

ICS Guideline for I-9 Best Practices

General Principles

- Be sure your actions are consistent for all employees and job applicants.
- Do not have job applicants complete any portion of the I-9 prior to being hired, including Section 1.
- Develop a corporate training manual for immigration compliance.
- Train and self-audit to standards identified in manual.
- Consider I-9 compliance as only one part of an overall immigration compliance program.
- Consider joining E-Verify, the government's electronic work eligibility verification system.

Completing the I-9

Section 1

- Provide new employee the I-9 form instructions and list of acceptable documents.
- Have new employee complete Section 1 of the I-9 on the first day of work for pay or date of hire.
- Employee needs to sign and date the I-9 in Section 1.
 - o Check to ensure:
 - ◆ The employee does not place today's date in the DOB block.
 - ◆ The employee does not place DOB in today's date block
 - ◆ The employee has completed his full address including zip code.
 - ◆ The employee signs in the right place, not in the line above
- Ensure that the attestation box is completed.
 - o Only one box should be checked.
 - o If the employee checks the permanent resident box then the corresponding A number must listed.
 - o If the employee checks the alien authorized to work box then the corresponding A number or I-94 number must be listed as well as the date the alien is authorized to work until.
 - ◆ Use a tickler system to ensure re-verification is completed in a timely manner.
 - ◆ Translators or preparers who help the employees fill out the form must sign and date the I-9 in the appropriate place.

Section 2

- Allow new employees three (3) days to present acceptable documents from the Form I-9 list.
 - o Employees must be permitted to work during this three-day period.
 - o Closely review the original documents presented by employees.
 - o Ensure that the documents presented appear to be genuine and relate to the employee.
 - o Do not refuse any document that is on the acceptable list.
 - o Do not suggest specific documents from the acceptable documents list or require documents from outside the list.
- Do not accept any expired documents.

- Make copies of documents presented by an employee and used for I-9 purposes.
 - o Copy both the front and the back of the documents.
 - o Do not copy any extraneous documents.
- Be sure to list the documents reviewed in the correct Column (A or B AND C) on the I-9.
 - o If a document is recorded in Column A, nothing should be recorded in B or C.
 - ◆ If a foreign passport is used be sure to record the I-94 number as well in List A.
 - ◆ Unless you are recording the foreign passport and I-94, only one document should be listed per Column.
 - o If a document is recorded in Column C, a document generally must be recorded in Column B.
- Social Security cards should not be laminated and should not bear any annotations.
 - o SS Cards marked “not valid for employment without authorization” should not be accepted.
 - o Social Security cards marked “valid for employment with USCIS authorization” require that the underlying work authorization be presented and cannot be accepted alone as a list C document.
- Complete all blocks in Section 2
 - o Ensure that the Date of Hire, in the certification section, is completed.
 - o Ensure that the company name and address is completed.
 - o Ensure that the employer representative’s title is completed.
 - o Ensure that the employer representative completes the date in Section 2.
 - o Ensure the person who views the documents is the person who completes Section 2.
- If a receipt to replace a preexisting work authorization document is offered in lieu of the document itself, accept it.
 - o Do not accept receipts for new employment authorization documents that are not replacement documents.
 - o If a receipt is accepted then the company must re-verify work authorization in ninety (90) days.
 - o Use a tickler system to ensure re-verification is completed in a timely manner.

Re-verification of I-9’s

- Re-verify status or work authorization documents with expiration dates.
- Utilize a tickler system to ensure timely re-verification.
- Remind employees of upcoming expiration dates.
- Send reminders out 120, 90, and 30 days before expiration.
- Permanent Resident cards or “Green Cards ” with expiration dates should not be re-verified.
- Only re-verify work eligibility not identity.

Storage and Retention of I-9s

- I-9’s, and supporting documentation, should be kept separate from all other HR documents, including employee personnel and payroll files.
- Separate I-9’s for current employees from former employees.
- Keep former employees in a separate binder by date of separation from employment.
- Understand legal retention obligations and develop a retention policy.
- Mark date of discard on I-9 and/ or date of separation.
- Discard I-9’s for terminated employees after three (3) total years from the date of hire or one (1) total year from the date of separation, whichever is later.
- Do not keep I-9s longer than required by law.



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1-877-577-7053