




Form I-9 & E-Verify Compliance

Mistakes Big or Small, Avoid Them All!

www.dhs.gov/e-verify



Dave Basham





Agenda

- Form I-9 Tips and Common Mistakes
- Sections 1, 2 & 3
- Best Practices / Updates
- Resources

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Immigrant and Employee Rights Section (IER)

The anti-discrimination provisions of the INA are enforced by:

Department of Justice
Civil Rights Division
Immigrant and Employee Rights Section



- Employees may contact the [Immigrant and Employee Rights Section \(IER\)](#) to obtain additional information regarding employment discrimination and employee rights and responsibilities*
1-800-255-7688 (TDD: 1-800-616-5525)
- Employers may also contact IER*
1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous
 See [IER's "Employer Dos and Don'ts."](#)

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Completing Form I-9

- Pen-to-paper
- USCIS's Fillable Form
- Electronic I-9
- Authorized Representatives (i.e.... Notary)

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Form I-9 Common Mistakes

- Not entering *N/A* where required
- Not Completing Section 1 on first day of pay
- Employer/Authorized Rep - fills out, 'and signs' Section 2
- Re-Verifying documents that are not required to do so
- Document discrimination / abuse
- Lack of internal training / self-audits

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Form I-9 Requirements

All U.S. employers must have a **Form I-9 on file for all current employees.**

- The revised form has a revision date of July 17, 2017N. As of September 18, 2017, employers must use this revised form for all newly hired employees and any necessary reverification.
- Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.
- *You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.*

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[illegible]

[illegible]

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Section 2: Examining Documents

- You are not required to be a document expert
- You **MUST** accept a document presented by an employee if it:
 - Reasonably appears to be genuine; AND,
 - Relates to the individual presenting it
- The document **MUST** be original* – photocopies are **NOT** acceptable

*Exception: Certified copy of a birth certificate

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Redesigned Green Cards and Employment Authorization Documents

As of May 1, 2017, the Permanent Resident Card (Form I-551) and Employment Authorization Document (Form I-766) have been redesigned with:

- Enhanced graphics and fraud-resistant security features
- A unique graphic image and color palate
 - Green Cards will have an image of the Statue of Liberty and a predominately green palette
 - EAD cards will have an image of a bald eagle and a predominately red palette

Visit [I-9 Central > News Releases](#) for more information

Permanent Resident Card

Employment Authorization Document

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Employment Authorization Document (EAD) Auto-Extension

- Effective Jan 17, 2017
- Rule for Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers
- Auto-extends validity period of certain EADs for up to 180 days
- Employers use expired EAD with Form I-797C
- Form I-9 guidance: [Handbook for Employers \(M-274\)](#) and [Auto-Extended EAD Fact Sheet](#)
- Visit [I-9 Central](#) for more information

Employment Authorization Document (Form I-766) Sample

The category notation appears on the base of the Employment Authorization Document (Form I-766) under "Category."

The expiration date appears on the base of the Employment Authorization Document (I-766) to the right of "Card Expires."

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Section 2: Receipt Rule

There are only three type of acceptable receipts:

1. A receipt showing that your employee has applied to replace a document that was **lost, stolen or damaged**.
 - Employee must present a replacement document within 90 days of the hire date.
 - You cannot accept receipt if employment is less than 3 days.
2. The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
 - Receipt is valid until the expiration date on the stamp, or one year after the issuance date if the stamp does not contain an expiration date.
 - Employee must show you their Permanent Resident Card (I-551) upon expiration.
3. The departure portion of the Form I-94/I-94A with a refugee admission stamp or computer-generated printout of Form I-94 with admission code "RE".
 - Employee must present an EAD or List B document and unrestricted Social Security Card within 90 days of the hire date.

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Section 2: Copying Documents

You may choose to make copies of employee documentation presented to you for Section 2.

- If you choose to photocopy documents, you must do so for **ALL** employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.

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Section 3: Reverification & Rehires

Employee Name from Section 1:		Last Name (Family Name) <input type="text"/>	First Name (Given Name) <input type="text"/>	Middle Initial <input type="text"/>
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Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Hire (If applicable) <input type="text"/>		B. Date of Rehire (If applicable) <input type="text"/>	
Last Name (Family Name) <input type="text"/>	First Name (Given Name) <input type="text"/>	Middle Initial <input type="text"/>	Date (mm/dd/yyyy) <input type="text"/>

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

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

Signature of Employer or Authorized Representative <input type="text"/>	Today's Date (mm/dd/yyyy) <input type="text"/>	Name of Employer or Authorized Representative <input type="text"/>
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- You **MUST** reverify an employee using [Section 3](#) if his or her temporary employment authorization has expired.
- You **MAY** also complete Section 3 if you:
 - **Rehire** the EMPLOYEE within 3 years of the date of initial execution of the Form I-9*
 - Update the **biographic information** of an employee

* USCIS recommends completing a new Form I-9 for rehires

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Section 3: When to Reverify

Reverify

- When employment authorization document (List A or C) has an expiration date
- Form I-94 with a temporary I-551 stamp
- An unexpired foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV))
- Expired Permanent Resident Card presented with a Form I-797 (Notice of Action)

Do Not Reverify

- U.S. Passport or Passport Card
- Permanent Resident Card (From I-551)
- List B documents

Unexpired foreign Passport with I-551 Stamp

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Correcting Form I-9

Correcting Mistakes

If you discover a mistake on Form I-9, correct the existing form
OR prepare a new Form I-9:

- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms

If you discover you are missing the Form I-9 for an employee:

- Provide the employee with a Form I-9
- Complete the Form I-9 as soon as possible
- DO NOT** backdate the Form I-9.

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Retention

Forms I-9 must be retained for:

3 years after the date you **hire** an employee
 or
1 year after the date employment **terminates**, whichever is later.

Example:

John Smith was hired on November 1, 2016, and on July 5, 2018, employment was terminated.

November 1, 2016 + 3 years = November 1, 2019
 July 5, 2018 + 1 year = July 5, 2019

The retention date is November 1, 2019

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Best Practices

- *Training, Training, Training*
- SOPs / Policies (*Keep it Simple!*)
- Department of Justice, Civil Rights Division
Immigrant & Employee Rights Section (800) 255-8155
- Form I-9 website (I-9 Central) www.uscis.gov/I-9Central
- E-Verify website: www.E-Verify.gov
- USCIS, VER DIV - Employer Hotline: (888) 464-4218



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Future Changes / Updates

- *'What's New'* on I-9 Central and E-Verify websites
- Subscribe to E-Verify Connection Newsletter
- Confirm vs. "Well, I heard....."
- Have us conduct a free webinar or live presentation
- Dave Basham dave.basham@uscis.dhs.gov

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Resources



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E-Verify Outreach

- [Free Customized Webinars](#)
- [Content for your newsletters](#)
- [Authorization to use the E-Verify® Logo and Name and I E-Verify Seal](#)
- Add E-Verify to your job announcements
 - Example: "Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit: www.e-verify.gov/

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Customer Service

E-Verify received one of the highest customer service ratings among federal agencies according to the 2016 American Customer Satisfaction Survey.

- **Employer Hotline:** (888) 464-4218
- **Employee Hotline:** (888) 897-7781
- **Form I-9 E-Mail:** I-9Central@uscis.dhs.gov
- **E-Verify E-Mail:** E-Verify@dhs.gov
- **Form I-9 Website:** www.uscis.gov/I-9Central
- **E-Verify Website:** www.e-verify.gov

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Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: www.e-verify.gov

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