

UPDATED Slides 4/11/13  
 “Untangling the New Form I-9”  
*I-9 Compliance Training*



Presented by: Alabama Cooperative Extension System  
 National Federation of Independent Business  
 Constangy, Brooks & Smith, LLP

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1

“Untangling the New Form I-9”  
 I-9 Compliance Training for new Form and M-274  
*Employer Handbook* released March 8, 2013

This educational course has been designed to train supervisors, and anyone with hiring responsibilities, on the United States Department of Homeland Security Immigration Compliance I-9 Procedures updated March 8, 2013. The following training materials are for educational purposes only and do not constitute legal advice. No copyright claim is made to original governmental works.

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2

## About this Training Presentation

1. Why Is I-9 Training Critical To You And Your Employer?
2. If Using E-Verify Why Complete Form I-9?
3. Completing The New I-9 Form (March 8, 2013)
4. What Is The Employee's Form I-9 Responsibility?
5. What Is The Employer's Form I-9 Responsibility?
6. What About Minors and Form I-9 Completion?
7. What About Form I-9 Completion For Employees With Disabilities?
8. Should I Copy The Documents Presented?
9. What About Expiration Dates And Revivification?
10. What Are The Form I-9 Retention Requirements?
11. Tips To Avoid Penalties.
12. What About Previous Form I-9s Not Properly Completed?
13. What Are The Top 10 Signs You Might Need An I-9 Audit?
14. Immigration Compliance – How will your Business Score?

## “Untangling the New Form I-9” Why Participate in this Training?

- Why should I care?
- How will this training make my life better?
- What must I do?

## “Untangling the New Form I-9” Why should I care?



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5

## “Untangling the New Form I-9” Why should I care?

- It's your job to get all Form I-9's properly completed
- It will help you survive an ICE audit
- Helps you avoid Civil Penalties
- Helps you avoid Criminal Charges
- Helps you keep your HR job

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6

**“Untangling the New Form I-9”  
How will this training make  
my life better?**



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7

**“Untangling the New Form I-9”  
How will this training make  
my life better?**

- **Helps you instantly spot the most common Form I-9 errors**
- **Gives you images and references to come back to in the future**
- **Provide step-by-step guidance on various hiring situations**
- **Shows you an image of what a properly completed Form I-9 looks like**

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8

## “Untangling the New Form I-9” What must I do?



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9

## “Untangling the New Form I-9” What must I do?

- **Concentrate on these materials like your job depends on it**
- **Download this presentation, new Form I-9 and Employer Handbook**
- **Put your own Form I-9 compliance plan in place**
- **For your current employees, consider a form I-9 audit**

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10

## FURTHER I-9 UPDATE - NOW MANDATED MAY 7, 2013

- On April 9, 2013, USCIS eliminated some ambiguity in its initial Notice by clarifying that the new Form I-9 must be used as of May 7, 2013, not May 8, 2013. [Federal Register Volume 78, Number 68 (Tuesday, April 9, 2013)]. The Federal Register Notice included this warning to all employers:
- "In this notice, USCIS is announcing that employers should begin using Form I-9 with a revision date of (Rev. 03/08/13)N" to comply with their employment eligibility verification responsibilities. The revision date is located in the bottom right-hand corner of the form.
- After May 7, 2013, all prior versions of Form I-9 can no longer be used by the public. The public can download the new Form I-9 at [www.uscis.gov](http://www.uscis.gov). After May 7, 2013, employers who fail to use Form I-9 (Rev. 03/08/13)N may be subject to all applicable penalties under section 274A of the INA, 8 U.S.C. 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE) and DOJ."

### 1. Why is I-9 Training Critical to You and Your Employer?

- The Immigration Reform and Control Act (the act) was enacted in 1986, making it unlawful for employers to knowingly hire or continue to employ individuals who are not legally authorized to work in the United States. Your understanding the new Form I-9 effective **May 7, 2013**, and compliance M-274 Handbook for Employers is critical in protecting your organization from fines and criminal action by ICE. All prior I-9 forms and Handbooks for Employers are not to be used.
- The Act puts the burden of checking and recording employee eligibility on employers through a requirement to complete Form I-9, Employment Eligibility Verification, for all employees hired after November 6, 1986.
- All new hires, including, both Citizens and Nationals of the U.S. need to prove they are eligible to work.

# COLD AS ICE



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13

## Penalties for Non-Compliance: Monetary Fines \$\$\$

- Penalties for failing to comply with I-9 requirements include a civil fine of not less than \$110 and not more than \$1,100 for each employee whose Form I-9 was not completed, retained, or presented properly.
- Monetary penalties for knowingly hiring or continuing to employ unauthorized employees include:
  - 1<sup>st</sup> violation: a fine of not less than \$375 and not more than \$3,200 per unauthorized employee;
  - 2<sup>nd</sup> violation: a fine of not less than \$3,200 and not more than \$6,500 per unauthorized employee;
  - 3<sup>rd</sup> violation: a fine of not less than \$4,300 and not more than \$16,000 per unauthorized employee.

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14

## ICE Penalties

- I-9 Penalties for Knowing Hire/Continuing to Employ Violations
  - Three Tiers of Violators - Penalty Amounts:

Knowing Hire and Continuing to Employ Violations	Standard Fine Amount		
	First Tier \$375-\$3,200	Second Tier \$3,200-\$6,500	Third Tier \$4,300-\$16,000
0%-9%	\$375	\$3,200	\$4,300
10%-19%	\$845	\$3,700	\$6,250
20%-29%	\$1,315	\$4,300	\$8,200
30%-39%	\$1,785	\$4,850	\$10,150
40%-49%	\$2,255	\$5,400	\$12,100
50% or more	\$2,725	\$5,950	\$14,050

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15

## ICE Penalties

- I-9 Penalties for Substantive and Uncorrected Technical Violations for each I-9 Form:

Substantive Verification Violations	Standard Fine Amount		
	1 <sup>st</sup> Offense \$110-\$1100	2 <sup>nd</sup> Offense \$110-\$1100	3 <sup>rd</sup> Offense + \$110-\$1100
0%-9%	\$110	\$550	\$1100
10%-19%	\$275	\$650	\$1100
20%-29%	\$440	\$750	\$1100
30%-39%	\$605	\$850	\$1100
40%-49%	\$770	\$950	\$1100
50% or more	\$935	\$1100	\$1100

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16

## ICE Raids



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17

## Criminal Penalties for Non-Compliance



- Engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized employees carries fines up to \$3,200 per employee and/or six months imprisonment.
- Engaging in a pattern or practice of recruiting unauthorized seasonal agricultural workers outside the U.S. carries fines up to \$3,000 per employee and/or six months imprisonment upon conviction.
- Engaging in harboring of an illegal alien, conspiracy, fraud, making false statements, or otherwise misusing visas, immigration permits, and identity documents carries fines and/or imprisonment for up to five years in federal prison upon conviction.

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18

## ICE Announces Substantial Fines for Employers for Immigration Law Violations November 2012

- Obama Administration's aggressive I-9 Audit Program
- Employers in Connecticut, Maine and Massachusetts were assessed significant fines totaling more than \$561,000 for immigration law violations
- 37 employers were audited by Homeland Security Investigations of the U.S. Immigration and Customs Enforcement agency
- Similar penalties also have been assessed in other regions of the country
- The I-9 audits got agents in these companies' doors, but once inside, investigators found evidence of more serious violations, including hiring of unauthorized workers
- The government press releases focused on both the I-9 and hiring violations

## ICE Announces Substantial Fines for Employers for Immigration Law Violations November 2012 (cont)

### Tips to Avoid Being an ICE Target:

To avoid being targeted and to be successful when audits do occur, employers should be diligent in meeting their two-fold obligations under the Immigration Reform and Control Act of 1986:

1. Employers should comply with their I-9 employment verification responsibilities, **which includes periodic self-audits and correction of any errors found**, and
2. Employers should refuse to knowingly employ or continue to employ unauthorized workers

In addition, employers should obviously avoid any conduct that could trigger a criminal investigation.

## Penalties for Over-Documenting

- Catholic Healthcare West– Paid a Fine of \$250,000 for over-documenting I-9s
- On August 22, 2011 Farmland Foods (a subsidiary of Smithfield Foods) agreed to pay \$290,400 in civil penalties for requiring specific or excessive documents to establish work authorization for I-9s.

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21

## 2. If using E-Verify, why complete Form I-9?



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22

### 3. Completing The **New** I-9 Form (March 8, 2013)



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### 1st Step: Who Needs to Complete an I-9 Form?

- New Form Mandatory as of **May 7, 2013**
- All employees hired after November 6, 1986
- You should not complete Form I-9 for job applicants, only those who are actually hired.
- An I-9 form must be completed for anyone hired to perform labor or services in return for wages or other remuneration. (Remuneration is anything of value given in exchange for services rendered, including food and lodging.)

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24

## No I-9 Form is Necessary For Individuals Who Are:

- Independent contractors - are they truly an independent contractor and cannot be considered an employee? (*You must not knowingly use contract labor to circumvent against hiring unauthorized aliens.*)
- Workers who provide services to you under contract or subcontract (i.e., workers employed by a temporary agency). Responsibility of the contractor or subcontractor to complete and retain the I-9.
- Workers who provide casual domestic services in a private household that are sporadic, irregular, or intermittent.

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25

## 2nd Step: ABCs of Required Documents

- Only after a worker accepts an offer of employment, explain the kinds of documents they will need to present in order to verify their identity and employment eligibility. You may not specify which documents you will accept for verification, however you should tell the employee that the documents must be originals and you cannot accept a photo copy. The only exception is a certified birth certificate.
- Wise Counsel: Give the newly hired employee a copy of the "Lists Of Acceptable Documents" that is part of the new Form I-9. In fact, it is highly recommended that you do not interpret what documents are acceptable but merely make available the entire nine page I-9 instruction packet for employees to read.



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26







## 2nd Step: What Documentation is Required? List A

- Passports issued by the Republic of the Marshall Islands and Federated States of Micronesia.



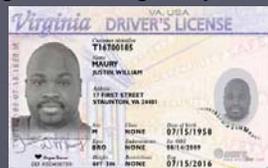
- For Form I-9 purposes, citizens of these countries may present FSM or RMI passports accompanied by a Form I-94 or Form I-94A indicating nonimmigrant admission under the CFA, which are acceptable documents under List A.

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33

## 2nd Step: What Documentation is Required? List B

1. Driver's license issued by a state or outlying possession of the U.S. 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



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34

## 2nd Step: What Documentation is Required? Other List B Documents

3. School ID card with a photograph
4. Voters registration card
5. US military card or draft record
6. Military dependent's ID card
7. US Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

## 2nd Step: What Documentation is Required? Other List B Documents for those under 18 who are unable to present a document listed above

10. School record or report card
11. Clinic, Doctor, or hospital record
12. Day – care or nursery school record

## 2nd Step: What Documentation is Required? List C

U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment, valid for employment only with INS or DHS authorization)



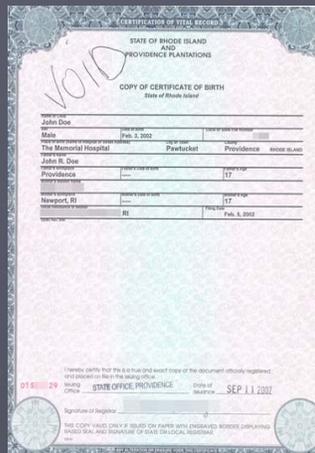
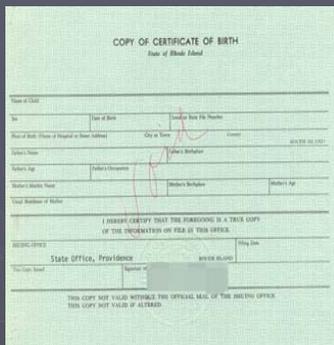
Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)

Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal



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## Sample Birth Certificates List C

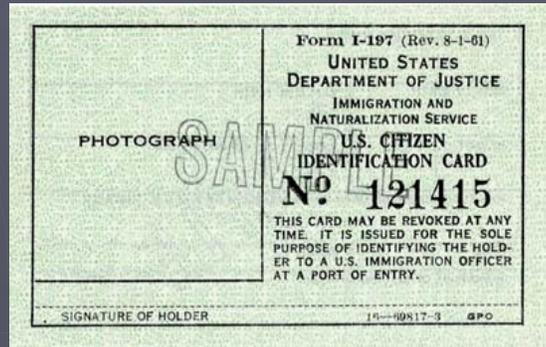


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38

## 2nd Step: What Documentation is Required? List C

- U.S. Citizen ID Card  
(Form I-197)

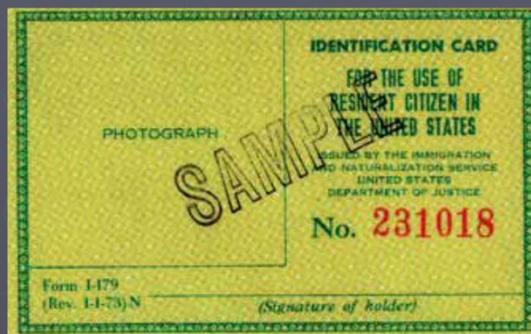


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39

## 2nd Step: What Documentation is Required? List C

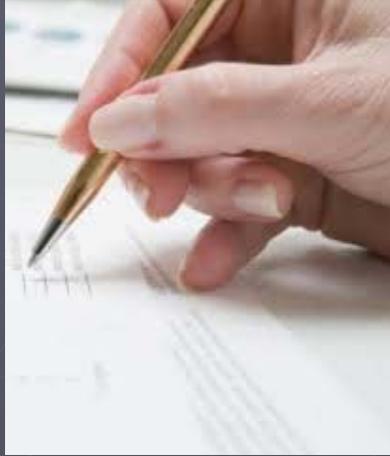
- Identification Card  
for Use of Resident  
Citizen in the  
United States  
(Form I-179)



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40

# 4. What is the Employee's Form I-9 Responsibility?



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41

## 3rd Step: How Do Employees Complete I-9 Section 1

- New employees must complete Section 1 of the I-9 at their time of hire, which is the actual beginning of employment.

**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) Doe		First Name (Given Name) John		Middle Initial A	Other Names Used (if any) N/A	
Address (Street Number and Name) 123 Main Street			Apt. Number 1	City or Town Washington		State DC
Date of Birth (mm/dd/yyyy) 01/01/1960		U.S. Social Security Number [000]-[00]-[0000]		E-mail Address johndoe@email.com		Telephone Number (202) 123-4567

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):

A citizen of the United States

A noncitizen national of the United States (See instructions)

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

An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) 02/28/2015. Some aliens may write "N/A" in this field. (See instructions)

*For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Number:*

1. Alien Registration Number/USCIS Number: 1 2 3 4 5 6 7 8 9

OR

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

**3-D Barcode  
Do Not Write in This Space**

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: \_\_\_\_\_

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

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (See instructions)

Signature of Employee: *John A. Doe* Date (mm/dd/yyyy): 06/30/2013

**Preparer and/or Translator Certification** *(To be completed and signed if Section 1 is prepared by a person other than the employee.)*

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

Signature of Preparer or Translator: *Jane Doe* Date (mm/dd/yyyy): 06/30/2013

Last Name (Family Name) Doe		First Name (Given Name) Jane	
Address (Street Number and Name) 123 Main Street			City or Town Washington
State DC		Zip Code 20000	

42

### 3rd Step: Tips on Completing Section 1: Employee Information and Attestation

1. Enter your full legal name and other names that you have used in the past or present (e.g., maiden name) if any.
  - If you have two last names (family names), include both. If you hyphenate your last name, include the (-) between the names.
  - Include your middle initial, as applicable.
  - Enter N/A if you have no middle initial or have not used other names.

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43

### 3rd Step: Tips on Completing Section 1: Employee Information and Attestation

2. Enter your home Address, Apt, Number, City or Town, State and Zip Code. If you have no Apt Number, you may not enter a P.O. Box in this field. If you have no street address, enter a description of the location of your residence, such as "9 miles south of I-81, to the left of the water tower."
3. Enter your Date of Birth, Social Security Number, E-mail Address and Telephone Number. Entering the Social Security number is optional less your employer confirms employment authorization using E-Verify. Entering your email address or telephone number is voluntary. If you choose not to enter your E-mail address or telephone number, enter N/A in these fields.

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44

### 3rd Step: Tips on Completing Section 1: Employee Information and Attestation

4. Read the warning and attest to your citizenship or immigration status by checking the appropriate box.
5. Sign and date the form
6. If you are using a preparer or translator to fill out the form, that person must certify that he or she assisted you by completing the Preparer and/or Translator Certification Block. If you require multiple Preparers and/or Translators, subsequent Preparers and/or Translators must complete the Preparer/Translator certification of a second form I-9 and attached that page to your form.

### 3rd Step: How Do Employees Complete I-9 Section 1 Common Mistakes

Look for these common mistakes:

- Is their name in the order requested last, first, then middle initial?
- Did they list a P.O. Box and not a street address?
- Is the date of birth in the order of month, then day, then year?
- Does the Social Security number (SSN) contain nine digits?
- Has the new employee checked only one box and put in a number where requested?
- Did they sign and date the form? If an employee refuses sign the form, do not continue on to the next section. Inform the employee that they must sign the form in order to continue employment. If they do not, you should not employ or retain that person.

## What If The Employee Has Help Filling Out Section 1?

- The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

## What If The Employee Has Help Filling Out Section 1? Continued

Did the:

- Preparer/translator only sign the box for the “Preparer’s/Translator’s” Signature, and not Employee’s Signature. The employee must personally sign the form even if a preparer or translator has been used.
- Preparer/translator date the Certification section. This date should be the same as the date next to the employee’s signature.
- **Wise Counsel:** Made available to the newly hired employee a copy of the Spanish I-9 for translation purposes only (unless you are in Puerto Rico) but only allow them to complete the English version.

## 5. What is the Employer's Responsibility?



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49

### 4th Step: How Do You Properly Review the Eligibility/Identity Documentation and Complete Section 2?

- At the time of hire you informed employees of their documentation requirements in Step 1. Review the documents they provide against the I-9 Lists of Acceptable Documents. Newly hired employees, have until the end of the third business day from the date employment begins to provide appropriate documents.
- **Wise Counsel:** If an employee gives you items from all three lists, ask them whether they want you to use the one item from List A or the items from Lists B and C. If an employee gives you two List B documents, you must request a List C item in order to complete the I-9. You do not need multiple List A documents, even though there is space on the I-9 for three.
- When you complete the information on the I-9 form for List B and C items make certain to include complete information on correct lines. Note that titles, issuing authority, document numbers, and expiration date line up.
- Do not accept a Social Security card that is stamped "Valid only with INS authorization" or "Not valid for employment purposes," or that is laminated, if it says on the back "Not valid if laminated."

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50

## 4th Step: How Do You Properly Review the Eligibility/Identity Documentation and Complete Section 2?

**Section 2. Employer or Authorized Representative Review and Verification**  
*(Employers or their authorized representatives 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 examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)*

Employee Last Name, First Name and Middle Initial from Section 1: Doe, John A

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title: EAD		Document Title:		Document Title:
Issuing Authority: DHS / USCIS		Issuing Authority:		Issuing Authority:
Document Number: XXX1234567891		Document Number:		Document Number:
Expiration Date (if any)(mm/dd/yyyy): 02/28/2015		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				

3-D Barcode  
Do Not Write in This Space

**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): 06/30/2013 (See instructions for exemptions.)

Signature of Employer or Authorized Representative <i>Alice Smith</i>	Date (mm/dd/yyyy) 07/02/2013	Title of Employer or Authorized Representative HR Manager
Last Name (Family Name) Smith	First Name (Given Name) Alice	Employer's Business or Organization Name Widgets, Inc.
Employer's Business or Organization Address (Street Number and Name) 567 Maple Street	City or Town Washington	State DC
		Zip Code 20000

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51

## 4th Step: Tips on Completing Section 1: Employer or Authorized Representative review and Verification

### Section 2: Employer Review and Verification

1. Enter the employee's name from Section 1 at the top of Section 2.
2. Enter the document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee.
  - NOTE: You may use abbreviations for commonly used documents, e.g., DL for driver's license and SS for Social Security.
  - NOTE: if the employee is a student or exchange visitor who presented a foreign passport with a Form I-94, the employer should also enter the student's Form I-20 or DS-2019 number (Student and Exchange Visitor Number-SEVIS Number); and the program end date from Form I-20 or DS-2019.

## 4th Step: Tips on Completing Section 1: Employer or Authorized Representative review and Verification

### Section 2: Employer Review and Verification

3. Enter the first day of employment for wages, or other remuneration (i.e. date of hire) in the space for "The employees first of employment (mm/dd/yyyy)." Recruiters and recruiters for a fee do not enter the employee's first day of employment.
4. Employer or authorized representative attest to physically examining the documents provided by signing and dating the signature and date fields.
5. Enter the business name and address.

**Practical Tip:** By preprinting the organization's name and address on the I-9 form, either in the fill able PDF template or keep a hard copy original that you can photocopy as needed.

## 4th Step: How Do You Properly Review the Eligibility/Identity Documentation and Complete Section 2?

- Does the document reasonably appear to be genuine and to relate to the person presenting it. While you are not expected to be an expert, you are expected to catch overt signs that the document is likely fake. Ask yourself as you examine the documents:
  - Are there inconsistent typefaces or sizes?
  - Is the information on the front of a document that is different than the back (or information differences between documents)?
  - Do the photographs have no resemblance to the employee?
  - Are there Social Security numbers that begin with 8, 9, or 000; are all 1s or 3s; or are in the sequential order of 123-45-6789?

#### 4th Step: How Do You Properly Review the Eligibility/Identity Documentation and Complete Section 2?

- If you reasonably believe that a document looks questionable, you are allowed to ask the employee to present something else to satisfy the I-9 requirements. Do not ask for specific documents.
- Your responsibility concerning the authenticity of documents presented to you is as follows:
  - “You must examine the documents and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the documents do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.”

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55

#### 4th Step: How Do You Properly Review the Eligibility/Identity Documentation and Complete Section 2 continued?

- If the employee cannot come up with documents that fall within the “List of Acceptable Documentation” within three business days, you must separate the employee. (*Caution: you must apply these practices uniformly.*)
- The three business days employees have to present documentation includes any days the employer regularly conducts business, even if it includes weekends or holidays.

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56

## 6. What about Minors & I-9 Form Completion?



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57

### What About Minors & I-9 Form Completion?

#### Minors (Individuals under Age 18)

- If a minor – a person under the age of 18 – cannot present a List A document or an identity document from List B, the Form I-9 should be completed in the following way:
  1. A parent or legal guardian must complete Section 1 and write “Individual under age 18” in the space for the employee’s signature;
  2. The parent or legal guardian must complete the “Preparer/Translator Certification” block;
  3. You should write “Individual under age 18” in Section 2, List B, in the space after the words “Document #”; and
  4. The minor must present a List C document showing his or her employment eligibility. You should record the required information in the appropriate space in Section 2.

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58

## What About Minors & I-9 Form Completion?

Section 1. Employee Information and Attestation <small>(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.)</small>					
Last Name (Family Name) Doe		First Name (Given Name) Susan		Middle Initial B	Other Names Used (if any) N/A
Address (Street Number and Name) 123 Minor Street			Apt. Number B	City or Town Washington	State DC Zip Code 20000
Date of Birth (mm/dd/yyyy) 05/15/1999	U.S. Social Security Number 0000-00-0000	E-mail Address susandoe@email.com		Telephone Number (202) 765-4321	
<p>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.</p> <p>I attest, under penalty of perjury, that I am (check one of the following):</p> <p><input checked="" type="checkbox"/> A citizen of the United States</p> <p><input type="checkbox"/> A noncitizen national of the United States (See instructions)</p> <p><input type="checkbox"/> A lawful permanent resident (Alien Registration Number/USCIS Number): _____</p> <p><input type="checkbox"/> An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) _____. Some aliens may write "N/A" in this field. (See instructions)</p> <p>For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Number:</p> <p>1. Alien Registration Number/USCIS Number: _____</p> <p style="text-align: center;"><b>OR</b></p> <p>2. Form I-94 Admission Number: _____</p> <p>If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:</p> <p>Foreign Passport Number: _____</p> <p>Country of Issuance: _____</p> <p>Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (See instructions)</p>					
Signature of Employee: <u>Individual under Age 18</u>				Date (mm/dd/yyyy): 06/30/2013	
<p><b>Preparer and/or Translator Certification</b> <small>(To be completed and signed if Section 1 is prepared by a person other than the employee.)</small></p> <p>I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.</p>					
Signature of Preparer or Translator: <u>Bill Doe</u>				Date (mm/dd/yyyy): 06/30/2013	
Last Name (Family Name) Doe		First Name (Given Name) Bill			
Address (Street Number and Name) 123 Minor Street			City or Town Washington	State DC	Zip Code 20000

59

## Parents Tips on Completing Form I-9 for Minors

1. Parent or legal guardian of a minor employee completes Section 1 and writes, "Individual under age 18" in signature space.
2. Parent or legal guardian complete the Preparer and/or Translator Certification block.

## What About Minors & I-9 Form Completion?

**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 examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)*

Employee Last Name, First Name and Middle Initial from Section 1: Doe, Susan B

List A Identity and Employment Authorization	OR List B Identity	AND List C Employment Authorization
Document Title:	Document Title: Individual under age 18	Document Title: Social Security Card
Issuing Authority:	Issuing Authority:	Issuing Authority: SSA
Document Number:	Document Number:	Document Number: 000000000
Expiration Date (if any)(mm/dd/yyyy):	Expiration Date (if any)(mm/dd/yyyy):	Expiration Date (if any)(mm/dd/yyyy): N/A
Document Title:	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>3-D Barcode Do Not Write in This Space</b> </div>	
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): 06/30/2013 (See instructions for exemptions.)

Signature of Employer or Authorized Representative <i>Mary Smith</i>		Date (mm/dd/yyyy) 07/01/2013	Title of Employer or Authorized Representative HR Manager	
Last Name (Family Name) Smith	First Name (Given Name) Mary	Employer's Business or Organization Name Warm Coats, Inc.		
Employer's Business or Organization Address (Street Number and Name) 456 S. Main Street		City or Town Washington	State DC	Zip Code 20000

61

## Employer Tips on Completing Form I-9 for Minors

1. Enter the employee's name from Section 1 at the top of Section 2.
2. Enter "Individual under age 18" under List B and entered the List See document the minor's presents.
3. Enter the date employment began.
4. Employer or authorized representative attest to physically examining the documents provided by signing and dating the signature and date fields.
5. Entered the business name and address.

62

## 7. What about Form I-9 Completion for Employees with Disabilities?



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63

### What About Employees With Disabilities?

Who Qualifies: A person who has a physical or mental impairment which substantially limits one or more such person's major life activities, and is placed in a job by a nonprofit organization, association, or as part of a rehabilitation program, may establish identity under List B by using similar procedures to those used by persons under 18 years of age if he or she cannot produce a List B identity document and otherwise qualifies to use these procedures.

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64

## Employees with Disabilities (Special Placement)

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) Doe	First Name (Given Name) Harold	Middle Initial T	Other Names Used (if any) N/A		
Address (Street Number and Name) 123 Side Street		Apt. Number 4	City or Town Washington	State DC	Zip Code 20000
Date of Birth (mm/dd/yyyy) 09/06/1977	U.S. Social Security Number 000-00-0000	E-mail Address harolddoe@email.com		Telephone Number (202) 765-4321	
<p>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.</p> <p>I attest, under penalty of perjury, that I am (check one of the following):</p> <p><input checked="" type="checkbox"/> A citizen of the United States</p> <p><input type="checkbox"/> A noncitizen national of the United States (See instructions)</p> <p><input type="checkbox"/> A lawful permanent resident (Alien Registration Number/USCIS Number): _____</p> <p><input type="checkbox"/> An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) _____. Some aliens may write "N/A" in this field. (See instructions)</p> <p>For aliens authorized to work, provide your Alien Registration Number/USCIS Number OR Form I-94 Admission Number:</p> <p>1. Alien Registration Number/USCIS Number: _____</p> <p style="text-align: center;"><b>OR</b></p> <p>2. Form I-94 Admission Number: _____</p> <p>If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:</p> <p>Foreign Passport Number: _____</p> <p>Country of Issuance: _____</p> <p>Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (See instructions)</p>					
Signature of Employee: <b>Special Placement</b>			Date (mm/dd/yyyy): 06/30/2013		
<p><b>Preparer and/or Translator Certification</b> (To be completed and signed if Section 1 is prepared by a person other than the employee.)</p> <p>I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.</p>					
Signature of Preparer or Translator: <b>Bill Doe</b>			Date (mm/dd/yyyy): 06/30/2013		
Last Name (Family Name) Doe		First Name (Given Name) Bill			
Address (Street Number and Name) 123 Cross Street		City or Town Washington	State DC	Zip Code 20000	

65

## Completing Form I-9 for Employees with Disabilities (Special Placement)

1. Representative of a nonprofit organization, parent, or legal guardian of an individual with a disability completes Section 1 and writes, "Special Placement" in signature of employee field and dates the form.
2. Representative, parent, or legal guardian completes the Preparer and/or Translator Certification block.

## Employees with Disabilities (Special Placement)

**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 examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)*

Employee Last Name, First Name and Middle Initial from Section 1: Doe, Harry T

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title:		Document Title: Special Placement		Document Title: Social Security Card
Issuing Authority:		Issuing Authority:		Issuing Authority: SSA
Document Number:		Document Number:		Document Number: 000-00-0000
Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy):		Expiration Date (if any)(mm/dd/yyyy): N/A
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date (if any)(mm/dd/yyyy):				

3-D Barcode  
Do Not Write in This Space

**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): 06/30/2013 (See instructions for exemptions.)

Signature of Employer or Authorized Representative <i>Mary Smith</i>	Date (mm/dd/yyyy) 07/02/2013	Title of Employer or Authorized Representative HR Manager
Last Name (Family Name) Smith	First Name (Given Name) Mary	Employer's Business or Organization Name Warm Coats, Inc.
Employer's Business or Organization Address (Street Number and Name) 456 S. Main Street	City or Town Washington	State DC
		Zip Code 20000

67

## Completing Form I-9 for Employees with Disabilities (Special Placement)

1. Enter the first employee's name from Section 1 at the top of Section 2.
2. Enter "Special Placement" under List B and entered the List See document the employee with a disability presents.
3. Enter the date employment began.
4. Employer or authorized representative attest to physically examining the documents provided by signing and dating the signature and date fields.
5. Enter the business name and address.

## 8. Should I Copy the Documents Presented?



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69

### Should I Copy the Documents Presented continued?

- There is no legal requirement to make and keep copies of employees' documentation.
- Neither is there a prohibition. The employer should make this decision before proceeding.
- The employer needs to be consistent with all employees going forward.
- If your employer (or you) copy the documents of some individuals and not others, it (or you) could be accused of discrimination.

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70

## Should I Copy the Documents Presented continued?

### Advantages to making and retaining copies:

- Proof that you looked at the documents.
- If audited, transcription errors can be easily detected and corrected.
- Demonstrates a good-faith effort to comply with the law.

### Disadvantages to making and retaining copies:

- May forget to do it within three business days.
- May be tempted to attach the copies to the form and write “see attached” on the I-9 form, rather than filling in all the appropriate information
- Forgetting to copy both sides of two-sided documents
- Additional paperwork taking up space.

## 9. What about Expiration Dates?



## What About Expiration Dates?

- All Documents Must Be Unexpired! List A, B and C.
- All List A documents, with the exception of U.S. Passports and Form I-551 (Permanent Resident Cards/Alien Registration Receipt Card), **must be re-verified upon expiration.**
- Beginning in August 1989, Permanent Resident Cards were changed to include expiration dates. This does not mean that employment status expires, just that the card expires and must be renewed.

## REVERIFYING & UPDATING FORM I-9

- An I-9 Form needs to be updated for two reasons:
  - if authorization documents have an expiration date; or
  - Employee name change; or
  - if employee is rehired, recalled from layoff, before their I-9 form has been destroyed or before their original employment authorization documents have expired.

## Re-Verification For Active Employees

- Calendar expiration date on documents presented if applicable.
- At least 90 days prior to expiration contact and remind the employee in writing that they will be required to update their I-9 before the date in order to remain employed.
- Consider using following Notice to Employees of Need to Update Authorization Expiration.

## NOTICE TO EMPLOYEES OF SCHEDULED AUTHORIZATION EXPIRATION AND NEED TO UPDATE

Dear [Employee's Name]:

Our I-9 records indicate that you are eligible to work in the United States only through [Date]. Under federal Immigration Control laws, we must terminate your employment on that date unless you can produce documents verifying that your eligibility to work in the United States has been extended.

We urge you to take timely steps before the expiration date of your employment authorization to obtain an extension of your authorization.

## Section 3 Reverification and Rehires

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)			
A. New Name (if applicable) Last Name (Family Name)		First Name (Given Name)	Middle Initial
Doe		Jason	A
B. Date of Rehire (if applicable) (mm/dd/yyyy):		03/28/2015	
C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.			
Document Title:	Document Number:	Expiration Date (if any)(mm/dd/yyyy):	
EAD	XXX1987654321	06/30/2019	
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:	Date (mm/dd/yyyy):	Print Name of Employer or Authorized Representative:	
<i>Alice Smith</i>	03/28/2015	Alice Smith	

1. Enter the employee's new name, if applicable, in Block A.
2. Enter the employee date of rehire, if applicable, in Block B.
3. Entered the document title, number, and expiration date (if any) of document (s) presented in Block C.
4. Sign and date section 3.

**NOTE:** You must complete a new Form I-9 if the version of the form you used for the previous verification is no longer valid.

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77

## Tips on Updating and Re-Verification

- Employers must complete **Section 3** when updating and/or re-verifying the Form I-9. Employers must re-verify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which documents they will accept from an employee.
  1. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
  2. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
  3. Track the new expiration date.

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78

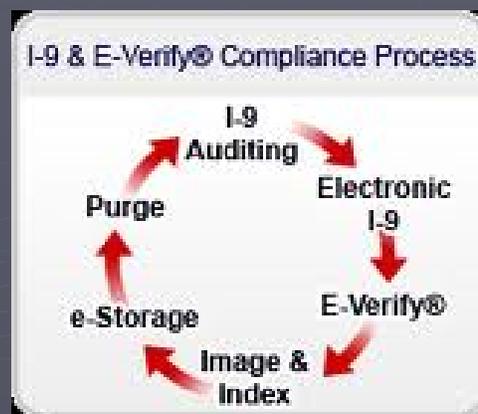
## What if Section 3 Was Previously Completed?

- Complete a new I-9 form.
- Place the employee's name in Section 1 and complete Section 3.
- Keep the new I-9 form with the original I-9. Do **not** destroy the original I-9 form.
- If you retain photocopies make a copy of the new documentation.

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79

## 10. Form I-9 Retention Requirements.



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## Form I-9 Retention

1. Enter date employee started work: \_\_\_\_\_

Add 3 years to Line 1

A. \_\_\_\_\_

2. Termination Date: \_\_\_\_\_

Add 1 year to Line 2

B. \_\_\_\_\_

Which date is later: A or B? Enter later date here.

C. \_\_\_\_\_

Store Form I-9  
until this date.

## Form I-9 Retention Options

- Paper Retention of Forms I-9
- Microform Retention of Forms I-9
- Electronic Forms I-9

[www.uscis.gov](http://www.uscis.gov)

## Electronic Retention of Forms I-9

- Employers may use paper, electronic systems, or a combination of paper and electronic systems. You may complete or retain Form I-9 in an electronic generation or storage system that includes:
  1. Reasonable controls to ensure the integrity, accuracy and reliability;
  2. Reasonable controls designed to prevent and detect the unauthorized or accidental creation of, addition to, alteration of, deletion;
  3. An inspection and quality assurance program that regularly evaluates the electronic generation or storage system;
  4. An indexing system that permits the identification and retrieval;
  5. The ability to reproduce legible and readable paper copies.

## 11. Tips to Avoid Penalties.



## Unlawful Discrimination and Penalties for Prohibited Practices

### ➤ Unlawful Discrimination

1. Citizenship or immigration status discrimination;
2. National origin discrimination;
3. Unfair documentary practices during Form I-9 process (document abuse); and
4. Retaliation.

## Unlawful Discrimination and Penalties for Prohibited Practices

### ➤ Document Abuse

1. Improperly requesting that employees produce more documents than are required by Form I-9;
2. Improperly requesting that employees present a particular document;
3. Improperly rejecting documents that reasonably appear to be genuine and to relate to the employee presenting them; and
4. Improperly treating groups of applicants differently when completing Form I-9.

## Avoiding Discrimination in Recruiting, Hiring, and the Form I-9 Process

➤ **You should not:**

1. Set different employment eligibility verification standards or require that different documents be presented by employees because of their national origin and citizenship status.
2. Request to see employment eligibility verification documents before hire and completion of Form I-9.
3. Refuse to accept a document, or refuse to hire an individual, because a document has a future expiration date.
4. Request that, during reverification, an employee present a new unexpired Employment Authorization Document (Form I-766) if he/she presented one during initial verification.
5. Limit jobs to U.S. citizens unless U.S. citizenship is required for the specific position by law; regulation; executive order; or federal, state, or local government contract.

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87

For more information see M-274 Handbook  
for Employer 3/08/13 [www.uscis.gov](http://www.uscis.gov)



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88

## 12. What About Previous Form I-9s Not Properly Completed?



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89

## 13. What Are The Top 10 Signs You Might Need An I-9 Audit?



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## What are the Top 10 Signs you might need an I-9 audit?

1. You have a letter on your desk from a valued business partner asking for an I-9 compliance certification.
2. You think that since you begin using E-Verify I-9s are not necessary.
3. You read in the newspaper that ICE just conducted an I-9 audit and levied fines of \$164,000 for a company in your same industry in your state.
4. No one involved with your I-9s has received training in proper completion and retention requirements.
5. You have multiple members of your HR staff completing I-9 with no quality control compliance checks.
6. You have no I-9 retention policy and hundreds of forms in storage for employees who have be seperated for more than 3 years.
7. You received Social Security "no match" letters and have done nothing.
8. There is no written I-9 /Immigration Compliance policy in your employee handbook.
9. You do not have a copy of M-274 **Handbook for Employer** from the USCIS.
10. You are almost certain your Company has errors and mistakes in your I-9s for existing employees personnel files but chose to let sleeping dogs lie.

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91

## Immigration Compliance To Do List for Employers.



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92

## Immigration Compliance To Do List for Employers

- Enroll in E-Verify at: <https://e-verify.uscis.gov> – Now Mandatory in many States;
- Schedule I-9 Updated Supervisor Training because the E-Verify system is only as good as the information collected on your I-9 forms;
- Put an E-Verify Immigration Compliance policy in your employee handbook;
- Build a paper trail of good faith immigration compliance steps;
- Schedule an I-9 Audit with professional signoff that you are currently in compliance; and
- Stay informed [www.Constangy.com](http://www.Constangy.com)

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93

## 14. Immigration Compliance - How will your Business Score?



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94

# Questions?



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95

## “Untangling the New Form I-9” I-9 UPDATED 2013 COMPLIANCE TRAINING

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Attorney at Law

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&  
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How to Contact the Trainers

Rosemary Elebash  
NFIB/Alabama State Director

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334 264-2261  
334 262-7451 fax  
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96