Form I-9

Employment Eligibility Verification
Form I-9

Agenda

Section I: Background

Section II: Completing Form I-9

Section III: Specific Categories
Form I-9

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 of **IRCA** are found in Section 274A of the **Immigration and Nationality Act (INA)**.
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
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
The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:

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

* Actual or perceived
The anti-discrimination provisions of the INA are enforced by the:

**Department of Justice**
**Civil Rights Division**
**Office of Special Counsel for Immigration Related Unfair Employment Practices**

Employees may contact the Office of Special Counsel (OSC) to obtain additional information regarding discrimination and employee rights and responsibilities.

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

Employers may also contact OSC and remain anonymous.

1-800-255-8155 (TDD: 1-800-362-2735)
Form I-9 is an employment verification tool brought about by IRCA.

Form I-9 helps verify whether individuals are authorized to work in the United States.

Employers who knowingly violate or circumvent the Form I-9 process, or anti-discrimination requirements of the INA may be subject to civil and/or criminal penalties.
Completing Form I-9
All U.S. employers must have a **Form I-9** on file for all current employees.

*Exception: 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.
Form I-9

Completing Form I-9

You are **not required** to complete Form I-9 for:

- 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.*
- Gratis employees.
- B-1 Visa holders.

* 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands
# Completing Form I-9

**Section 1: Employee Information and Verification**

<table>
<thead>
<tr>
<th>Print Name</th>
<th>Last</th>
<th>First</th>
<th>Middle Initial</th>
<th>Maiden Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address (Street Name and Number)</td>
<td>Apt. #</td>
<td>Date of Birth (month/day/year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
<td>Social Security #</td>
<td></td>
</tr>
</tbody>
</table>

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;
- An alien authorized to work (Alien # or Admission #) until (expiration date, if applicable - month/day/year);
- A lawful permanent resident (Alien #);
- A national of the United States (see instructions);
- An alien authorized to work (Alien #);
- [Blank].

Employee's Signature | Date (month/day/year)

To be completed by **EMPLOYEE**.

Employer **MUST** verify Section 1 is **COMPLETE**.
Completing Form I-9

Section 1: Important Area – Employee Attestation

The EMPLOYEE MUST select one of the four categories and sign and date Section 1 of Form I-9.

All employees must complete Section 1 no later than the first business day of employment for pay.
Completing Form I-9

Section 1: Preparer/Translator Certification

- This certification is required when Section 1 is prepared by someone other than the employee.
- By signing, the preparer is attesting that Section 1 is true and correct to the best of his or her knowledge.
- Note that only the EMPLOYEE can sign the Section 1 Employee Signature Block.
Completing Form I-9

Section 2: Employer Certification of Document Review

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.
Completing Form I-9

Section 2: Lists of Acceptable Documents

<table>
<thead>
<tr>
<th>List A</th>
<th>List B</th>
<th>List C</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>List A</th>
<th>OR</th>
<th>List B</th>
<th>AND</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document title:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issuing authority:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Document #:</td>
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<tr>
<td>Expiration Date (if any):</td>
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<tr>
<td>Document #:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Expiration Date (if any):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The EMPLOYEE MUST provide either:

- One document from **List A OR**
- One document from **List B AND** one document from **List C**
You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9.

Make sure you use Form I-9 with Rev. 03/08/13.

The documents provided must match the employee's initial attestation of citizenship.
Completing Form I-9

Section 2: Lists of Acceptable Documents

LIST A: Documents That Establish Both Identity and Employment Authorization
All documents must be unexpired.

1. U.S. Passport or 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 (MRIV)
4. Employment Authorization Document (Card) that contains a photograph (Form I-766)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status, as long as the 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
Completing Form I-9

Section 2: Lists of Acceptable Documents

LIST B: Documents That Establish Identity
All documents must be unexpired.

For individuals 18 years of age or older:

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

For persons under age 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
Completing Form I-9

Section 2: Lists of Acceptable Documents

<table>
<thead>
<tr>
<th>LIST C: Documents That Establish Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>All documents must be unexpired.</td>
</tr>
</tbody>
</table>

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
   **NOTE:** A copy (such as a metal or plastic reproduction) is not acceptable.

2. Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)

3. Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)

4. 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

5. Native American tribal document

6. U.S. Citizen Identification 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 DHS
Completing Form I-9

Section 2: Documents – Authenticity and Photocopies

- 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.

*The **only** exception is a certified copy of a birth certificate.
Completing Form I-9

Section 2: Receipt Rule

- Receipts may be used as temporary proof of employment eligibility when a List A, B or C document has been lost, stolen or destroyed.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date.
Completing Form I-9

Section 2: Receipt Rule

- A receipt indicating that an individual has applied for an initial employment authorization document (Form I-766) or for an extension of an expiring employment authorization document (Form I-766) is **NOT** acceptable for Form I-9.

- Receipts are never acceptable if employment will last less than 3 business days.
Completing Form I-9

Section 2: Copying Section 2 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.
Completing Form I-9

Section 3: Re-verification

Section 3. Updating and Reverification (To be completed and signed by employer.)

A. New Name (if applicable)  

B. Date of Rehire (month/day/year) (if applicable)

C. If employee’s previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

   Document Title:  
   Document #:  
   Expiration Date (if any):  

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 (month/day/year)

You must re-verify an employee on Section 3 or on a new Form I-9 before his or her temporary employment authorization has expired.

You MAY also complete Section 3 if you:

- Update the biographic information of an employee (name change).
- If you are rehiring a former employee. It is LSU’s practice to complete a new form I-9 based on the Retention Rule established by USCIS.
## Completing Form I-9

### Section 3: Re-verification

<table>
<thead>
<tr>
<th>Do Not Re-verify</th>
<th>U.S. Passport or Passport Card</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permanent Resident Card (Form I-551)</td>
</tr>
<tr>
<td></td>
<td>List B documents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permanent Resident Re-verification Exceptions</th>
<th>Re-verify only if employee presents a Form I-94 with a temporary I-551 stamp, or</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV))</td>
</tr>
</tbody>
</table>

| Usually Re-verify | When employment authorization document (List A or C) has an expiration date |
Forms I-9 must be stored for 3 years after the date you hire an employee

or

1 year after the date you or the employee terminates employment, whichever is later.
Retention

To identify the retention date, add 3 years to the hire date and 1 year to the date employment was terminated. The date that is later is the retention date.

**Example:**

John Smith was hired on November 1, 1993, and on July 5, 1994, employment was terminated.

November 1, 1993 + 3 years = November 1, 1996

July 5, 1994 + 1 year = July 5, 1995

The retention date is November 1, 1996.
Penalties

EMPLOYERS MUST:

- Verify the identity and employment authorization of each person hired after Nov. 6, 1986.
- Complete and retain a Form I-9 for each employee required to complete the form.

EMPLOYERS MUST NOT:

- Discriminate against individuals on the basis of national origin, citizenship, or immigration status.
- Hire, recruit for a fee, or refer for a fee aliens he or she knows to be unauthorized to work in the United States.
Penalties

Fines specific to incorrect I-9 data:

- Failing to comply with Form I-9 requirements:
  - $110 - $1100 for each form

- Committing document abuse:
  - $110 - $1100 per violation

- Committing or participating in document fraud:
  - First Offense: $375 - $3200 for each worker
  - Second Offense: $3200 - $6500 for each worker

Example:

A mistake was made in Section 1, Section 2, and Section 3 totaling 3 mistakes. LSU could be fined up to $1100 for Failing to comply and up to $1100 on each of the mistakes for Committing document abuse totaling a possible $4400 for this one I-9.
Correcting Mistakes

- If you discover a mistake on Form I-9:
  - Prepare a new Form I-9.
  - Retain the old form. You should also attach the approved legal memorandum stating the reason for your action.

Missing Forms

- If you discover you are missing the Form I-9 for an employee:
  - Immediately provide the employee with a Form I-9.
  - Allow employee 3 business days to provide acceptable documents.
  - DO NOT backdate the Form I-9.
  - Attach the approved legal memorandum stating the reason for your action.
Specific Categories

Transients/Contingents

- If there is an interruption in employment within the last year, but the following conditions can be satisfied, the previous Form I-9 is still valid for this employee:
  
  - Is the employee continuing in his/her employment?
    - Transferring from one distinct department of LSU to another distinct department.
    - Seasonal employment.
  
  - Does the employee have a reasonable expectation of employment at all times?
    - LSU’s recalling absent employees for employment indicates a likelihood that the employee will resume employment within a reasonable time in the future.
Specific Categories

Nonimmigrant Students (F-1)

- F-1 Nonimmigrant Students are issued several documents from USCIS that are acceptable under List A of Form I-9 when presented in combination for Section 2.
  - Unexpired foreign passport, issuing authority, and passport expiration date.
  - 11-digit Form I-94/Form I-94A number and its expiration date (including duration of status, which is indicated on the card as “D/S”).
  - Form I-20 number (SEVIS (Student and Exchange Visitor) number) and expiration date of employment authorization listed on the form.
Form I-9

Specific Categories
Nonimmigrant Students (F-1)

Unexpired Foreign Passport

Form I-94/Form I-94A

Form I-20
Form I-9

Specific Categories

Nonimmigrant students (F-1): Form I-94/Form I-94A

- Document Title: Nonimm Alien, I-94
- Issuing Authority: DHS (Department of Homeland Security)
- Form I-94 Admission/Document Number
- Expiration Date
Specific Categories

Nonimmigrant Students (F-1): Form I-20

Section 2. Document Title:
Student Form I-20 number (SEVIS)

Issuing Authority: DHS
(Department of Homeland Security)

Document Number format is N + 10 digits

School name will need to say LSU or an endorsement for LSU on Page 3

Expiration Date
Specific Categories

F-1 Optional Practical Training (OPT)

- Students may engage in OPT while studying or after completing their course of study for work experience.
- USCIS may authorize an F-1 student up to 12-months of OPT upon completion of his or her degree program.
- USCIS will issue a Form I-766 Employee Authorization Document (EAD) to be entered into Section 3 of Form I-9 for re-verification. Select “EAD Doc/w photo (Form I-766)” for the Document Title:
- The student cannot begin OPT until USCIS has granted the application for employment authorization.
Form I-9

Specific Categories

Nonimmigrant Students (F-1) OPT: Form I-766 EAD

Document Title: EAD Doc/w photo (Form I-766)

Issuing Authority: DHS

USCIS or Alien Registration Number

Document Number format is 3 letters and 10 digits

Employment Authorization Document (Form I-766) with notation “NOT VALID FOR REENTRY TO U.S.”

Previous back of EAD card

Employment Authorization Document (Form I-766) with notation “VALID FOR REENTRY TO U.S.”

Newly redesigned back of EAD card
Specific Categories

F-1 OPT STEM Extension

- An F-1 academic student who receives a bachelor’s, master’s, or doctoral degree in science, technology, engineering, or mathematics (STEM) may apply for a one-time 17-month extension of the OPT.

- If the student’s EAD expires while the STEM extension application is pending, the student is authorized to work until either USCIS make a decision on the application or 180 days pass from the date the student’s initial EAD expires. In this case, the expired EAD together with the Form I-20 recommending the STEM extension is adequate List A documentation. Select “Receipt” for the Document Title.
An F-1 student participating in post-completion OPT who has filed for an H-1B petition with an October 1 start date will receive an automatic cap-gap extension of both the F-1 status and employment authorization through September 30. In this case the expired EAD together with the Form I-20 recommending the cap-gap extension is adequate List A documentation. Select “Receipt” for the Document Title: with a 9/30 Expiration Date.

If the F-1 student was not participating in post-completion OPT, the student will not be authorized to work until USCIS approves the H-1B petition and the H-1B status begins on October 1.
Lawful Permanent Residents

- May choose to present a valid Form I-551 (Permanent Resident Card) for Section 2 or 3, if applicable.
- A lawful permanent resident may also choose to present a valid List B and List C document combination (e.g., state-issued DL and unrestricted SS card).
- If an employee presents an expired I-551 along with a Form I-797 (Notice of Action) that indicates that the card is valid for an additional year, you can use this combination as acceptable List C evidence of employment authorization. At the end of the one year period, it must be re-verified.
Lawful Permanent Residents

Current Permanent Resident Card (Form I-551)

- **Document Title:** Perm Resident Card
- **Issuing Authority:** DHS
- **USCIS or Alien Registration Number**
  - Document Number format is 3 letters and 10 digits

Older version Permanent Resident Card (Form I-551)
Specific Categories

Lawful Permanent Residents

Unexpired Foreign Passport with I-551 Stamp

Temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)

Document Title: Foreign passport w/ Temp I-551 s

Document Title: Foreign passport w/ Temp I-551 P
Specific Categories

Exchange Visitors (J-1s)

- J-1 exchange visitors are issued several documents from USCIS that are acceptable under List A of Form I-9, when presented in combination, for either Section 2 or Section 3 (if re-verifying).
  - Unexpired foreign passport, issuing authority, and passport expiration date.
  - 11-digit Form I-94/Form I-94A number and its expiration date (including duration of status, which is indicated on the card as “D/S”).
  - Form DS-2019 number (SEVIS number) and expiration date of employment authorization listed on the form.
Form I-9

Specific Categories

Exchange Visitors (J-1s): DS-2019

Section 2. Document Title: DS-2019 number (SEVIS)

Section 3. Document Title: NI ALN FGN PSSPT/I-94/DS-2019

Issuing Authority: DHS

Document Number format is N + 10 digits

Expiration Date
Specific Categories

Specialty Occupations (H-1Bs)

- H-1B special occupation employees are issued several documents from USCIS that are acceptable under List A of Form I-9, when presented in combination, for Section 2.
  - Unexpired foreign passport, issuing authority, and passport expiration date.
  - 11-digit Form I-94/Form I-94A number and its expiration date from Form I-797A, Notice of Action.
Specific Categories

Specialty Occupations (H-1Bs): Re-verification

- To complete Section 3 of Form I-9 for an H-1B employee, they must present an unexpired foreign passport and Form I-797A, Notice of Action, showing the extension of Form I-94/ Form I-94A expiration date.
  - Select “NI ALN-FGN PSSPT/I-94” for the “Document Title:”.
- When a timely filed Form I-129 petition seeking an extension of the employee’s status is submitted to USCIS, the employee is authorized to continue to work while the petition is being processed for a period not to exceed 240 days, or until USCIS makes a decision on the petition, whichever comes first.
NAFTA (TNs)

- TN NAFTA employees are issued several documents from USCIS that are acceptable under List A of Form I-9 when presented in combination for Section 2 or Section 3.
  - Unexpired foreign passport, issuing authority, and passport expiration date.
  - 11-digit Form I-94/Form I-94A number and its expiration date.
Specific Categories

NAFTA (TNs)

- Canadian citizens may use the following List B/List C combination of documents to complete Form I-9:
  - Unexpired Driver’s License issued by a Canadian Government authority.
  - 11-digit Form I-94/Form I-94A number and its expiration date from Form I-797A, Notice of Action.
Refugees

- Should select “alien authorized to work” in section 1 or Form I-9 and enter “N/A” for the expiration date.

- Usually present an Employment Authorization Document (Form I-766), Form I-94/Form I-94A, or List B/List C combination of documents to complete Form I-9.

- If the employee is presenting a Form I-94/Form I-94A with an unexpired refugee admission stamp, this receipt establishes both identity and employment authorization for 90 days. At the end of 90 days, the refugee must present either a Form I-766 or a valid List B/List C combination of documents.
Form I-9

Specific Categories

Refugees

Date of entry I-94 codes = RE1, RE2, RE3, RE4, or RE5

Alien or A# listed on the back of the I-94

Form I-94/Form I-94A with an unexpired refugee admission stamp
Specific Categories

Asylees

- Should select “alien authorized to work” in section 1 or Form I-9 and enter “N/A” for the expiration date.

- Usually present an Employment Authorization Document (Form I-766), Form I-94/Form I-94A, or List B/List C combination of documents to complete Form I-9.

- If the employee is presenting a Form I-94/I-94A with a stamp or notation indicating asylee status, this is considered a List C document that does not expire. This must also be in combination with a valid List B identity document.
Form I-9

Specific Categories

Asylees

Date granted asylum may be stamped or handwritten

May reference Section 208

Form I-94/Form I-94A with a stamp or notation indicating asylee status
To enter the U.S. to work, citizens of the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) are only required to present:

- FSM or RMI passport with Form I-94/Form I-94A indicating nonimmigrant admission under the Compacts of Free Association (CFA).
  - The notation on Form I-94/Form I-94A typically states “CFA/FSM” for FSM citizens or “CFA/MIS” for RMI citizens.
- Any combination of List B and List C documents.
Form I-9

Specific Categories

Citizens of FSM, RMI, or Palau

- To enter the U.S. to work, citizens of Palau are only required to present:
  - Any combination of List B and List C documents.
- If any employees under these citizenships present List A or List C documents that have an expiration date, the I-9 must be re-verified before that document expires.
Specific Categories

Temporary Protected Status


- Sometimes the Department of Homeland Security (DHS) issues an automatic extension of expiring EADs for TPS beneficiaries.

- Go to the Federal Register at http://www.uscis.gov/laws/uscis-federal-register-announcements to check whether an expired EAD has been automatically renewed.
Form I-9

Specific Categories

Temporary Protected Status

The notation “A-12” or “C-19” appears on the face of the EAD under Category.

The expiration of the last re-registration period appears on the face of the card.

Form I-766 Employment Authorization Document (EAD)
Form I-9

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Questions?