



# Executive Summary

## Latest Form I-9, Employment Eligibility Verification Teleconference September 13, 2017

### Overview

On September 13, 2017, the U.S. Citizenship and Immigration Services (USCIS), Customer Service and Public Engagement Directorate (CSPED), and the Immigration Records and Identity Services Directorate (IRIS), Verification Division hosted a teleconference on the revised [Form I-9, Employment Eligibility Verification](#), with the revision date 07/17/17 N. Effective September 18, 2017, employers must use the revised Form I-9 to verify the identity and work eligibility of their new employee.

During this engagement, Verification Division representatives presented a high-level overview of the enhancements made to the revised form, highlighted resources available to both employers and employees, and responded to stakeholder questions. The questions and answers provided during these calls have been outlined in the section below. Also, we invite you to continue the conversation:

- Join one of our free upcoming webinars. Each session lets you engage with employment eligibility verification experts and is a great opportunity to get your questions answered.
- Email [E-VerifyOutreach@uscis.dhs.gov](mailto:E-VerifyOutreach@uscis.dhs.gov) to request a customized webinar for your business, association or group.
- Share your feedback about Form I-9 on [E-Verify Listens](#) and let others vote on your ideas.
- Visit [I-9 Central](#) for the latest news, updated Handbook for Employers: Guidance for Completing Form I-9, engaging multimedia content, and other tools to help you verify your employee's identity and employment authorization.

### Teleconference Q & As

***In Section 2, at the top of the page, there is a section for citizenship status. Is there a dropdown or what do you enter in that space?***

Employers should look at the citizenship status the employee attested to in Section 1. Those are numbered, for example U.S. citizen is number one, noncitizen national is number two. The employer should enter the number that matches the citizenship status the employee checked in Section 1. If you are completing the form on a computer, there is a dropdown that allows you to select a number.

***In Section 1, 'Employee Information and Attestation' should all sections be filled in with at least N/A? If N/A is not written in, will the form be invalid?***

Employees must complete every applicable field in Section 1 of the Form I-9 with the exception of the fields requesting the employees' telephone number, e-mail address, and Social Security number.

However, an employee must enter his or her Social Security number if the employer participates in E-Verify. Follow the Form I-9 instructions when determining if a field can be blank or if N/A is required. The instructions state when an employee may use N/A or must use N/A. Required fields must be completed with either the information requested or N/A. The form will not be invalid if an employee does not use N/A in fields that don't apply.

***Do I have to use a new form for reverification? If I started reverification on the old form, is use of the new form required on Monday?***

Employers must use the new form for both new hires and reverification beginning Monday, 09/18/17. If reverification is necessary, use Section 3 of the new version of Form I-9 which includes a new document in List C. You should attach the new Form I-9 to the previously completed Form I-9.

***What is the most significant change to the form; what should we look out for?***

In my opinion, the most significant change is that we added the newest version of the Department of State, certificate of birth abroad to the Lists of Acceptable Documents and combined all the birth abroad documents in List C#2 which shifted the rest of the List C documents up in the list. All of the documents were renumbered in List C, except the Social Security card.

***What is the significance of removing 'by the end of'; what was the reason?***

We removed that phrase so that the instructions would align with the form. Note: this does not change the employer's responsibility to complete and retain a Form I-9 for every person they hire for employment on or after Nov. 6, 1986, in the U.S. as long as the person works for pay or other type of payment for a certain period of time. Furthermore, employees should not commence employment until they have completed Section 1.

***In Section 2, if you have multiple locations, which location should be entered; can the corporate address be used?***

If your company has multiple locations, use the most appropriate address that identifies the location of where the employee works. If there is no place where the employee routinely works, the corporate location can be used as the address.

***If the first day of employment is after Monday, do we need to do a new form?***

If you completed Section 1 and Section 2 prior to September 18, 2017 and you indicated that the employee would start at a future date, you do not need to complete a new form on the 18<sup>th</sup>.

***I am having difficulty downloading the form.***

If you are having difficulty downloading the form, you can save the form to your computer or use Adobe Pro or Foxit Reader to download the form. We have asked our forms office to help us make downloading the form easier.

***Can Section 1 be completed electronically and Section 2 on paper?***

Yes, you can complete the different sections of the form using a computer and on paper, using different mediums. Once completed, make sure the two sections are attached.

***Do employees whose employment authorization expires need to complete a new form?***

Employees do not need to complete a new form when their employment authorization expires. Employers need to complete Section 3 of the new version of Form I-9. Employers should complete the employee's name at the top of Section 2 and then update the document information in Section 3 and attach this page to the previously completed Form I-9.

***If the format of the date is not with the slashes, is that still OK?***

Other formats are acceptable as long as it is clear what format was used. For example, 13-Sept-2017 is clear and an acceptable date format. It is recommended to use the American date format MM/DD/YYYY which is shown on the Form I-9 and the Form I-9 Instructions.

***When an employee has a name change does a new Form I-9 need to be completed?***

Name changes are not necessary to note on Form I-9 but can be done during the course of a rehire or reverification in Section 3.

***Is an electronic signature acceptable?***

Yes, an electronic signature is acceptable as long as it meets the requirements in the regulations. There is more information about electronic signatures in Section 10 of the Handbook for Employers.

***In the preparer/translator section of section 1, does the employee need to indicate that a preparer/translator was not used?***

Yes, if the employee did not use a preparer/translator, the employee must check the box in Section 1 to indicate that no preparer/translator was used.

***If an employee changes their name due to marriage, do I need to complete a new form?***

No, it isn't required that employers update the form when there is a name change. However, during the course of a rehire or reverification, employers can update Section 3 with the new name. Employers may but are not required to update Section 3 when an individual changes their name.

***Do I need to reverify an employee who is returning to work for us? The employee worked for us in 2006 and then in 2008 we enrolled in E-Verify. Should we create a case for this employee in E-Verify?***

Because you indicate that the employee first completed a Form I-9 in 2006, you cannot rely on the information on that form. It has been more than three years since the original form was completed so you must complete a new form. Once you complete the new Form I-9, you should create a case for this employee in E-Verify.

***Who can act as an authorized representative; can a sister be an authorized representative?***

You can ask anyone to act as your authorized representative but remember, the employer is responsible for proper completion of Form I-9 and you will be liable for any errors made by the authorized representative.

***What address do I put in the preparer/translator section? Can I use the employer's address?***

The preparer/translator must use his or her home address not the business address in this section.

***Does the date the form was completed have to be the same date as the first day of employment?***

As long as a job offer has been made and accepted, you can complete Form I-9 and enter a future date in the first day of employment field if you anticipate the employee will start sometime in the future.

***We use a third party vendor who has an electronic I-9. Do we still need to retain a paper version of the I-9 with a handwritten signature?***

As long as the electronic I-9 meets all of the regulatory requirements for an electronic I-9, including the electronic signature and retention requirements, you do not need to retain a paper version of the I-9 with a handwritten signature.

***What if we want to retain a paper version of an electronic I-9 with a handwritten signature?***

Employers can certainly retain a paper version of the I-9 with a handwritten signature if they choose to. Whether a Form I-9 was prepared on paper or electronically, it must be signed and dated by the employee and employer at the time of completion.

***If the employee completed Section 1 on the previous version of Form I-9, can we complete Section 2 on the new version on Monday?***

If the employee completed Section 1 on a previous version of the form and you do not complete Section 2 until Monday, September 18<sup>th</sup>, you do not need to ask the employee to redo Section 1 on the new version. You can complete Section 2 using the new version of the form and attach it to Section 1 which was already completed.

***If our nonprofit didn't know about Form I-9, what should we do?***

You should try to bring your organization into compliance by completing a new Form I-9 for every person who receives wages or other remuneration from the organization. When you complete Section 1 and Section 2, you should write in the date you completed the form. Do not back date. You should enter the employee's first day of employment as the actual date the employee began employment. NOTE: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

***If an employee didn't enter N/A in Section 1, can I write it in?***

Only the employee can enter or correct information into Section 1, not the employer.

***Can we use abbreviations?***

We strongly discourage abbreviations unless the abbreviation is very common. Do not use an abbreviation that is not widely known.

***Can we assign work if the employee has an expired employment authorization document but he said he will be getting a new document in a few days?***

No, if an employee is not authorized to work you cannot assign work to him; you will need to wait until he has employment authorization.

***When J-1 status is extended, the dropdown in Section 3 does not allow me to enter both I-94 number and the DS-2019 number; what should I select?***

You will need to select foreign passport with I-94 endorsement from the dropdown list. You can enter the program end date from the DS-2019 as the expiration date. You can also note in the additional information field that a new DS-2019 was issued.

***My employee used white out on Section 1 and wrote over it. Should I do a new form?***

You should ask the employee to complete a new Section 1 and attach it to the previously completed form.

During the teleconference, USCIS asked one caller to submit her question in writing to clarify her question. We hope that the following guidance addresses the question she raised.

***How does an employer compute the retention period for the Form I-9 when an individual is rehired and the employer completed Section 3 instead of completing a new form?***

Employers must retain the Form I-9 for either 3 years from the date the form was initially executed or 1 year after the employee is terminated, whichever is longer. To calculate the retention period when an employee is rehired, the employer should:

1. Add 3 years to the date the Form I-9 was originally completed; and,
2. Add 1 year to the most recent termination date.

The employer must retain the Form I-9 for the longer period of time.

For example, the employer originally completed Form I-9 on Jan 1, 2000. After working for the employer for 2 years and 9 months until September 1, 2002, the employee quit. The employee was rehired a month later on October 1, 2002 but quit again on Jan 1, 2004.

Three years added to the date the Form I-9 was originally completed is: Jan 1, 2003 (Jan 1, 2000 plus 3 years).

One year added to the most recent termination is: Jan 1, 2005 (Jan 1, 2004 plus one year)

The employer should retain Form I-9 for this employee until Jan 1, 2005.