



E3

Customer Guide

I Am an Employer

How Do I... Complete Form I-9, Employment Eligibility Verification?



U.S. Citizenship
and Immigration
Services

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U.S. employers are required by law to verify the employment authorization of all workers they hire on or after November 6, 1986, for employment in the United States, regardless of the workers' immigration status. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the United States, or who fail to comply with employment authorization verification requirements, may face civil and, in some cases, criminal penalties. **Form I-9, *Employment Eligibility Verification***, must be completed for each newly hired employee, including U.S. citizens, permanent residents, and temporary foreign workers, to demonstrate the employer's compliance with the law and the employee's work authorization. Through the Form I-9 verification process, employers ensure that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.

Who is responsible for completing the different sections of Form I-9?

The employee must complete Section 1, Employee Information and Verification, of Form I-9. The employee must attest that he or she is a U.S. citizen or national, a lawful permanent resident, or is otherwise authorized to work for the employer in the United States. The employee must present documentation to the employer establishing identity and employment authorization based on the most current Lists of Acceptable Documents on the I-9 form. The employer is obligated, after physically examining the documents presented by the employee, to complete Section 2, Employer Review and Verification, and Section 3, Updating and Reverification (if applicable), of the I-9 form.

When should Section 1 of Form I-9 be completed?

Each newly hired employee (an employee who has accepted the position) should complete and sign Section 1 no later than the first day of employment, regardless of his or her immigration status.

When should Section 2 of Form I-9 be completed?

Employers must complete and sign Section 2 of Form I-9 within 3 business days of the employee's first day of employment. If the employment relationship will last less than 3 days, then the employer must verify work authorization and complete Section 2 no later than the first day of employment.

What documents must the employee present?

The employee may provide the documents they choose from those listed on the most recent Lists of Acceptable Documents, which can be found on the I-9 form. The employee must present one document from List A, or two documents—one from List B and one from List C:

- List A (documentation establishing both identity and authorization to work);
- List B (documentation establishing only identity);
- List C (documentation establishing only authorization to work).

The employer must physically examine the documentation establishing identity and employment authorization the employee presents.

In certain instances, the employee may use receipts in lieu of original documents in the Form I-9 process. For example, if an individual's document has been lost, stolen, or damaged, then he or she can present a receipt for the application for a replacement document. The replacement document must be presented to the employer within 90 days of hire, or, in the case of reverification, the date employment authorization expires. For more information on the receipt rule, see the manual, **M-274, *Handbook for Employers***.

Note: A receipt for an application for an initial or renewal USCIS Employment Authorization Document (EAD) filed on a **Form I-765, *Application for Employment Authorization***, is not acceptable for Form I-9 verification purposes.

When should Section 3 of Form I-9 be completed?

Employers should complete Section 3 of Form I-9 when updating and reverifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 does not apply to employees who are U.S. citizens or permanent residents. (Note, however, that the receipt rule applies to temporary evidence of permanent resident status, and will need to be reverified.) Section 3 should only be completed when the employee indicates that he or she is an alien authorized to work until a certain date in Section 1 of the I-9 form. For example, when a USCIS EAD is scheduled to expire, the employer must reverify that the employee has renewed his or her authorization to work. The employee can choose which documents to provide from the Lists of Acceptable Documents on the I-9 form.

Except for employees who are U.S. citizens or permanent residents, employers should reconfirm the employment authorization of every employee who has presented evidence of work authorization that contains an expiration date.

What if the employee only has temporary work authorization?

An employee who has been issued temporary work authorization must produce proof of continued work authorization no later than the expiration date.

Can I tell a potential employee what documents to present for employment authorization?

No, an employer cannot tell an employee which documents to present for Form I-9 purposes. Employers should direct the employee to the Lists of Acceptable Documents on the Form I-9. If an employee presents a document that is not on the Lists of Acceptable Documents, an employer should ask for additional proof of identity and/or employment authorization.

How do I know if a document is genuine or false?

An employer is not required to know with absolute certainty whether a document is genuine or false. The law requires that an employer examine the original document (not a photocopy) and make a good-faith determination that the document:

- Appears to relate to the employee;
- Appears to be genuine; and
- Is included in the Lists of Acceptable Documents on Form I-9.

Please note that rejecting a document that later proves to be genuine could result in a violation of the anti-discrimination provisions of immigration law, so employers should guard against being overzealous in their inspection of documents the employee presents.

Can photocopies be accepted?

No, employees must present original documents. The only exception is that a newly hired employee may present a certified copy of a birth certificate.

How long should I-9 forms be retained?

I-9 forms should be retained for 3 years after the date of hire, or 1 year after the date employment ends—**whichever is later**.

How can I get more information about Form I-9?

The M-274, *Handbook for Employers*, contains the instructions for completing Form I-9. Both Form I-9 and the handbook can be downloaded from our website at www.uscis.gov. We also have additional information about Form I-9 on our website under "About Form I-9 and E-Verify."

Key Information

Key USCIS forms referenced in this guide	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Handbook for Employers	M-274

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• On the Internet at: www.uscis.gov

For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library. If you cannot find what you need, please call Customer Service.

• Customer Service: 1-800-375-5283

• Hearing Impaired TDD Customer Service: 1-800-767-1833

Other U.S. Government Services—Click or Call

General Information	www.usagov.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

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