



New Form I-9 & Update on Government Enforcement of Employment Eligibility Verification Requirements

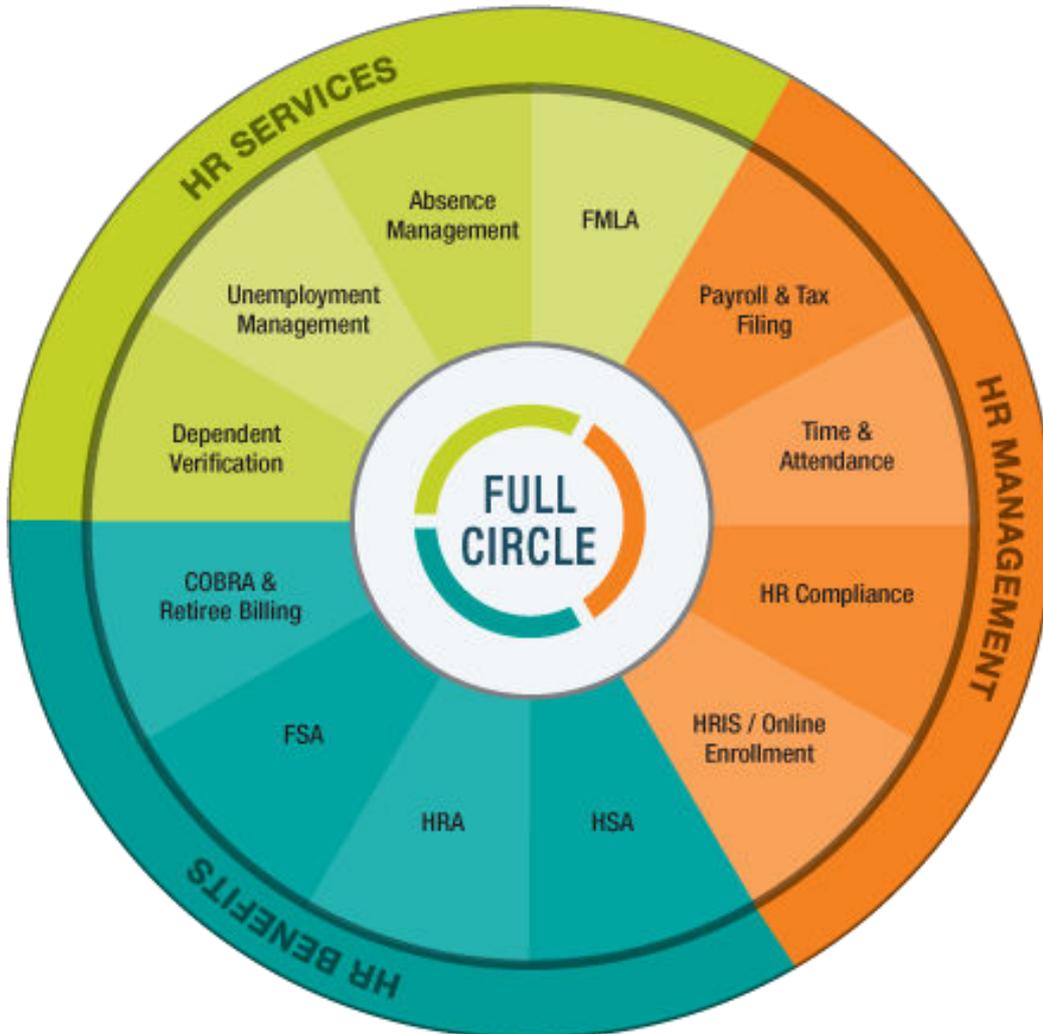
Presented by: Attorney John F. Koryto



- HR Benefits
- HR Management
- HR Services

We're proud to offer a full-circle solution to your HR needs. BASIC offers collaboration, flexibility, stability, security, quality service and an experienced staff to meet your integrated HR, FMLA and Payroll needs.

HR Solutions Come Full Circle



HR solutions should be simple.
Keep it BASIC.

BASIC's integrated HR solutions come full circle for employers nationwide. Consistently recognized as an Inc. 5,000 Fastest Growing Private Company, our expertise allows you to control costs, manage risks and improve staff focus and effectiveness.



The materials and information have been prepared for informational purposes only. This is not legal advice, nor intended to create or constitute a lawyer-client relationship. Before acting on the basis of any informational or material, readers who have specific questions or problems should consult their lawyer.

Government Enforcement Efforts Likely to Increase



- President Elect Trump’s statement on immigration (from donaldjtrump.com):
- “All immigration laws will be enforced – we will triple the number of ICE agents.”
- “Turn off the jobs and benefits magnet.”

Workforce Enforcement Strategy



ICE has been aggressively investigating and using criminal prosecution of employers who knowingly hire unauthorized aliens.



Workforce Enforcement Tactics



ICE uses (1) individual criminal prosecution, (2) seizure of assets, and (3) imposition of meaningful civil penalties.



Workforce Enforcement Tactics



- Plea deals
- Criminal forfeiture
- Witness visas (S visa class – “snitch visa”)
- Barred from federal and state contracts

Criminal Investigations



ICE criminal investigations of employers are focused on:

- Employing unauthorized workers with knowledge or willful blindness
- Worker exploitation
- Harboring or aiding illegal workers



UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES, DISCRIMINATION, AND PENALTIES



Unlawful Discrimination and Penalties for Prohibited Practices



Anti-discrimination provisions of the Immigration and Nationality Act (INA) prohibit 4 types of unlawful conduct:

1. Citizenship or immigration status discrimination;
2. National origin discrimination;
3. Unfair immigration-related employment practices during hiring processes or Form I-9 completion (document abuse); and
4. Retaliation.

Unlawful Discrimination and Penalties for Prohibited Practices



- The Office of Special Counsel for Immigration-Related Unfair Employment Practices, part of the Department of Justice, enforces the anti-discrimination provision of the INA; new name as of 01/18/2017 “Immigrant and Employees Rights Section.”
- The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act of 1964 (Title VII) and other federal laws that prohibit employment discrimination based on race, color, national origin, religion, sex, age, disability and genetic information.
- Title VII covers both intentional and unintentional acts of discrimination.

Unlawful Discrimination and Penalties for Prohibited Practices



Unfair immigration-related employment practices may lead to one or more corrective steps, including:

1. Hiring or reinstating, with or without back pay, individuals directly injured by the discrimination;
2. Posting notices about employee rights and employer obligations;
3. Educating all personnel involved in hiring about employer sanctions and antidiscrimination laws.

The court may award attorneys' fees to prevailing parties.

Unlawful Discrimination and Penalties for Prohibited Practices



“Document abuse” now called “unfair immigration-related employment practices” can be broadly categorized into four types of conduct:

1. Improperly requesting that employees produce more documents than are required by Form I-9;
2. Improperly requesting that employees present a particular document, such as a “green card”;
3. Improperly rejecting documents that appear to be genuine and to related to the employee; and
4. Improperly treating groups of applicants differently when completing Form I-9.

Unlawful Discrimination



Violations of the anti-discrimination provision of the INA and may lead to a civil money penalty of not less than \$110 and not more than \$1,100 for each individual discriminated against.



Employment Authorization Document (Form I-766) front and back



DHS / ICE AUDITS



DHS/ICE Audits



In the administrative setting, the playing rules tend to favor the government. Investigating ICE agents issue their own subpoenas for employers' records. Administrative judges determine the facts and the defendant's liability; juries are not an option.



- I-9 Audit - Discover improper documentation or maintenance
- Audits can lead to further investigation and significant fines and penalties
- Going after corporate officers, human resource representatives, supervisors, and contractors

Common Notices



ICE will notify the employer, in writing, of the intent to audit the I-9s. The following are the most common notices:

- Notice of Inspection
- Notice of Suspect Documents
- Notice of Discrepancies
- Notice of Technical or Procedural Failures
- Warning Notice
- Notice of Intent to Fine (NIF)



NEW FORM I-9

- Released November 18, 2016
- Required use 01/22/2017



WHAT'S NEW

09/12/16

Employers: Current Form I-9 valid until Jan. 21, 2017

On Aug. 25, the Office of Management and Budget (OMB) approved a revised Form I-9, Employment Eligibility Verification. USCIS must publish a revised form by Nov. 22, 2016. Employers may continue using the current version of Form I-9 with a revision date of 03/08/2013 N until Jan. 21, 2017. After Jan. 21, 2017, all previous versions of Form I-9 will be invalid.

New Form I-9

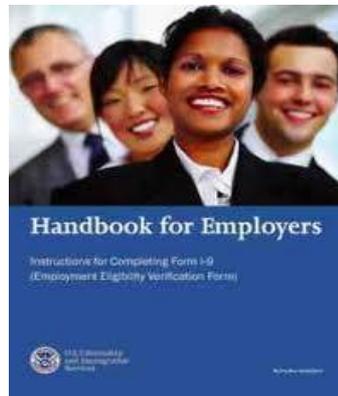


- Changes to the form and instructions
- Purpose is the same
- Revisions designed to minimize error
- Revised as part of USCIS forms and rules modernization efforts

New Form I-9



- Revised Spanish version as well
 - may only be used as a translation guide (except in Puerto Rico)
- Updated Handbook for Employers, M-274 “coming soon”
 - 65 pages to explain a two-page form



I-9 Compliance



- ALL employees hired after November 6, 1986, are required to have an Employment Eligibility Verification Form (Form I-9) on file with the employer
- Includes U.S. citizens!



Section One



- Employee must fill out Section One after job accepted, but before first day of employment
 - Name (maiden name, or other *last* names used)
 - Address
 - Date of Birth
 - Check status in United States
 - Work authorization must include expiration date
 - Signature and date (required even if prepared by translator)
 - Preparer or translator certification
- Optional Information
 - Social Security Number
 - E-mail address
 - Telephone number

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

USCIS
Form E-9
OMB No. 1615-0047
Revised 03/2017

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employees and employers are advised to read the instructions of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT identify which documents an employee may possess to establish employment authorization and identity. This notice is for or received by employer. All individuals, including the documentation described here, have equal rights. Date may also constitute illegal discrimination.

Section 1 Employee Information and Attestation (Continuation sheet complete, and sign Section 1 of Form I-9 no later than the first day of employment, but not later than 90 days after the date of hire.)

Last Name (maiden name)	First Name (given name)	Maiden name	City or Town	State	ZIP Code
Address (Street Number and Name)	City or Town	State	ZIP Code		
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's Email Address	Employee's Response 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.

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

- 1. A citizen of the United States
- 2. A non-citizen national of the United States (date institution)
- 3. A lawful permanent resident (Other Registration Number/USCIS Number)
- 4. An alien authorized to work (with expiration date, if applicable, mm/dd/yyyy).
Some aliens may write "T-1" in the expiration date field (date institution).

Aliens authorized to work must provide one of the following document numbers in complete form: Alien ID (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 residence: _____

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

Preparer and/or Translator Certification (check one)

I am the employer or preparer. I am a preparer or translator. (If a preparer or translator, attach the employee's completed Section 1.)
(Only a holder must be completed and signed after preparer and/or translator attach an employee's completed Section 1.)

Attest, under penalty of perjury, that I have reviewed 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 (maiden name)	First Name (given name)				
Address (Street Number and Name)	City or Town	State	ZIP Code		



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

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

► **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.

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)

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 Two



- Employer must complete the form within 3 business days of the date employment begins
- Employer must review the original documents and complete Section Two
 - Document title
 - ***Issuing authority***
 - Document number
 - Expiration date (if any)
 - Date employment begins (often missed)

Section Two



- Employees must provide documents within 3 business days of the date employment begins
- If not in possession of documents, must provide a Receipt Notice or I-94 Card within 3 business days and the actual documents within 90 days
- Employees are not required to show a Social Security card for I-9 purposes unless the employer participates in E-Verify

Section Two



- Examine one document from List A or one document from List B and one from List C
- Employer cannot specify which documents they will accept from an employee





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
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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	



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"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport, and (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. 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 	OR	<ol style="list-style-type: none"> 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 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 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p style="text-align: center;">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	AND	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to Section 2 of the instructions, titled "Employer or Authorized Representative Review and Verification," for more information about acceptable receipts.



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1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a		1. A Social Security Account Number

1. U.S. Passport or U.S. Passport Card

<p>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:</p> <p>a. Foreign passport; and</p> <p>b. Form I-94 or Form I-94A that has the following:</p> <p>(1) The same name as the passport, and</p> <p>(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.</p>	<p>3. School ID card with a photograph</p> <p>4. Voter's registration card</p> <p>5. U.S. Military card or draft record</p> <p>6. Military dependent's ID card</p> <p>7. U.S. Coast Guard Merchant Mariner Card</p> <p>8. Native American tribal document</p> <p>9. Driver's license issued by a Canadian government authority</p> <p>For persons under age 18 who are unable to present a document listed above:</p> <p>10. School record or report card</p> <p>11. Clinic, doctor, or hospital record</p> <p>12. Day-care or nursery school record</p>	<p>3. Certification of Report of Birth issued by the Department of State (Form DS-1350)</p> <p>4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</p> <p>5. Native American tribal document</p> <p>6. U.S. Citizen ID Card (Form I-197)</p> <p>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</p> <p>8. Employment authorization document issued by the Department of Homeland Security</p>
<p>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</p>		

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2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)

<p>because of his or her status:</p> <p>a. Foreign passport; and</p> <p>b. Form I-94 or Form I-94A that has the following:</p> <p>(1) The same name as the passport, and</p> <p>(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.</p>	<p>5. U.S. Military card or draft record</p>	(Form DS-1350)
	<p>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</p>	<p>6. Military dependent's ID card</p> <p>7. U.S. Coast Guard Merchant Mariner Card</p> <p>8. Native American tribal document</p> <p>9. Driver's license issued by a Canadian government authority</p> <p>For persons under age 18 who are unable to present a document listed above:</p> <p>10. School record or report card</p> <p>11. Clinic, doctor, or hospital record</p> <p>12. Day-care or nursery school record</p>

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Illustrations c		

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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

<p>b. Form I-94 or Form I-94A that has the following:</p> <p>(1) The same name as the passport, and</p> <p>(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.</p>	<p>6. Military dependent's ID card</p>	<p>certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</p>
	<p>7. U.S. Coast Guard Merchant Mariner Card</p>	
<p>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</p>	<p>8. Native American tribal document</p>	<p>5. Native American tribal document</p>
	<p>9. Driver's license issued by a Canadian government authority</p>	<p>6. U.S. Citizen ID Card (Form I-197)</p>
	<p>For persons under age 18 who are unable to present a document listed above:</p>	<p>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</p>
	<p>10. School record or report card</p>	<p>8. Employment authorization document issued by the Department of Homeland Security</p>
	<p>11. Clinic, doctor, or hospital record</p>	
<p>12. Day-care or nursery school record</p>		

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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

<p>that period of unemployment has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</p> <p>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</p>	<p>For persons under age 18 who are unable to present a document listed above:</p> <p>10. School record or report card</p> <p>11. Clinic, doctor, or hospital record</p> <p>12. Day-care or nursery school record</p>	<p>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</p> <p>8. Employment authorization document issued by the Department of Homeland Security</p>
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LIST A Documents that Establish Both Identity and	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
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1. A Social Security Account Number card, unless the card **includes one of the following restrictions:**
 - (1) **NOT VALID FOR EMPLOYMENT**
 - (2) **VALID FOR WORK ONLY WITH INS AUTHORIZATION**
 - (3) **VALID FOR WORK ONLY WITH DHS AUTHORIZATION**

proposed employment is not in conflict with any restrictions or limitations identified on the form.	For persons under age 18 who are unable to present a document listed above:	Resident Citizen in the United States (Form I-179)
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	10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record	8. Employment authorization document issued by the Department of Homeland Security

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 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"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport, and (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. 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 		<ol style="list-style-type: none"> 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 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 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p align="center">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 		<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to Section 2 of the instructions, titled "Employer or Authorized Representative Review and Verification," for more information about acceptable receipts.

Section Two



- What are you certifying?
 - On its face, the document reasonably appears:
 - 1) To be genuine

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(<i>mm/dd/yyyy</i>)		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 Three



- Updating and Reverification
- THIS IS CRITICAL!

Section 3. Reverification and Rehires <i>(To be completed and signed by employer or authorized representative.)</i>			
A. New Name (if applicable)			B. Date of Rehire (if applicable)
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>	



RETAINING I-9s



Retaining Forms



- Completed I-9s must be retained for:
 - 3 years after the date of hire; or
 - 1 year after employment ends, whichever is later
 - For example, if an employee retires from your company after 15 years, you will need to store his/her I-9 for a total of 16 years
- Must remain easily accessible
 - If the USCIS requests to see I-9s, they must ALL be available in 3 days

Retaining Forms



- Electronic Storage
 - Fillable printable Form I-9 on www.uscis.gov
 - Electronic storage system must include:
 - Security and reliability
 - Read-only format to prevent editing to completed Form I-9
 - Inspection and quality assurance program with regular evaluations
 - Retrieval system with indexing system and search capability
 - Ability to reproduce legible and readable hard copies

Retaining Forms



- Electronic Signature:
 - System to capture electronic signatures
 - Ability to affix the electronic signature at the time of transaction
 - Create and preserve a record verifying the identity of the person
 - Provide a printed confirmation of the transaction, at the time of the transaction, to the person providing the signature



BEST PRACTICES

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

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

► **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 under (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

OR Code - Section 1
Do not write in this space

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

Signature of Employee

Preparer and/or Translator Certification (check one):

(I) did not use a preparer or translator. A preparer(s) and/or translator(s) assisted me in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators are used in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form 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	

USCIS Employer Completes Next Page USCIS



I-9 Compliance Best Practices



1. Have a written policy in place which states the company's position on immigration compliance and completion of the I-9 forms.
2. Do not store the I-9 forms with the employee personnel files. This could lead to the Department of Homeland Security or the Department of Labor reviewing all of your personnel files.
3. Store the I-9 forms in three separate files: one for current employees for whom reverification will never be required, one for current employees for whom reverification is required, and one for terminated employees.

I-9 Compliance Best Practices (cont.)



4. Designate company representatives who will complete and maintain the I-9 forms and provide training and refresher instruction as appropriate.
5. Complete I-9 forms at the same point in the hiring process for all employees, preferably before the employee begins working.
6. Do not retain copies of the supporting documents which are presented by employees during the I-9 process. If you choose to retain the supporting documents, be sure you keep them for everyone.

The key is to be consistent.

I-9 Compliance Best Practices (cont.)



7. Provide the I-9 instructions to the newly hired employee at the time the I-9 form is being completed.
8. Develop resources and reference materials for use by the company representative who will complete and maintain the I-9 forms, including a copy of your written policy and a copy of the government's I-9 Handbook for Employers.
9. Perform periodic internal audits of your I-9 forms to ensure adherence to your policy.

I-9 Compliance Best Practices (cont.)



10. Use your audits as an occasion to review and revise your written policy to address any problem areas revealed by the audit.
11. Consider whether it is beneficial to use I-9 compliance software (e.g. I-9 Zoom or Tracker I-9). This may be particularly useful for employers participating in E-Verify and employers with over 100 employees.
12. Do not seek advice from the Department of Homeland Security. If you have any questions, contact your immigration lawyer.

Completing the I-9 Remotely



- The employer can designate anyone to serve as its Authorized Representative for completing the I-9. Notaries, attorneys, registered agents, bank tellers, etc.
- The Authorized Representative should receive:
 - Written authority, limited to the I-9
 - Instructions on completing the I-9
 - Information to complete the form:
 - Name and address of the employee and employer
 - Start date
 - Contact information at company for questions
 - Address to return completed I-9
- Have Authorized Representative make copies of documents

Completing the I-9 Remotely



- Review the I-9 immediately
 - Send a fax or scan to HR before the employee leaves
 - If Section 1 is incomplete/wrong send it back to the employee
 - If Section 2 is incomplete/wrong coordinate with Authorized Representative to make corrections

Correcting Your I-9s



- If you conduct an internal audit you will find mistakes.
- The simple advice is: fix the mistakes when you find them.
- The complicated advice is: don't make things worse.

Correcting Your I-9s



- What you should do:
 - Be consistent. Whatever you decide, do it for everyone.
 - Compare your I-9s against an employee payroll list. This is how ICE begins.
 - Consider making a chart that summarizes all of the corrections and why they were made.

Correcting Your I-9s



- What you should not do:
 - Erase, use whiteout, correction tape or black marker
 - Correct things that do not need it
 - **Backdate corrections or otherwise make it appear as though it was correct from the beginning**

Correcting Your I-9s



- Section 1 mistakes must be corrected by the employee
- Section 2 mistakes must be corrected by the same employer representative who signed Section 2
- Line through incorrect information and insert the correct clarification where it can be clearly seen

Correcting Your I-9s



- Make minor changes in a different color ink
- Always initial and date the corrections as of the date they are made
- If the I-9 is beyond repair, complete a new I-9 and attach it to the old form
 - Wrong version
 - Section 2 not signed
 - No space to highlight corrections



Questions



- HR Benefits
- HR Management
- HR Services

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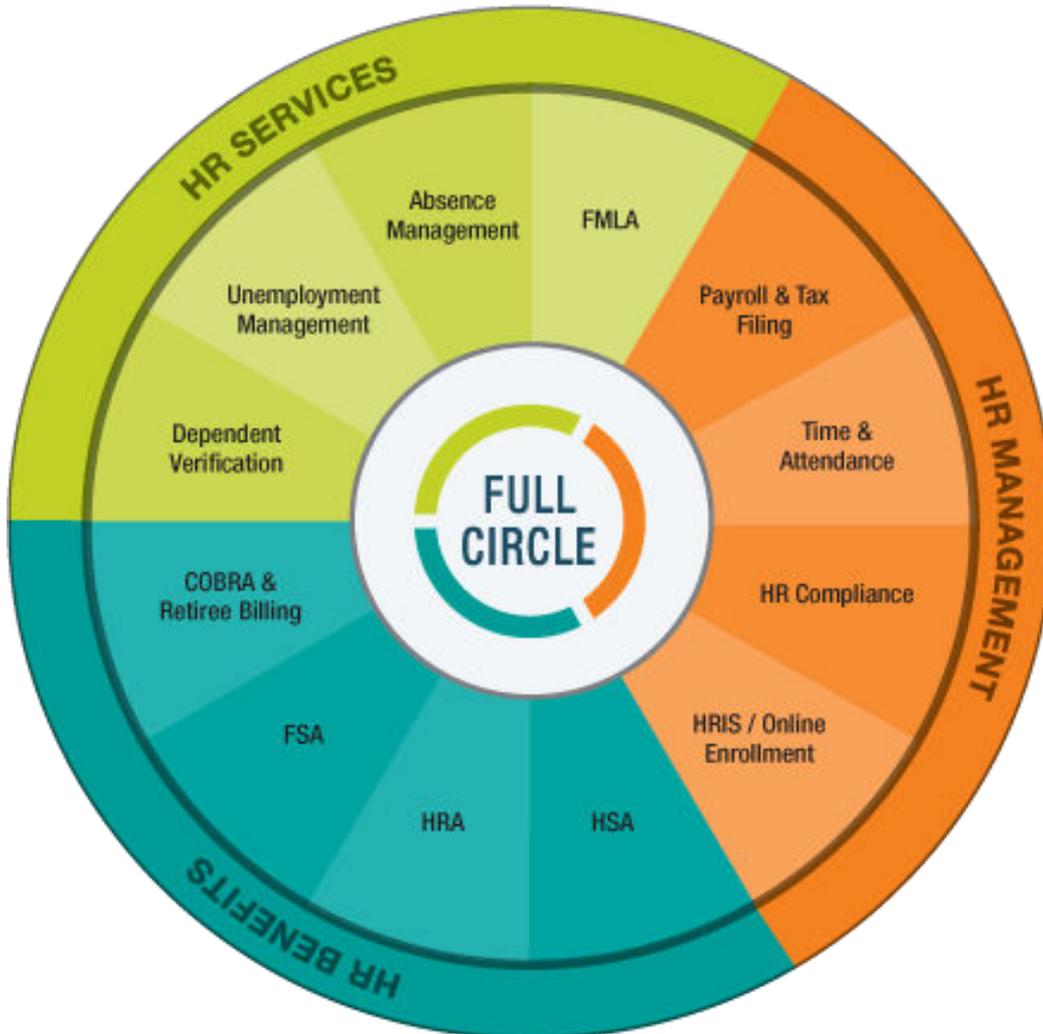
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