

# **GKC IPMA HR Spring Conference**

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**Leyla McMullen**  
**Business Immigration Attorney**

## **Disclaimer**

**The information provided during the course of this training is not legal advice. It is general information regarding law and policy that may be applicable to your particular HR issue or legal problem.**

**Communication during the course of this training does not create an attorney-client relationship. For specific advice you can rely upon, please contact your attorney.**

# What We Will Cover Today

- **Form I-9: Why Proper I-9 Administration is Important**
- **Discussion of the latest I-9 Enforcement and Cases**
- **How to Execute an I-9 Properly**
- **Top Ten Mistakes to Avoid**
- **Counterfeit Documents**

# What is What....

## Why

IRCA  
Form I-9

RICO

## Who



USCIS  
ICE

IER  
U.S. Attorneys





# IRCA Prohibited Conduct

- Do not hire unauthorized workers knowingly
- Do not engage in discrimination



# IRCA Obligations

1. I-9

2. Verification  
System = PPPs

CORPORATE  
IMMIGRATION  
COMPLIANCE  
INSTITUTE



CORPORATE  
IMMIGRATION  
COMPLIANCE  
INSTITUTE



# The I-9



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

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

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

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

**Section 1. Employee Information and Attestation** *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

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

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

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

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

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

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

QR Code - Section 1  
 Do Not Write in This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

**Preparer and/or Translator Certification (check one):**

- I did not use a preparer or translator.  A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

*(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)*

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

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



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**Section 2. Employer or Authorized Representative Review and Verification**

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

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

**Certification:** I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

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

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

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

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

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.	
Document Title	Document Number Expiration Date (if any) (mm/dd/yyyy)

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

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

# Form I-9 Basics

Who completes Form I-9?

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What two things does  
Form I-9 check?

CORPORATE  
IMMIGRATION  
COMPLIANCE  
INSTITUTE



# IMMIGRATION COMPLIANCE ROLES

- Immigration Compliance Officer
  - I-9 Administrator
  - I-9 Auditor
- In Your Corner (Not ICE):  
External or In-House**

CORPORATE

IMMIGRATION

COMPLIANCE

INSTITUTE

# Who is in charge of IRCA obligations and audit?

## Shouldn't be in charge

- Receptionist
- Site manager
- Least experienced HR

## Who should be in charge

- Trained Compliance Officer
- Trained I-9 Administrator

CORPORATE  
IMMIGRATION  
COMPLIANCE  
TE



# What's the BIG DEAL?



U.S. Immigration  
and Customs  
Enforcement

- ICE Enforcement then and now
- ICE Best Employment Practices/IMAGE program
- Constructive Knowledge
- 2009 ICE Worksite Enforcement Memo

# 2009 ICE Worksite Enforcement Memo

Office of Investigations


U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

APR 30 2009

MEMORANDUM FOR: Assistant Director  
Deputy Assistant Directors  
Special Agents in Charge

FROM: Marcy M. Forman   
Director, Office of Investigations

SUBJECT: Worksite Enforcement Strategy

## Worksite Enforcement Strategy

### I. The Purpose and Priorities of Worksite Enforcement

The prospect for employment in the United States continues to be one of the leading causes of illegal immigration, creating a market for criminal smuggling organizations who exploit people willing to pay high fees and take great risks to enter the United States without detection. Immigration and Customs Enforcement (ICE) has a vital responsibility to engage in effective worksite enforcement to reduce the pull of illegal employment, ease pressure at the border, and protect employment opportunities for the nation's lawful workforce.

DHS has extensive but finite resources which it must effectively allocate. Arresting and removing illegal workers must be part of a strategy to deter unlawful employment, but alone is insufficient as a comprehensive worksite enforcement strategy. Of the more than 6,000 arrests related to worksite enforcement in 2008, only 135 were of employers. Enforcement efforts focused on employers better target the root causes of illegal immigration. An effective strategy must do all of the following: 1) penalize employers who knowingly hire illegal workers; 2) deter employers who are tempted to hire illegal workers; and 3) encourage all employers to take advantage of well-crafted compliance tools. To accomplish these goals, ICE must prioritize the criminal prosecution of the actual employers who knowingly hire illegal workers because such employers are not sufficiently punished or deterred by the arrest of their illegal workforce.

Although criminal prosecution of employers will efficiently advance the stated goal of worksite enforcement, ICE will not rely solely on that approach. ICE will continue to fulfill its responsibility to arrest and process for removal illegal workers encountered during worksite enforcement operations. Furthermore, ICE will use all available civil and administrative tools, including civil fines and debarment, to penalize and deter illegal employment.

SUBJECT: Worksite Enforcement Strategy  
Page 2

ICE will strategically approach worksite enforcement efforts to maximize their impact. To that end, ICE offices should refer to this Worksite Enforcement Strategy when beginning any worksite enforcement investigation. ICE offices also must refer to the reporting requirements and humanitarian guidelines applicable to worksite enforcement operations.

### II. Criminal Prosecution of Employers

- The criminal prosecution of employers<sup>1</sup> is a priority of ICE's worksite enforcement (WSE) program and interior enforcement strategy.
- ICE is committed to targeting employers, owners, corporate managers, supervisors, and others in the management structure of a company for criminal prosecution through the use of carefully planned criminal investigations.
- ICE offices should utilize the full range of reasonably available investigative methods and techniques, including but not limited to: use of confidential sources and cooperating witnesses, introduction of undercover agents, consensual and non-consensual intercepts and Form I-9 audits.
- ICE offices should consider the wide variety of criminal offenses that may be present in a worksite case. ICE offices should look for evidence of the mistreatment of workers, along with evidence of trafficking, smuggling, harboring, visa fraud, identification document fraud, money laundering, and other such criminal conduct.
- Absent exigent circumstances, ICE offices should obtain indictments, criminal arrest or search warrants, or a commitment from a U.S. Attorney's Office (USAO) to prosecute the targeted employer before arresting employees for civil immigration violations at a worksite. In the absence of a timely commitment from a USAO, ICE offices should obtain guidance from ICE Headquarters prior to proceeding with a worksite enforcement operation.

### III. Administrative and Civil Tools

ICE offices should use administrative tools to advance criminal cases and, in the absence of criminal charges, to support the imposition of civil fines or other available penalties.

#### A. Form I-9 Audits

The most important administrative tool is the Notice of Inspection (NOI) and the resulting administrative Form I-9 audit.

- The Form I-9 audit process will be utilized in both criminal and administrative investigations to identify illegal workers, including criminal aliens employed at a business.
- Although auditors will assume primary responsibility for conducting Form I-9 audits, ICE special agents and auditors must coordinate closely because this process will often serve as an important step in the criminal investigation and prosecution of employers.

<sup>1</sup> In this context, "employer" refers to someone involved in the hiring or management of employees. This includes owners, CEOs, supervisors, managers and other occupational titles.

# 2009 ICE Worksite Enforcement Memo

## II. Criminal Prosecution of Employers

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**In the Midwest...**

**CORPORATE  
IMMIGRATION  
COMPLIANCE  
INSTITUTE**

**KANSAS  
Kansas City**

- Advantage Framing
- Clarion Hotel Franchise



# Asplundh Tree Experts, Co.

## \$95 Million Fine

- “Decentralized Hiring Practices” to Turn a Blind Eye
- Many Unauthorized Employees Passed an E-Verify Check with Legit Docs
- 1 Regional Manager & 2 Supervisors Charged with Conspiracy

# Bravos Group and Specialty Food Distribution

- 64 count criminal indictment of Owners and Managers
- Alleged "Employing and Harboring"
- ICE audits in 2018 and 2019 alleged I-9 errors and unauthorized employment
- Ongoing Case



# Grand America Hotel

## Non-Prosecution Agreement for Owners

- Forfeit nearly \$2 million in fines
- Agreed to spend \$500,000 on immigration compliance

**“...several lower-level Grand America employees and mid-level managers conspired to rehire unauthorized workers.” –ICE News Release**

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COMPLIANCE  
INSTITUTE



# North Texas Construction Co.

- Settled for \$3 million following ICE and DHS investigations.
- CFO sentenced to 3 months federal prison and \$69,000 in fines.
- Two other employees are facing up to 6 months and \$69,000 fines.

CICIL CORPORATE IMMIGRATION COMPLIANCE INSTITUTE



# Major Worksite Enforcement Forfeiture in U.S.

- 7-11s in New York & Virginia
- Concealing and Harboring
- Up to 20 Years Imprisonment
- Identity Theft

**UPDATE:** 4 years in jail

# Liberty Packaging

- Watermarked form from ICE
- Self-Corrected/Audited
- Well-meaning, Untrained Manager
- \$1,000+ per I-9



# La Espiga de Oro

- "Harboring" \$1 million
- 2 undercover agents
- Wired Employees
- 7 workers received work permits

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COMPLIANCE  
INSTITUTE

"This money will go directly to immigration authorities to assist them with their future enforcement efforts."

-DOJ

# Fleet Logix

- Civil Penalties of \$627,000 in Nov. 2020
- Requested Specific Documents from non-US citizens: EADs, Green Cards, I-94s
- HR required to take assessments

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COMPLIANCE  
INSTITUTE

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## **I-9 Technical Violations**

### **Abercrombie & Fitch**

- ~\$1.5 Million in Fines
- 2 Years Monitoring
- No Unauthorized Workers
- I-9 Software/Vendors

# Discrimination Case Examples: Abercrombie & Fitch | Macy's

- DOJ Enforcement Strategy
- Employment Eligibility Reverification
- Civil Penalties

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IMMIGRATION  
COMPLIANCE  
INSTITUTE



# I-9 RECORDS MAINTENANCE

- Who owns Forms I-9?
- Originals or copies?
- Electronic storage?
- Current
- Terminated
- Where to store?

# New Form I-9

Always check  
online for the  
latest version of  
the form

[www.uscis.gov/i-9](http://www.uscis.gov/i-9)

The screenshot shows the USCIS website interface. At the top right, there is a "Español" link. Below it is a search bar with the text "Search our Site". The main navigation bar includes "FORMS", "NEWS", "CITIZENSHIP", and "GREEN CARD". The "U.S. Citizenship and Immigration Services" logo is prominently displayed. The breadcrumb trail reads "Home > FORMS".

## FORMS

### I-9, Employment Eligibility Verification

**Most Searched Forms**

- Apply for Citizenship (Form N-400)
- Apply for a Green Card (Form I-485)
- Help My Relative Immigrate (Form I-130)
- Apply for Employment Authorization (Form I-765)
- Affidavit of Support (Form I-864)
- Employment Eligibility Verification (Form I-9)
- Apply for a Travel Document (Form I-131)
- Remove Conditions on a Green Card through Marriage (Form I-751)
- Renew or Replace My Green Card (Form I-90)
- G-1055, Fee Schedule

**Forms Information** ▼

**Filing Fees** ▼

**File Online**

**Forms Updates** ▼

**Department of State (DS) and Other Non-USCIS Forms** ▼

- Form I-9 (PDF, 535 KB)
- Form I-9 Paper Version (This version is unfillable and must be printed for completion on paper only.) (PDF, 73 KB)
- Form I-9 in Spanish (May be filled out by employers and employees in Puerto Rico ONLY) (PDF, 421 KB)
- Instructions for Form I-9 in Spanish (PDF, 322 KB)
- Instructions for Form I-9 (PDF, 565 KB) (PDF, 565 KB)
- Form I-9 Supplement, Section 1 Preparer and/or Translator Certification (PDF, 816 KB) (PDF, 816 KB)
- Form I-9 (03/08/13 edition. This is a previous edition of this form. Do not use after 01/21/17) (PDF, 469 KB)
- Form I-9 in Spanish (03/08/13 edition. This is a previous edition of this form. Do not use after 01/21/17) (May be filled out by employers and employees in Puerto Rico ONLY) (PDF, 314 KB)
- M-274, Handbook for Employers, Guidance for Completing Form I-9 (This handbook will be updated soon; refer to the Form Instructions for the most up-to-date information.) (PDF, 2.14 MB)

✕ Close All ↗ Open All

- ▶ Purpose of Form
- ▶ Number of Pages
- ▶ Edition Date
- ▶ Where to File
- ▶ Filing Fee
- ▶ Special Instructions

✕ Close All ↗ Open All

Need Help?

# No Backdating

WED	THU	FRI	SAT
1	2	3	4
8	9	10	11
15	16	17	18
22	23	24	25
29	30	31	

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# Form I-9 Time Frame

## Section 1 – First Day of Employment

- Offer of Employment
- Acceptance
- Employee presents themselves for Employment Related Duties

## Section 2 - Within 3 Business Days

E-Verify - Within 3 Business Days



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**Section 1. Employee Information and Attestation** (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

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

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

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

- 1. A citizen of the United States
- 2. A noncitizen national of the United States (See instructions)
- 3. A lawful permanent resident (Alien Registration Number/USCIS Number): \_\_\_\_\_

- 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): \_\_\_\_\_  
 Some aliens may write "N/A" in the expiration date field. (See instructions)

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

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

QR Code - Section 1  
 Do Not Write in This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
-----------------------	---------------------------

**Preparer and/or Translator Certification (check one):**

- I did not use a preparer or translator.
- A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
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(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

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

Identify and Employment Authorization OR List B Identify AND List C Employment Authorization

Document Title	Document Title	Document Title
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)
Document Title	Additional Information	
Issuing Authority		
Document Number		
Expiration Date (if any) (mm/dd/yyyy)		
Document Title	QR Code - Sections 2 & 3 Do Not Write in This Space	
Issuing Authority		
Document Number		
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The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)

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

Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name
--	---	--

Employer's Business or Organization Address (Street Number and Name)	City or Town	State	ZIP Code
--	--------------	-------	----------

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

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

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

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

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# Form I-9 Employee Page



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Date of Birth (mm/dd/yyyy)	U.S. Social Security Number [ ][ ] - [ ][ ] - [ ][ ][ ]		Employee's E-mail Address		Employee's Telephone Number	

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

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<input type="checkbox"/> 1. A citizen of the United States	Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.	QR Code - Section 1 Do Not Write in This Space
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)		
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____		
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Signature of Employee	Today's Date (mm/dd/yyyy)
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# Form I-9 Employer Page



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Document Number		Document Number		Document Number
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write in This Space
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

**Certification:** I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

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

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

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

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

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

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

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

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

# Form I-9 Anti-Discrimination Notice



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

**USCIS**  
**Form I-9**

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

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

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

# Form I-9 List of Acceptable Documents

## LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

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

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-788)</li> <li>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:               <ol style="list-style-type: none"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</li> </ol> </li> </ol> </li> <li>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</li> </ol>	<ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> </ol> <p style="text-align: center;"><b>For persons under age 18 who are unable to present a document listed above:</b></p> <ol style="list-style-type: none"> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>	<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</li> <li>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>7. Employment authorization document issued by the Department of Homeland Security</li> </ol>		



**FOR  
EXAMPLE**

# Employee Information

**Section 1. Employee Information and Attestation** *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

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

# Employee Attestation

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

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

1. A citizen of the United States

2. A noncitizen national of the United States (*See instructions*)

3. A lawful permanent resident (Alien Registration Number/USCIS Number): \_\_\_\_\_

4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): \_\_\_\_\_

Some aliens may write "N/A" in the expiration date field. (*See instructions*)

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

1. Alien Registration Number/USCIS Number: \_\_\_\_\_

**OR**

2. Form I-94 Admission Number: \_\_\_\_\_

**OR**

3. Foreign Passport Number: \_\_\_\_\_

Country of Issuance: \_\_\_\_\_

QR Code - Section 1  
Do Not Write In This Space

Signature of Employee

Today's Date (mm/dd/yyyy)

# Preparer / Translator Certification

## Preparer and/or Translator Certification (check one):

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

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

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

# Section 1 Review

- **MUST** be completed by the Employee
- Full legal name, as show on the Identity Document
- Other Names Used
- **RESIDENTIAL** address, and birthdate
- Check one immigration status attestation
- Alien registration number/USCIS Number
- Complete Form at time of hire
- Check a box in Preparer/Translator
- Certification Corrections may only be made by the Employee





# Employee Information

## Section 2. Employer or Authorized Representative Review and Verification

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

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

In Section 2, Employers now must record the citizenship/immigration status attested to in Section 1

---

This will be a number 1-4

# Identity & Employment Authorization

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date <i>(if any)</i> (mm/dd/yyyy)		Expiration Date <i>(if any)</i> (mm/dd/yyyy)		Expiration Date <i>(if any)</i> (mm/dd/yyyy)
Document Title		<div style="border: 1px solid black; padding: 10px; display: inline-block;"> <p>Additional Information</p> </div>		<div style="border: 1px solid black; padding: 10px; display: inline-block;"> <p>QR Code - Sections 2 &amp; 3 Do Not Write In This Space</p> </div>
Issuing Authority				
Document Number				
Expiration Date <i>(if any)</i> (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date <i>(if any)</i> (mm/dd/yyyy)				

# Section 2: Certification

**Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.**

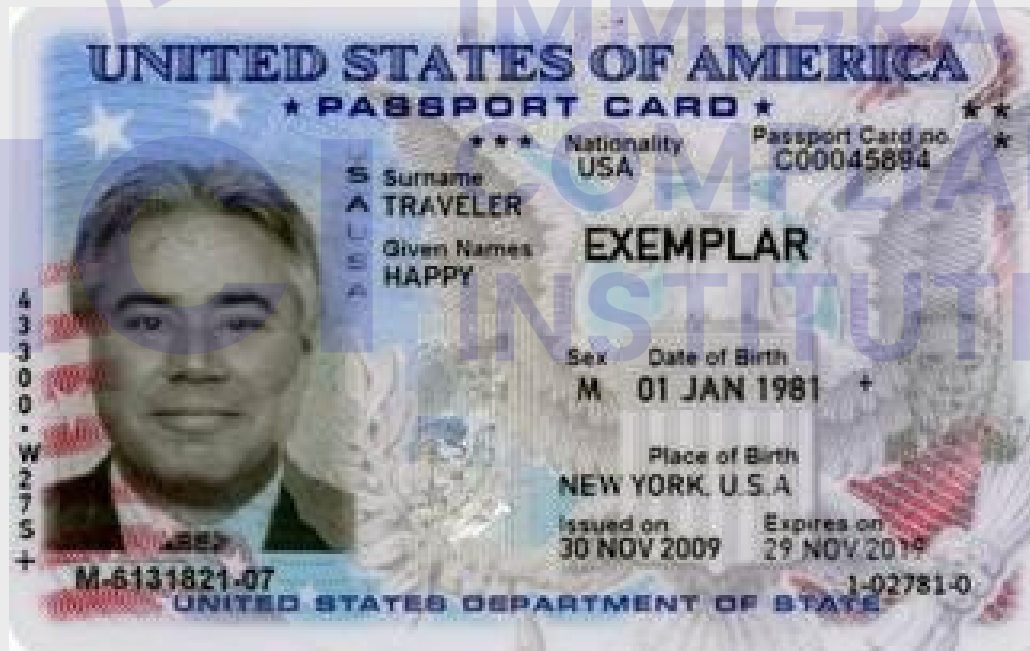
**The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)**

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



# List A Docs

## U.S. Passport Card



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# List A Docs

## I-94

 **U.S. Customs and Border Protection**  
Securing America's Borders

Get I-94 Number [I-94 FAQ](#)

OMB No. 1651-0111  
Expiration Date: 11/30/2014

**Admission (I-94) Number Retrieval**

Admission (I-94) Record Number: 69001333663

Admit Until Date (MM/DD/YYYY): 08/24/2013

Details provided on Admission (I-94) form:

Family Name:	Testing
First (Given) Name:	Monday
Birth Date (MM/DD/YYYY):	05/06/1985
Passport Number:	123000456
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	03/13/2013
Class of Admission:	B1

Departure Number OMB No. 1651-0111

**626633123 12**

**I-94**  
**Departure Record**



14. Family Name <b>SAMPLE</b>	16. Birth Date (Day/Mo/Yr) <b>23 03 68</b>
15. First (Given) Name <b>JANE</b>	
17. Country of Citizenship <b>NEW ZEALAND</b>	

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



# List B Docs

## Driver Licenses - Student IDs

**Stanford University**

Student, Jessica  
**000010001**  
Student



Issued 07/24/2014 806092553048434



**NEW YORK STATE**  
David J. Sweet  
Commissioner of Motor Vehicles

**ENHANCED DRIVER LICENSE**



**ID: 012 345 678 CLASS D**

DOCUMENT  
SAMPLE, LICENSE  
2345 ANYPLACE AVE  
ANYTOWN NY 12345  
DOB: 06-09-85  
SEX: F EYES: BR HT: 5-09  
E: NONE  
R: NONE  
ISSUED: 09-30-08 EXPIRES: 10-01-16

EXCELSIOR




8AJ120T521

*Sample License Document*

**North Dakota**  
LEGENDARY

USA ND

**COMMERCIAL DRIVER LICENSE**




127

9 CLASS AM 12 RESTR NONE 15 SEX M  
1 SAMPLE 2 CONNOR MICHAEL, JR  
8 608 EAST BOULEVARD AVENUE  
BISMARCK, ND 58505-0700

4d LIC# **SAM-67-1234**

3 DOB 01/12/1967 15 SEX M  
4a ISS 01/10/2013 16 HGT 5'-08"  
4b EXP 01/12/2019 18 EYES BRO



5 DD 6SAM671234SCA1912AF681DZB REV MM/DD/CCYY

*Connor Sample*

# List C Docs

## Social Security Cards



# Document Receipt Rule

## Commonly Used Acceptable Receipts:

- Receipt for replacement of lost, stolen, damaged document
- Ex. DL/SSC Receipts
- Valid for 90 Days from date of issue

## How to Record in Section 2:

- Record Doc Title in Section 2
- Record word “Receipt” next to Doc Title
- Record expiration date that is 90 days from date of issue

## Section 2 Review

- Employer's duty to **EXAMINE** documents
- Only documents listed on **CURRENT** Form I-9 list of acceptable documents
- **UNEXPIRED, ORIGINAL** documents only
- Acceptable documents
  - List A
  - List B and List C
  - Unacceptable documents
- Discrimination concerns
- Date of hire
- Name and title of I-9 Administrator
- Business name and address
- Complete Employer Attestation within three business days
- Sign the form

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# What if you or your employee make a mistake?

## Section 1:

- Ask employee to draw a straight line through error
- Ask employee to write correct information
- Ask employee to initial and date the change

## Section 2:

- Draw a straight line through the mistake
- Record correct information
- Initial (or sign) and date the correction

# Section 3

## Reverification and Rehires

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

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

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

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

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

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

# Section 3 Review

- When to use
  - New Name
  - Rehire
  - Employment Authorization Expires

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# TOP TEN MISTAKES

1. No Form I-9
2. Form is incomplete
3. Form contains incorrect information
4. Unacceptable documents
5. Over-documentation
6. Inconsistent photocopying
7. Names and birthdates don't match
8. Improper corrections
9. I-9s in personnel files
10. File and forget it – no re-verification, audit, or destruction policy

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**1**

**No Form I-9**

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**“She’s the CEO.”**

**“He’s just a part-time intern.”**

**“That’s the owner’s daughter.”**

# 2

## Form is Incomplete

**“I don’t need to check a box in Part 1; I’m not an alien.”**

**“When was it you started working here?”**

**“I’m not sure about this, so I’ll just leave it blank.”**

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**3**

**Form contains incorrect information**

**“What’s today’s date again?”**

**“My name is John Jacob Jingleheimer Jones,  
but everyone calls me JJ Jones for short.”**

**“This is a Social Security card – obviously it  
was issued by Social Security.”**

# 4

## Unacceptable Documents



“That Social Security card looks fine.”

“Awww, what a cute birth certificate.”

“Here’s the fax from his mom.”



**“Sure, I’ll take your birth certificate, and your driver’s license, and your green card, and your school ID. Got anything else?”**



**5**

**Overdocumentation**



**“I don’t need to copy his birth certificate: he’s my son.”**

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**6**

**Inconsistent Photocopying**

# 7

## **Names and Birth dates do not match**

**“Oh, this just has my middle name as my last name.”**

**“I haven’t updated my driver’s license since my divorce.”**

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# 8

## Improper Corrections

**“Let me get the white-out and I’ll fix that.”**

**“Can you hand me that Sharpie?”**

**“Just put the date you started next to your Signature, since we really should have completed the form that day.”**





9

## I-9s in Personnel Files

**“It’s just easier if they’re  
all in one place.”**

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# 10

## File & Forget it?

No Re-Verification, Audit, or Destruction?

**“These look like official documents. We’d better keep them in case we are audited.”**



**TOP TEN MISTAKES**

# How to Tell if the Document is Genuine or **NOT**

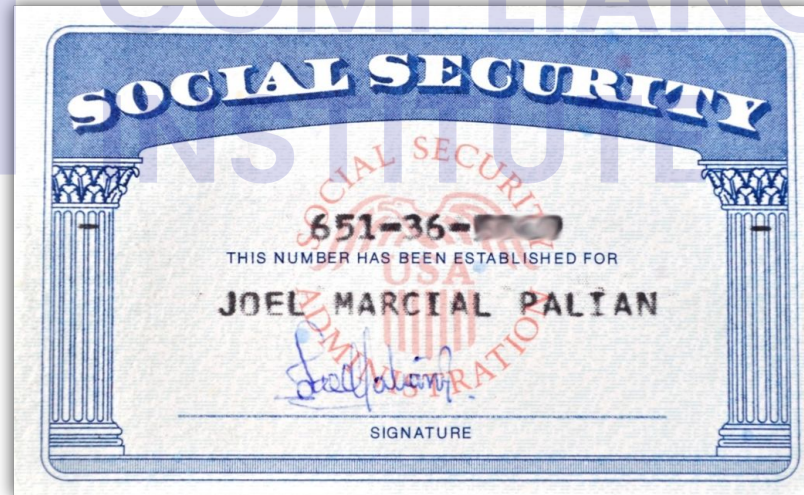


# Genuine or Not?

## Document Examples

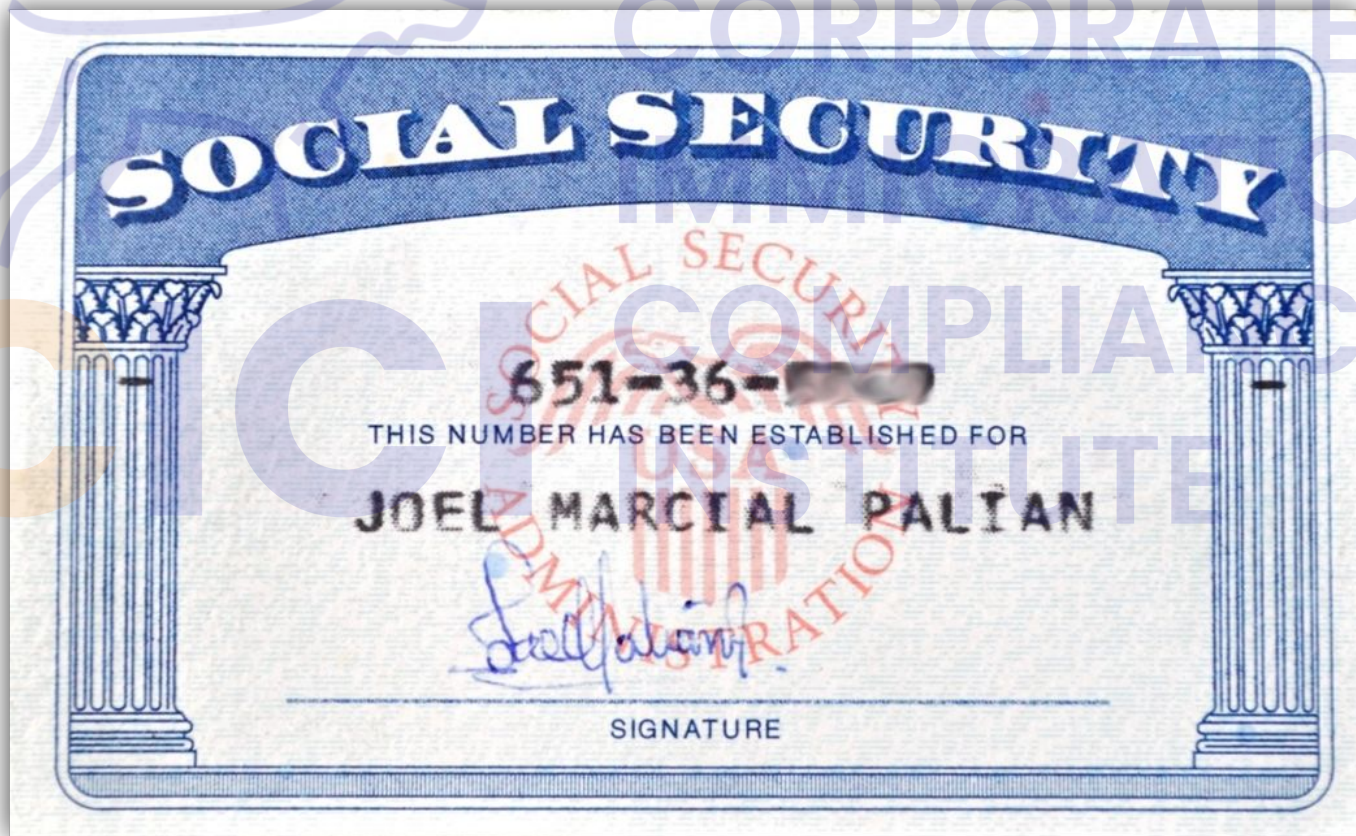


Permanent Resident Card

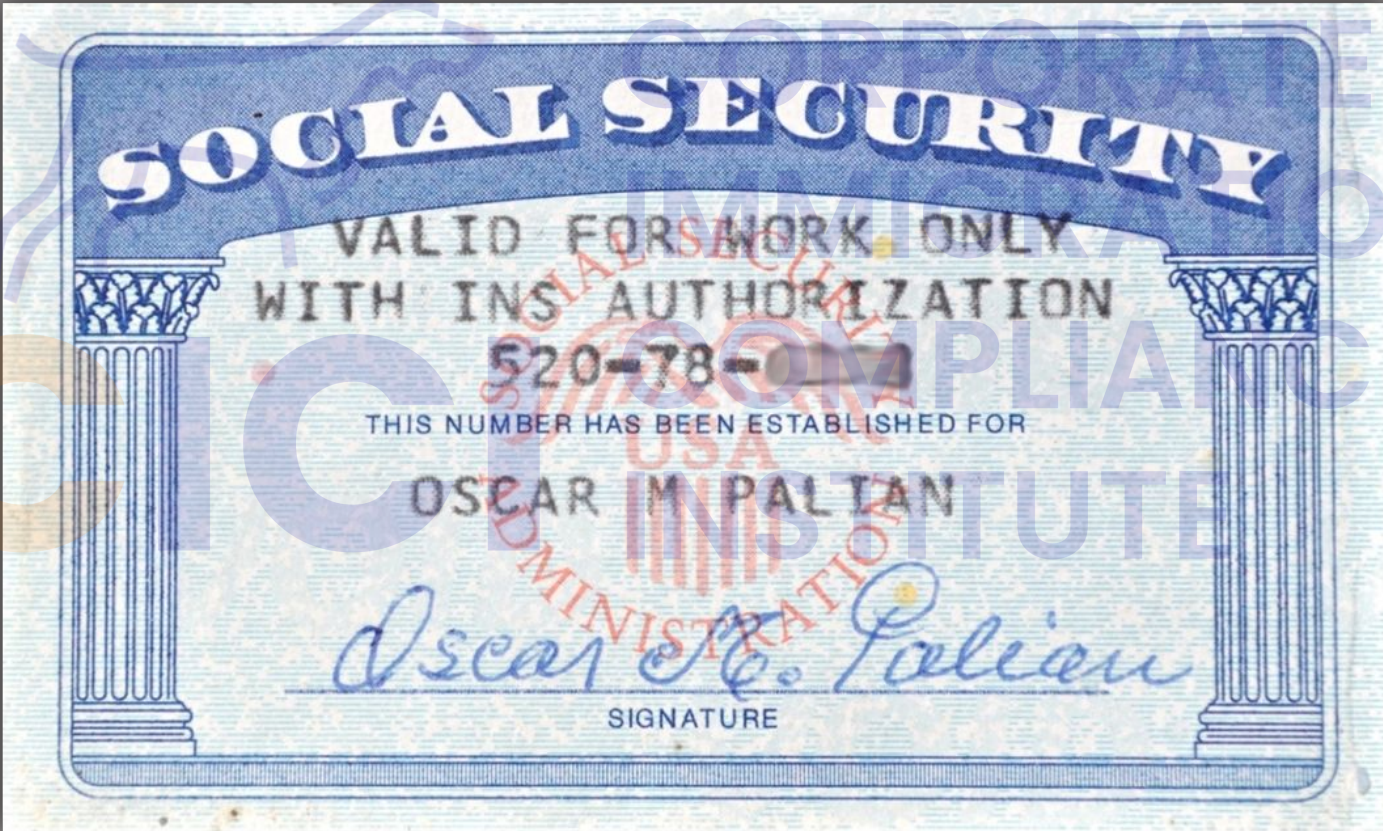


Social Security Card

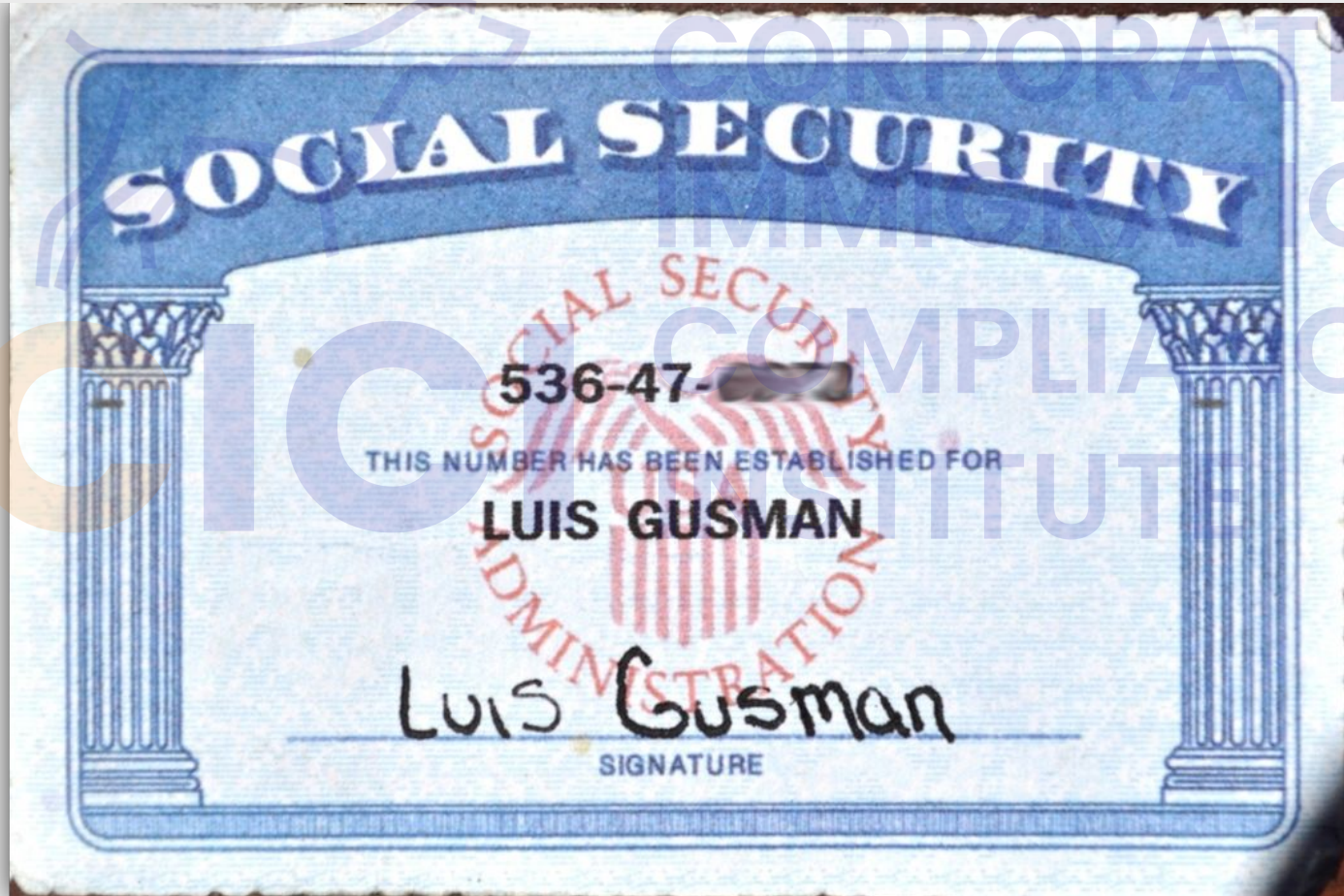
# Genuine Social Security Card



# Genuine, but not good for I-9 purposes



**Genuine  
or Not?**



**Genuine  
or Not?**













# **USCIS Reaches Fiscal Year 2022 H-1B Cap**

- **65,000 H-1B visa regular cap**
- **20,000 H-1B visa U.S. advanced degree exemption**

# USCIS Increases Automatic Extension Period of Work Permits for Certain Applicants

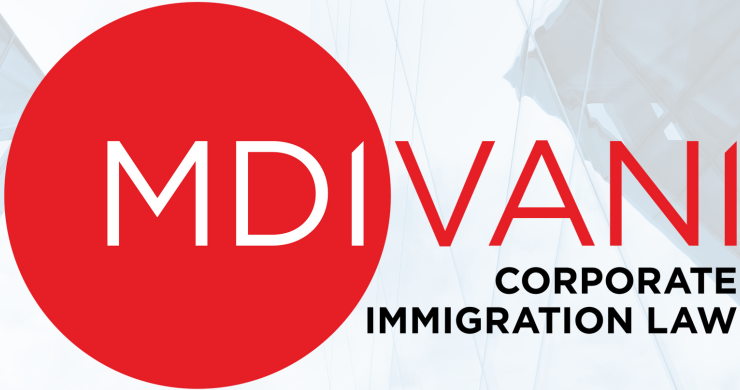


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COMPLIANCE INSTITUTE

**USCIS has announced a Temporary Final Rule that grants Automatic Extension of Employment Authorization Documents (EADs) for Certain Renewal Applicants!**

**The extension will be effective on May 4, 2022**

- **Increasing the 180 day extension to 540 days.**
- **This provides more certainty for businesses in retaining workers.**



**Leyla McMullen**  
**Business Immigration Attorney**