



TRANSMITTAL

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Federal Contract Compliance Programs

Number: 284

Date: September 5, 2008

ADM Notice/Other

1. **SUBJECT:** The U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services' (USCIS), revised Employment Eligibility Verification Form (Form I-9).

2. **PURPOSE:** To transmit the revised Form I-9 and the procedures for inspection of the Form I-9 while conducting the onsite phase of a compliance evaluation.

3. **FILING INSTRUCTIONS:**

Holders of ADM and LEG Binders only: File this Notice with the attachment behind the "Other" tab in your Administrative Practices Binder.

District and Area Office EOSs and EOAs only:

File this Notice with the attachment behind the tab for ADM Directives in your FCCM Binder.

4. **OBSOLETE DATA:** None

5. **DISTRIBUTION:** A, B (both hard copy and electronically); C (hard copy only)

6. **EXPIRATION DATE:** This directive remains in effect until superseded.

CHARLES E. JAMES, SR.
Deputy Assistant Secretary for
Federal Contract Compliance

DATE

**U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
WASHINGTON, DC 20210**

ADM Notice/Other

1. **SUBJECT:** The U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services' (USCIS), revised Employment Eligibility Verification Form (Form I-9).
2. **PURPOSE:** To transmit the revised Form I-9 and the procedures for inspection of the Form I-9 when conducting the onsite phase of a compliance evaluation.
3. **BACKGROUND:** The Immigration Reform and Control Act of 1986 (IRCA) and supporting regulations require all U.S. employers to verify the identity and employment eligibility of all individuals hired to work in the United States and to complete and retain a Form I-9 for each employee. Employers are required to authenticate the identity of each new hire by reviewing a government-issued photographic document from "List B," such as a driver's license. In addition, employers are required to establish each new hire's employment eligibility by reviewing documents on "List C," such as a social security card or birth certificate. Alternatively, employers may establish both an individual's identity and employment eligibility if presented with a document from "List A," such as a U.S. passport or permanent resident card.

In accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), P.L. 104-208, USCIS has revised the Form I-9. The most significant change to the Form I-9 is a reduction in the number acceptable documents on List A, documents which establish both identity and employment eligibility. Employers are required to use the revised Form I-9, labeled "(Rev. 06/05/07)N," for all individuals hired on or after November 7, 2007.¹

Under the longstanding Memorandum of Understanding (MOU) between the Immigration and Naturalization Service (now USCIS) and the Employment Standards Administration (ESA), Office of Federal Contract Compliance Programs (OFCCP) is authorized to inspect the Form I-9 of federal contractors or subcontractors whenever an onsite review is performed during a compliance evaluation. To avoid discouraging unauthorized workers from reporting

¹ According to USCIS, the period between Nov. 7 and Dec. 26, 2007 was a grace period, with no enforcement of the new form or the changes.

alleged discrimination, the MOU specifies that Form I-9 inspections will not take place in the course of any complaint investigation. The MOU may be found at: <http://www.nilc.org/immsemplymnt/emprights/MOU.pdf>.

On June 9, 2008, Executive Order (E.O.) 12989 was amended to require, as a condition of future contracts, that federal contractors use an electronic verification system to confirm the employment eligibility of new hires and existing personnel assigned to perform work on the new federal contract.² DHS is authorized to issue implementing regulations for E.O. 12989, but has not yet done so. Once implementing regulations are issued, this Directive may be revised to reflect any necessary changes to OFCCP's Form I-9 inspection procedures.

4. **POLICY:** Effective immediately, all Form I-9 inspections performed onsite review will adhere to the procedures outlined in this directive.
5. **FORM I-9 (Rev. 06/05/07)N:** On November 7, 2007, the Form I-9 with a revision date of June 5, 2007 became the only version of the form valid for current or future use.³ The revision date is printed on the lower right-hand corner of the form and states "(Rev. 06/05/07)N." The new Handbook for Employers - Instructions for Completing the Revised Form I-9 is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

The most significant change to the revised Form I-9 is the elimination of five documents from "List A" of the "Lists of Acceptable Documents." List A specifies the documents that can be used to establish both identity and employment eligibility. The five documents that have been eliminated are:

- Certificate of U.S. Citizenship (Forms N-560 or N-561)
- Certificate of Naturalization (Forms N-550 or N-570)
- Alien Registration Receipt Card (Form I-151)
- Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)

One document was added to List A of the List of Acceptable Documents:

- Unexpired Employment Authorization Document (Form I-766)

² The amended E.O. can be found at 73 FR 33283 (June 11, 2008). Pursuant to the E.O., on June 13, 2008, the Secretary of DHS designated the E-Verify system as the electronic verification system that contractors will be required to use. See 73 FR 33837.

³ According to a November 26, 2007, Federal Register Notice published by the U.S. Department of Homeland Security (DHS) (See 72 FR 65974), and available on the USCIS web site at <http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=696497753ff8dcfef5a0e6e47215bfa8>, DHS said it would not seek penalties against an employer for using a previous version of Form I-9 on or before December 26, 2007.

In addition, all Employment Authorization Documents with photographs have been consolidated as one item on List A:

- Temporary Resident Card (Form I-688)
- Employment Authorization Card (Forms I-688A, I-688B)
- Unexpired Employment Authorization Document (Form I-766)

Instructions regarding Section 1 of Form I-9 currently state that the employee is not obligated to provide his or her social security number in Section 1 of the Form I-9, unless he or she is employed by an employer that participates in E-Verify.⁴ Further information on E-Verify is available on the USCIS web site at www.uscis.gov/e-verify.

Form I-9 is available in English or Spanish. However, only employers in Puerto Rico have the option of using either the Spanish or English version of the new Form I-9 to verify employment eligibility. Employers in the 50 states and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete and retain the English version.

Pursuant to Federal law, employers are permitted to sign and retain Form I-9 electronically. Public Law 108-390, 11 Stat. 2242 (October 30, 2004)⁵. However, each electronically-generated Form I-9 must be legible. No change may be made to the name, content, or sequence of the data elements and instructions. No additional data elements or language may be inserted.

Form I-9 must be made available for inspection in their original form, on microfilm, microfiche, or electronically to authorized officials, such as an OFCCP CO. Employers must be given at least three days advance notice before the inspection. Original documents, as opposed to photocopies, may be requested.

6. **INSPECTION PROCEDURES:** OFCCP COs shall continue to fill out Form ESA-91 according to the instructions provided in OFCCP Order No. ADM 02-2/FORMS, Transmittal 253, signed by the Deputy Assistant Secretary on March 14, 2002. This form, with instructions, is located in the Case Management System 2.5 The ESA-91 (I-9 Verification) Module.

⁴ This may change when DHS issues regulations implementing E.O. 12989.

⁵ The regulation implementing Public Law 108-390, Title 8 CFR Part 274a.2 (a) (2), is available on the USCIS web site at

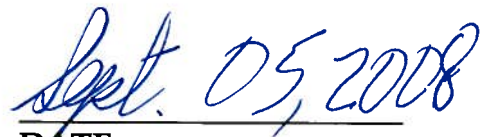
<http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=52234e082b7c3b75fbfd309b45267e4>.

When reviewing the new Form I-9 during an on-site review, the CO should pay special attention to the following points:

- a. Contractors must use the new Form I-9, labeled (Rev. 06/05/07)N, for all employees hired, rehired, or reverified after November 7, 2007.⁶
- b. The CO must make certain that any electronically reproduced or retrieved Form I-9 is legible and has no evidence of inserts or changes made to the name, content, or sequence of the data elements.
- c. The CO may request that the contractor retrieve and reproduce Form I-9 and supporting documentation that are electronically stored. To ensure that retrieved and reproduced documents are free of tampering, the inspecting CO may ask for the associated audit trails that show who has access to the computer system and the actions performed within or on the computer system during a given period of time.
- d. The CO may also request that the contractor provide appropriate hardware and software, personnel, and documentation necessary to locate, retrieve, read, and reproduce any electronically stored Form I-9, supporting documents, and their associated audit trails, reports, and other data used to maintain the authenticity, integrity and reliability of the records.
- e. Contractors are obligated to provide, if requested, any reasonably available or obtainable electronic summary file(s), such as a spreadsheet containing all the information fields on all the electronically stored Form I-9. The CO should request such summary file(s) and use them to select specific Form I-9 when they inspect the electronically retained documents.



CHARLES E. JAMES, SR.
Deputy Assistant Secretary for
Federal Contract Compliance



DATE

⁶ According to USCIS, the period between Nov. 7 and Dec. 26, 2007 was a grace period, with no enforcement of the new form or the changes.

Attachments

- Revised Form I-9 (English) - Also available on line at <http://www.uscis.gov/i-9>.
- Revised Form I-9 (Spanish) - Also available on line at <http://www.uscis.gov/i-9>.
- Fact Sheet "USCIS Revises Employment Eligibility Verification Form I-9" - Also available on line at <http://www.uscis.gov/files/pressrelease/FormI9FS110707.pdf>

Instructions

Please read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

Filling Out the Form I-9

Section 1, Employee: This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer: For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

Section 3, Updating and Reverification: Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:
 1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C);
 2. Record the document title, document number and expiration date (if any) in Block C, and
 3. Complete the signature block.

What Is the Filing Fee?

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at www.uscis.gov.

Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, and completing the form, 9 minutes; 2) assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**Form I-9, Employment
Eligibility Verification**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

| | | | |
|--|-------|--|--------------------------------|
| Print Name: Last | First | Middle Initial | Maiden Name |
| Address (Street Name and Number) | | Apt. # | Date of Birth (month/day/year) |
| City | State | Zip Code | Social Security # |
| 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): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____ | |
| Employee's Signature | | | Date (month/day/year) |

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

| | |
|---|-----------------------|
| Preparer's/Translator's Signature | Print Name |
| Address (Street Name and Number, City, State, Zip Code) | Date (month/day/year) |

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

| List A | OR | List B | AND | List C |
|---------------------------------|----|--------|-----|--------|
| Document title: _____ | | _____ | | _____ |
| Issuing authority: _____ | | _____ | | _____ |
| Document #: _____ | | _____ | | _____ |
| Expiration Date (if any): _____ | | _____ | | _____ |
| Document #: _____ | | _____ | | _____ |
| Expiration Date (if any): _____ | | _____ | | _____ |

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

| | | |
|---|------------|-----------------------|
| Signature of Employer or Authorized Representative | Print Name | Title |
| Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) | | Date (month/day/year) |

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 eligibility. | | |
| Document Title: _____ | Document #: _____ | Expiration Date (if any): _____ |

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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) |
|--|-----------------------|

LISTS OF ACCEPTABLE DOCUMENTS

LIST A
Documents that Establish Both
Identity and Employment
Eligibility

LIST B
Documents that Establish
Identity

LIST C
Documents that Establish
Employment Eligibility

| | OR | AND |
|--|--|--|
| 1. U.S. Passport (unexpired or expired) | 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. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i> |
| 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) | 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 Birth Abroad issued by the Department of State <i>(Form FS-545 or Form DS-1350)</i> |
| 3. An unexpired foreign passport with a temporary I-551 stamp | 3. School ID card with a photograph | 3. 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 |
| 4. An unexpired Employment Authorization Document that contains a photograph <i>(Form I-766, I-688, I-688A, I-688B)</i> | 4. Voter's registration card | 4. Native American tribal document |
| 5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer | 5. U.S. Military card or draft record | 5. U.S. Citizen ID Card <i>(Form I-197)</i> |
| | 6. Military dependent's ID card | 6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i> |
| | 7. U.S. Coast Guard Merchant Mariner Card | |
| | 8. Native American tribal document | 7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i> |
| 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 | |

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Instrucciones**Lea cuidadosamente las instrucciones antes de llenar este formulario. (Para uso únicamente en Puerto Rico.)**

Notificación Anti-Discriminación. Es ilegal discriminar a cualquier individuo (con excepción de un extranjero no autorizado a trabajar en los E.U.A.) al contratar, desempear, reclutar o contratar por honorarios debido al origen del individuo o su ciudadanía. Es ilegal discriminar a cualquier individuo elegible para trabajar. Los empleadores **NO PUEDEN** especificar que documento(s) aceptarán de un empleado. El negarse a emplear a un individuo porque la fecha de vencimiento de los documentos presentados está cercana puede también constituirse como una discriminación ilegal.

¿Cuál es el propósito de este formulario?

El propósito de este formulario es documentar que cada empleado nuevo (ciudadano o no ciudadano) contratado después del 6 de noviembre de 1986 está autorizado a trabajar en los Estados Unidos.

¿Cuándo debe ser utilizado el Formulario I-9?

Todos los empleados, ciudadanos y no ciudadanos, contratados después del 6 de noviembre de 1986 y que estén trabajando en los Estados Unidos deben llenar el Formulario I-9.

Como Llenar el Formulario I-9

Sección 1, Empleado: Esta parte del formulario debe llenarse en el momento de la contratación, que generalmente es el inicio del empleo. Proveer el número de Seguro Social es voluntario, a excepción de aquellos empleados que han sido contratados por empleadores que participan en el Programa Electrónico de Verificación de la Elegibilidad de Empleo de USCIS. **El empleador debe asegurarse que la Sección 1 se llene puntual y correctamente.**

Certificación del Traductor o Tercero. La certificación del traductor o tercero debe llenarse si la **Sección 1** es preparada por cualquier persona que no sea el empleado. Un traductor o tercero sólo puede utilizarse cuando el empleado no pueda llenar la **Sección 1** por sí mismo. Sin embargo, el empleado debe firmar la **Sección 1** personalmente.

Sección 2, Empleador: Con la finalidad de llenar este formulario, el término "empleador" se refiere a todos los empleadores incluyendo los reclutadores y los contratistas por honorarios tales como las asociaciones agrícolas, empleadores agrícolas o los contratistas de trabajo agrícola.

Los empleadores deben llenar la **Sección 2** examinando las pruebas de identidad y elegibilidad de empleo dentro de los tres (3) días hábiles a partir de la fecha del inicio de empleo. Si el empleado está autorizado para trabajar, pero no puede presentar los documentos requeridos dentro de los tres (3) días hábiles, debe presentar un recibo de esta solicitud dentro de tres (3) días

hábiles, y los documentos requeridos en un periodo de noventa (90) días. Sin embargo, si los empleadores contratan a individuos para trabajar por menos de 3 días hábiles, debe llenarse la **Sección 2** en el momento en el que se inicie el empleo. **Los empleadores deben anotar:**

1. Título del documento.
2. Autoridad que expide el documento.
3. Número de documento.
4. Fecha de vencimiento, si la hay; y
5. Fecha de comienzo del empleo.

El empleador debe firmar y colocar la fecha de la certificación. El empleado debe presentar sus documentos originales. El empleador puede, aunque no está obligado, a fotocopiar los documentos presentados. La(s) fotocopia(s) sólo puede(n) utilizarse para la verificación del proceso y deben guardarse con el Formulario I-9. **Sin embargo, los empleadores son los responsables de llenar y guardar el Formulario I-9.**

Sección 3, Actualización y nueva verificación: Los empleadores deben llenar la **Sección 3** cuando se esté actualizando y, o verificando el Formulario I-9. Los empleadores deben verificar de nuevo la elegibilidad de empleo de los empleados para trabajar antes de la fecha de vencimiento anotada en la **Sección 1**. Los empleadores **NO PUEDEN** especificar que documento(s) aceptarán del empleado:

- A. Si el nombre de un empleado ha cambiado en el momento en que este formulario está siendo actualizado o que se realiza la nueva verificación, llene la casilla A.
- B. Si un empleado es contratado nuevamente dentro de tres (3) años de la fecha original del formulario, asimismo el empleado sigue siendo elegible para ser contratado bajo las mismas condiciones previamente señaladas en este formulario (actualización), llene la casilla B y la casilla de la firma.
- C. Si un empleado es contratado nuevamente dentro de tres (3) años de la fecha original de este formulario y la autorización del empleador ha expirado o si la autorización del empleador actual está por vencer (actualización), llene la casilla B y:

1. Compruebe que cualquier documento que refleje que el empleado está autorizado para trabajar en los E.U.A. (Ver lista A o C);
2. Anote el título del documento, número del documento y la fecha de vencimiento (si la hay) en la casilla C, y
3. Llene la casilla de la firma.

¿Cuál es el cargo por tramitación?

No hay ningún cargo por concepto de tramitación del Formulario I-9. Este formulario no es tramitado por la USCIS o por ninguna otra agencia del gobierno. El empleador debe guardar el Formulario I-9 y tenerlo disponible para que pueda ser inspeccionado por funcionarios del gobierno de los E.U.A., como especifica el Aviso de la Ley de Privacidad más adelante.

Formularios e Información de USCIS

Para encargar formularios, por favor llame al **1-800-870-3676**. Si desea conseguir información sobre los formularios de USCIS o sobre las leyes migratorias, procedimientos y normas de inmigración, llame a nuestro Centro de Servicio Nacional al Cliente al **1-800-375-5283** o visite nuestra página web: **www.uscis.gov**.

Fotocopia y Conservación del Formulario I-9

Una copia en blanco del Formulario I-9 puede ser reproducida, siempre y cuando ambos lados sean copiados. Las instrucciones deben estar disponibles a todo empleado que llene este formulario. Los empleadores deben conservar los formularios I-9 completos por tres (3) años después de la fecha inicial de empleo o un año después de la fecha en que el empleo termine, lo que sea más tarde.

El Formulario I-9 puede ser firmado y guardado electrónicamente, según lo autorizado en la reglamentación 8 CFR § 274a.2 del Departamento de Seguridad Nacional.

Aviso de la Ley de Privacidad

La autoridad que recopila esta información es la Ley de Reforma y Control de Inmigración de 1986, Pub. L. 99-603 (8 USC 1324a).

Esta información es para que los empleadores verifiquen la elegibilidad de los individuos a contratar para evitar contrataciones ilícitas, reclutamientos o contratados por honorarios, de extranjeros no autorizados a trabajar en los Estados Unidos.

Esta información será usada por los empleadores como base de su registro para determinar la elegibilidad de un empleado para trabajar en los Estados Unidos. El formulario será guardado por el empleador y se hará disponible para la inspección de oficiales del Departamento de Inmigración y Aduanas de los E.U.A., el Departamento de Trabajo y la Oficina del Consejo para Inmigración y Prácticas de Empleo Injustas.

La aportación de la información requerida en este formulario es voluntaria. Sin embargo, un individuo no puede empezar su empleo sin antes llenar este formulario, ya que el empleador está sujeto a sanciones civiles o criminales si no cumple con la Ley de Control y Reforma de Inmigración de 1986.

Ley de Reducción de Trámites

Intentamos crear formularios e instrucciones que sean precisos, fáciles de entender y que le impongan la menor carga posible cuando nos provee información. A menudo esto es difícil porque algunas leyes de inmigración son muy complejas. Por consiguiente, la carga de trámites para la recopilación de información es calculada de la siguiente manera: 1) informarse acerca de este formulario y como llenar el formulario 10 minutos; 2) juntar y archivar (registros) el formulario, 2 minutos, lo cual da un promedio de 15 minutos por respuesta. Si usted tiene algún comentario acerca de precisión de esta estimación o sugerencias para hacer este formulario más simple, puede escribir a: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**Form I-9, Employment
Eligibility Verification**

Por favor, lea cuidadosamente las instrucciones antes de llenar este formulario. Las instrucciones deben estar disponibles cuando se llene este documento.

AVISO ANTI-DISCRIMINACIÓN: Es ilegal discriminar a cualquier individuo elegible para trabajar. Los empleadores **NO PUEDEN** especificar qué documento(s) aceptarán de un empleado. La negativa a emplear a una persona debido a una fecha futura de vencimiento de los documentos presentados puede constituir discriminación ilegal.

Sección 1. Información y Verificación del Empleado. El formulario debe ser llenado y firmado por el empleado en el momento en el que comience a trabajar.

| | | | |
|---|--------|----------------------------|-----------------------------------|
| Nombre en Letras de Imprenta: Apellido | Nombre | Inicial del Segundo Nombre | Nombre de Soltero(a) |
| Dirección (nombre y número de la calle) | | Nº de Apto. | Fecha de nacimiento (mes día año) |
| Ciudad | Estado | Código Postal | Nº de Seguro Social |

Estoy informado que la ley Federal estipula el encarcelamiento y/o la sanción por declaraciones falsas o por el uso de documentos falsos al llenar este formulario.

Certifico, bajo pena de perjurio, que soy (marque uno de los siguientes):

Ciudadano o natural de los Estados Unidos

Residente legal permanente (Nº de Extranjero) A _____

Extranjero autorizado a trabajar hasta el _____

(Nº de Extranjero o Nº de Admisión) _____

Firma del empleado

Fecha (mes/día/año)

Certificación del traductor y, o tercero. (Se debe llenar y firmar si la Sección 1 la llena cualquier persona que no sea el empleado.) Certifico, bajo pena de perjurio, que he ayudado a llenar este formulario y que según mi entender, la información es verdadera y correcta.

Firma del Traductor o Tercero

Nombre y Apellido (en imprenta)

Dirección: (Nombre y Número de la Calle, Ciudad, Estado, Código Postal)

Fecha (mes día año)

Sección 2. Revisión y Verificación del Empleador. Se debe llenar y firmar por el empleador. Verifique un documento de la lista A o un documento de la lista B y uno de la lista C, tal y como figura en la parte posterior de esta página, y anote el título, número y fecha de vencimiento, si hay alguna, del documento.

| | Lista A | O | Lista B | Y | Lista C |
|--|---------|---|---------|-------|---------|
| Título del Documento: | _____ | | _____ | _____ | _____ |
| Autoridad que Emite el Documento: | _____ | | _____ | _____ | _____ |
| Nº de Documento: | _____ | | _____ | _____ | _____ |
| Fecha de Vencimiento (si la hay): | _____ | | _____ | _____ | _____ |
| Nº de Documento: | _____ | | _____ | _____ | _____ |
| Fecha de Vencimiento (de ser el caso): | _____ | | _____ | _____ | _____ |

Certificación - Certifico, bajo pena de perjurio, que he verificado los documentos presentados por el empleado nombrado anteriormente; los documentos en la lista anterior aparentan ser genuinos y son referentes al empleado nombrado. La persona antes mencionada fue empleada (mes/día/año) _____ y a mi mejor entender declaro que el empleado es elegible para trabajar en los E.U.A. (Las agencias de empleo del estado pueden omitir la fecha en la que el empleado fue contratado.)

| | | |
|---|--|---------------------|
| Firma del Empleado o el Representante Autorizado | Nombre y Apellido (en letra de imprenta) | Título |
| Nombre y Dirección de la Organización o Compañía (Nombre y Número de la Calle, Ciudad, Estado, Código Postal) | | Fecha (mes día año) |

Sección 3. Actualización y Nueva Verificación. Se debe llenar y firmar por el empleador.

A. Nombre (de ser el caso) _____ B. Fecha de re-contratación (mes día año) (de ser el caso) _____

C. Si la autorización de trabajo previa de su empleador ha expirado, proporcione la información actual en la que indique la elegibilidad actual para trabajar.

Título de Documento: _____ Nº de Documento: _____ Fecha de Vencimiento (si la hay): _____

Certifico, bajo pena de perjurio, con mi mejor conocimiento que este empleado se encuentra apto(a) para trabajar en los E.U.A. En caso de que el empleado haya presentado documentos, los documentos que he revisado aparentan ser genuinos y referentes al empleado.

Firma del Empleado o Representante Autorizado

Fecha (mes día año)

LISTAS DE DOCUMENTOS ACEPTABLES

| LISTA A Documentos que Establecen Ambas la Identidad y Elegibilidad Para Trabajar | LISTA B Documentos que Establecen la Identidad | LISTA C Documentos que Establecen la Elegibilidad para el Empleo |
|--|---|--|
| 1. Pasaporte Estadounidense (vigente o vencido) | 1. Licencia de conducir o Tarjeta de Identificación (ID) emitida por el estado o territorio de los Estados Unidos si contienen fotografía o el nombre, fecha de nacimiento, género, altura, color de ojos y dirección | 1. Tarjeta de Seguro Social de los Estados Unidos emitida por la Administración de Seguro Social (con excepción de una tarjeta que indique que no se encuentra apto(a) para trabajar) |
| 2. Tarjeta de Residencia Permanente o Tarjeta de Registro de Extranjeros (Formulario I-551) | 2. Tarjeta de Identificación (ID) emitida por agencias o entidades del gobierno federal, estatal o local o si contiene una fotografía o información tal como el nombre, fecha de nacimiento, sexo, estatura, color de ojos y dirección | 2. Partida de nacimiento en el extranjero emitida por el Departamento de Estado (Formulario FS-545 o Formulario DS-1350) |
| 3. Pasaporte extranjero vigente con un timbre temporal I-551 | 3. Identificación estudiantil con fotografía | 3. Una copia original o certificada de la partida de nacimiento emitida por el estado, condado, autoridad municipal o territorio de los Estados Unidos con sello oficial |
| 4. Tarjeta de Autorización de Empleo vigente con fotografía (Formulario I-766, I-688, I-688A, I-688B) | 4. Tarjeta de registro de votante | 4. Documento tribal de Nativo-Americano |
| 5. Pasaporte extranjero vigente con Registro de Entrada y Salida Vigente, Formulario I-94, llevando el mismo nombre que figura en el pasaporte y conteniendo una certificación del estado no inmigrante del extranjero, si ese estado autoriza a el extranjero a trabajar para el empleador | 5. Tarjeta Militar de los Estados Unidos o tarjeta del servicio militar | 5. Tarjeta de Identificación de Ciudadano(a) Estadounidense (Formulario I-197) |
| | 6. Tarjeta Militar de Identificación de dependientes | 6. Tarjeta emitida para el uso de Ciudadano Residente en los Estados Unidos (Formulario I-179) |
| | 7. Tarjeta de Marino Mercante de la Guardia Costera Estadounidense | |
| | 8. Documento tribal de Nativo-Americano | 7. Autorización de Empleo vigente emitida por DHS (que no sea una de las de la lista A) |
| | 9. Licencia de conducir emitida por el gobierno canadiense | |
| | <p style="text-align: center;">Para personas menores de 18 años de edad que no puedan presentar los documentos en la lista anterior:</p> | |
| | 10. Expediente académico o tarjeta de calificaciones | |
| | 11. Informe médico, de clínica u hospital | |
| | 12. Registro de guadería | |

En la parte 8 del Manual para Empleadores (M-274) encontrará ejemplos de muchos de estos documentos.



Fact Sheet

November 7, 2007
(Revised)

USCIS Revises Employment Eligibility Verification Form I-9 *Revision will eliminate certain documents for employment verification*

U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9, *Employment Eligibility Verification*, and M-274, *Handbook for Employers, Instructions for Completing the Form I-9*. The revised form is now available for use.

BACKGROUND

The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) mandated a reduction in the number of documents that employers may accept from newly hired employees during the employment eligibility verification process. In 1997, the former Immigration and Naturalization Service (INS) published an interim final rule in the *Federal Register* eliminating some of the documents IIRIRA slated for removal. However, Form I-9 was not updated to reflect the revised List of Acceptable Documents at that time. USCIS has revised Form I-9 to bring it into compliance with the 1997 regulation as a first step toward achieving the document reduction goals set out in IIRIRA and as a further step in its ongoing work toward reducing the number of documents used to confirm identity and work eligibility. The most significant change to the revised Form I-9 is the elimination of five documents from List A of the List of Acceptable Documents. This and other minor revisions are detailed below.

Questions and Answers:

Q: Where can I get the new Form I-9 (Rev. 06/05/07)N and the Employer Handbook (M-274)?

A: Both Form I-9 and the Employer Handbook are available as downloadable PDFs at www.uscis.gov. Employers without computer access can order USCIS forms by calling our toll-free number at 1-800-870-3676. Individuals can also request USCIS forms and information on immigration laws, regulations, and procedures by calling the National Customer Service Center toll-free at 1-800-375-5283.

Q: What is the difference between the revised Form I-9 and the old one?

A: Five documents have been removed from List A of the List of Acceptable Documents:

- *Certificate of U.S. Citizenship (Form N-560 or N-561)*
- *Certificate of Naturalization (Form N-550 or N-570)*
- *Alien Registration Receipt Card (I-151)*
- *Unexpired Reentry Permit (Form I-327)*
- *Unexpired Refugee Travel Document (Form I-571)*

One document was added to List A of the List of Acceptable Documents:

- *Unexpired Employment Authorization Document (I-766)*

All the Employment Authorization Documents with photographs that are in circulation are now included as one item on List A:

- *I-688, I-688A, I-688B, I-766*

Instructions regarding Section 1 of Form I-9 now indicate that the employee is not obliged to provide the Social Security Number in Section 1 of Form I-9, unless he or she is employed by an employer who participates in E-Verify. The section on Photocopying and Retaining Form I-9 now includes information about electronically signing and retaining I-9 forms.

The estimated reporting burden under the *Paperwork Reduction Act* has changed to reflect the latest estimates and, finally, the format, font, organization, and grammar of the text have been improved to make Form I-9 more readable and user-friendly.

Q: Can I accept documents that used to be on the Form I-9 but aren't now?

A: No. Employers may only accept documents listed on the List of Acceptable Documents on Form I-9. When re-verifying employees, employers should ensure that they use the new Form I-9 with its updated list of acceptable documents.

Q: Are there any changes in the way the new Form I-9 is completed?

A: No. The updated form should be completed exactly the same way as the old one was. The only difference is the types of documents that employers may accept in Section 2.

Q: Is the Form I-9 available in different languages?

A: The Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may have employees complete the Spanish version for their records. Employers in the 50 states and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete the English version and keep it in the employer's records. Employees may also use or ask for a translator/preparer to assist them in completing the form.

Q: Are employers in Puerto Rico required to use the Spanish version of Form I-9?

A: No. Employers in Puerto Rico may use either the Spanish or the English version of the new Form I-9 to verify employees. Employers in Puerto Rico may not use the expired 1988 Spanish or English edition of Form I-9.

Q: What versions of Form I-9 are valid for use?

A: As of November 7, 2007, the Form I-9 with a revision date of June 5, 2007 is the only version of the form that is valid for use. The revision date is printed on the lower right corner of the form and states "(Rev. 06/05/07)N". All previous versions of Form I-9, in English or Spanish, are no longer valid. The 1988 version of Form I-9 in Spanish expired in 1991.

Q: When should employers begin using the version of Form I-9 marked with a revision date of "(Rev. 06/05/07)N"?

A: Employers must use the amended Form I-9 (Rev. 06/05/07)N for all individuals hired on or after November 7, 2007. However, DHS recognizes that employers should be afforded a period of time to transition to the amended Form I-9. DHS will publish a Notice in the *Federal Register* announcing that it will not seek penalties against an employer for using a previous version of the Form I-9 during a 30 day transition period that begins on date of publication of the Notice. After the transition period, employers who fail to use Form I-9 (Rev. 06/05/07)N may be subject to all applicable penalties under section 274A of the INA, 8 U.S.C. 1324a, as enforced by U.S. Immigration and Customs Enforcement (ICE).

Q: Do I need to complete the new version of Form I-9 for all my employees or just the new ones?

A: Employers only need to complete the new version of Form I-9 (Rev. 06/05/07)N for new employees. Employers do not need to complete new forms for existing employees. However, employers must use the Form I-9 (Rev. 06/05/07)N when their employees require re-verification.

– USCIS –