

Handouts for  
**E-VERIFY Webinar Training**  
September 18 – November 1, 2007

U.S. Department of Homeland Security

E-VERIFY Fact Sheet

Form I-9 - Employment Eligibility Verification

Form I-9 Process "In a Nutshell"

Poster (English): *Our hiring policy is simple: WE FOLLOW THE LAW!*

Poster (Spanish): *Our hiring policy is simple: WE FOLLOW THE LAW!*

U.S. Citizenship and Immigration Services

I Am an Employer . . . How Do I Complete Form I-9, Employment Verification?

I Am an Employer . . . How Do I Use E-Verify?

U.S. Department of Justice, Civil Rights Division

Poster (English): *IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.*

Poster (Spanish): *IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.*



Homeland  
Security

# Fact Sheet

August 10, 2007  
Contact: DHS Press Office, (202) 282-8010

## **E-VERIFY**

### **ABOUT E-VERIFY**

- E-Verify is a free and simple to use Web-based system that electronically verifies the employment eligibility of newly hired employees. For more information on E-Verify, visit [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).
- E-Verify is a partnership between the Department of Homeland Security (DHS) and the Social Security Administration. U.S. Citizenship and Immigration Services (USCIS) oversees the program.
- E-Verify is a re-branding of its predecessor, the Basic Pilot/Employment Eligibility Verification Program, which has been in existence since 1997. The Basic Pilot is being re-branded to highlight key enhancements in the program, including a new photo screening tool that helps employers to detect forged or faked immigration documents.
- E-Verify works by allowing participating employers to electronically compare employee information taken from the Form I-9 (the paper based employee eligibility verification form used for all new hires) against more than 425 million records in the Social Security Administration's (SSA) database and more than 60 million records in DHS immigration databases. Results are returned within seconds.
- E-verify is the only official U.S. government source that provides employers in the United States with real-time data that takes the subjectivity out of verifying employment eligibility.
- The primary goals of the EEV program are to protect jobs, not lose jobs, for authorized U.S. workers and to ensure a legal workforce in the United States.

- Currently, more than 19,000 employers are enrolled in E-Verify and 1000 new employers are signing up each month. The system is currently capable of handling up to 25 million inquiries a year.
- Through E-Verify, participating employers have successfully matched 92 percent of new hires to DHS and SSA database information. Of the remaining 8 percent that were not matched, less than one percent of those employees contested the result.

## **E-VERIFY ENHANCEMENTS**

### **PHOTO TOOL**

- E-Verify's new photo screening tool—to be launched by August 31, 2007— will be the beginning of biometric verification within the E-Verify system. This additional feature will be the first step in giving employers the tools they need to detect identify theft in the employment eligibility process.
- The photo tool screening feature will work by allowing an employer to check the photo on their new hire's Employment Authorization Document (EAD) or Permanent Resident Card (green card) against the 14.8 million images stored in DHS immigration databases.
- The employer will be able to compare identical photos—one from the card presented to the employee to the card image in the USCIS database. The photo screening tool is designed to detect when a photo is superimposed on an authentic immigration identification card or when the document is counterfeit but contains valid information with a different photo.
- The photo screening tool feature was piloted with a subset of E-Verify employers beginning in March 2007 and is scheduled to become a feature for all new and existing users of E-Verify by August 31, 2007.

### **OTHER ENHANCEMENTS**

- The photo screening feature is the answer to detecting some, but not all, forms of identity theft used in the employment eligibility verification process. E-Verify is constantly enhancing and improving its access to real time data by including more DHS databases in its system with the primary goal of driving down the mismatch rate.
- Other key enhancements coming in the future include an option for employers to generate letters for their employees in Spanish and other languages, an E-Verify website that will have a mini-tutorial for employers considering enrolling, web-based resources for employees on their rights and responsibilities, and a marketing and advertising campaign to educate employers on the benefits of E-Verify.

###

**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 of a future expiration date may also constitute illegal discrimination.

**Section 1 - Employee.** All employees, citizens and noncitizens, hired after November 6, 1986, must complete Section 1 of this form at the time of hire, which is the actual beginning of employment. **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" includes 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 I-9. **However, employers are still responsible for completing the I-9.**

**Section 3 - Updating and Reverification.** Employers must complete Section 3 when updating and/or reverifying the 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.

- If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- 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.
- 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:

- examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C),
- record the document title, document number and expiration date (if any) in Block C, and
- complete the signature block.

**Photocopying and Retaining Form I-9.** A blank 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 I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

**For more detailed information, you may refer to the Department of Homeland Security (DHS) Handbook for Employers, (Form M-274). You may obtain the handbook at your local U.S. Citizenship and Immigration Services (USCIS) office.**

**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 the 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.

**Reporting Burden.** 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, 5 minutes; 2) completing the form, 5 minutes; and 3) assembling and filing (recordkeeping) the form, 5 minutes, for an average of 15 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., Washington, DC 20529. OMB No. 1615-0047.

**NOTE:** This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

**EMPLOYERS MUST RETAIN COMPLETED FORM I-9  
PLEASE DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS**

# 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 of 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 #
<b>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.</b>		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		Date (month/day/year)
Address (Street Name and Number, City, State, Zip Code)		

**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)

**NOTE:** This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

## LISTS OF ACCEPTABLE DOCUMENTS

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Eligibility	Documents that Establish Identity	Documents that Establish Employment Eligibility
<ol style="list-style-type: none"> <li>1. U.S. Passport (unexpired or expired)</li> <li>2. Certificate of U.S. Citizenship (Form N-560 or N-561)</li> <li>3. Certificate of Naturalization (Form N-550 or N-570)</li> <li>4. Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization</li> <li>5. Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-151 or I-551)</li> <li>6. Unexpired Temporary Resident Card (Form I-688)</li> <li>7. Unexpired Employment Authorization Card (Form I-688A)</li> <li>8. Unexpired Reentry Permit (Form I-327)</li> <li>9. Unexpired Refugee Travel Document (Form I-571)</li> <li>10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (Form I-688B)</li> </ol>	OR	<ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> </ol> <p style="text-align: center; margin: 10px 0;"><b>For persons under age 18 who are unable to present a document listed above:</b></p> <ol style="list-style-type: none"> <li>10. School record or report card</li> <li>11. Clinic, doctor or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>
	AND	<ol style="list-style-type: none"> <li>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>)</li> <li>2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)</li> <li>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</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. ID Card for use of Resident Citizen in the United States (Form I-179)</li> <li>7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)</li> </ol>

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

# OFFICE OF BUSINESS LIAISON

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

## Employer Information Bulletin 102

### The Form I-9 Process In A Nutshell

October 7, 2005

EBISS: (800) 357-2099

NCSC: (800) 375-5283

TDD: (800) 767-1833

Fax: (202) 272-1865

Order Forms: (800) 870-3676

Website: [www.uscis.gov](http://www.uscis.gov)

The following is not intended to be legal advice pertaining to your situation and should not be construed as such. The information provided is intended merely as a general overview with regard to the subject matter covered.

## THE FORM I-9 PROCESS IN A NUTSHELL

### Purpose

- This bulletin supplements the 1991 version of the “Handbook for Employers” (Form M-274) and the 1991 (rebranded in 2005) version of the Form I-9 and its instructions, which may both be downloaded from the U.S. Citizenship and Immigration Services web site.
- This bulletin provides employers with basic guidance for compliance with requirements to complete, update, and retain Form I-9 for all employees, whether U.S. citizens or non-U.S. citizens.
- **NOTE:** The “receipt rule” described in this bulletin is the most up-to-date receipt rule. The receipt rule stated in the Form I-9 instructions and the “Handbook for Employers” (Form M-274) is **NOT** the current rule. See Receipt Rule below.

### Introduction to Worksite Enforcement and Employment Eligibility Verification

The 1986 Immigration Reform and Control Act (“IRCA”) sought to control illegal migration by eliminating employment opportunity as a key incentive for unauthorized persons to come to the U.S. IRCA’s core prohibition is against the hiring or continued employment of aliens whom employers know are unauthorized to work in the United States. IRCA makes all U.S. employers responsible for verifying, through a specific process, the identity and work authorization or eligibility of all individuals, whether U.S. citizens or not, hired after November 6, 1986. To implement this, employers are required to complete Employment Eligibility Verification Forms I-9 for all employees. An employer’s obligation to review documents is not triggered until a person has been **hired**, whereupon the new employee is entitled to submit a document or combination of documents of his choice (**from List A or a combination of documents from List B and List C stated on the reverse side of the Form I-9**) to verify his identity and work eligibility.

**Hired** = Employee’s actual commencement of employment for wages or other remuneration. The employee must complete Section 1 of the Form I-9 by the date of hire (i.e. no later than the date on which employment services start). (See Completing the Form I-9 below.)

### Protection from Discrimination<sup>1</sup>

IRCA also prohibits employers with 4 or more employees from discriminating against any person (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of a person’s national origin or, in the case of a citizen or protected individual, citizenship status. Employers with 15 or more employees may not discriminate against any person on the basis of national origin in hiring, discharging, recruitment, assignment, compensation, or other terms and conditions of employment. The Form I-9 process may not be used to **pre-screen** employees for hiring. Furthermore, an employer may not demand more or different documents than an employee chooses to present, provided that the documents presented are acceptable under the Form I-9 requirements. An employer may not demand documents issued by the Department of Homeland Security (**formerly the Immigration and Naturalization Service**) in lieu of other acceptable document(s) from List(s) A or B and C and may not consider the fact that work authorization documents have future expiration dates as cause for not hiring or for terminating employment.

<sup>1</sup> The Office of Special Counsel for Immigration Related Unfair Employment Practices (“OSC”) investigates charges of job discrimination related to an individual’s immigration status or national origin. It also investigates charges of document abuse discrimination--when employers request more or different documents than are required to verify employment eligibility and identity, reject reasonably genuine-looking documents or specify certain documents over others. All individuals authorized to work are protected from document abuse. OSC can be accessed via the Internet at <http://www.usdoj.gov/crt/osc/htm/aboutosc.htm>.

## Changes effective after 11/91 Publication of Form I-9 and “Handbook for Employers”<sup>2</sup>

**FORM I-151:** Form I-151 has been withdrawn from circulation and is no longer a valid List A document.<sup>3</sup>

**FORM I-766:** Form I-766 was introduced in January 1997 as an Employment Authorization Document (EAD). It should be recorded on the Form I-9 under List A. A previous version of the EAD is the Form I-688B, which continues to be an acceptable List A document. (See Employer Information Bulletin 104.)

**FORM I-551:** The **Permanent Resident Card** (new version of Form I-551) was introduced in 1990 as documentation issued for lawful permanent residents of the U.S. Older versions of Form I-551 remain valid until expiration, if any. The Form I-551 should be recorded on the Form I-9 under List A. On the back of the Form I-9, it is listed under List A #5 as an Alien Registration Receipt Card. (See Employer Information Bulletin 104.)

**DOCUMENTS REMOVED FROM FORM I-9 LIST:** *Effective September 30, 1997* via interim rule published at 62 Fed. Reg. 51001-51006, the following documents were removed from the list of acceptable identity and work authorization documents to comply with the *Illegal Immigration Reform and Alien Responsibility Act of 1996 (IIRIRA)*: Certificate of U.S. Citizenship (**List A #2**), Certificate of Naturalization (**List A #3**), Unexpired Reentry Permit (**List A #8**), and Unexpired Refugee Travel Document (**List A #9**). In addition, the acceptability of an unexpired foreign passport with a Form I-94 indicating unexpired work authorization (List A #4) was modified. Such a combination of documents is only acceptable when the individual is authorized to work for a specific employer incident to his or her status.

**RECEIPT RULE:** Originally effective September 30, 1997, amended by interim rule on *February 9, 1999*; the rule explaining **when receipts may be used** in lieu of original documents in the Form I-9 process (*receipt rule*<sup>4</sup>) now provides that:

- If an individual’s document has been **lost, stolen, or damaged**, then he/she can present a receipt for the application for a replacement document. The replacement document needs to be presented to the employer within 90 days of the date of hire or, in the case of reverification, the date employment authorization expires.
- If the individual presents as a receipt, the arrival portion of the Form I-94 containing both an unexpired temporary I-551 stamp (indicating temporary evidence of permanent resident status) and a photograph of the individual, such document satisfies the Form I-9 documentation presentation requirement until the expiration date on the Form I-94. If no expiration date is indicated, an employer may accept the receipt for one year from the date the Form I-94 was issued.
- Form I-94 with a refugee admission stamp is acceptable as a receipt for 90 days, within which time the employee must present an unrestricted Social Security card together with an identity document from List B, or an Employment Authorization Document (Form I-688B or Form I-766). To indicate refugee status, the stamp may include a reference to Section 207 of the Immigration and Nationality Act (INA) rather than state the word “refugee.”

## THE FORM I-9 PROCESS

### General

Employers are responsible for the completion and retention of Forms I-9 for all employees, regardless of citizenship or national origin, hired for employment in the United States. An employee is any individual compensated for services or labor by an employer, whether by payment in the form of wages or other remuneration (such as goods, services, food, or lodging).

### For whom is a Form I-9 unnecessary?

- Employees hired on or before November 6, 1986, and continuously employed by the same employer;
- Individuals performing casual employment who provide domestic service in a private home that is sporadic, irregular or intermittent;
- Independent contractors (see Employer Information Bulletin 110); and
- Workers provided to employers by individuals or entities providing contract services, such as temporary agencies (in such cases, the contracting party is the employer for Form I-9 purposes).

### Note:

- An employer is not permitted under the law to contract for the labor of an individual whom he knows is not authorized for employment. Employers who violate this prohibition may be subject to civil and criminal penalties.
- Employers are not permitted to request more or different documents than are required or to refuse to honor documents tendered that reasonably appear to be genuine and to relate to the individual presenting the document.

<sup>2</sup> These changes are not reflected on the current version of the Form I-9, its instructions, or the “Handbook for Employers.”

<sup>3</sup> To replace their “green cards,” holders of Form I-151 Alien Registration Receipt Card must submit to USCIS a completed Form I-90 along with the current filing fee. (To download Form I-90 and for filing instructions go to [www.uscis.gov](http://www.uscis.gov).)

<sup>4</sup> For more information on the receipt rule see Employer Information Bulletin 107; see more on Receipt Rule below.

## Retention of Forms I-9

An employer must retain the Form I-9 for each employee **either** for three (3) years after the date of hire **or** for one (1) year after employment is terminated, **whichever is later**. All current employees, therefore, must have Forms I-9 on file with the employer. Upon request, all Forms I-9 subject to the retention requirement must be made available to an authorized official of the Department of Homeland Security, Department of Labor, and/or the Office of Special Counsel for Unfair Immigration-Related Employment Practices for the Department of Justice.

### Examples for terminated employees:

**Step one: Identify the date of hire and add 3 years = [date A]**

1. 11/01/93 + 3 years = 11/01/96                      or                      03/27/99 + 3 years = 03/27/02

**Step two: Identify the termination date and add 1 year = [date B]**

1. 07/05/94 + 1 year = 07/05/95                      or                      05/19/03 + 1 year = 05/19/04

**Step three: Compare dates [A] and [B]**

1. Compare 11/01/96 and 07/05/95
2. Compare 03/27/02 and 05/19/04

**Step four: Determine the later of dates [A] or [B] in each case. The later of the two becomes the retention date for the corresponding Form I-9.**

**Example results:**

1. 11/01/96 is later than 07/05/95, therefore 11/01/96 is the retention date for this terminated employee's Form I-9.
2. 05/19/04 is later than 03/27/02, therefore 05/19/04 is the retention date for this terminated employee's Form I-9.

## Missing Forms I-9

An employer who discovers that the Form I-9 is not on file for a given employee should request that the employee complete section 1 of the Form I-9 immediately and submit documentation as required in Section 2. The new form should be dated when completed--**never** post-dated<sup>5</sup>. When an employee does not provide acceptable documentation, the employer must terminate employment or risk being subject to penalties for "knowingly" continuing to employ an unauthorized worker if the individual is not in fact authorized to work.

## Discovering an Unauthorized Employee

An employer who discovers that an employee has been working without authorization should reverify work authorization by allowing such an employee another opportunity to present acceptable documentation and complete a new Form I-9. However, employers should be aware that, if they know or should have known that an employee is unauthorized to work in the United States, they may be subject to serious penalties for "knowingly continuing to employ" an unauthorized worker.

## Successive Employers and Reorganizations

Employers that acquire a business as a result of a corporate reorganization, merger, or sale of stock or assets, and retain the predecessor's employees are not required to complete new Forms I-9 for those employees and instead may choose to rely on the Forms I-9 completed by the predecessor employer if the employees are continuing in employment, and they have a reasonable expectation of employment at all times. However, the successor employer will be held responsible if the predecessor's Forms I-9 are deficient or defective.

<sup>5</sup> Employers may provide an explanatory annotation as to why the Form I-9 was not completed on a timely basis.

## COMPLETING THE FORM I-9

The Form I-9 contains three sections. The employee must complete Section 1. The employer must complete sections 2 and 3. The employer is required to ensure that **all** sections of the Form I-9 are timely and properly completed. **The Form I-9 is available in ENGLISH ONLY.**

### SECTION 1: EMPLOYEE INFORMATION AND VERIFICATION

#### Responsibility of the Employer

Employers must ensure that Section 1 is completed by the employee upon **date of hire** (i.e. 1<sup>st</sup> day of paid work). The signature and attestation under penalty of perjury portions of Section 1 are very important, and employers should take special care to ensure that employees complete these in full. Although employers are held responsible for deficiencies of information in Section 1 (i.e. where required information is not provided by the employee), they may not require employees to produce documents to verify Section 1 information.

**NOTE: An employee's signature and attestation of status under penalty of perjury are particularly important.** If a given employee refuses to provide his/her signature or attestation, there is no reason for the employer to proceed to complete Section 2, and the employer should not continue to employ the individual.

**NOTE: An employee is not required to include his or her social security number in Section 1 of the Form I-9, nor can the employee be required to do so by the employer.** This information block is optional. However, there is one exception: when the employee is hired by an employer participating in the voluntary automated employment eligibility confirmation pilot program. Therefore, an employer cannot require an employee to include his or her social security number **unless** the employer is participating in the voluntary automated employment eligibility confirmation pilot program.<sup>6</sup>

The failure of an employee to include a social security number in section 1 of the Form I-9 does not subject an employer to civil money penalties. Such an omission is neither a substantive, technical, or procedural failure to comply with the Form I-9 requirements.<sup>7</sup>

#### Responsibility of the Employee

Employees need to provide the information requested in Section 1. In particular, they must attest to their status by checking the applicable box indicating that they are:

- Citizen/national of the United States (*top box*),
- Lawful permanent resident with a "green card" (*middle box*), or
- Alien authorized to work in the United States until a specified date (*bottom box*).

Employees **must sign and date** this Section of the Form I-9 when completed.

**Note:** Employers should remind employees of format conventions such as providing dates in the format of month/day/year, because dating formats in the employees' countries of origin may have a different order.

**Note:** Certain aliens, such as asylees and refugees, are authorized to work indefinitely incident to their status and may not have an expiration date to fill-in for the bottom box of the attestation block in Section 1. A notation should be included that work authorization is indefinite.

#### Responsibility of Translator or Preparer

If translators or preparers are used by the employee to fill out Section 1, -such individuals must also sign, date, and provide requested information in the Preparer/Translator Certification Block at the bottom of Section 1. Employers themselves must fill in and sign this block if they have assisted employees with Section 1.

<sup>6</sup> While the Department of Homeland Security has the authority pursuant to section 264(f) of the Immigration and Nationality Act, 8 USC 1304(f), to require aliens to provide their social security account number on any alien record that it maintains, its authority does not extend to the Form I-9, except for individuals hired by employers participating in the voluntary automated employment eligibility confirmation pilot programs. See IIRIRA § 403(a)(1)(A).

<sup>7</sup> See 63 Fed. Reg. 16909 (April 7, 1998) (implementing the good faith provision of section 411 of IIRIRA).

## SECTION 2: EMPLOYER REVIEW AND VERIFICATION

- The second part of the form requires the employer to list the documents that were produced by the worker to verify his or her identity and employment eligibility. There are three groups of documents that a worker may use for this purpose. The documents that can be presented by employees are listed on the reverse side of the Form I-9. A worker may choose to provide a document from List A (which establishes both identity and work authorization), or he/she may choose to provide one document from List B (which establishes identity) and one document from List C (which establishes work eligibility). Documentation must be rejected if it is expired, with two exceptions: the U.S. passport (a document from List A) and any document from List B. Employers who fail to complete the Form I-9 or who hire or continue to employ workers they know are unauthorized to work in the United States may be subject to civil and, in certain cases, criminal penalties. See Employer Information Bulletin 111.
- Employers cannot refuse to hire an individual because that individual's document has an expiration date.

**Original Documents Only** - The employer or employer's representative/agent<sup>8</sup> must *personally*<sup>9</sup> review *original* document(s) that demonstrate an employee's identity and eligibility to work in the U.S.<sup>10</sup> Photocopies, or numbers representing original documents, are not acceptable. Exception: List C #3, a certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the U.S. bearing an official seal is acceptable. All identifying information, including the document title, the issuing authority, the document number, and/or the expiration date (if applicable) must be provided in full.

**RECEIPT RULE:** Employees who do not possess the required documentation when employment begins **may not submit receipts showing that they have applied for initial applications for documents or for applications for extension of documents.** An employer may only accept receipts for:

- A **replacement document** in lieu of the required document if a document was *lost, stolen, or damaged*. The replacement document must be presented within 90 days of the date of hire or, in the case of reverification; the date employment authorization expires.
- The arrival portion of the Form I-94 containing both an unexpired temporary I-551 ADIT stamp (indicating temporary evidence of permanent resident status) and a photograph of the individual. This type of receipt is valid until the expiration date stated on the document. If no expiration date is indicated, an employer may accept the document as a receipt for one year from the date the Form I-94 was issued. The "green card" (i.e., Form I-551) itself should be presented by the end of the receipt validity period.
- A Form I-94 containing a refugee admission stamp. The employer can accept this as a receipt as long as the employee presents: 1) the departure portion of Form I-94 containing an unexpired refugee admission stamp, which is designated for purposes of this section as a receipt for the Form I-766, Form I-688B, or a social security card that contains no employment restrictions; and 2) within 90-days of the date of hire, or in the case of reverification, the date employment authorization expires, presents an unexpired Form I-766 or Form I-688B, or a social security card that contains no employment restrictions together with a document described in List B. This type of receipt is sufficient to evidence both identity and employment authorization for the 90-day receipt validity period.

**Common example:** An EAD (Form I-688B or Form I-766) is generally valid as evidence of work authorization for one year. The EAD may be renewed by the submission of a new application to the U.S. Citizenship and Immigration Services. Accordingly, a receipt acknowledging such an application is unacceptable.

**Note:** A receipt is never acceptable for employment lasting for less than 3 working days.

### **Source of Confusion:**

- (1) Social Security Cards. Please see Employer Information Bulletin 112.
- (2) Multiple entries for document numbers and expiration dates must be filled out only where an employee has presented more than one document under one List (e.g., an unexpired passport with an unexpired Form I-94; unexpired passport with an unexpired Form I-94 and Form I-20 endorsed by the Designated School Official). All document numbers and expiration dates must be recorded.
- (3) List A or List B documents from which the bearer cannot be identified are never acceptable even if unexpired.
- (4) Unexpired foreign passport containing an unexpired I-551 ADIT stamp. This constitutes temporary evidence of permanent resident status and must be reverified at the time the stamp expires; it does not constitute a receipt. The actual Form I-551, or "green card," should not be reverified even if it contains an expiration date.

<sup>8</sup> Employers may not use agents to shield themselves from responsibility.

<sup>9</sup> Employers with remote hires may designate agents such as notaries public, attorneys, or other trusted individuals to exercise the Section 2 review of documents on their behalf. An employer is bound by the actions of such agent. It is key that whoever fills out section 2 of the Form I-9 must personally review the employee's document(s).

<sup>10</sup> **Anti-Discrimination Warning:** Employers are not permitted to require a particular document(s) or combination of documents. The employer must accept any document from List A or combination of documents from Lists B and C, at the employee's discretion, that reasonably appears to be genuine and to relate to the employee. Likewise, employers may neither require nor accept any more documentation than the minimum necessary to substantiate identity and work eligibility.

## Standards of Review<sup>11</sup>

The employer must review and accept documents that reasonably appear to be genuine and to relate to the person presenting them (e.g., the name on the Social Security card should be compared to the name on the state driver's permit and the photo on the driver's permit compared to the appearance of the person who presented the documents). Employers may reject documents on these grounds and ask employees who present questionable documentation for other documentation that satisfies the Form I-9 requirements. Employees who are unable to present acceptable documents should be terminated. Employers who choose to retain such employees may be subject to penalties for improper completion of the form or for "knowingly continuing to employ" unauthorized workers if such workers are in fact unauthorized.

**Note:** Employers should be alert for signs of fraud, such as a social security card that contains more than nine digits or that begins with "000."

## Signature and Date: Employers

Employers are required to sign and date the bottom of Section 2 and provide all requested information in the **CERTIFICATION** portion.

**Note:** *The personal attestation and signature of the employer are extremely important.* The person who actually reviews original documents -- whether that person is the employer, or an agent of the employer, such as a provider of contract services to the employer-- must sign and date the Form I-9.

## SECTION 3: UPDATING AND REVERIFICATION<sup>12</sup>

**Reverification requirement:** Employers are required to reverify employment eligibility when an employee's employment authorization indicated in Section 1 or evidence of employment authorization recorded in Section 2 has expired. An employer may also reverify employment authorization, in lieu of completing a new Form I-9, when an employee is rehired within three years of the date that the Form I-9 was originally completed and the employee's work authorization or evidence of work authorization has expired. The reverification requirement does not apply to the U.S. passport or "green card" (Form I-551). Note that temporary evidence of permanent resident status in the form of an unexpired foreign passport containing a temporary I-551 ADIT stamp is subject to the reverification requirement.

**IMPORTANT:** Most employers find it useful to institute a system that reminds them automatically, in advance, that a given employee's authorization document will expire. Advance warning assists both employees and employers, since early notice will usually allow employees time to renew the authorization prior to the expiration date and avoid penalties for employers. Enough advance warning is important so that the employee can apply for and receive replacement documents in time to maintain uninterrupted employment. Note that U.S. Citizenship and Immigration Services' processing of applications for work authorization or evidence of work authorization can take up to 90 days.

## Reverification Process

Employers must reverify employment authorization on Section 3 of the Form I-9, or complete a new Form I-9 to be attached to the original Form I-9, no later than the date that employment authorization or employment authorization documentation expires. To reverify expired status (Section 1) and/or expired work authorization document(s) (Section 2), an employee may present any currently valid document from List A or List C. **Remember:** Receipts showing that the employee has applied for an extension of an expired employment authorization document are not acceptable. (See Receipt Rule.)

**Note:** Employees are not required to present, for reverification purposes, a new version of the same document that was presented to satisfy Section 2 but subsequently expired. Any document or combination of documents that would be acceptable to demonstrate work eligibility/authorization under Section 2 may be presented for reverification purposes. It is the employee's choice as to which document to present.

<sup>11</sup> See Employer Information Bulletin 103.

<sup>12</sup> See Employer Information Bulletin 107.

## Where Reverification is *not* Required

Permanent Resident Cards (also known as Alien Registration Receipt cards, Forms I-551, Resident Alien Cards, Permanent Resident Cards, or “Green Cards”) are issued to lawful permanent residents<sup>13</sup> and conditional residents and should not be reverified when the cards expire. Temporary evidence of permanent resident status in the form of a temporary I-551 ADIT stamp in an unexpired foreign passport is subject to reverification. This is because of the temporary nature of this document. Likewise, documents from List B need not be reverified when they expire. In fact, documents from List B are acceptable even if they have already expired at the time that they are initially shown.

## Rehires

Employers may reverify information for an employee rehired within 3 years of the date of the initial execution of the Form I-9 as an alternative to completing a new Form I-9. If the rehired employee’s basis for employment eligibility, as listed on the retained Form I-9, remains the same, the employer must update the previously completed Form I-9. If the basis for work eligibility has expired, the employer must reverify. To update or reverify on the previously completed Form I-9, employers must complete Section 3 items A (name), B (date of rehire), and C (new documentation) in full, as applicable. In this section, as in Section 2, it is important that the person who actually examines the documents on behalf of the employer personally sign and date the attestation provision at the bottom of the form.

**To update:** Employers should record the date of rehire, sign and date Section 3 of the previously completed Form I-9 or complete a new Form I-9.

**To reverify:** Employers should record the date of rehire, record the document title, number, and expiration date (if any) of documentation presented to reverify expired work authorization or work authorization documentation, sign, and date Section 3 of the previously completed Form I-9. A new Form I-9 may be chosen to be completed instead.

**Note:** Documentation for reverification purposes may be the renewed version of the originally presented document or any other acceptable document from List A or List C that demonstrates current work eligibility/authorization. List B documents do not need to be updated or reverified, even if expired.

## Other Issues

### Copying of Documentation

- An employer may, but is not required to, copy a document (front and back) presented by an individual solely for the purpose of complying with the Form I-9 verification requirements. If such a copy is made, it must be retained with the Form I-9. The copying of any such document and the retention of the copy does not relieve the employer from the requirement to fully complete Section 2 of the Form I-9. If employers choose to keep copies of Form I-9 documentation, then the same should be done for all employees, and the copies should be attached to the related Form I-9. Employers should not copy the documents only of individuals of certain national origin or citizenship status. To do so may constitute unlawful discrimination under section 274B of the Immigration and Nationality Act.

### Interim Employment Authorization

- Also note, except in the case of an initial application for employment authorization in the case of an applicant for asylum and certain applicants for adjustment of status, U.S. Citizenship and Immigration Services is required to adjudicate applications for employment authorization on Form I-765 within 90 days from the date of its receipt of the application. Failure to complete the adjudication within 90 days will result in the grant of an employment authorization document for a period not to exceed 240 days. Such authorization shall be subject to any conditions noted on the employment authorization document. However, if the application is denied prior to the expiration date of the interim employment authorization, the interim employment authorization document granted under this section shall automatically terminate as of the date of the adjudication and denial. See 8 C.F.R. 274a.13(d) at [www.uscis.gov](http://www.uscis.gov). In order to receive this interim employment authorization document, the individual needs to go to a local U.S. Citizenship and Immigration Services office. If the local office refuses to issue an interim employment authorization document, please contact the Office of Business Liaison.

### How to Document Extensions of Stay for Certain Nonimmigrants Continuing Employment with the Same Employer

- The following visa classifications for nonimmigrants with pending applications to extend their stay are automatically authorized to continue employment with the same employer for a period not to exceed 240 days beginning on the date of the expiration of the authorized period of stay: A-3, E-1, E-2, G-5, H-1, H-2A, H-2B, H-3, I, J-1, L-1, O-1, O-2s P-1, P-2, P-3, aliens having a religious occupation pursuant to 8 C.F.R. 214.2(r), and TN. To document this extension of employment authorization on the Form I-9, any expiration date noted in Sections 1 and 2 should be updated to clearly reflect this extension. The update should be initialed and dated.

<sup>13</sup> Expired cards must be renewed so that cardholders will have valid evidence of their status and registration for new employment, for travel outside of the U.S., and to obtain certain other benefits.

***Our hiring policy is simple:***

## **WE FOLLOW THE LAW!**

**This company hires lawful workers only – U.S. citizens or nationals and non-citizens with valid work authorization – without discrimination.**

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Federal immigration law requires all employers to verify both the identity and employment eligibility of all persons hired to work in the United States.

In its efforts to meet the law's requirements, this company is participating in the Basic Pilot program established by the Department of Homeland Security and the Social Security Administration (SSA) to aid employers in verifying the employment eligibility of all newly-hired employees. Our participation in the pilot program does not exempt us from the obligation to complete a Form I-9 for everyone we hire.

**For additional information on the verification program contact the:**

Department of Homeland Security  
USCIS/SAVE Program  
111 Massachusetts Avenue, 2<sup>nd</sup> Floor  
Washington, DC 20001  
Phone (888) 464-4218

***Nuestra póliza de empleo es simple:***

## **NOSOTROS SEGUIMOS LA LEY**

**Sin discriminación, esta compañía emplea solamente trabajadores legales – ciudadanos o nacionales de los Estados Unidos y extranjeros con autorización de trabajo.**

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La Ley Federal de Inmigración y Nacionalidad requiere que todas las empresas verifiquen la identidad y elegibilidad de las personas que buscan empleo en los Estados Unidos.

En su esfuerzo de cumplir los requisitos de la Ley, esta compañía participa en un programa Piloto Básico de verificación de empleo, establecido por El Departamento de Seguridad Nacional (DHS) en conjunto con la Administración de Seguro Social en esta forma los empleadores, verificaran la elegibilidad de todos los nuevos aplicantes. Nuestra participación en este programa piloto, hace que no exista ningun tipo de excepción en la Ley, tenemos la obligación de completar el formulario I-9 para toda persona que nosotros empleamos.

**Para mayor información de este programa de verificación, puede usted comunicarse:**

Department of Homeland Security

U.S. Citizenship and Immigration Services

Systematic Alien Verification for Entitlements (SAVE)Program

Washington, DC 20529

Phone (888) 464-4218



# I Am an Employer...

**E3**

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



U.S. Citizenship  
and Immigration  
Services

M-584 (12/06)

All U.S. employers are required by law to verify the employment eligibility of all employees employed in the United States (U.S.) regardless of the immigration status of the employees. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the U.S. may face civil and criminal penalties. **Form I-9, *Employment Eligibility Verification***, must be completed on behalf of every employee, including U.S. citizens, permanent residents, and temporary foreign workers, to give evidence of 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 U.S. and that hiring practices do not unlawfully discriminate based on immigration status.

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

The employee is obligated to complete Section 1, Employee Information and Verification, of the Form I-9 at the time of hire.

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 Form I-9.

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

Section 1 should be completed and signed by every newly hired employee (**an employee who has accepted the position**) on or before the first date of employment, regardless of his or her immigration status. The employee must attest that he or she is a U.S. citizen, a lawful permanent resident, or is otherwise authorized to work for the employer in the U.S. The employee must present documentation to the employer establishing identity and employment eligibility in accordance with the special instructions regarding the most current list of acceptable documents located on our website at [www.uscis.gov](http://www.uscis.gov).

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

Section 2 of the Form I-9 must be completed and signed by the employer, within three business days of hire, whether the he or she employs thousands of employees or only one. If the employment

relationship will last less than three days, then the employer must verify the documentation on the date of hire.

In addition, the employee may in certain instances use receipts in lieu of original documents in the Form I-9 process. If an individual's document has been lost, stolen, or damaged, then he/she can present a receipt for the application for a replacement document. The replacement document needs to be presented to the employer within 90 days of hire, or, in the case of re-verification, the date the employment authorization expires.

It is important to note that a receipt for an application for an initial or renewal (as opposed to a replacement) USCIS Employment Authorization Document (EAD) filed on a **Form I-765, *Application for Employment Authorization***, is NOT an acceptable document for Form I-9 verification purposes. For more information on the "receipt rule," see Employer Information Bulletins 101-103 on our website at [www.uscis.gov](http://www.uscis.gov).

The employer must physically examine the documentation establishing identity and employment eligibility presented by the employee. The most recent acceptable documentation can be found on our website at [www.uscis.gov](http://www.uscis.gov):

- 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 employee may elect to provide one document from List A, or two documents—one from List B and one from List C.

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

Employers should complete Section 3 of the Form I-9 when updating and re-verifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 is inapplicable to employees who are U.S. citizens or permanent residents. Section 3 should only be completed when the employee denotes that he or she is an alien authorized to work until a certain date in Section 1 of the Form I-9. For example, when a USCIS-issued employment authorization document is scheduled to expire, the



employer must re-verify that the employee has renewed his/her authorization to work and has a valid document from either List A or one from both List B and List C in his/her possession. The employee can choose which documents to provide.

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

### What if the employee only has temporary work authorization?

An employee that has been issued temporary work authorization must produce proof of continued work authorization before the date of expiration.

### Can I tell a potential employee what documents to present for verification?

No, an employer cannot tell an employee what documents to present for I-9 purposes. Employers may, however, direct the employee to the list of acceptable documents shown on the back of Form I-9 as well as the special instructions regarding the most current list of acceptable documents located on our website at [www.uscis.gov](http://www.uscis.gov). If an employee presents a document that is not one of the 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 merely requires that an employer examine the original of the 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 listed as an acceptable document on the back of the Form I-9.

Please note that the rejection of a document that later proves to be genuine could result in a violation of the anti-discrimination provisions of immigration law.

### 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 the Form I-9 be retained?

The Form I-9 should be retained for three years after the date of hire, or one year after the date employment ends, whichever is **later**.

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

The **M-274**, *Employer Handbook*, contains the instructions for completing the Form I-9. Both the Form I-9 and the handbook can be downloaded from our website at [www.uscis.gov](http://www.uscis.gov). We also have additional information about the Form I-9 on our website under "Employer Information."

## Key Information

Key forms referenced in this Fact Sheet	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Employer Handbook	M-274

### USCIS

#### • On the Internet at: [www.uscis.gov](http://www.uscis.gov)

For more copies of this Fact Sheet, or information about other citizenship and immigration services, 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 library. If you can't find what you need, call customer service.

#### • Customer Service: **1-800-357-2099**

- Hearing Impaired TDD Customer Service: 1-800-278-5732

**Disclaimer:** This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

### Other U.S. Government Services—click or call

<b>In general</b>	<a href="http://www.firstgov.gov">www.firstgov.gov</a>	1-800-333-4636
<b>U.S. Department of State</b>	<a href="http://www.state.gov">www.state.gov</a>	1-202-647-6575





# I Am an Employer...

**E4**

How Do I...Use E-Verify?



U.S. Citizenship  
and Immigration  
Services

M-655 (September 2007)

Formerly referred to as the Basic Pilot Program, E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS), part of the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers. E-Verify provides an automated link to Federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers.

## Why should I consider participating in E-Verify?

E-Verify is currently the best means available for employers to verify electronically the employment eligibility of their newly hired employees. E-Verify virtually eliminates Social Security mismatch letters, improves the accuracy of wage and tax reporting, protects jobs for authorized U.S. workers, and helps U.S. employers maintain a legal workforce. For more information about the process for using **Form I-9, Employment Eligibility Verification**, please see **Customer Guide E-3, I Am an Employer...How Do I...Complete Form I-9, Employment Verification**.

## Am I required to participate?

No. E-Verify is voluntary for all employers with very limited exceptions. (Some Federal Government employers and violators of certain immigration laws may be ordered to participate.)

## How do I register for participation in E-Verify?

You can register online for E-Verify at <https://www.vis-dhs.com/EmployerRegistration>, which provides instructions for completing the registration process. At the end of the registration process, you will be required to sign a Memorandum of Understanding (MOU) that provides the terms of agreement between you as the employer, the SSA, and DHS. An employee who has signatory authority for the employer can sign the MOU. Employers can use their discretion in identifying the best method by which to sign up their locations for E-Verify.

For example, an employer may choose to designate one site to perform the verification queries for newly hired employees on behalf of the entire company. Only one MOU would need to be signed for this option. An employer may also choose which sites to enroll in

E-Verify and to have each site perform its own verification queries. This option requires each site performing verification queries to register and to submit an MOU to participate in the program.

**Our company has several hiring sites interested in participating in E-Verify. Each site will be conducting the verification process for its newly hired employees. How should these sites register?**

Each site that will perform the employment verification queries must go through the registration process and sign an individual MOU.

**I am an employer with multiple hiring sites. Can one site verify everyone? How?**

Yes, one site may verify new hires at all sites. When registering, the individual at the site that will be verifying new hires should select "multiple site registration" and give the number of sites per State it will be verifying.

**If I sign one MOU, can I use a controlled rollout to implement E-Verify across the organization?**

Yes, you can choose which sites to enroll. However, each site that has signed an MOU must verify the status of **all** new hires for that site. A new MOU is required only for a new site performing verification queries. If a central location, which is already registered, does the verification queries, then the company would only need to amend the number of hiring sites.

**What is an E-Verify Designated Agent?**

An E-Verify Designated Agent is a liaison between E-Verify and employers wishing to participate, but who choose to outsource submission of employment eligibility verification queries for newly hired employees. E-Verify Designated Agents conduct the verification process for other employers or clients. An E-Verify Designated Agent must register online and sign an MOU with SSA and DHS. Once the MOU is approved, the E-Verify Designated Agent can then begin registering employers and clients who have designated it to perform the company's verification services. Each employer/client will also be required to sign an MOU and will have a unique E-Verify client number.

## What is an E-Verify Corporate Administrator?

An employer has the option to designate an employee as a Corporate Administrator. A Corporate Administrator is someone who has management oversight authority of the employer's hiring sites that participate in the program, but generally does not perform employment eligibility verification queries. The Corporate Administrator role enables oversight of all company sites participating in E-Verify. To become a Corporate Administrator, an individual only needs to register and does not need to sign an MOU. Once registered, this individual will be able to register company sites, add and delete users at company sites, and view reports generated by company sites. The Corporate Administrator, however, does not submit queries for verification.

## After an employer registers, how does E-Verify work?

Using an automated system, the program involves verification checks of SSA and DHS databases. The E-Verify MOU, User Manual, and Tutorial contain instructions and other related materials on E-Verify procedures and requirements. Once the user has completed the tutorial, he or she may begin using the system to verify the employment eligibility of all newly hired employees.

## What information is required to conduct an E-Verify initial verification?

After hiring a new employee and completing the **Form I-9** required for all new hires (regardless of E-Verify participation), the employer or agent must submit a query that includes information from sections 1 and 2 of the Form I-9, including:

- Employee's name and date of birth,
- Social Security Number (SSN),
- Citizenship status he or she attests to,
- An A number or I-94 number, if applicable,
- Type of document provided on the Form I-9 to establish work authorization status, and
- Proof of identity, and its expiration date, if applicable.

Response to the initial query is sent within seconds of submitting the query. Documents presented for Form I-9 identification only purposes (documents from "List B") to E-Verify employers must have a photograph.

## When may an employer initiate a query under E-Verify?

The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. The employer must initiate the query no later than the end of 3 business days after the new hire's actual start date.

An employer may initiate the query before a new hire's actual start date; however, it may not pre-screen applicants and may not delay training or an actual start date based upon a tentative non-confirmation or a delay in the receipt of a confirmation of employment authorization. An employee should not face any adverse employment consequences based upon an employer's use of E-Verify unless a query results in a final non-confirmation. In addition, an employer cannot use an employment authorization response to speed up an employee's start date. This would be unfair treatment to use E-Verify results to accelerate employment for this employee compared to another who may have received a tentative non-confirmation.

For example, Company X always assigns a start-date to new employees that is 2 weeks after the employee has completed an approved drug test. After the employee has accepted a job with Company X and after the employee and Company X complete the Form I-9, the company can initiate the E-Verify query. However, the company cannot speed up or delay the employee's start-date based upon the results of the query (unless the program issues a final non-confirmation, in which case the employee should not be further employed).

Employers must verify employees in a non-discriminatory manner and may not schedule the timing of queries based upon the new hire's national origin, citizenship status, race, or other characteristic that is prohibited by U.S. law.

## What is the required timeframe for conducting an employment eligibility check on a newly hired employee?

Employers must make verification inquiries within 3 business days of an employee starting work.

## Which employees should be verified through the system?

As a participant in E-Verify, employers are required to verify all newly hired employees, both U.S. citizens and non-citizens. Employers may not verify selectively and must verify all new hires while participating in the program. The program may not be used to prescreen applicants for employment, go back and check employees hired before the company signed the MOU, or re-verify employees who have temporary work authorization.

## Can I verify the immigration status of a new hire that is not a U.S. citizen?

No. E-Verify only verifies a new hire's employment eligibility, not his or her immigration status.

## If I am an employer who would like to run an employee's Form I-9 information through E-Verify, but that employee does not yet have a Social Security Number, what should I do?

E-Verify cannot be used for employees who do not yet have a Social Security Number (SSN). If you are an employer with such an employee, you should complete the Form I-9 process with him or her and wait to run an E-Verify query on that individual until you have received his or her SSN. You should note on the I-9 form why you have not yet run an E-Verify query. Your employee should get his or her number to you quickly, and then you may run a query on that individual. In the meantime, you will have completed the Form I-9 Employment Eligibility Verification process with your employee and verified his or her work authorization so that your employee will be allowed to work temporarily without a SSN.

## I would like to use electronic Form I-9s for my employees. Does USCIS offer a system that would automatically generate E-Verify queries from the electronic Form I-9s?

Currently, USCIS does not offer this service, but several private companies do.

## Is there a "batch access" method in the system?

Yes, it is called "Web Services," and it is a real-time batch method. It requires a company to develop an interface between its personal system or electronic Form I-9 system and the E-Verify database. For more information and help with design specifications, please contact USCIS at **1-800-741-5023**.

### Can I terminate my participation in E-Verify at any time?

Yes, you may choose to leave E-Verify at any time.

### Does participation in E-Verify provide safe harbor from worksite enforcement?

No. Participation in E-Verify does not provide protection from worksite enforcement. However, an employer who verifies work authorization under E-Verify is presumed to have not knowingly hired an unauthorized alien.

### How can I find out more about E-Verify?

To find out more about E-Verify, please visit [www.dhs.gov/e-verify](http://www.dhs.gov/e-verify) or contact USCIS at **1-888-464-4218**.

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## Key Information

Key Forms Referenced in This Guide	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Employer Handbook	M-274

### How to Contact USCIS

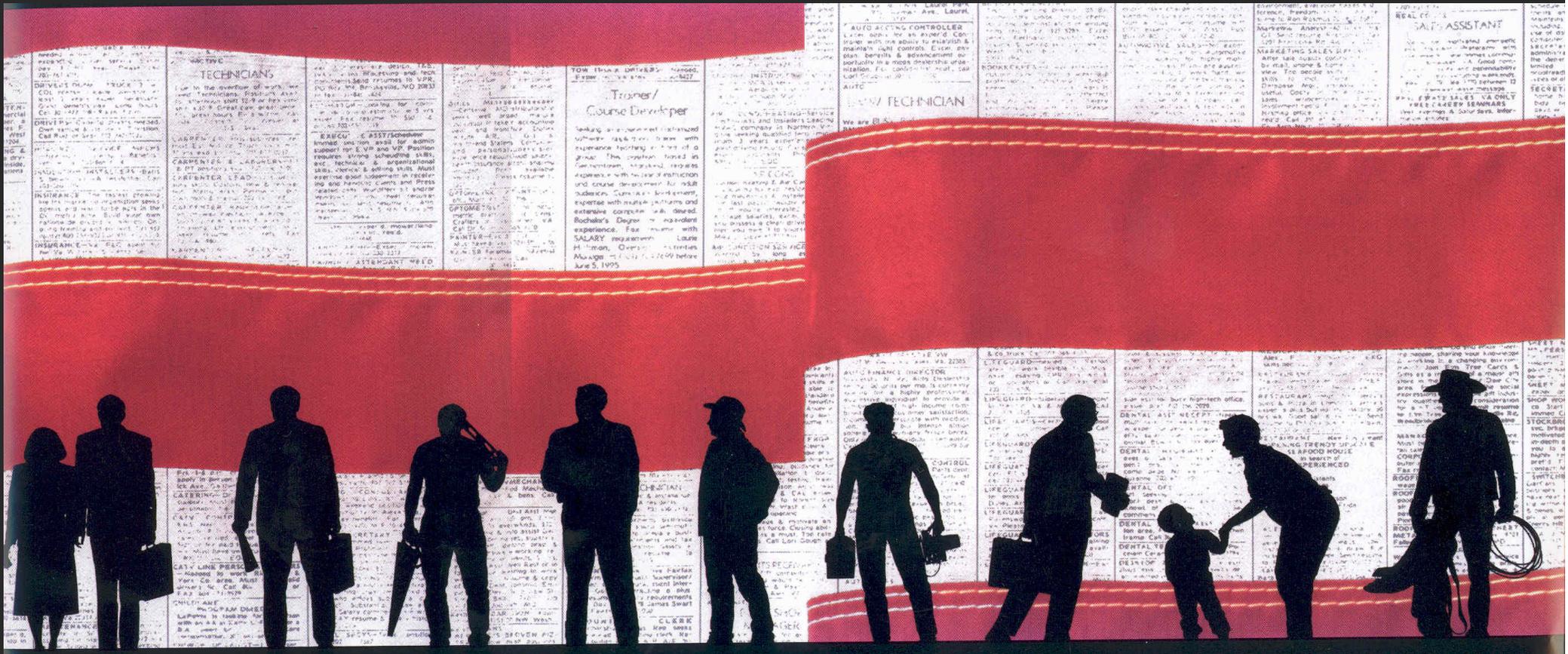
- **On the Internet at: [www.uscis.gov](http://www.uscis.gov)**  
For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your local library. If you can't find what you need, please call Customer Service.
- **Customer Service: 1-800-375-5283**
- Hearing Impaired TDD Customer Service: 1-800-767-1833

**Disclaimer:** This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

### Other U.S. Government Services—Click or Call

General Information	<a href="http://www.firstgov.gov">www.firstgov.gov</a>	1-800-333-4636
U.S. Department of State	<a href="http://www.state.gov">www.state.gov</a>	1-202-647-6575

# IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.



**If you have a legal right to work in the United States, there are laws to protect you against discrimination in the workplace.**

**You should know that –**  
No employer can deny you a job or fire you because of your national origin or citizenship status.  
In most cases employers cannot require you to be a U.S. citizen or permanent resident or refuse any legally acceptable documents.

If any of these things have happened to you, you may have a valid charge of discrimination that can be filed with the OSC. Contact the OSC for assistance in your own language.

**Call 1-800-255-7688.** TDD for the hearing impaired is 1-800-237-2515.

In the Washington, D.C., area, please call **202-616-5594**, TDD 202-616-5525

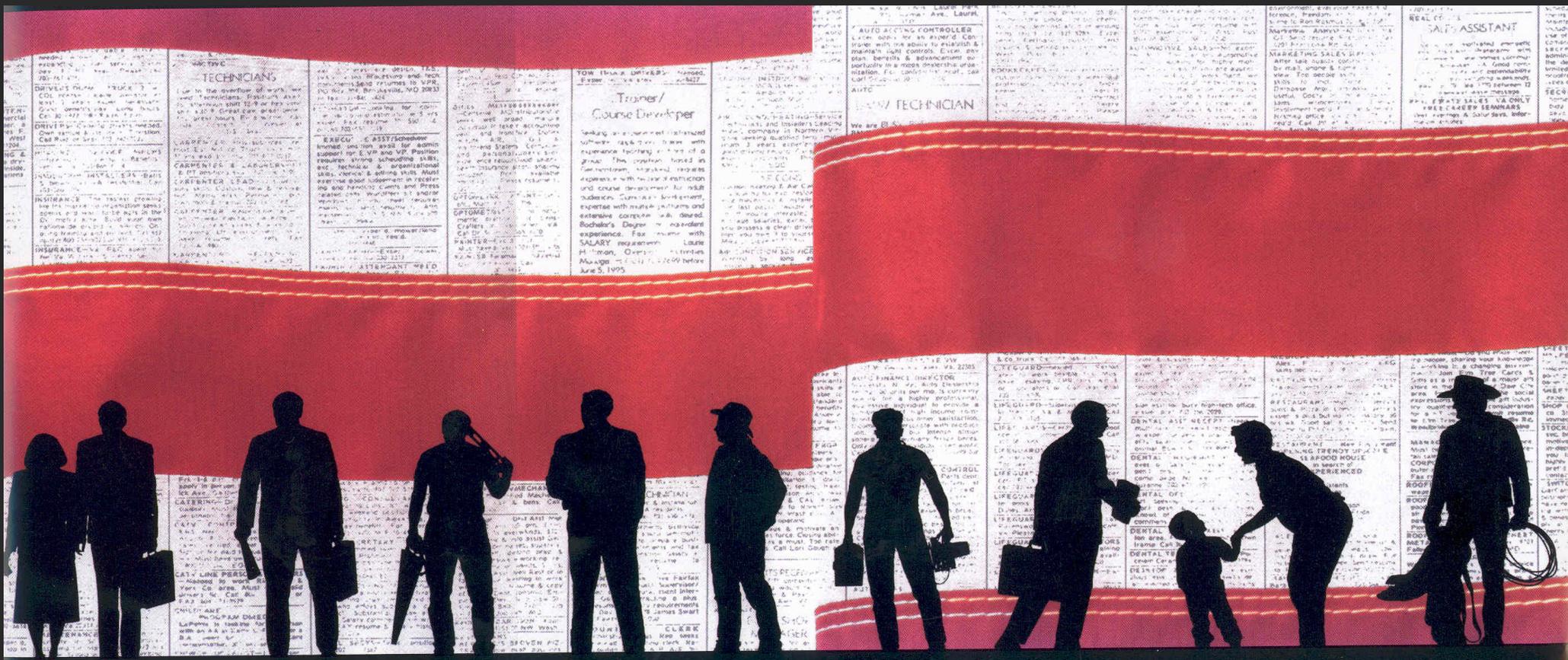
Or write to:  
The Office of Special Counsel  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 27728,  
Washington, DC 20038-7728

**U.S. Department of Justice  
Civil Rights Division**

Office of Special Counsel for  
Immigration-Related Unfair  
Employment Practices



# SI USTED TIENE DERECHO A TRABAJAR, no deje que nadie se lo quite.



**Si tiene derecho a trabajar legalmente en los Estados Unidos, existen leyes para protegerlo contra la discriminación en el trabajo.**

**Debe saber que –**  
Ningún patrón puede negarle trabajo, ni puede despedirlo, debido a su país de origen o su condición de inmigrante.

En la mayoría de los casos, los patrones no pueden exigir que usted sea ciudadano de los Estados Unidos o residente permanente o negarse a aceptar documentos válidos por ley.

Si se ha encontrado en cualquiera de estas situaciones, usted podría tener una queja válida de discriminación. Comuníquese con OSC para obtener ayuda en español.

**Llame al 1-800-255-7688.**

La línea telefónica para personas con problemas de audición, es 1-800-237-2515. En Washington, D.C., llame al

**202-616-5594**, o al

**202-616-5525** (personas con problemas de audición), o escriba a la Oficina del

Consejero Especial, División de Derechos Civiles, P.O. Box 27728, Washington, DC 20038-7728.

**Departamento de Justicia  
De los Estados Unidos,  
División de Derechos Civiles**

Oficina del Consejero Especial

