

Fast Facts

Purpose of the I-9 form:

This form verifies an employee's identity and legal eligibility to work in the United States.

Regulating Authority:

U.S. Immigration and Customs Enforcement, a division of the U.S. Department of Homeland Security, enforces employment verification requirements.

Minimum Requirements:

An I-9 form must be completed for each employee hired in return for wages or other payments. The forms must be kept the entire time of employment. If an employee leaves the company, you must keep the form for three years after the employee's hire date or one year after the employee's separation — whichever comes later.

Penalties:

Fines ranging from \$110 to \$1,100 per individual form may be assessed. Employing unauthorized aliens may result in fines up to \$16,000 and criminal penalties.

I-9 Checklist

After completing the I-9 form, use this checklist to help avoid common mistakes.

Section 1: To be completed by the employee

- Did the employee provide his/her full legal name?
- Did the employee check one of the boxes indicating he/she is a U.S. citizen, a noncitizen national of the U.S., lawful permanent resident or alien authorized to work in the USA?
- Did the employee sign and date the section?

Section 2: To be completed by the employer

- Were the employee's document(s) reviewed and entered into the form along with the expiration dates (if any)?
- Did the employee provide documents that were valid and current (and not expired)?
- Was the hire date entered?
- Did the employer sign and date this section?

Section 3: To be completed by the employer only when necessary

This section is for updating and reverification. It should be left blank UNLESS:

- The employee has been rehired within three years
- The employee's original authorization has expired and is being renewed
- The employee's name has changed (as through marriage) at the time of update or reverification, then you must fill out the section that asks for the employee's new name.

I-9 Completion and Recordkeeping *The Right Way!*

(Continued)

I-9 Do's & Don'ts

DO have employees fill out an I-9 form on the first day of the job. The employer's section should be completed within the first three days of employment.

Don't ask for — or accept — documentation above and beyond what is required. This may constitute an unfair immigration-related employment practice.

DO be consistent with your documentation practices. For example, if you keep photocopies of I-9 documents attached to the forms, make sure you keep them for all employees.

Don't ask applicants to complete I-9 forms. They are only for hired employees.

DO accept originals — not copies — of documents when determining employment eligibility. The only exception is a certified copy of a birth certificate.

Don't keep I-9 forms longer than is required. Employers can be fined for improperly completed I-9 forms even if the forms are beyond the retention requirement period. (See Minimum Requirements on reverse side.)

DO accept one List A document OR a combination of a List B document AND a List C document when completing Section 2 of the form. No other combination is acceptable.

Don't keep I-9 forms in employee personnel files. All I-9 records, including supporting documentation, should be kept together in a separate file.

DO be sure to reverify expiring documents.

Don't enter a P.O. box business address when filling out the I-9 form.

DO review the employee's documents carefully to make sure they are on the Form I-9's list of acceptable documents.

Don't accept or allow an employee to use expired documents to support employment eligibility. Check the expiration dates on all documents provided by employees for the I-9 to ensure they are valid and up-to-date.