



United States Department of the Interior

OFFICE OF THE SECRETARY
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HUMAN RESOURCES MANAGEMENT BULLETIN NO. 97- 1 (293)

SUBJECT: EMPLOYMENT ELIGIBILITY VERIFICATION, INS FORM I-9

The purpose of this bulletin is to update Departmental policy, Re: INS Form I-9.

Statutory amendments to the Immigration and Nationality Act now require that each agency be treated as a separate employer. This impacts the way in which INS I-9 forms are used and maintained.

Effective immediately, INS I-9 forms must be purged from OPFs and procedures must be developed for retaining the forms in the servicing personnel office. Attached is an OPM memorandum to Directors of Personnel explaining the new INS instructions. Please review the changes to ensure their implementation.

This Human Resource Management Bulletin will be retained until superseded by a new issuance. Inquiries may be directed to Vicki Gray at 202-208-6428, mailstop MS-5221.

Dolores Chacon
Acting Director of Personnel

Attachment

January 10, 1997

MEMORANDUM FOR DIRECTORS OF PERSONNEL

FROM: STEVEN R. COHEN
ACTING ASSOCIATE DIRECTOR FOR
HUMAN RESOURCES SYSTEMS

SUBJECT: Form I-9, "Employment Eligibility Verification"

The Immigration and Nationality Act, as amended, requires employers verify the employment eligibility of new employees. The Immigration and Naturalization Service (INS) regulations implementing this requirement are in 8 CFR Part 274a. INS Form I-9, "Employment Eligibility Verification" is used to document employers' compliance with the Act. The form is used by Federal agencies as well as private employers.

We have been treating the Federal Government as a single employer for employment verification purposes. Agencies have been required to file I-9 forms as long-term (right hand side) documents in the employee's Official Personnel Folder (OPF). If the employee transferred to a new agency, the I-9 moved with the OPF to the new agency. Under certain circumstances, the new employing agency could reverify the I-9; otherwise, the new employing agency replaced the existing I-9 with a new I-9 and destroyed the old Form.

Effective immediately, each agency is to be treated as a separate employer for employment verification purposes. The INS Handbook for Employers is being revised to correct a few inaccuracies that have developed since its last revision date as well as to incorporate recent statutory amendments to section 274A of the Immigration and Nationality Act (the Act). Thus, for completing and retaining Form I-9, agencies must insure the accuracy of the instructions contained in the current edition of the Handbook by referring to the recently enacted amendments to the Act and to 8 CFR Part 274a. **Form I-9 is no longer authorized for long-term retention in the OPF.** INS instructions require that employers retain I-9 forms for three years after the person begins work or one year after the person's employment is terminated, whichever is later. Forms I-9 completed by an agency must be retained by that agency; they should not be transferred to the next employer.

Effective immediately, agencies should remove any Form I-9s from the Official Personnel Folders. Agencies should establish their own procedures consistent with INS requirements for filing these forms.

The INS HANDBOOK FOR EMPLOYERS is available from local INS offices. Questions on the procedures for completing, filing, and retaining the Form I-9 should be directed to the local INS office.

The OPM Operating Manuals, THE GUIDE TO PROCESSING PERSONNEL ACTIONS and THE GUIDE TO PERSONNEL RECORDKEEPING will be revised to reflect these changes.