

District Training

March 2022

Employment Eligibility Verification: Completing Form I-9

Presented by:

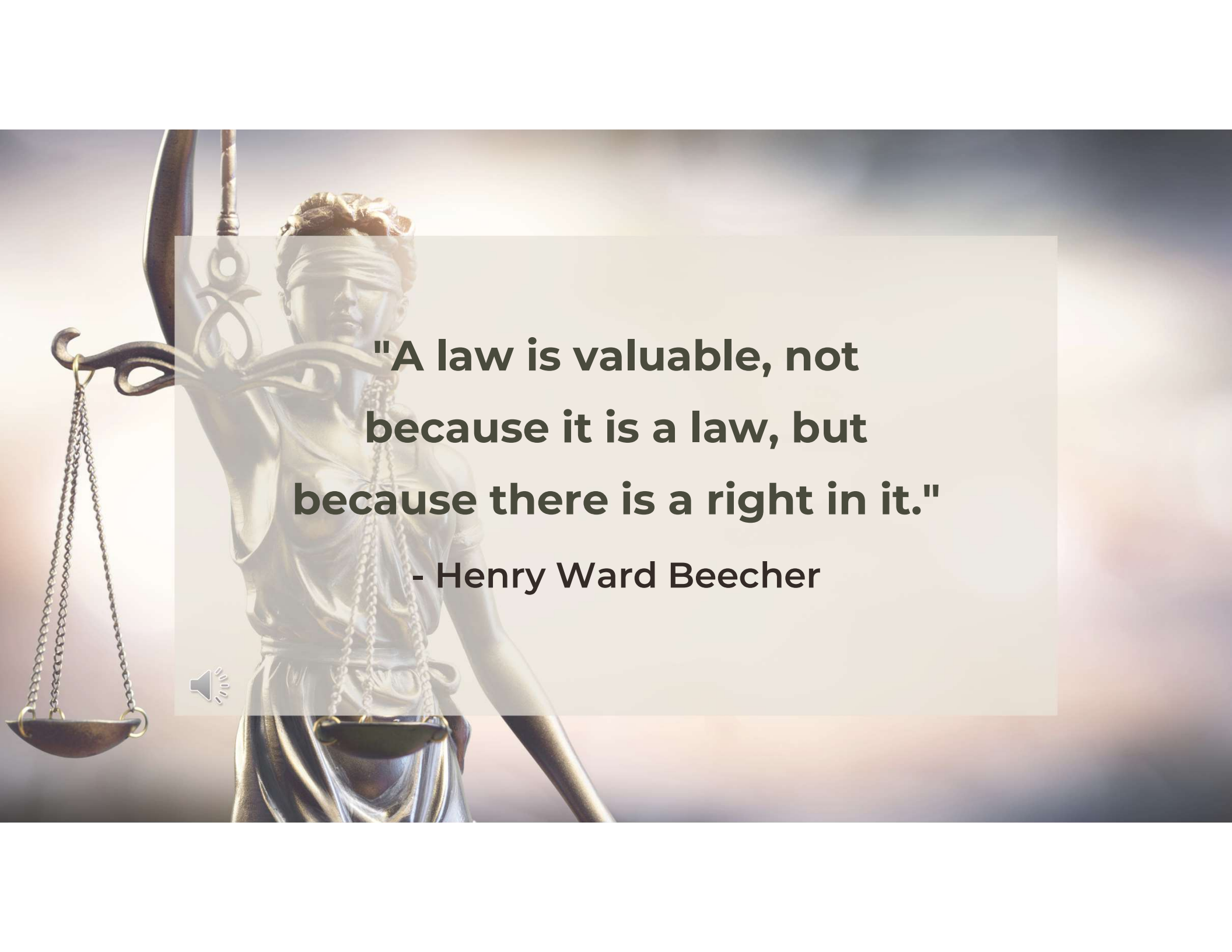
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HR Management Specialist

<https://conservation.ok.gov/>



U.S. Citizenship
and Immigration
Services



**"A law is valuable, not
because it is a law, but
because there is a right in it."**

- Henry Ward Beecher



Training Outline

- 01 Section One: Brief Intro to the Legal Origins of Form I-9
- 02 Section Two: E-Verify and the Connection to Form I-9
- 03 Section Three: Deadlines for Form I-9
- 04 Section Four: Completing I-9 - Section 1 (Employee)
- 05 Section Five: Completing I-9 - Section 2 (Employer)
- 06 Section Six: Completing I-9 - Section 3 (Reverifications and Rehires)
- 07 Section Seven: Retention and Storage
- 08 Section Eight: Correcting Mistakes
- 09 Section Nine: Official Audits and Potential Penalties
- 10 Section Ten: Wrap Up and Questions





01

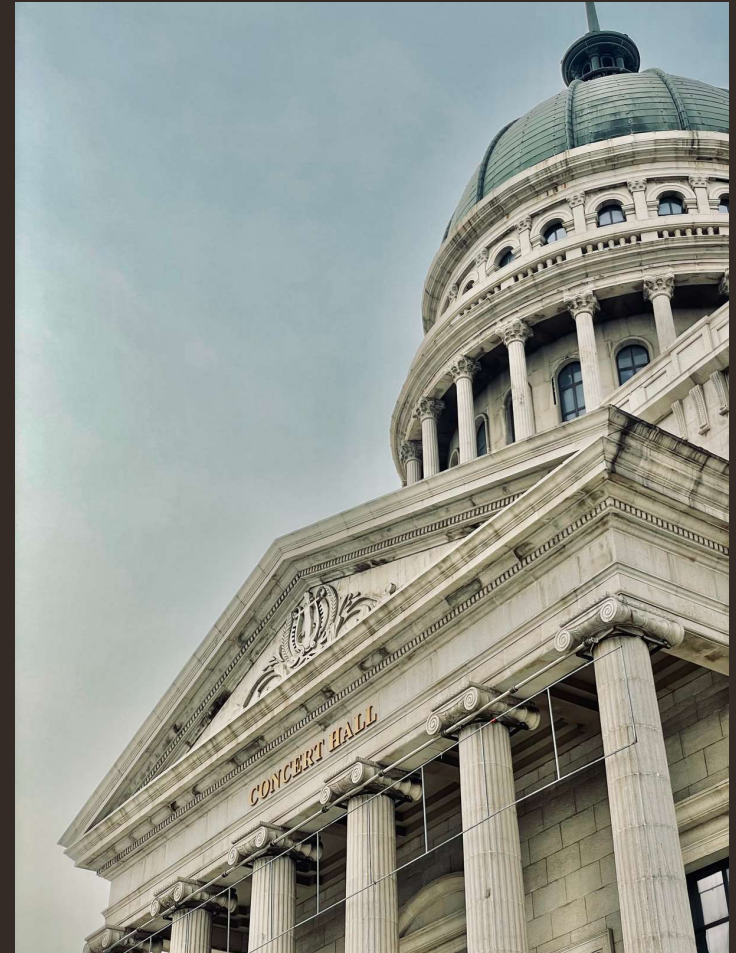
Legal Origins of Form I-9

IRCA

Form I-9 requirements were established from the Immigration Reform and Control Act of 1986 (IRCA).

Summary:

- ✓ Prohibits employers from knowingly hiring individuals unauthorized to work in the U.S.
- ✓ Prohibits employers from hiring individuals without completing the employment eligibility verification process.
- ✓ Created Form I-9: Employment Eligibility Verification
- ✓ All employers must use Form I-9 for all employees hired on or after November 6, 1986, who are working in the U.S.
- ✓ Prohibits discrimination against national origin or citizenship with respect to hiring, firing and recruitment.



Immigration Act of 1990

Summary:

- ① Prohibits discriminatory documentation practices during the employment eligibility verification process.
- ① Prohibits employers from asking for more documents or directing which documents an employee can provide from the Lists of Acceptable Documents.



IIRIRA of 1996

Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Summary:

- ④ Removed documents from the statutory list of documents for Form I-9.
- ④ Requires that any additional documents added to List A documents must contain security features.
- ④ Expanded the receipt rule (i.e. SSNs).
- ④ Created a pilot program: E-Verify



The background of the slide features a warm, hazy sunset over a city skyline. In the foreground, a wooden gavel rests on a thick, dark book with gold-leaf spine details, which is placed on a wooden surface. A semi-transparent white rectangle is centered over the image, containing the text.

02

E-Verify and the Connection to Form I-9



E-Verify is a secure, free, internet-based system that compares information from Form I-9 to government records to confirm that an employee is authorized to work in the U.S.

The system compares information from the completed I-9 Form with records from SSA and DHS (Dept of Homeland Security).





Who Is Required to Participate in E-Verify?

- ④ Employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify Clause. Are required to enroll in and use E-Verify as a condition of federal contracting.
- ④ Employers with employees in states with legislation that require participation in E-Verify.
- ④ Employers required pursuant to a court order.

IMPORTANT NOTE: E-Verify does NOT replace the requirement to complete Form I-9!



Differences between I-9 and E-Verify

Form I-9	E-Verify
Mandatory for all employers	Voluntary for <i>most</i> employers*
SSN not generally required	Requires SSN*
Does not require photo on List B document	Requires photo on List B documents*
Must be used to reverify expired employment authorization	May not be used to reverify expired employment authorization

***Required for OCC and Districts!**

The background of the slide features a close-up of a calendar and a notebook. The calendar shows dates from 12 to 28. The notebook has the words 'TODAY is the PERFECT DAY to be HAPPY' written in a decorative, cursive font. A small red paper tab is visible on the right side of the notebook.

03

Deadlines for Form I-9 & E-Verify

Deadlines

01

Employee is Hired:

The employee must complete Section 1 of Form I-9:

- No later than the first day of employment (most common).
- After an offer is made and formally accepted by the employee prior to the first day of employment.

02

First Day of Employment:

The employee must complete Section 1 of Form I-9.

The employer can verify ID documents and complete Section 2, if able (ideal).

03

Three Business Days of First Day of Employment:

The employer must verify ID documents and complete Section 2, no later than 3 business days after hire.

Information **MUST** be entered into E-Verify.

Note: Districts should be aware that OCC has to enter info into E-Verify.

A close-up, slightly blurred photograph of a person's hand holding a black pen, writing on a document. The document appears to be a form with various fields and text. The background is out of focus, showing more of the document and possibly other papers.

04

Completing Form I-9: Section 1

Form I-9: Section 1



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. **Employers are liable for errors in the completion of this form.**

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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) Jonathan		Middle Initial n/a	Other Last Names Used (if any) n/a	
Address (Street Number and Name)		Apt. Number	City or Town		State	ZIP Code
Date of Birth (mm/dd/yyyy) 06/15/1985		U.S. Social Security Number [][][] - [][] - [][][][]		Employee's E-mail Address Email or "N/A" – Do not leave blank!		Employee's Telephone Number Phone # or "N/A" – Do not leave blank!

Form I-9: Section 1, cont'd

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):

<input type="checkbox"/> 1. A citizen of the United States	Section 2
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>	
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>	
<p>QR Code - Section 1 Do Not Write In This Space</p>	

Signature of Employee

Must be physical signature

Today's Date (mm/dd/yyyy)

03/16/2022

Form I-9: Section 1, cont'd

Preparer and/or Translator Certification (check one):

☐ 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 completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)	City or Town	State	ZIP Code

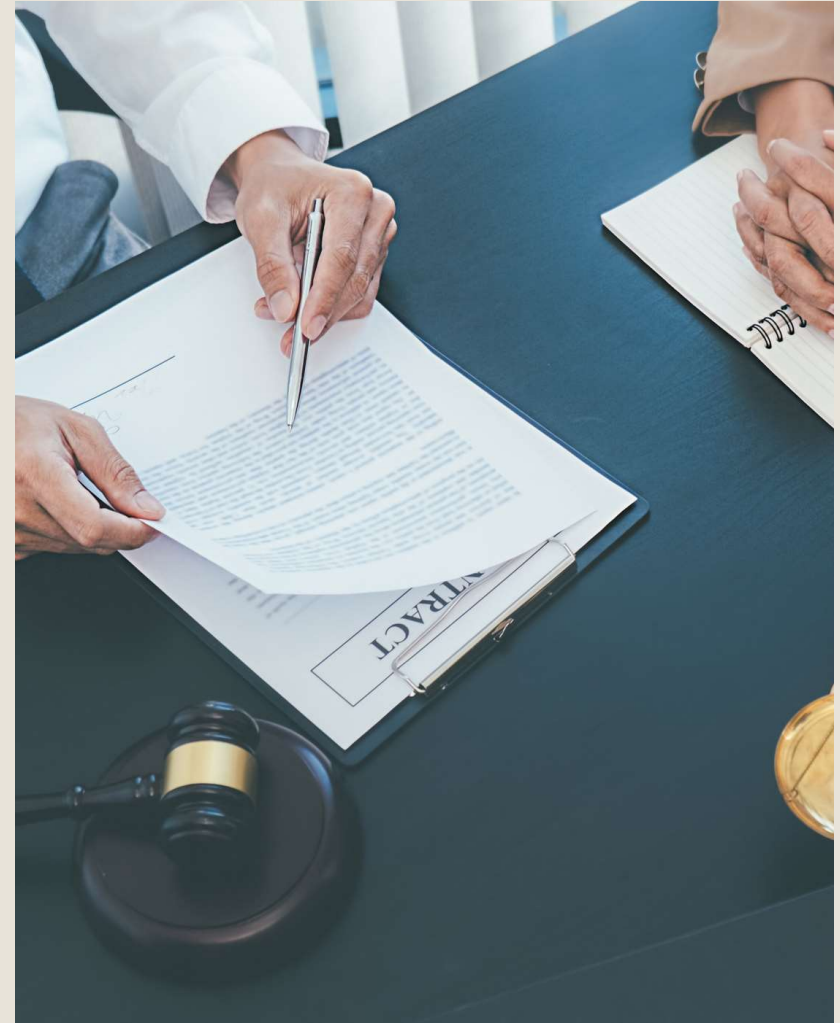


Employer Completes Next Page



Section 1: Employee Responsibilities

- ④ Full legal name
 - Two last names? Enter both.
 - Two first names? Enter both.
 - Only one name? Enter in Last Name Field and enter "Unknown" in First Name field.
 - Include hyphen (-) or apostrophe ('), if applicable.
- ④ Other legal last names used, including a maiden name, if applicable.
- ④ Current physical address. No P.O. Boxes.
- ④ Complete date of birth, SSN, citizenship status
- ④ Physical signature and date signed (mm/dd/yyyy).



Section 1: Employer Responsibilities

- ④ Review and ensure the employee completed all required fields and that none are left blank, as applicable.
- ④ Employee provided SSN.
- ④ Verify employee signed and dated in the format (mm/dd/yyyy).
- ④ The employee checked whether they did or did not use a preparer or translator to complete Section 1.
- ④ If preparer or translator was used, verify completion of that section.



A person's hand, wearing a yellow sleeve, holds a black pen over a clipboard. The clipboard has a white form with some text and a metal clip at the top right. The background is a blurred indoor setting with a wooden table.

05

Completing Form I-9: Section 2

Form I-9: Section 2



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

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 a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	M.I.	Citizenship/Immigration Status 1
-------------------------------------	----------------------------------	----------------------------------	------	--

[Section 1](#)

You will enter the name exactly as the employee has completed it in Section 1.

Form I-9: Section 2 - Documenting IDs

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title U.S. Passport		Document Title Driver's License Issued by State		Document Title (Unrestricted) Social Security Card
Issuing Authority U.S. Department of State		Issuing Authority State of Oklahoma		Issuing Authority Social Security Administration
Document Number XYZ123ABC		Document Number B111123145		Document Number 000-00-0000
Expiration Date (if any) (mm/dd/yyyy) 01/31/2025		Expiration Date (if any) (mm/dd/yyyy) 05/31/2022		Expiration Date (if any) (mm/dd/yyyy) N/A
Document Title		<div> <div> Additional Information </div> <div> <p>In this field you can add:</p> <ul style="list-style-type: none"> - Employee termination dates and form retention dates. - E-Verify Case # - can also be entered in the margin (usually a printout attached) </div> </div>		
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title		<div> <div> QR Code - Sections 2 & 3 Do Not Write In This Space </div> </div>		
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

Form I-9: Section 2

Lists of Acceptable Documents

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	AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		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		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
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		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		2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
4. Employment Authorization Document that contains a photograph (Form I-766)				
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following:		3. School ID card with a photograph		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
		4. Voter's registration card		
		5. U.S. Military card or draft record		
		6. Military dependent's ID card		4. Native American tribal document
		7. U.S. Coast Guard Merchant Mariner		

Form I-9: Section 2 Certification of Employer/Authorized Rep

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.

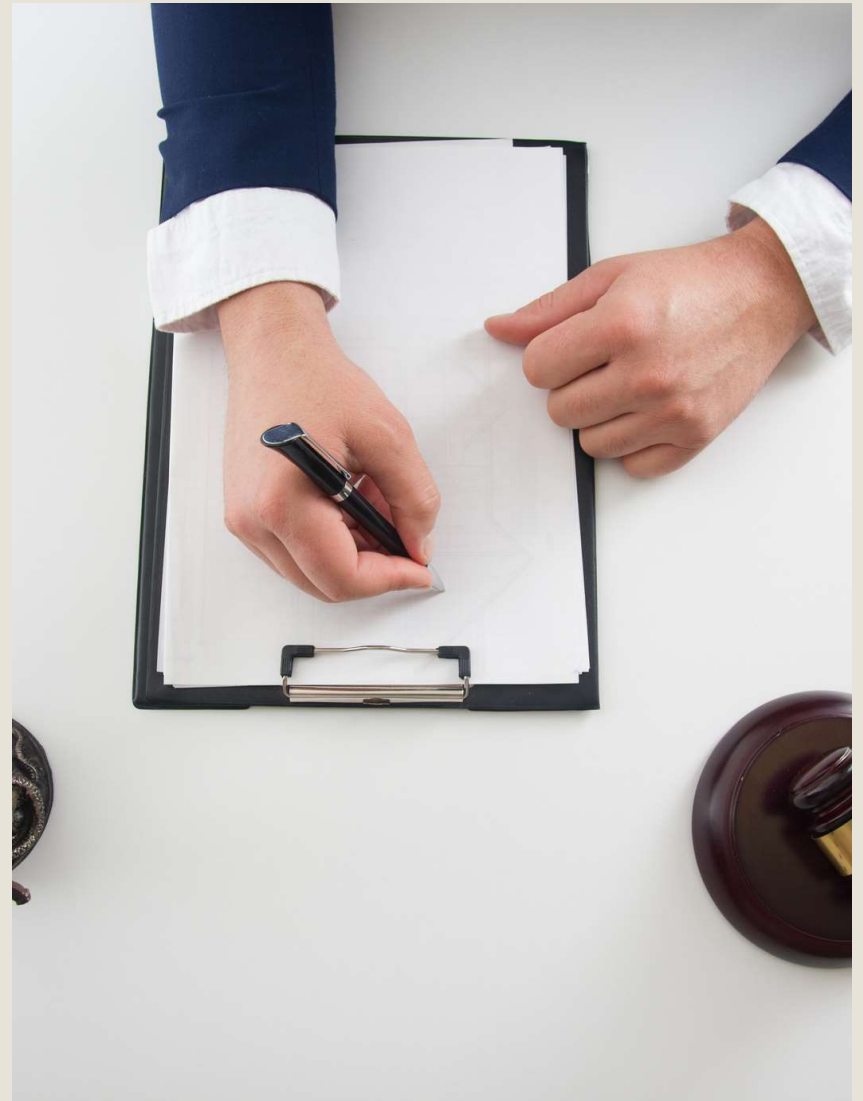
The employee's first day of employment (mm/dd/yyyy): **Date** (See instructions for exemptions)

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)		Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative		First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)			City or Town		State ZIP Code

This date will be the first date the employee began working for remuneration/pay. This date may be different than the date of the certification of the employer/authorized rep.

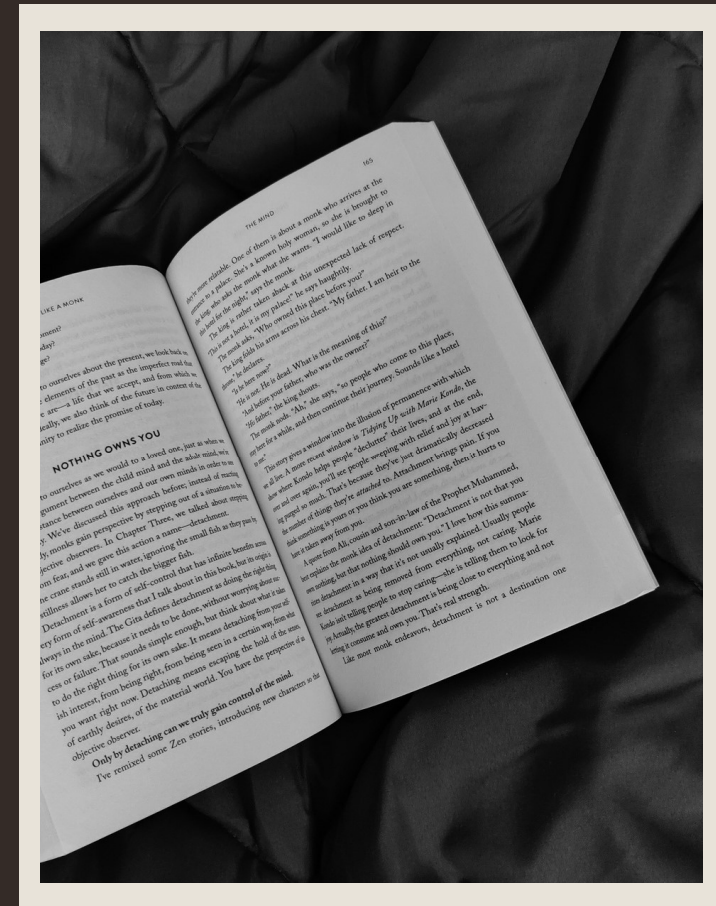
Section 2: Employee Responsibilities

- ✓ Employees must present unexpired original documentation that shows the employer their identity and employment authorization.
- ✓ One document from List A; or
One document from List B in combination with one document from List C.
- ✓ What if the employee refuses to provide appropriate documents? **Cannot be employed!**
- ✓ What if the employee does not provide documentation within 3 business days?
Depends on the situation. If no receipt or documents are provided, then they can't work and should be removed from schedule.



Section 2: Employer Responsibilities

- ④ Enter the employee's information and citizenship status at the top of Section 2.
- ④ Ensure that any document is original and on the Lists of Acceptable Documents or is an acceptable receipt.
- ④ Physically examine each document to determine if it appears to be genuine and to relate to the employee presenting it. If it doesn't, allow the employee to present another document.
- ④ Ensure all items in Section 2 are completed in full and accurately.



A close-up photograph of a person's hand, wearing a gold watch, filling out a Form I-9. The hand is holding a silver pen and is positioned over the 'Identification of Beneficial Owner' section. The form is partially filled out, and the background is a blurred office setting with a desk and a lamp.

06

Completing Form I-9: Section 3

Form I-9: Section 3

Reverification and Rehires

Section 3. Reverification and Rehires <i>(To be completed and signed by employer or authorized representative.)</i>			
A. New Name (if applicable)			B. Date of Rehire (if applicable)
Last Name <i>(Family Name)</i>	First Name <i>(Given Name)</i>	Middle Initial	Date <i>(mm/dd/yyyy)</i>
C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.			
Document Title	Document Number	Expiration Date <i>(if any)</i> <i>(mm/dd/yyyy)</i>	
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	Today's Date <i>(mm/dd/yyyy)</i>	Name of Employer or Authorized Representative	

Section 3: Reverifications

- ④ MUST complete Section 3 when the employee's employment authorization or documentation of employment authorization has expired.
- ④ Complete Section 3 when an employee is rehired within 3 years of the date that Form I-9 was originally completed, or your employee has a legal name change.
- ④ Do NOT reverify:
 - U.S. citizens and noncitizen nationals
 - Lawful permanent residents who presented a Form I-551, Permanent Alien or Alien Registration Receipt Card for Section 2
 - List B Documents



Section 3: Rehires

- ④ Review original Form I-9. Have documents originally presented for Section 2 expired? Use guidelines to determine if reverification is needed.
- ④ If employee is still authorized to work and documents are still valid, complete the date of rehire in the space provided in Section 3.
- ④ If the employee is no longer authorized to work, request unexpired List A or List C document. Do not reverify a List B document. Enter where indicated.
- ④ Sign and date section 3.



A close-up, slightly blurred photograph of a person's hand reaching into a filing cabinet drawer. The hand is positioned as if about to pull out or organize a folder. The background shows the interior of the cabinet with several hanging folders, some of which are yellow and white. The lighting is soft and natural, suggesting an indoor office environment.

07

Retention and Storage

Retention and Storage

Employers must have a completed Form I-9 on file for each person on their payroll (or otherwise receiving remuneration) who is required to complete the form.

Generally, employers must retain completed Forms I-9 for 3 years after the date of hire or one year after the date employment ends.

Once an employee no longer works for the employer, the employer must determine how much longer to keep the employee's I-9 Form.



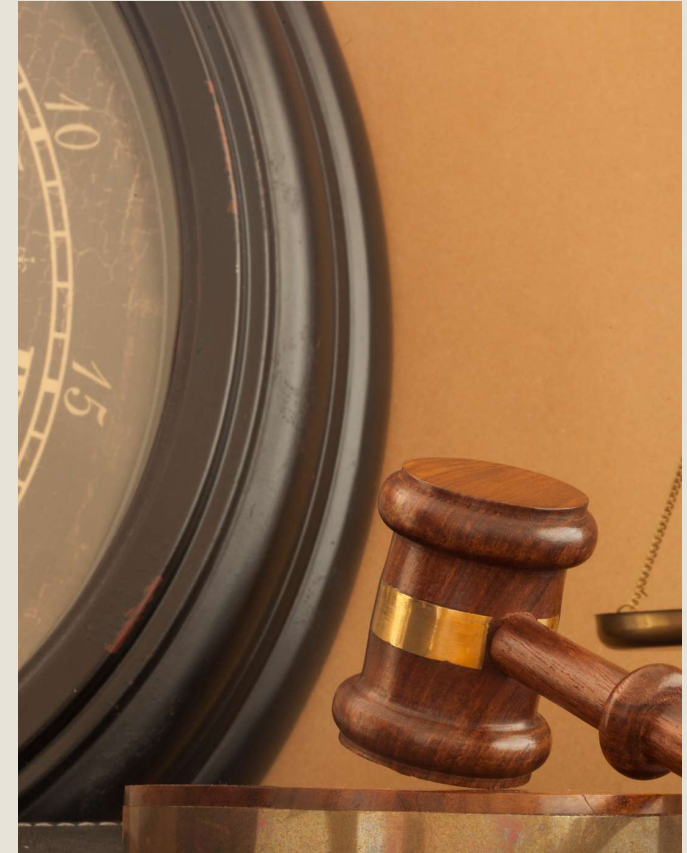
Retaining Form I-9

Date the employee began working for pay:	1. 07/01/2010
A. Add 3 years to the date on line 1:	A. 07/01/2013
2. The date employment was terminated:	2. 10/31/2019
B. Add 1 year to the date on line 2:	B. 10/31/2020
3. Which date is later: A or B?	3. B
C. Enter the later date.	C. 10/31/2020

Always keep the I-9 on file while the employee is actively employed.

Storage

- ④ Store on-site or at an off-site storage facility
- ④ In a single format or a combination of formats, such as:
 - Paper
 - Microfilm or microfiche
 - Electronic
- ④ I-9 Forms should be stored separately from the regular personnel file
- ④ Keep them locked in a cabinet not accessible to employees not privy to the I-9 information; these are highly confidential documents!



A photograph of a wooden desk with a white cup of water, a pen, and some papers. The image is overlaid with a semi-transparent grey rectangle containing the text '08 Correcting Mistakes'.

08

Correcting Mistakes

Correcting I-9 Forms

- ✓ Employers may only correct errors made in Section 2 or Section 3 of Form I-9.
- ✓ If there is an error in Section 1, you should ask the employee to correct the error.
- ✓ Never use white-out (liquid or tape) to cover a mistake. (This can lead to increased liability.)



Correcting I-9 Forms

- ④ ~~Draw a line~~ through incorrect information, enter the correct information, initial, and date.
- ④ To correct multiple items on a form, the section can be completed on a new Form I-9. **DO NOT DISCARD OF THE INCORRECT FORM!** A memo must be included explaining the corrections and all documents kept together.



The background image shows a close-up of hands sorting through a large stack of papers. A pen is visible in the upper right, and binder rings are visible in the lower left. The text is overlaid on a semi-transparent white rectangle.

09

Official Audits & Potential Penalties



Who Can Officially Audit I-9 Forms?

- Officials from the Department of Homeland Security (DHS);
 - Department of Justice (Immigrant and Employee Rights Section);
 - Department of Labor.
-



Audit Process

- Employer generally receives a Written Notice of Inspection at least 3 days before the inspection.
 - The notice can be in person or by mail.
 - Subpoenas and warrants may be used to obtain the forms without providing 3 days' notice.
-



Audit Process

4. Officials can request documents be mailed to them, can come on-site or where the I-9's are stored.

5. When officials arrive, the employer must retrieve requested forms and documents. Employers who refuse or delay inspection may be in violation of the law.

Penalties

Employers who violate the law:

- May be subject to civil fines and/or criminal penalties (when there is a pattern or practice of violations);
- Debarment from government contracts;
- A court order requiring the payment of back pay to an individual discriminated against (as applicable);
- A court order requiring the employer to hire the individual discriminated against (if applicable).



Violation Type	Penalty	Legal Citation
Civil Penalties for I-9 Paperwork Violations	\$237.00 - \$2,360.00	8 CFR 274a.10(b)(2)
Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (First Offense)	\$590.00 - \$4,722.00 (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(A)
Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (Second Offense)	\$4,667.00 - \$11,665.00 (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)
Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (Third+ Offense)	\$6,999.00 - \$23,331.00 (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(C)
Criminal Penalty	Up to \$3,000 per unauthorized alien, Imprisoned for up to 6 months, Or Both	8 CFR 274a.10(a)



10 Questions?

Thank You for joining us today!

Get in touch:



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