

Form I-9 Checklist

Background:

The Immigration Reform and Control Act (IRCA) of 1986 prohibits employers from hiring, and continuing to employ, individuals who are not authorized to work in the United States. Employers must verify that new hires are eligible to work by having them complete the Employment Eligibility Verification Form ([Form I-9](#)).

Form I-9 Steps	Form I-9 Tips
<p><input type="checkbox"/> Complete Section 1 at the time of hire New hires must complete Section 1 of the I-9 no later than their first day of work for pay. The employee must fill in the requested information and sign and date the form. You are responsible for reviewing and ensuring all employees fully and properly complete Section 1.</p>	<p>If the employee cannot complete Section 1 without assistance or if he or she needs the form translated, someone may assist. The preparer or translator must read the form to the employee, assist him or her in completing Section 1, and have the employee sign or mark the form in the appropriate place. The preparer must then complete the Preparer and/or Translator Certification block of the form.</p>
<p><input type="checkbox"/> Complete Section 2 within 3 business days Section 2 of the I-9 form must be completed within 3 business days of the first day of work for pay. Section 2 requires the employer to examine certain documents presented by the employee. Record the title, issuing authority number, and expiration date (if any) of the document(s); fill in the date employment begins; and sign and date the form.</p>	<p>Example: If an employee begins work on Monday, Section 2 must be completed by Thursday.</p>
<p><input type="checkbox"/> Only accept approved documents You must only accept document(s) from the Lists of Acceptable Documents found on the last page of the I-9 form. You are not permitted to specify which document(s) an employee must present.</p>	<p>If you participate in E-Verify, you may only accept List B documents that bear a photograph.</p> <p>If you choose to make photocopies of presented documents, you must do so for all your employees, regardless of national origin or citizenship status.</p>
<p><input type="checkbox"/> Examine presented documents Presented documents must be unexpired and reasonably appear on their face to be genuine and relate to the individual presenting them.</p>	<p>Do not accept expired documents or those that appear to be inauthentic.</p>

<p><input type="checkbox"/> Determine if minor can present an identity document If a person under the age of 18 cannot present an identity document from List B, he or she may establish identity by having his or her parent or legal guardian complete Section 1 and write "Individual under age 18" in the signature space.</p>	<p>The parent or guardian must complete the Preparer and/or Translator Certification block. The employer must enter "Individual under age 18" under List B and record the List C document the minor presents.</p>
<p><input type="checkbox"/> Retain in a separate file Because I-9s contain protected information, such as an employee's age and citizenship status, it is recommended that they are retained in a locked file separate from other personnel files.</p>	<p>You may retain I-9 forms onsite or at an off-site storage facility as long as you are able to present I-9 forms within 3 days of an inspection request from the Department of Homeland Security or Department of Labor.</p>
<p><input type="checkbox"/> Understand rules for electronic storage of I-9 forms You may retain I-9 forms electronically so long as there are, among other things: (1) reasonable controls to ensure the integrity, accuracy, and reliability of the electronic storage system; (2) reasonable controls to prevent and detect unauthorized or accidental creation or alteration of an electronically completed or stored I-9 form; (3) systems in place to prevent against information loss; and (4) capabilities to reproduce eligible and readable hardcopies.</p>	
<p><input type="checkbox"/> Re-verify as necessary When an employee's employment authorization document expires, you must re-verify his or her employment authorization prior to the date of expiration using Section 3 of the I-9 form. If Section 3 has already been used for a previous re-verification or update, use a new I-9 form. If a new I-9 is used, write the employee's name in Section 1, complete Section 3, and retain the new I-9 with the original.</p> <p>Re-verification may also be required when rehiring an employee. If more than three years has passed since the individual initially completed the I-9, he or she must complete a new I-9. Otherwise, you may re-verify their employment eligibility by completing Section 3 of the form.</p>	<p>U.S. citizens and non-citizen nationals never need re-verification.</p> <p>The employee does not need to show the same form of work authorization as previously presented. He or she may choose which document(s) to present for re-verification purposes.</p> <p>You must complete a new I-9 form if the version of the form you used for previous verification is no longer valid.</p>
<p><input type="checkbox"/> Retain for at least as long as is required by law The I-9 must be retained for at least 3 years or for one year following separation, whichever is later.</p>	<p>Only the pages of the I-9 form on which you or the employee enter data must be retained.</p>

Frequently Asked Questions:

Who must complete Form I-9?

All employees hired to work in the U.S. after November 6, 1986 must complete Form I-9.

When must the Form I-9 be completed?

Section 1 of the form must be completed on or before the first day of work (but after the employee accepts employment with you). Section 2 of the form must be completed within three business days of the date employment begins.

What documents are acceptable to prove an employee's identity and eligibility?

USCIS provides lists of acceptable documents on the last page of the I-9 form. If an employee presents a document from List A, the document is deemed to establish both identity and employment authorization. If the employee does not present a document from List A, the employee must provide one document from List B, which establishes the employee's identity (such as a driver's license), and one document from List C, which establishes the employee's employment authorization (such as a social security card or certified birth certificate). Remember, employers may not require certain documents be presented; the employee may choose which of acceptable document(s) to present, as long as they establish both identity and employment authorization.

Do I send the completed Form I-9 to the USCIS?

No. Employers must retain completed I-9s. They do not file them with any government agency. Employers must make their I-9 records available for inspection to officers of the Department of Homeland Security or the Department of Labor upon at least three days advance notice from the agency.

How long must I keep I-9s?

You must keep I-9s for all current employees. For terminated employees, you must keep their Form I-9 for at least three years from the date of hire, or for at least one year after the date of termination, whichever comes later. For ease of administration, you may want to keep your I-9 forms in two separate binders or files; one for current employees and a second for terminated employees, thereby allowing you to calculate proper retention periods for each Form I-9.

Do I need to re-verify employment authorization at any time while an employee remains employed?

Only if the employee is working under an employment authorization with a defined end date. For those employees, you must note the expiration of their documents on the Form I-9 and prior to the expiration date, you must re-verify that the worker's status has been extended. Section 3 at the bottom of the Form I-9 provides for updating and re-verification of documents.

Penalties:

Employers may be assessed civil penalties for hiring or continuing to employ unauthorized aliens, failing to comply with Form I-9 requirements, or not requiring identification at the time of hire. Failure to properly complete and retain the I-9 may result in civil penalties ranging from \$100 to \$1,000 per violation. Similarly, employers may be subject to fines if they over-document an employee (i.e., require an employee to produce more or different documents than the employee chose to present) or discriminate against individuals who have work authorization. Employers may also be subject to criminal penalties for: knowingly hiring or continuing to employ unauthorized aliens; engaging in fraud or false statements; or misusing visas, immigration permits, or identification documents. Employers that hire illegal aliens can also be debarred from federal contracts.