

Form I-9 Checklist



Form I-9 Checklist

What is Form I-9?

Federal law requires employers to hire only individuals who may legally work in the United States—either U.S. citizens or foreign citizens who have the necessary authorization. To comply with the law, employers must complete and retain [Form I-9](#) (Employment Eligibility Verification) to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) to work in the United States.

Form I-9 is generally **not required** for persons who are:

- Hired on or before November 6, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times;
- Employed for casual domestic work in a private home on a sporadic, irregular, or intermittent basis;
- Independent contractors (but federal law prohibits businesses from contracting with an independent contractor knowing that he or she is not authorized to work in the U.S.);
- Providing labor to you, but who are employed by a contractor providing contract services (e.g., employee leasing or temporary agencies); or
- Not physically working on U.S. soil.

Are there penalties for noncompliance with the Form I-9 requirements?

Yes. Failing to comply with Form I-9 requirements may result in [significant penalties](#). For example, penalties can range from **\$224 to \$2,236 per form**.

Do I have to file Forms I-9?

Form I-9 is not filed with any government agency.

Do I have to retain Forms I-9?

Forms I-9 must be retained by the employer and made available for inspection. Employers must retain an employee's completed Form I-9 for as long as the individual works for the employer. Once the individual's employment has terminated, the employer generally must keep the Form I-9 until the **later** of:

- 3 years after the date of hire; or
- One year after the date employment is terminated.

Completed Forms I-9 and all accompanying documents should be stored in a safe, secure location.

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How do I comply with the Form I-9 requirements?

Employer and Employee Responsibilities

Form I-9 consists of three sections, each with responsibilities and due dates as follows:

Section	Section Title	Completed By	Due Date
1	Employee Information and Attestation	Employee	No later than the first day of employment , but never before the job offer is accepted
2	Employer or Authorized Representative Review and Verification	Employer	Within 3 business days of the employee's first day of employment. If the individual is hired for less than 3 business days, Section 2 must be completed no later than the end of the first day of employment.
3	Reverification and Rehires	Employer	In general, reverification must be completed prior to the earlier of: <ul style="list-style-type: none">• The expiration date, if any, of the employment authorization stated in Section 1; or• The expiration date, if any, of the List A or List C employment authorization document (see below) recorded in Section 2.

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Section 1: Employee Information and Attestation

Entering Employee Information

Newly hired employees must complete and sign Section 1 **no later than the first day of employment**, but never before they have accepted a job offer. The [form instructions](#) must be made available, in paper or electronically, while the employee completes the form. For information on **rehires**, see Section 3.

The following employee information **must** be entered:

- Full legal last name and first name, middle initial, and any other last names used
- Street name and number, including any apartment number
- City, state, and zip code
- Date of birth (entered as MM/DD/YYYY)
- U.S. Social Security number, if one has been issued and the employer participates in [E-Verify](#)

Entering the following employee information is **optional**:

- U.S. Social Security number, if the employer **does not** participate in [E-Verify](#)
- E-mail address
- Telephone number

Attesting to a Citizenship or Immigration Status

An employee must select one of the following to attest to his or her citizenship or immigration status:

1. Citizen of the United States.

2. Noncitizen national of the United States. This category includes individuals:

- Born in American Samoa;
- Certain former citizens of the former Trust Territory of the Pacific Islands; and
- Certain children of noncitizen nationals born abroad.

3. Lawful Permanent Resident. This category includes individuals who are:

- Not U.S. citizens, but reside in the U.S. under legally recognized and lawfully recorded permanent residence as immigrants; and
- Conditional residents

Individuals that select this category must enter their 7- to 9-digit Alien Registration Number (A-Number), including the "A," or USCIS Number in the space provided.

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4. Alien Authorized to Work. This category includes individuals who are authorized to work in the U.S., but who are not citizens, nationals, or lawful permanent residents.

Aliens authorized to work must also enter one of the following (note: an employer may not ask an employee to present one of these documents):

- Alien Registration Number (A-Number)/USCIS Number;
- Form I-94 Admission Number; or
- Foreign Passport Number and the Country of Issuance

Sign and Date

After completing Section 1, an employee must sign and date the form. The date entered must be **the date the form is signed**, and entered in MM/DD/YYYY format. **Do not backdate the form.**

Preparer and/or Translator Certification

If the employee **did not** use a preparer or translator, the employee must check the box marked, “**I did not use a Preparer or Translator.**” If the employee used one or more preparers and/or translators to complete Section 1, the preparer and/or translator must check the box marked, “**A preparer(s) and/or translator(s) assisted the employee in completing Section 1.**” The preparer and/or translator must complete all of the fields in the Certification area (on the same page the employee has signed), and then sign and date.

Presenting Form I-9 Documents

Within **3 business days** of starting work for pay, the employee must present to the employer documentation that establishes the employee’s identity and employment authorization. However, if the employee is **hired to work for less than 3 business days**, the employee must present documentation no later than the end of the first day of employment.

The documentation presented must be **unexpired, original** (except for certified copies of birth certificates), and selected from the following lists. If an employee does not have unexpired documentation from the lists, he or she may be able to present a receipt in lieu of an acceptable document(s) (for more information, please see the [form instructions](#)).

Employees must make:

- One selection from [List A](#); or
- One selection from [List B](#) in combination with one selection from [List C](#).

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Note that List A contains documents that show both identity and employment authorization, List B documents show identity only, and List C documents show employment authorization only. An employer cannot specify which document(s) the employee presents from the Lists of Acceptable Documents below. However, if the employer participates in E-Verify and the employee presents a List B document, the List B document must include a photograph.

LISTS OF ACCEPTABLE DOCUMENTS		
Employees may present one selection from List A <u>or</u> a combination of one selection from List B <u>and</u> one selection from List C		
LIST A	LIST B	LIST C
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 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 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: <ul style="list-style-type: none"> • Foreign passport; and • Form I-94 or Form I-94A that has the following: <ul style="list-style-type: none"> ○ The same name as the passport; and ○ An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 	<ol style="list-style-type: none"> 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 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 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 7. Driver's license issued by a Canadian government authority <p>Persons under age 18 who are unable to present a document listed above may alternatively present a:</p> <ol style="list-style-type: none"> 1. School record or report card 2. Clinic, doctor, or hospital record 3. Day-care or nursery school record 	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ul style="list-style-type: none"> • Not valid for employment • Valid for work only with INS authorization • Valid for work only with DHS authorization 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

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Section 2: Employer or Authorized Representative Review and Verification

The employer is responsible for completing Section 2. Before doing so, the employer should review Section 1 to ensure the employee completed it properly, as it is ultimately the employer's responsibility to ensure that all parts of Form I-9 are properly completed. If the employer discovers any errors in Section 1, the employer should have the employee make corrections as necessary, and initial and date any corrections made.

In general, the employer must complete Section 2 by examining evidence of identity and employment authorization **within 3 business days** of the employee's first day of employment. However, if the employee is **hired to work for less than 3 business days**, Section 2 must be completed no later than the end of the first day of employment.

Entering Employee Information From Section 1

The employer must enter the employee's last name, first name, middle initial, and citizenship/immigration status (see "Attesting to a Citizenship or Immigration Status" above) in Section 2 exactly as he or she entered them in Section 1.

Entering Documents the Employee Presents

The employer must physically examine, **in the employee's physical presence**, the **unexpired, original document(s)** the employee presents from the Lists of Acceptable Documents (see above) to complete Section 2. If an employee's presented documents appear to be genuine and relate to the employee, the employer must accept the documents and enter the document title, issuing authority, document number, and expiration date (if any; enter as MM/DD/YYYY) for each document in Section 2.

Note that the employer must allow the employee to choose the documents to be presented from the Lists of Acceptable Documents. Employers **cannot** specify which document(s) the employee may present to establish employment authorization and identity.

The employer must return all original documents to the employee. While an employer may make photocopies of the documents reviewed, photocopying is voluntary unless the employer participates in [E-Verify](#).

Employer Certification

To complete Section 2, the employer or its authorized representative must:

- Attest, under the penalty of perjury, the following:
 - That the employer has examined the document(s) presented by the employee;

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- That the document(s) presented appear to be genuine and relate to the employee; and
- To the best of the employer's knowledge, the employee is authorized to work in the U.S.
- Enter the employee's first day of employment (in MM/DD/YYYY format), unless an exemption applies under the [form instructions](#).
- Enter the last name, first name, and title of the employer or authorized representative.
- Enter the employer's business or organization name and address.
- Sign and date the form (in MM/DD/YYYY format). The date entered must be the date Section 2 of the form is signed. **Do not backdate this field.**

Section 3: Reverification and Rehires

- Section 3 applies to both reverification and rehires. Employers must complete Section 3 when an employee's employment authorization or documentation of employment authorization has expired ("reverification").
- Employers may complete Section 3 when an employee is rehired within 3 years of the date that Form I-9 was originally completed, or when an employee has a legal name change.

When completing this section, the employer must also enter the employee's last name, first name, and middle initial at the top of Section 2, leaving the Citizenship/Immigration Status field blank. If the employee's name has changed, the employer can record the new name in Block A of Section 3.

Reverification

In general, reverification must be completed prior to the earlier of:

- The expiration date, if any, of the employment authorization stated in Section 1; or
- The expiration date, if any, of the List A or List C employment authorization document recorded in Section 2 (with some exceptions listed below).

For reverification, an employee must present an **unexpired document(s)** (or a receipt) from either **List A or List C** showing he or she is still authorized to work. **Employers should not reverify List B documents.**

Employers should not reverify the following employees:

- U.S. citizens
- Noncitizen nationals
- Lawful permanent residents (including conditional residents) who presented a Permanent Resident Card (Form I-551)
- Aliens whose employment authorization does not expire, unless they choose to present evidence of employment authorization that contains an expiration date and requires reverification.

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Rehires

If an employer rehires an employee **within 3 years** of the date that the employee's Form I-9 was originally completed, the employer may either rely on the employee's previous Form I-9 or complete a new Form I-9. Employees rehired **after 3 years** of original execution of the Form I-9, however, **must** complete a new Form I-9.

Additional rules apply to employers who choose to rely on a rehired employee's previously executed Form I-9. For more information, please see the [form instructions](#).

Returning Documents

Upon completing Section 3, the employer should return all original documents to the employee. While an employer may make photocopies of such documents, photocopying is voluntary unless the employer participates in [E-Verify](#).

Note on Anti-Discrimination

Employers should ensure that information employees provide on Form I-9 is used only for Form I-9 purposes. It is illegal to discriminate against work-authorized individuals in hiring, firing, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9 and E-Verify) process based on that individual's citizenship status, immigration status, or national origin. In addition, the refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

For More Information

Additional guidance may be necessary for proper completion of Forms I-9. For assistance, please download [Form I-9 and its instructions](#) or contact a knowledgeable employment law attorney.

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