. In 1997, an interim regulation was published that removed five documents from List A on the Lists of Acceptable Documents and added one document to List A. Although the law changed in 1997, the Form I-9 itself was never updated to reflect those changes. The 2007 version of the Form I-9, bearing an edition date of June 5, 2007 now reflects existing regulations. Further revisions may be needed, so DHS may release another update to the Form I-9 in the future.

**58. Q. What is the difference between the June 5, 2007 version of the Form I-9 and previous versions?**

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A. Five documents have been removed from List A acceptable documents:

- a) Certificate of U.S. Citizenship (Form N-560 or N-561)
- b) Certificate of Naturalization (Form N-550 or N-570)
- c) Alien Registration Receipt Card (I-151)
- d) Unexpired Reentry Permit (Form I-327)
- e) Unexpired Refugee Travel Document (Form I-571)

One document was added to List A acceptable documents:

- f) Unexpired Employment Authorization Document (I-766)

All the Employment Authorization Documents with photographs have been consolidated as one item on List A:

- g) I-688, I-688A, I-688B, I-766

One document on List A was modified as follows:

- Unexpired foreign passport with an Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status if that status authorizes the alien to work for the employer is incident to that status.

Instructions on Section 1 of the Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of the Form I-9, unless he or she is employed by an employer who participates in the USCIS E-Verify Program

A section on Photocopying and Retaining the Form I-9 has been added, which gives employers guidance on providing the form to employees, how long the forms must be retained and the regulations for electronic signatures and retention.

The estimated reporting burden under the Paperwork Reduction Act has been changed in keeping with the latest estimates.

**59. Q. Can I accept documents that were on previous editions of the Form I-9 but aren't now?**

A. No. Employers may only accept documents listed on the Lists of Acceptable Documents on the June 5, 2007 or any subsequent version of the Form I-9. When re-verifying employees, employers also should ensure that they use the most recent version of the form

**60. Q. Is the Form I-9 available in different languages?**

A. The Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may use the Spanish version to meet the verification and retention requirements of the law. Employers in the 50 states may use the Spanish version as a translation guide for Spanish-speaking employees, but the English version must be completed and retained in the employer's records. Employees may also use or ask for a translator/preparer to assist them in completing the form.

**61. Q. Are employers in Puerto Rico required to use the Spanish version of the Form I-9?**

A. No. Employers in Puerto Rico may use either the Spanish or the English version of the June 5, 2007 or any subsequent version of the Form I-9 to verify new employees.

**62. Q. May I continue to use earlier versions of the Form I-9?**

A. No, employers must use the June 5, 2007 or a subsequent version of the Form I-9. All previous editions of the Form I-9, in English or Spanish, are no longer valid. The 1988 version of the Form I-9 in Spanish expired in 1991, and those employers using it will incur fines and penalties for continued use.

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## Part Eight

### Acceptable Documents for Verifying Employment Eligibility

The following documents have been designated for determining employment eligibility by the Act. A person must present a document or documents that establish identity and employment eligibility. The comprehensive Lists of Acceptable Documents can be found on the next page of this Handbook and on the back of the Form I-9. Samples of many of the acceptable documents appear on the following pages.

To establish both identity and employment eligibility, a person can present a U.S. passport, a Permanent Resident Card or Alien Registration Receipt Card, or one of the other documents from List A.

If a person does not present a document from List A, he or she must present one document from List B, which establishes identity, and one document from List C, which establishes employment eligibility.

To establish identity only, a person must present a document from List B, such as a state-issued driver's license, a state-issued identification card, or one of the other documents listed.

To establish employment eligibility only, a person must present a document from List C, such as a Social Security card, a U.S. birth certificate, or one of the other documents listed.

If a person is unable to present the required document(s) within three business days of the date employment begins, he or she must present (within 3 business days) a receipt. The person then must present the actual document when the receipt period ends. The person must have indicated on or before the time employment began, by having checked an appropriate box in Section 1 that he or she is already eligible to be employed in the United States. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable.

## LIST A

### Documents That Establish Both Identity and Employment Eligibility

- a. U.S. Passport (unexpired or expired)
- b. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- c. Unexpired foreign passport with a temporary I-551 stamp
- d. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)
- e. Unexpired foreign passport with an unexpired Arrival-Departure record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer

## LIST B

### Documents That Establish Identity

For individuals 18 years of age or older:

- a. 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
- b. 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
- c. School ID card with a photograph
- d. Voter's registration card
- e. U.S. military card or draft record
- f. Military dependent's ID card
- g. U.S. Coast Guard Merchant Mariner Card
- h. Native American tribal document
- i. Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

- 
- a. School record or report card
  - b. Clinic, doctor or hospital record
  - c. Day-care or nursery school record

## **LIST C**

### **Documents That Establish Employment Eligibility**

- a. U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment)

*NOTE: This must be a card issued by the Social Security Administration. A copy (such as a metal or plastic reproduction) is not acceptable.*

- b. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
- c. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
- d. Native American tribal document
- e. U.S. Citizen ID Card (USCIS Form 1-197)
- f. ID Card for Use of Resident Citizen in the United States (USCIS Form 1-179)
- g. Unexpired employment authorization document issued by DHS (other than those listed under List A)



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### Resident Alien Card (I-551)

These cards are no longer issued, but are valid indefinitely, or until their expiration date. Recipients of this card are lawful permanent residents. This card is commonly referred to as a “green card” and is the replacement for the Form I-151.



### Unexpired Foreign Passport with I-551 Stamp



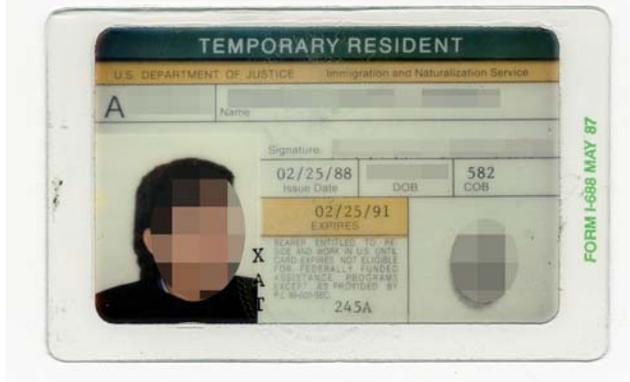
**Employment Authorization Card I-766**

Issued by USCIS to aliens granted temporary employment authorization in the United States. The expiration date is noted on the face of the card



**Temporary Resident Card I-688**

Issued by USCIS to aliens granted temporary resident status under the Legalization or Special Agricultural Worker program. It is valid until the expiration date stated on the face of the card or on the sticker(s) placed on the back of the card.



**Employment Authorization Card I-688A**

Issued by USCIS to applicants for temporary resident status after their interview for Legalization or Special Agricultural Worker status. It is valid until the expiration date stated on the face of the card or on the sticker(s) placed on the back of the card.



### Employment Authorization Card I-688B

Issued by USCIS to aliens granted temporary employment authorization in the United States. The card has gold, interlocking lines across the front. The expiration date is noted on the face of the card.



### I-94/I-94A Arrival/Departure Record

Arrival-departure record issued by DHS to nonimmigrant aliens and other alien categories. This document indicates the bearer's immigration status, the date that the status was granted, and when the status expires.

Departure Number: 813106636 11

Department of Homeland Security  
CBP I-94A (11/04)  
Departure Record

ADMITTED  
USA  
FEB 05 2005  
LI  
CA606  
09/17/2007

Family Name: SAMPLE  
First (Given) Name: AHMET  
Country of Citizenship: PAKISTAN  
20041122 US-VISIT 20041122 MULTIPLE

See Other Side STAPLE HERE

Departure Number: 626633123 12

OMB No. 1651-0111

I-94  
Departure Record

ADMITTED  
ATL  
JUN 25 2006  
L-1  
April 23, 2009

Family Name: SAMPLE  
First (Given) Name: JANE  
Country of Citizenship: NEW ZEALAND

23 03 68

CBP Form I-94 (10/04)  
STAPLE HERE

**List B**  
**Documents that Establish Identity Only**

*The following illustrations in this Handbook do not necessarily reflect the actual size of the documents.*

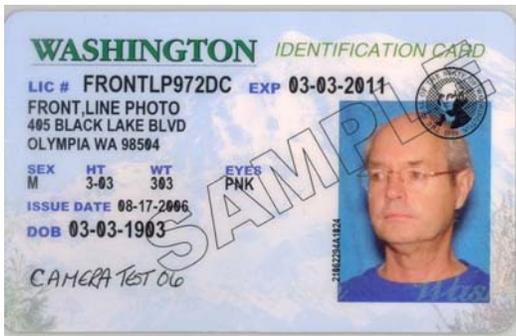
**Sample Driver's License**

A driver's license issued by any state or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa) or by a Canadian government authority is acceptable if it contains a photograph or other identifying information such as name, date of birth, sex, height, color of eyes, and address.



**Sample State Identification Card**

An identification card issued by any state (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands) or by a local government is acceptable if it contains a photograph or other identifying information such as name, date of birth, sex, height, color of eyes, and address.



**List C**  
**Documents That Establish Employment Eligibility Only**

*The following illustrations in this Handbook do not necessarily reflect the actual size of the documents.*

**U.S. Social Security card**

Issued by the Social Security Administration, other than a card stating it is not valid for employment. There are many versions of this card.



**Certifications of Birth Issued by the Department of State**

**FS-545**

Issued by U.S. embassies and consulates overseas to U.S. citizens born abroad.



**DS-1350**

Issued by the U.S. Department of State to U.S. citizens born abroad.



## Sample Birth Certificates

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COPY OF CERTIFICATE OF BIRTH  
State of Rhode Island

NAME OF CHILD: John Doe  
SEX: Male  
DATE OF BIRTH: Feb. 5, 2002  
PLACE OF BIRTH: The Memorial Hospital, Pawtucket  
CITY OR TOWN: Providence  
STATE: RHODE ISLAND  
FATHER'S NAME: John R. Doe  
MOTHER'S NAME: Providence  
CITY OF BIRTH: Providence  
STATE OF BIRTH: RI  
DATE OF BIRTH: Feb. 5, 2002

Sample

I hereby certify that this is a true and exact copy of the document officially registered and placed on file in the issuing office.

Issuing Office: STATE OFFICE, PROVIDENCE Date of Issuance: SEP 11 2002

Signature of Registrar: \_\_\_\_\_

THIS COPY VALID ONLY IF ISSUED ON PAPER WITH ENGRAVED BORDER DISPLAYING RAISED SEAL AND SIGNATURE OF STATE OFFICIAL REGISTRAR.

COPY OF CERTIFICATE OF BIRTH  
State of Rhode Island

NAME OF CHILD: \_\_\_\_\_  
SEX: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
PLACE OF BIRTH: \_\_\_\_\_  
CITY OR TOWN: \_\_\_\_\_  
STATE: \_\_\_\_\_  
FATHER'S NAME: \_\_\_\_\_  
MOTHER'S NAME: \_\_\_\_\_  
CITY OF BIRTH: \_\_\_\_\_  
STATE OF BIRTH: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_

Sample

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE INFORMATION ON FILE IN THIS OFFICE.

ISSUING OFFICE: State Office, Providence

THIS COPY NOT VALID UNLESS THE OFFICIAL SEAL OF THE ISSUING OFFICE  
THIS COPY NOT VALID IF ALTERED

CERTIFICATE OF BIRTH RECORD  
(City or Township)

NAME OF CHILD: \_\_\_\_\_  
SEX: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
PLACE OF BIRTH: \_\_\_\_\_  
CITY OR TOWN: \_\_\_\_\_  
STATE OF MINNESOTA: \_\_\_\_\_  
FATHER'S NAME: \_\_\_\_\_  
MOTHER'S NAME: \_\_\_\_\_  
CITY OF BIRTH: \_\_\_\_\_  
STATE OF BIRTH: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_

Sample

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE INFORMATION ON FILE IN THIS OFFICE.

ISSUING OFFICE: \_\_\_\_\_

THIS COPY NOT VALID UNLESS THE OFFICIAL SEAL OF THE ISSUING OFFICE  
THIS COPY NOT VALID IF ALTERED

## U.S. Citizen Identification Card I-197

Issued by INS to naturalized U.S. citizens. Although this card has not been issued since 1983, it is valid indefinitely.

Form I-197 (Rev. 8-1-01)  
UNITED STATES  
DEPARTMENT OF JUSTICE  
IMMIGRATION AND  
NATURALIZATION SERVICE  
U.S. CITIZEN  
IDENTIFICATION CARD  
No. 121415

PHOTOGRAPH

THIS CARD MAY BE REVOKED AT ANY TIME. IT IS ISSUED FOR THE SOLE PURPOSE OF IDENTIFYING THE HOLDER TO A U.S. IMMIGRATION OFFICER AT A PORT OF ENTRY.

SIGNATURE OF HOLDER \_\_\_\_\_

15-49917-3 GPO

Sample

## Identification Card for Use of Resident Citizen in the United States I-179

Issued by INS to U.S. citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely.

IDENTIFICATION CARD  
FOR THE USE OF  
RESIDENT CITIZEN IN  
THE UNITED STATES

ISSUED BY THE IMMIGRATION AND NATURALIZATION SERVICE  
UNITED STATES  
DEPARTMENT OF JUSTICE  
No. 231018

PHOTOGRAPH

Form I-179 (Rev. 1-1-73) N

(Signature of holder)

Sample



IF YOU NEED MORE INFORMATION CONCERNING YOUR F-1 NONIMMIGRANT STUDENT STATUS AND THE RELATING IMMIGRATION PROCEDURES, PLEASE CONTACT EITHER YOUR FOREIGN STUDENT ADVISOR ON CAMPUS OR A NEARBY IMMIGRATION AND NATURALIZATION SERVICE OFFICE.

FAMILYNAME: Jones FIRST NAME: Mike

SEVIS

Student Employment Authorization:

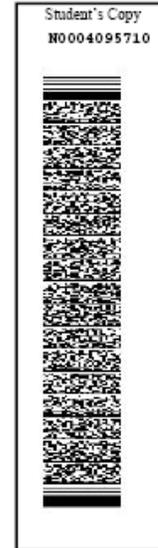
Employment Status: Type:

Duration of Employment - From (Date): To (Date):

Employer Name:

Employer Location:

Comments:



Event History

Event Name: Registration Event Date: 03/13/2007

Current Authorizations: Start Date: End Date:

This page when properly endorsed, may be used for reentry of the student to attend the same school after a temporary absence from the United States. Each certification signature is valid for one year.

Name of School:

ANY BULLOCK		DSO	06/19/2007	Any City, MD
Name of School Official	Signature of Designated School Official	Title	Date Issued	Place Issued (city and state)
Name of School Official	Signature of Designated School Official	Title	Date Issued	Place Issued (city and state)
Name of School Official	Signature of Designated School Official	Title	Date Issued	Place Issued (city and state)
Name of School Official	Signature of Designated School Official	Title	Date Issued	Place Issued (city and state)

## DS-2019 Accompanied by a Form I-94

Nonimmigrant exchange visitors (J-1) must have an I-94 accompanied by an unexpired DS-2019, specifying the sponsor and issued by the U.S. Department of State. J-1 students working outside the program indicated on the DS-2019 also need a letter from their responsible school officer. (See page 37 for Form I-94/I-94A)

U.S. Department of State  
**CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS**

OMB APPROVAL NO 1405-0119  
EXPIRES: 04-30-2008  
ESTIMATED AVERAGE TIME: 45 min  
\*See Page 2

1. Family Name: <b>Sevilo</b>		First Name: <b>Joe</b>		Middle Name:		Gender: <b>MALE</b>		ID Number: <b>H0000110767</b>	
Date of Birth (mm-dd-yyyy): <b>04-01-1980</b>		City of Birth: <b>City</b>		Country of Birth: <b>UGANDA</b>		Citizenship Country Code: <b>UG</b>		Consular Country: <b>UGANDA</b>	
Legal Residence Country Code: <b>UG</b>		Legal Residence Country Code: <b>UGANDA</b>		J-1 Code: <b>117</b>		Position: <b>JUDGES IN CENTRAL GOVERNMENT</b>			
U.S. Address: <b>1 Site, HI 01010</b>		<b>J-1</b> 							
1. Program Sponsor: <b>Research Scholar/Professor Teaching Program</b>									
Participant Program Official Description: <b>PROFESSOR; RESEARCH SCHOLAR; SHORT-TERM SCHOLAR</b>		Exchange Visitor Program Number: <b>P-1-12731</b>							
Purpose of this form: <b>Amend a previous form; Update Biographical Data</b>									
3. Form Covers Period:		4. Exchange Visitor Category: <b>PROFESSOR</b>							
From (mm-dd-yyyy): <b>12-01-2006</b>		Subject Field Code: <b>12.0507</b>		Subject Field Code Remarks: <b>Teach</b>					
To (mm-dd-yyyy): <b>12-01-2008</b>		5. During the period covered by this form, the total estimated financial support (FTE \$) to be provided to the exchange visitor by: Current Program Sponsor funds : \$1,600.00 Total : \$1,600.00							
<b>Sample</b>									
6. DEPARTMENT OF STATE RESPONSIBLE OFFICER THAT PROVIDED TO THE EXCHANGE VISITOR		SIGNATURE DATE		Name of Officer <b>Ben Carretti</b>		Responsible Officer Title <b>800 K St NW Washington, DC 20001 202-414-8500 06-19-2007</b>			
7. Signature of Responsible Officer for Release Sponsor (FOR TRANSFER OF PROGRAM) Effective date (mm-dd-yyyy): _____ Transfer of this exchange visitor from program number _____ sponsored by _____ to the program specified in item 2 is necessary or highly desirable and is in conformity with the objectives of the Mutual Educational and Cultural Exchange Act of 1961, as amended.									
Signature of Responsible Officer or Alternate Responsible Officer					Date (mm-dd-yyyy) of Signature				
8. PRELIMINARY ENDORSEMENT OF CONSULAR OR IMMIGRATION OFFICER REGARDING SECTION 115(a) OF THE IMMIGRATION AND NATIONALITY ACT AND PL 94-484, AS AMENDED. (See item 2 of page 2).					9. TRAVEL VALIDATION BY RESPONSIBLE OFFICER (Maximum validation period is one year*) *EXCEPT: Maximum validation period is up to six months for Short-term Scholars and four months for Camp Counselors and Summer Travel/Work. (1) Exchange Visitor in good standing at the present time Date (mm-dd-yyyy) Signature of Responsible Officer or Alternate Responsible Officer (2) Exchange Visitor in good standing at the present time Date (mm-dd-yyyy) Signature of Responsible Officer or Alternate Responsible Officer				
EXCHANGE VISITOR CERTIFICATION: I have read and agree with the statement on item 2 on page 2 of this document.									
Signature of Applicant		Place		Date (mm-dd-yyyy)					

Departure Number: **626633123 12**

OMB No. 1651-0111

**ADMITTED ATL**  
**JUN 25 2006**  
Class: **L-1**  
Date: **April 23, 2009**

I-94  
Departure Record

1. Family Name: <b>SAMPLE</b>		2. Birth Date (Day/Mo/Yr): <b>23 03 68</b>	
3. First Given Name: <b>JANE</b>		4. Country of Citizenship: <b>NEW ZEALAND</b>	

CBP Form I-94 (10/04)  
**STAPLE HERE**

See Other Side

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**REMEMBER:**

- a. Hiring employees without complying with the employment eligibility verification requirements is a violation of the employer sanctions laws.
- b. This law requires employees hired after November 6, 1986, to present documentation that establishes identity and employment eligibility, and employers to record this information on Forms I-9.
- c. Employers may not discriminate against employees on the basis of national origin or citizenship status.

## Instructions

Please read all instructions carefully before completing this form.

**Anti-Discrimination Notice.** It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

### What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

### When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

### Filling Out the Form I-9

**Section 1, Employee:** This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

**Preparer/Translator Certification.** The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

**Section 2, Employer:** 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.

Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

**Section 3, Updating and Reverification:** Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired **or** if a current employee's work authorization is about to expire (reverification), complete Block B and:

1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A **or** C);
2. Record the document title, document number and expiration date (if any) in Block C, and
3. Complete the signature block.

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### What Is the Filing Fee?

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

### USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

### Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

### Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

### Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: **1)** learning about this form, and completing the form, 9 minutes; **2)** assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

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

**Form I-9, Employment Eligibility Verification**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

<p><b>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.</b></p>	<p>I attest, under penalty of perjury, that I am (check one of the following):</p> <p><input type="checkbox"/> A citizen or national of the United States</p> <p><input type="checkbox"/> A lawful permanent resident (Alien #) A _____</p> <p><input type="checkbox"/> An alien authorized to work until _____</p> <p>(Alien # or Admission #) _____</p>
---	---

Employee's Signature	Date (month/day/year)
----------------------	-----------------------

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

**CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)**

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

**Section 3. Updating and Reverification.** To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)	
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.		
Document Title: _____	Document #: _____	Expiration Date (if any): _____

**I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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	Date (month/day/year)
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## LISTS OF ACCEPTABLE DOCUMENTS

LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		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		1. U.S. Social Security card issued by the Social Security Administration ( <i>other than a card stating it is not valid for employment</i> )
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		2. Certification of Birth Abroad issued by the Department of State ( <i>Form FS-545 or Form DS-1350</i> )
3. An unexpired foreign passport with a temporary I-551 stamp		3. School ID card with a photograph		3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)		4. Voter's registration card		4. Native American tribal document
		5. U.S. Military card or draft record		5. U.S. Citizen ID Card ( <i>Form I-197</i> )
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States ( <i>Form I-179</i> )
		7. U.S. Coast Guard Merchant Mariner Card		
		8. Native American tribal document		7. Unexpired employment authorization document issued by DHS ( <i>other than those listed under List A</i> )
	9. Driver's license issued by a Canadian government authority			
		<b>For persons under age 18 who are unable to present a document listed above:</b>		
		10. School record or report card		
		11. Clinic, doctor or hospital record		
		12. Day-care or nursery school record		

**Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)**