







Agenda

- Background
- Completing Revised Form I-9
- Storage and Retention
- Form I-9 and E-Verify
- Resources

PRESENTATION



Background

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

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

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



PRESENTATION





Working in the U.S.

Individuals who may legally work in the United States are:

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

PRESENTATION





Employment Verification

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

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

PRESENTATION DATE





Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of <u>unlawful conduct</u>:

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

* Actual or perceived

PRESENTATION



Immigrant and Employee Rights Section (IER)

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



— U.S DEPARTMENT OF JUSTICE —

IMMIGRANT & EMPLOYEE RIGHTS SECTION

— CIVIL RIGHTS DIVISION —

Department of Justice
Civil Rights Division

Immigrant and Employee Rights Section

Employees may contact the <u>Immigrant and Employee Rights Section (IER)</u> to obtain additional information regarding employment discrimination and employee rights and responsibilities*

1-800-255-7688 (TDD: 1-800-616-5525)

Employers may also contact IER*

1-800-255-8155 (TDD: 1-800-362-2735)

*callers may remain anonymous

See IER's "Employer Dos and Don'ts."

PRESENTATION





Please respond to the poll question that will pop up on your screen.

PRESENTATION





Form I-9 Requirements

All U.S. employers must have a Form I-9 on file for all current employees.

- The revised form has a revision date of July 17, 2017N. As of September 18, 2017, employers must use this revised form for all newly hired employees and any necessary reverification.
 - <u>Exception</u>: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.
- You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.

PRESENTATION

E-Verify



Completing Form I-9

	U.S			USCIS Form I-9 OMB No. 1615-004 Expires 08/31/2019					
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Address (Street Number and N	lame) 🕐	Apt. I	Number 🕑 (City or Town	D			State (?)	ZIP Code ①
Date of Birth (mm/dd/yyyy)	U.S. Social Sec	urity Number 🕖	Employee	r's E-mail Ade	iress 🕐			mployee's	elephone Number (
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orm I-9 07/17/17 N									Page 1

Instructions Start Over Print

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Employee Info from Section 1 Last Name (Fi	amily Name) 📳		First Name	(Given Nam	e) 🕖	M.I. 💇 Ci	tizenship/Immi	gration Status
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Signature of Employer or Authorized Representati	ive 🕐 🔝 T	Foday's Dat	e (mm/dd/yy	yy) Title	of Employ	oloyer or Authorized Representative		
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Employer's Business or Organization Address (St	reet Number and	d Name) 🗓	City or Town	n 🖲		State	② ZIP Code	(9)
		Click to	Finish					

Instructions Start Over Print

PRESENTATION

DATE

Form I-9 07/17/17 N

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Form I-9 Exceptions

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

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

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

PRESENTATION



Lists of Acceptable Documents

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

The EMPLOYEE MUST provide:

One document from List A

OR

 One document from List B AND one document from List C

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 Al	ND	LIST C Documents that Establish Employment Authorization
 3. 	U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary		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	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
4.	I-551 printed notation on a machine- readable immigrant visa Employment Authorization Document that contains a photograph (Form I-766)		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	2.	(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
1	For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and		School ID card with a photograph Voter's registration card U.S. Military card or draft record Military dependent's ID card	3.	Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	 b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; 		Williary dependent's ID card U.S. Coast Guard Merchant Mariner Card	H	Native American tribal document U.S. Citizen ID Card (Form I-197)
	and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has		Native American tribal document Driver's license issued by a Canadian government authority	⊢	Identification Card for Use of Resident Citizen in the United States (Form I-179)
	not yet expired and the 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:	7.	Employment authorization document issued by the Department of Homeland Security
1	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		School record or report card Clinic, doctor, or hospital record Day-care or nursery school record		

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274)

Refer to the instructions for more information about acceptable receipts.



Section 1: Employee Information

Section 1. Employee than the first day of employee					st complete and	sign Section 1 o	f Form I-9 no later		
Last Name (Family Name) (2) First		First Name (Give	en Name)	3	Middle Initial 3	Other Last Names Used (if any)			
Address (Street Number and N	ame) 🕐	Apt. No	ımber 🕐	City or Town 3		State ②	ZIP Code 3		
Date of Birth (mm/dd/yyyy) 💿	U.S. Social Sec	curity Number 🕐	Employe	/ee's E-mail Address ③		Employee's	Telephone Number 🕖		

- To be completed by EMPLOYEE.
- Employer MUST verify <u>Section 1</u> is <u>COMPLETE</u>.

PRESENTATION



Section 1: Employee Information and Attestation

Section 1. Employee I than the first day of employ					st complete and	sign Se	ection 1 of	Form I-9 no later	
Last Name (Family Name) 3		Name (Giv	en Name)	3	Middle Initial 3	Other Last Names Used (if any) 3			
Address (Street Number and N	ame) 🕙	Apt. N	umber 🕐	City or Town 3)		State ②	ZIP Code 3	
Date of Birth (mm/dd/yyyy) 3	U.S. Social Security N	Number 3	Employe	ee's E-mail Address ①		E	mployee's	Telephone Number ②	

- Employee's email address is an optional Field
- Employees should enter N/A if choose to skip field
- Employers should not enter their business email address in Section 1

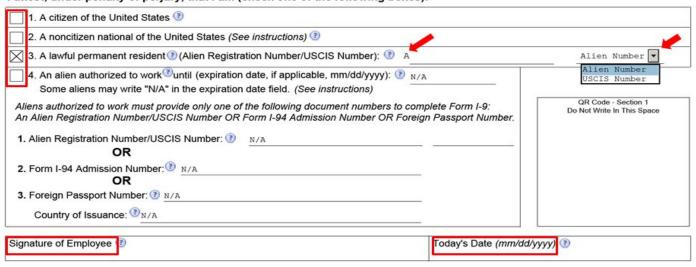
PRESENTATION



Section 1: Employee Attestation

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

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



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



Section 1: Preparer/Translator (P/T)

Certification

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

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

Preparer and/or Translator Certification (check one): ③										
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	comple	tion of Section 1 of this	s form a	nd that to	the best of my					
knowledge the information is true and correct.										
Signature of Preparer or Translator (2) Date (mm/dd/yyyy) (2)										
Last Name (Family Name) First Name (Given Name)										
Address (Street Number and Name) State Sta										

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

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



Section 2: Employer Certification of Document Review Employment Eligibility Verification Department of Homeland Security Employment Eligibility Verification Department of Homeland Security

Completing Section 2

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





Section 2: Examining Documents

- You are not required to be a document expert
- You MUST accept a document presented by an employee if it:
 - Reasonably appears to be genuine; AND,
 - Relates to the individual presenting it
- The document MUST be original* photocopies are NOT acceptable

* Exception: Certified copy of a birth certificate

PRESENTATION



Redesigned Green Cards and Employment Authorization Documents United States of AMERICA DEFINANCE OF AMERICA DEFIN

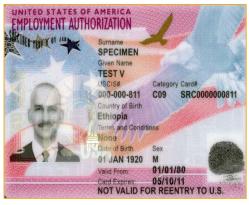
As of May 1, 2017, the Permanent Resident Card (Form I-551) and Employment Authorization Document (Form I-766) have been redesigned with:

- Enhanced graphics and fraud-resistant security features
- A unique graphic image and color palate
 - Green Cards will have an image of the Statue of Liberty and a predominately green palette
 - EAD cards will have an image of a bald eagle and a predominately red palette

Visit <u>I-9 Central > News Releases</u> for more information



Permanent Resident Card



Employment Authorization Document



Employment Authorization Document (EAD) Auto-Extension

- Effective Jan 17, 2017
- Rule for Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers
- Auto-extends validity period of certain EADs for up to 180 days
- Employers use expired EAD with Form I-797C
- Form I-9 guidance: <u>Handbook for Employers</u> (M-274) and <u>Auto-Extended EAD Fact Sheet</u>
- Visit I-9 Central for more information

Employment Authorization Document (Form I-766) Sample



The category notation appears on the face of the Employment Authorization Document (Form I-766) under "Category."

The expiration date appears on the face of the Employment Authorization Document (I-766) to the right of "Card Expires."

PRESENTATION



Section 2: Receipt Rule

There are only three type of acceptable receipts:

- 1. A receipt showing that your employee has applied to replace a document that was **lost**, **stolen** or **damaged**.
 - Employee must present a replacement document within 90 days of the hire date.
 - You cannot accept receipt if employment is less than 3 days.
- 2. The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
 - Receipt is valid until the expiration date on the stamp, or one year after the issuance date if the stamp does not contain an expiration date.
 - Employee must show you their Permanent Resident Card (I-551) upon expiration.
- 3. The departure portion of the Form I-94/I-94A with a refugee admission stamp or computer-generated printout of Form I-94 with admission code "RE".
 - Employee must present an EAD or List B document and unrestricted Social Security Card within 90 days of the hire date.

PRESENTATION





Section 2: Copying Documents

You may choose to make copies of employee documentation presented to you for Section 2.

• If you choose to photocopy documents, you must do so for ALL employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.

PRESENTATION



Section 3: Reverification & Rehires

Employee Name from Section 1:	Last Name (Family Name) 💿	First	Name (Given	Middle Initial 🕙			
Section 3. Reverification and Rel	hires (To be completed and signe	d by employei	r or authorize	ed representative.)			
A. New Name (if applicable)							
Last Name (Family Name) 🕖	First Name (Given Name) 🕖	Middle Initial (Date (mm	/dd/yyyy) 💿			
 C. If the employee's previous grant of employ continuing employment authorization in the s 		e the informatio	n for the docu	ment or receipt that es	tablishes		
Document Title ②	ocument Title Document Nur				(mm/dd/yyyy) 🕐		
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.							
Signature of Employer or Authorized Repres	entative (2) Today's Date (mm/dd/yyyy	Name of	Employer or A	Authorized Representat	live 🕙		

- You MUST reverify an employee using <u>Section 3</u> if his or her temporary employment authorization has expired.
- You MAY also complete Section 3 if you:
 - Rehire the EMPLOYEE within 3 years of the date of initial execution of the Form I-9*
 - Update the biographic information of an employee

* USCIS recommends completing a new Form I-9 for rehires

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- E-Verify



Section 3: When to Reverify

Reverify

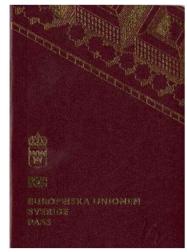
- When employment authorization document (List A or C) has an expiration date
- Form I-94 with a temporary I-551 stamp
- An unexpired foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV)
- Expired Permanent Resident Card presented with a Form I-797 (Notice of Action)

Do Not Reverify

- U.S. Passport or Passport Card
- Permanent Resident Card (From I-551)
- List B documents



I-551 Stamp



Unexpired Foreign Passport with I-551 Stamp



Correcting Form I-9

Correcting Mistakes

If you discover a mistake on Form I-9, correct the existing form

OR prepare a new Form I-9:

- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

Missing Forms

If you discover you are missing the Form I-9 for an employee:

- Provide the employee with a Form I-9
- Complete the Form I-9 as soon as possible
- DO NOT backdate the Form I-9.

PRESENTATION





Storage and Retention



PRESENTATION

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Storage

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

PRESENTATION



Retention

Forms I-9 must be retained for:

3 years after the date you hire an employee

or

1 year after the date employment terminates, whichever is later.

Example:

John Smith was hired on November 1, 2014, and on July 5, 2016, employment was terminated.

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

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

The retention date is November 1, 2017

PRESENTATION





Form I-9 and E-Verify

Form I-9 must be completed before a case can be



PRESENTATION



What is E-Verify?

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





E-Verify Goals

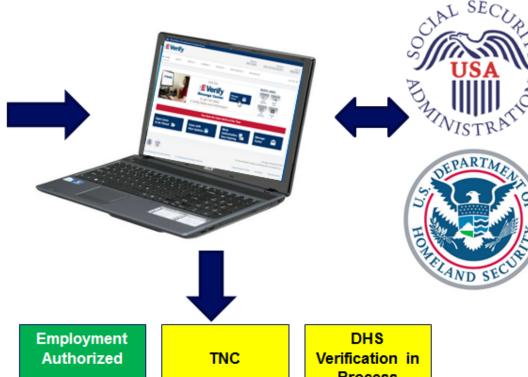
- Reduce unauthorized employment
- Minimize verification-related discrimination
- Be quick and non-burdensome to employers
- Protect civil liberties and employee privacy

PRESENTATION



How does E-Verify work?





Process

PRESENTATION

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Results after TNC

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

Employment Authorized

Review and Update Employee Data

Case in Continuance

DHS Verification in Process

DHS No Show

Final Nonconfirmation

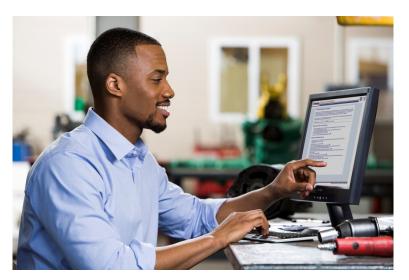
PRESENTATION



What is myE-Verify

myE-Verify is a new, free web-based service for employees to participate in the E-Verify process.

- Confirm your work eligibility
- Create a myE-Verify account
- Protect your identity
- Learn about your rights



PRESENTATION





Resources



PRESENTATION

E-Verify



Form I-9 Resources

I-9 Central

- I-9 Central
- Office of Citizenship
- I-9Central/Espanol (Spanish)

M-274, Handbook for Employers

Updated M-274 Table of Changes

Mergers & Acquisitions

Free Customized Webinars

Examples of documents:

- **Acceptable Documents**
- Additional Documentation Requirements

I-9 Webinar on Demand & Vignettes







E-Verify Outreach

Free Customized Webinars





- Content for your newsletters
- Authorization to use the E-Verify® Logo and Name and I E-Verify
 Seal
- Add E-Verify to your job announcements
 - Example: "Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit www.dhs.gov/E-Verify."

PRESENTATION



Customer Service

E-Verify received one of the highest customer service ratings among federal agencies according to the 2016 American Customer Satisfaction Survey.

Employer Hotline: (888) 464-4218

Employee Hotline: (888) 897-7781

Form I-9 E-Mail: <u>I-9Central@dhs.gov</u>

E-Verify E-Mail: <u>E-Verify@dhs.gov</u>

Form I-9 Website: www.uscis.gov/I-9Central

E-Verify Website: www.dhs.gov/E-Verify

PRESENTATION





Disclaimer

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: www.dhs.gov/E-Verify.

PRESENTATION





Feedback COMMENTS ON OUR WEBINAR?

Send to:

E-VerifyOutreach@uscis.dhs.gov

*Include date, time and topic of the webinar

THANK YOU!

www.dhs.gov/E-Verify

PRESENTATION

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