

Form I-9 and E-Verify Overview

www.uscis.gov/I-9Central

Background

In 1986, in an effort to control illegal immigration, Congress passed the **Immigration Reform and Control Act (IRCA)**.

IRCA forbids employers from knowingly hiring individuals who do not have work authorization in the United States.

The employment eligibility verification provisions, and sanctions, of **IRCA** are found in **Section 274A of the Immigration and Nationality Act (INA)**.



Agenda

- Background of Form I-9
- Completing Revised Form I-9
- Storage and Retention of Form I-9
- Form I-9 and E-Verify
 - What is E-Verify?
 - Why use E-Verify?
 - Who uses E-Verify?
 - How to Enroll and When to Verify
- Resources

Working in the U.S.

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work

Employment Verification

To comply with the employment eligibility verification provisions of the INA an employer must:

- Verify the **identity** and **employment authorization** documents of employees hired after November 6, 1986
- **Complete** and **retain** a **Form I-9** for each employee hired after November 6, 1986
- **Refrain from discriminating against** individuals on the basis of actual or perceived national origin, citizenship or immigration status

Immigrant and Employee Rights Section (IER)

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



U.S. DEPARTMENT OF JUSTICE
IMMIGRANT & EMPLOYEE RIGHTS SECTION
CIVIL RIGHTS DIVISION

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)
- Employees 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.](#)"

Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of **unlawful conduct**:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Document abuse during Form I-9 process
- Retaliation

* *Actual or perceived*

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, 2017 N. Employers may start using the new Form I-9 immediately, however they must begin using the form by Sept. 18, 2017.
 - **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.

E-Verify U.S. Citizenship and Immigration Services

Completing Form I-9

Section 1: Employee Information and Attestation

Section 2: Employer or Authorized Representative Review and Verification

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E-Verify U.S. Citizenship and Immigration Services

Lists of Acceptable Documents

- Use MOST CURRENT **Form I-9** VERSION, 07/17/17 N
- You must make the Lists of Acceptable Documents available to your **EMPLOYEE** when he or she is completing the Form I-9

The **EMPLOYEE** MUST provide:

- One document from **List A**

OR

- One document from **List B** AND one document from **List C**

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Form I-9 Exceptions

You are **NOT** required to complete **Form I-9** for:

- Casual domestic service employees working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States.*

* 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands

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E-Verify U.S. Citizenship and Immigration Services

Section 1: 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 ? |

- To be completed by **EMPLOYEE**.
- Employer **MUST** verify **Section 1** is **COMPLETE**.

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E-Verify U.S. Citizenship and Immigration Services

Section 1: 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):

- A citizen of the United States
- A noncitizen national of the United States (See instructions)
- A lawful permanent resident (Alien Registration Number/USCIS Number) **A**
- An alien authorized to work (Just (expiration date, if applicable, mm/dd/yyyy)) **01/15**

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: **01/15**

OR

2. Form I-94 Admission Number: **01/15**

OR

3. Foreign Passport Number: **01/15**

Country of Issuance: **01/15**

Signature of Employee: _____ Today's Date (mm/dd/yyyy): **01/15**

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- The EMPLOYEE **MUST** select one of the four categories and sign and date Section 1 of Form I-9.
- All employees must complete **Section 1** no later than the first business day of employment for pay.

E-Verify U.S. Citizenship and Immigration Services

Section 2: Employer Certification of Document Review

Completing Section 2

- Completed by EMPLOYER.
- MUST** be completed no later than **3 business days** after the employee begins work for pay.
- EMPLOYER **MUST** examine **original documents**.
- Documents **MUST** be **UNEXPIRED**.



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E-Verify U.S. Citizenship and Immigration Services

Section 1: Preparer/Translator (P/T) 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.

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: _____ Date (mm/dd/yyyy): _____

Last Name (Family Name): _____ First Name (Given Name): _____

Address (Street Number and Name): _____ City or Town: _____ State: _____ ZIP Code: _____

This certification is required when Section 1 is prepared by someone other than the employee.

- Employees must **check the first box** if they don't use a preparer or translator.
- If the first box is checked, no entries can be made in the fields as the check box is equivalent to stating N/A.

If the employee uses a P/T, the P/T must check the second box in this section, then choose from the drop-down menu the number of preparers and translators used.

- If the dropdown indicates more than one P/T, the form automatically generates an extra page to enter up to four more P/Ts
- P/Ts must sign and date the areas by hand.
- If the form is being completed on paper, P/Ts may use the supplement on the Form I-9 download page to enter multiple P/Ts

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E-Verify U.S. Citizenship and Immigration Services

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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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.

Section 3: Reverification & Rehires

| | | | | |
|--|---------------------------|---|-------------------------|----------------|
| Employee Name from Section 1: | | Last Name (Family Name) | First Name (Given Name) | Middle Initial |
| 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 employer'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 | | |

- 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

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.

Section 3: When to Reverify

- | | |
|------------------------|---|
| Reverify | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> U.S. Passport or Passport Card Permanent Resident Card (From I-551) List B documents |



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.

Storage

- **Form I-9 MUST be on file for all current employees.**
- Store Forms I-9 securely in a way that meets your business needs – on site, off-site, storage facility.
- Store copies of documents with the Form I-9 or with the employee's records.
- Ensure that only authorized personnel have access to stored Forms I-9.
- Make Forms I-9 available within 3 days of an official request for inspection.
- Ensure that only completed forms containing a signature and date are retained.

Storage and Retention



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, 2014, and on July 5, 2016, employment was terminated.

November 1, 2014 + 3 years = November 1, 2017

July 5, 2016 + 1 year = July 5, 2017

The retention date is November 1, 2017

Form I-9 and E-Verify

Form I-9 must be completed before a case can be created in E-Verify.



What is E-Verify? (con't)

E-Verify is not...

- ...a system that provides immigration status
- ...used for prescreening
- ...a safe harbor from worksite enforcement

What is E-Verify?

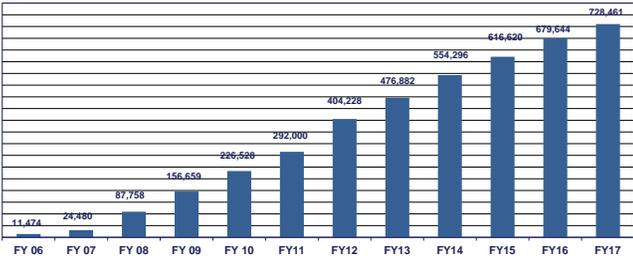
- Free web-based service that's fast and easy to use
- Electronically verifies the employment eligibility of
 - Newly hired employees
 - Existing employees assigned to work on a qualifying federal contract *
- Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)



Why use E-Verify?

- Ensures a legal workforce
- Protects jobs for authorized workers
- Deters document and identity fraud
- Works seamlessly with Form I-9

The Growth of E-Verify



- More than 25 million cases run in FY 2017
- Employers in every industry, state and U.S. territory

I-9 Process with E-Verify

| I-9 Process | I-9 Process with E-Verify |
|---|---|
| Employee completes Form I-9, Section 1. | <ul style="list-style-type: none"> Employee must include SSN when completing Form I-9, Section 1. If the employee has not been issued his SSN, complete Form I-9 as usual and attach a memo to Form I-9 indicating the reason for the delay in creating the case in E-Verify. If employee provides email address, employer MUST enter it into E-Verify. |
| Employee chooses which acceptable document(s) to present. | <ul style="list-style-type: none"> Employee chooses which acceptable document(s) to present. If a List B document is chosen, it MUST contain a photograph. If an employee chooses to provide a photo matching document, the employer must make a photo copy and retain with the Form I-9. |
| Employer completes Form I-9, Section 2. | <ul style="list-style-type: none"> Employer completes Form I-9 Section 2. |
| If necessary, employer updates or re-verifies employee's work eligibility in Section 3. | <ul style="list-style-type: none"> E-Verify Case Status will prompt employer to update or reverify in Section 3 or Form I-9. However, a case should NOT be created in E-Verify. |

NOTE: All documents must be unexpired. Names should appear on Form I-9 exactly as they appear on documents. No nicknames should be used.

Performance

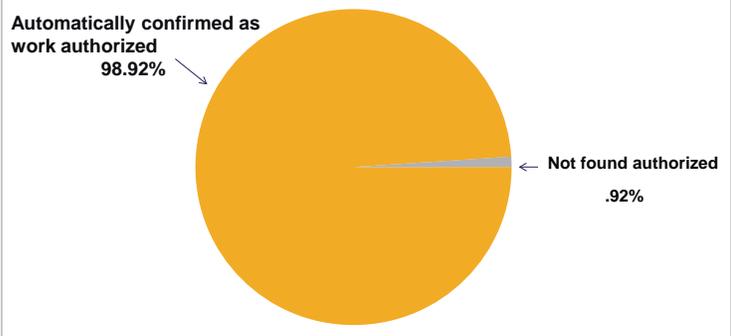


Photo Match

- Allows you to match the photo on a document to the photo that DHS has on file for that employee, and is activated automatically if an employee has presented:
 - I-551, (Permanent Resident Card)
 - Form I-766, (Employment Authorization Document), or
 - U.S. passport or passport card



✓ Employer cannot specifically request one of these documents

How to Enroll



User Roles

Every person who uses E-Verify within a company must be registered as either a program administrator or general user.

Program administrators:

- Register new users
- Create user accounts for other program administrators and general users
- Create cases and views reports
- Update profile information for all users
- Reset user passwords

General users:

- Create cases
- View cases and reports
- Update his or her own user profile

Access Methods

| Employer | E-Verify Employer Agent | Corporate Administrator | Web Services |
|---|---|---|---|
| Allows E-Verify users in your company to electronically verify the employment eligibility of newly hired employees and existing employees assigned to a federal contract. | Select this access method if your company creates cases for client companies. | Allows you to create, manage and administer new and existing E-Verify accounts as well as create and view reports. Does <u>NOT</u> allow you to create cases. | Requires a company to develop software that interfaces with E-Verify. Web Services for Employers or Web Services for E-Verify Employer Agents |

When to Verify?

You must enter Form I-9 information into E-Verify for all newly hired employees no **later than the third business day after the employees' start date.**



E-Verify U.S. Citizenship and Immigration Services

How does E-Verify work?

Employment Authorized TNC DHS Verification in Process

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E-Verify U.S. Citizenship and Immigration Services

Federal Contractors

E-Verify Federal Contractor?
Here's some important information for you!

As of September 8, 2009, federal contractors and subcontractors are required to use E-Verify for all new hires and existing employees working on federal contracts if their contract includes the Federal Acquisition Regulation (FAR) E-Verify clause. E-Verify is a fast, free and easy to use Internet based system that allows employers to verify the eligibility of their employees to work in the United States.

What Contracts are Affected by the FAR E-Verify Clause?*

| Prime Contracts | Subcontracts | Indefinite Delivery/Quantity Contracts |
|---|---|--|
| <ul style="list-style-type: none"> Value above \$150,000 Period of performance of 120 days or more, and At least some of the contract work is performed in the United States | <ul style="list-style-type: none"> Value of more than \$3,000 Contract is for commercial or noncommercial services or construction, and At least some of the contract work is performed in the United States | <ul style="list-style-type: none"> Existing contract Period of performance extends at least six months after 9/8/2009 Substantial amount of work or number of orders expected during remaining performance period, and Contract may be bilaterally modified to include the FAR E-Verify clause |

* Commercially available off the shelf (COTS) items or services are not subject to the FAR E-Verify clause.

As of September 8, 2009, the Federal Acquisition Regulations (FAR) final rule requires federal contractors (and subcontractors) to use E-Verify to verify their employees' eligibility to work legally in the United States.

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E-Verify U.S. Citizenship and Immigration Services

Results after TNC

You should check E-Verify periodically for one of the following responses:

| |
|---------------------------------|
| Employment Authorized |
| Review and Update Employee Data |
| Case in Continuance |
| DHS Verification in Process |
| DHS No Show |
| Final Nonconfirmation |

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Resources

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Form I-9 Resources

I-9 Central

- [I-9 Central](#)
- [Office of Citizenship](#)

Spanish I-9 Central

- [I-9Central/Espanol](#)

M-274, Handbook for Employers

- [Updated M-274 Table of Changes](#)

Mergers & Acquisitions

Free Customized Webinars

Examples of documents:

- [Acceptable Documents](#)
- [Additional Documentation Requirements](#)



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@dhs.gov**
- **E-Verify E-Mail: E-Verify@dhs.gov**
- **Form I-9 Website: www.uscis.gov/I-9Central**
- **E-Verify Website: www.dhs.gov/E-Verify**

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.dhs.gov/E-Verify."



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.dhs.gov/E-Verify.



Feedback

Questions? Comments?

Send to:

Meng.Zhang@uscis.dhs.gov

THANK YOU!

www.dhs.gov/E-Verify