District Training
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Employment Eligibility Verification: Completing Form I-9

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HR Management Specialist

https://conservation.ok.gov/
"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:

☑️ Prohibits discriminatory documentation practices during the employment eligibility verification process.

☑️ 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:

☑ Removed documents from the statutory list of documents for Form I-9.

☑ Requires that any additional documents added to List A documents must contain security features.

☑ Expanded the receipt rule (i.e. SSNs).

☑ Created a pilot program: E-Verify
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?

- 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.

- Employers with employees in states with legislation that require participation in E-Verify.

- 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

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

*Required for OCC and Districts!
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.
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

**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.)*

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Other Last Names Used (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doe</td>
<td>Jonathan</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address (Street Number and Name)</th>
<th>Apt. Number</th>
<th>City or Town</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
</table>

**Date of Birth (mm/dd/yyyy):** 06/15/1985

**U.S. Social Security Number**

**Employee's E-mail Address**

**Employee's Telephone Number**

*Email or “N/A” – Do not leave blank!*  
*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):

☐ 1. A citizen of the United States
☐ 2. A noncitizen national of the United States (See instructions)
☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number):

☐ 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. (See instructions)

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.

1. Alien Registration Number/USCIS Number: 

OR

2. Form I-94 Admission Number: 

OR

3. Foreign Passport Number: 

Country of Issuance: 

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.

<table>
<thead>
<tr>
<th>Signature of Preparer or Translator</th>
<th>Today's Date (mm/dd/yyyy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name (Family Name)</td>
<td>First Name (Given Name)</td>
</tr>
<tr>
<td>Address (Street Number and Name)</td>
<td>City or Town</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
</tbody>
</table>

STOP  Employer Completes Next Page  STOP
Section 1: Employee Responsibilities

☐ 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.

☐ Other legal last names used, including a maiden name, if applicable.

☐ Current physical address. No P.O. Boxes.

☐ Complete date of birth, SSN, citizenship status

☐ Physical signature and date signed (mm/dd/yyyy).
Section 1: Employer Responsibilities

- Review and ensure the employee completed all required fields and that none are left blank, as applicable.
- Employee provided SSN.
- Verify employee signed and dated in the format (mm/dd/yyyy).
- The employee checked whether they did or did not use a preparer or translator to complete Section 1.
- If preparer or translator was used, verify completion of that section.
05 Completing Form I-9: Section 2
You will enter the name exactly as the employee has completed it in Section 1.
### Form I-9: Section 2 - Documenting IDs

<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>Document Title</td>
<td>Document Title</td>
<td>Document Title</td>
<td></td>
</tr>
<tr>
<td>Identity and Employment Authorization</td>
<td>Identity</td>
<td>Employment Authorization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Passport</td>
<td>Driver's License Issued by State</td>
<td>(Unrestricted)Social Security Card</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Department of State</td>
<td>State of Oklahoma</td>
<td>Social Security Administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XYZ123ABC</td>
<td>B111123145</td>
<td>000-00-0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01/31/2025</td>
<td>05/31/2022</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**In this field you can add:**
- Employee termination dates and form retention dates.
- E-Verify Case # - can also be entered in the margin (usually a printout attached)
# 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.

<table>
<thead>
<tr>
<th>LIST A</th>
<th>Documents that Establish Both Identity and Employment Authorization</th>
<th>LIST B</th>
<th>Documents that Establish Identity</th>
<th>LIST C</th>
<th>Documents that Establish Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td>OR</td>
<td>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</td>
<td>1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td></td>
<td>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</td>
<td>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</td>
<td></td>
<td>3. School ID card with a photograph</td>
<td>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td></td>
<td>5. U.S. Military card or draft record</td>
<td>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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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): (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 renumeration/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

- Enter the employee's information and citizenship status at the top of Section 2.
- Ensure that any document is original and on the Lists of Acceptable Documents or is an acceptable receipt.
- 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.
- Ensure all items in Section 2 are competed in full and accurately.
Completing Form I-9: Section 3
### Form I-9: Section 3
Reverification and Rehires

<table>
<thead>
<tr>
<th>Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. New Name (if applicable)</td>
</tr>
<tr>
<td>Last Name (Family Name)</td>
</tr>
</tbody>
</table>

| 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 (if any) (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 Representative | Today's Date (mm/dd/yyyy) | Name of Employer or Authorized Representative |
Section 3: Reverifications

- MUST complete Section 3 when the employee's employment authorization or documentation of employment authorization has expired.

- 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.

- 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

☑ Review original Form I-9. Have documents originally presented for Section 2 expired? Use guidelines to determine if reverification is needed.

☑ If employee is still authorized to work and documents are still valid, complete the date of rehire in the space provided in Section 3.

☑ 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.

☑ Sign and date section 3.
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

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

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

☑ Store on-site or at an off-site storage facility

☑ In a single format or a combination of formats, such as:
  • Paper
  • Microfilm or microfiche
  • Electronic

☑ I-9 Forms should be stored separately from the regular personnel file

☑ Keep them locked in a cabinet not accessible to employees not privy to the I-9 information; these are highly confidential documents!
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

☐ Draw a line through incorrect information, enter the correct information, initial, and date.

☐ 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.
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).
<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Penalty</th>
<th>Legal Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Penalties for I-9 Paperwork Violations</td>
<td>$237.00 - $2,360.00</td>
<td>8 CFR 274a.10(b)(2)</td>
</tr>
<tr>
<td>Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (First Offense)</td>
<td>$590.00 - $4,722.00 (per unauthorized alien)</td>
<td>8 CFR 274a.10(b)(1)(ii)(A)</td>
</tr>
<tr>
<td>Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (Second Offense)</td>
<td>$4,667.00 - $11,665.00 (per unauthorized alien)</td>
<td>8 CFR 274a.10(b)(1)(ii)(B)</td>
</tr>
<tr>
<td>Civil Penalties - Knowingly Hiring or Retention of Unauthorized Alien (Third+ Offense)</td>
<td>$6,999.00 - $23,331.00 (per unauthorized alien)</td>
<td>8 CFR 274a.10(b)(1)(ii)(C)</td>
</tr>
<tr>
<td>Criminal Penalty</td>
<td>Up to $3,000 per unauthorized alien, Imprisoned for up to 6 months, Or Both</td>
<td>8 CFR 274a.10(a)</td>
</tr>
</tbody>
</table>
10 Questions?
Thank You for joining us today!

Get in touch:

Kari Kuykendall, PHR, SHRM-CP
HR Management Specialist
kari.kuykendall@conservation.ok.gov
Ph: 405-522-4729