Form I-9 and E-Verify Updates for CUPA-HR
Disclaimer

This presentation is intended for employers and their authorized representatives. This presentation provides basic guidance about the rules and responsibilities during the employment eligibility verification process. This guidance may change. For up-to-date information, visit the uscis.gov/i-9-central website.

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Agenda

- Background
- Form I-9 Reminders
- Form I-9 News
- Form I-9 Overview
- Form I-9 and E-Verify
- Resources
Background

Federal laws require that every employer in the U.S. must verify your employee's identity and employment authorization by completing Form I-9, Employment Eligibility Verification:

- **Immigration Reform and Control Act (IRCA)**
- **Immigrant and Nationality Act (INA)**
- **Immigration Act of 1990**
- **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996**
Form I-9 Reminders

Employers:

✔ Ensure employees complete Section 1 by the first day of work for pay
✔ Do not use Form I-9 or E-Verify to prescreen employees
✔ Retain Form I-9 for all current employees (hired after November 6, 1986)
✔ Use Form I-9 revision date October 21, 2019,* for new hires and reverifications (Continue using this version after its expiration date of October 31, 2022, until further notice)
✔ It is always the employee’s choice which documents they would like to provide (from the list of acceptable documents) by the third business day after first day of work for pay.
✔ Complete Form I-9, Section 2 by third business day after first day of work for pay

*Find current Form I-9 version at Form I-9, Employment Eligibility Verification. Visit I-9 Central What’s New.
Employers should continue using the Form I-9, Employment Eligibility Verification, after its expiration date of October 31, 2022, until further notice.

DHS will publish a Federal Register notice to announce the new version of the Form I-9 once it becomes available.

For the latest updates, visit I-9 Central.
COVID-19 Temporary Policy:
Form I-9 Physical Document Review Flexibility

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) announced flexibility in complying with physical document inspection requirements related to Form I-9, due to COVID-19. These provisions will expire **July 31, 2023**.

- Applies only to employers and workplaces that are operating remotely
- Remotely inspect Section 2 documents
- Electronically obtain and retain Section 2 documents
- Enter “Remote Inspection completed on MM/DD/YYYY” in the Section 2 Additional Information field
- Physical document review and certification required within 3 business days of resuming normal business operations or by **August 30, 2023**

**RELEVANT LINKS**

- Temporary Policy for Document Review Flexibility
- DHS ends Form I-9 Document Review Flexibility
Form I-9 Physical Document Review Flexibility:  
When to Conduct Physical Inspection

In the presence of the employee, employers must physically inspect all documents previously inspected remotely:

- Within 3 business days of resuming normal operations
  
  OR

- By **August 30, 2023**

Write “COVID-19 - Documents physically examined on MM/DD/YYYY” as well as the initials of the person who performed the physical inspection in the Section 2 Additional Information field

May designate an authorized representative to complete physical document inspection

**RELEVANT LINK**

Form I-9 Completion Examples
To avoid gaps in employment for noncitizens with pending EAD renewal applications and stabilize the continuity of operations for U.S. employers, on May 4, 2022, the Department of Homeland Security published a Temporary Final Rule that increases the automatic extension period for employment authorization and Employment Authorization Documents (EAD, Form I-766) available to certain EAD renewal applicants, to up to 540 days.

- An additional up to 360-day extension if their EAD is still covered under the 180-day automatic extension, for a total of up to 540 days past the “Card Expires” date of the current EAD; or
- An additional period and resumption of employment authorization and/or EAD validity if their 180-day extension has lapsed, for up to 540 days past the “Card Expires” date of the current EAD.

** RELEVANT LINKS **

- [USCIS News Release Regarding EAD Extension Periods](#)
- [Section 4.4 (EAD extensions) of the M-274](#)
- [EAD Automatic Extension Calculator](#)
Section 1: Employee Information and Attestation

- EMPLOYEE completes no later than **first day of work for pay**
- Social Security Number is required for E-Verify
- Email address is optional for employee
  - If provided, it MUST be entered in E-Verify
- Attestation
- Preparer or Translator
Section 2: Employer Certification of Document Review

EMPLOYER completes Section 2 no later than **3 business days** after the employee begins work for pay.

The person that examines the original, unexpired documents in the presence of the employee **MUST** fill out, sign and date Section 2.

**Date fields**
- Today’s date
- First day of employment
Section 3: Reverification and Rehires

Section 3 is completed by the EMPLOYER:

- **Required** when employee’s employment authorization or documentation of employment authorization has expired
- May be completed when rehiring employees within three years of hire date
- May be completed to document a legal name change
- Enter the employee’s full name, document title, number and expiration date; sign and date
### Section 3: Reverification and Rehires Continued

**REVERIFY**
- An Employment Authorization Document (Form I-766)
- Form I-94 with temporary I-551 stamp
- Unexpired foreign passport with temporary I-551 stamp
- *Expired* Permanent Resident Card presented with Form I-797

**DO NOT REVERIFY**
- U.S. citizens and noncitizen nationals
- U.S. passports or passport cards
- Permanent Residents who present an unexpired Permanent Resident or Alien Registration Receipt card (Form I-551)
- List B documents
Retention

You must have a Form I-9 on file for ALL current employees. Chart below indicates minimum retention timeframes for employees who have left the company.

Calculate how much longer you must keep an employee’s Form I-9 once they stop working for you:

- If they worked for less than two years, retain their form for three years after the date of hire

  OR

- If they worked for more than two years, retain their form for one more year after the date they stop working for you

<table>
<thead>
<tr>
<th>EMPLOYEE:</th>
<th>John Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE OF HIRE:</td>
<td>November 1, 2021</td>
</tr>
<tr>
<td>EMPLOYMENT ENDED:</td>
<td>May 5, 2023</td>
</tr>
<tr>
<td>TENURE:</td>
<td>Less than 2 years</td>
</tr>
<tr>
<td>RETENTION:</td>
<td>3 years from DATE OF HIRE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYEE:</th>
<th>BETSY ROSS</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE OF HIRE:</td>
<td>November 1, 2002</td>
</tr>
<tr>
<td>EMPLOYMENT ENDED:</td>
<td>May 5, 2023</td>
</tr>
<tr>
<td>TENURE:</td>
<td>More than 2 years</td>
</tr>
<tr>
<td>RETENTION:</td>
<td>1 year from END DATE</td>
</tr>
</tbody>
</table>

RETAI N UNTIL: NOVEMBER 1, 2024

RETAI N UNTIL: MAY 5, 2024
How to store Form I-9:

✔️ Store Form I-9s securely in a way that meets your business needs
  ▪ On-site or at an off-site facility
  ▪ Microfilm or Microfiche
  ▪ Electronically

✔️ Ensure that only authorized personnel have access to stored Forms I-9

✔️ Store copies of documents with the Form I-9 or with the employee’s records

✔️ Forms I-9 must be available within 3 days of an official request for inspection

** RELEVANT LINK **

Form I-9 Retention and Storage
Form I-9 & E-Verify Work Together

- Employment Authorized
- Tentative Nonconfirmation (Mismatch)
- E-Verify Needs More Time
E-Verify Case Processing
Biographic

Employee Information and Attestation

Last Name: Looney
First Name: Tunes
Middle Initial: MI

Other Last Names Used:
- Smith
- Platt
- Heart

Date of Birth: 01/31/1958

U.S. Social Security Number: 556-88-7741
<table>
<thead>
<tr>
<th>Verify Employee</th>
<th>Enter Form I-9 Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter Form I-9 Information</td>
<td></td>
</tr>
<tr>
<td>Review Case</td>
<td></td>
</tr>
<tr>
<td>Case Results</td>
<td></td>
</tr>
</tbody>
</table>

## Employee Information and Attestation

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looney</td>
<td>Tunes</td>
<td>MI</td>
</tr>
</tbody>
</table>

**Family name or surname**

**Given name**

### Other Last Names Used

- Smith
- Platt
- Heart

*If multiple last names, type each one and hit 'Enter' to submit and 'Backspace' to remove*

**Date of Birth**

01/31/1958

**U.S. Social Security Number**

556-88-7741
Employment Verification

To comply with the employment eligibility verification provisions ALL employers must:

- For employees hired after November 6, 1986:
  - Verify the identity documents
  - Verify the employment authorization documents
  - Complete and retain a Form I-9

- Employers MUST refrain from discriminating against individuals on the basis of actual or perceived national origin, citizenship or immigration status
Preventing Discrimination

The anti-discrimination provisions of the INA prohibit four types of unlawful conduct:

- Citizenship or immigration status discrimination*
- National origin discrimination*
- Unfair documentary practices during Form I-9 process
- Retaliation

* Actual or perceived discrimination
Form I-9 Requirements

✔️ As of May 1, 2020, you can only use Form I-9, Employment Eligibility Verification, with the 10/21/2019 revision date for all new hires and reverifications. *(Continue using this version after its expiration date of October 31, 2022, until further notice)*

✔️ Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986

✔️ You may delegate the authority to complete Form I-9 to an authorized representative, however, you will retain liability for any errors

Visit I-9 Central Related News for updates.
Completing Form I-9

Form I-9

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-Discrimination Notice: It is illegal to discriminate against a person, or groups of persons, on the basis of national origin, race, color, sex, religion, age, or any other characteristic protected by law. Federal laws and regulations prohibit discrimination in employment because of race, color, sex, national origin, age, or disability.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)
First Name (Given Name)
Middle Initial
Other Last Names Listed (If Any)

Address (Street Number and Name)
Apt. Number
City or Town
State ZIP Code

Date of Birth (mm/dd/yyyy)
U.S. Social Security Number
Employer’s E-mail Address
Employer’s Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States
☐ 2. A noncitizen national of the United States (See instructions)
☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number):
☐ 4. An alien authorized to work until expiration date, if applicable, mm/dd/yyyy:

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:

1. Alien Registration Number/USCIS Number:
2. Form I-94 Admission Number:
3. Foreign Passport Number:

Signature of Employee
Today's Date (mm/dd/yyyy)

Preparer and/or Translator Certification (check one):
☐ I did not use a preparer or translator.
☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator
Today's Date (mm/dd/yyyy)

Last Name (Family Name)
First Name (Given Name)

Address (Street Number and Name)
City or Town
State ZIP Code

Lists of Acceptable Documents

Lists of Acceptable Documents

All documents must be UNEXPIRED

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

LIST A
Documents that Establish Both Identity and Employment Authorization

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-517 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
4. Employment Authorization Document that contains a photograph (Form I-766)

LIST B
Documents that Establish Identity

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 ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

LIST C
Documents that Establish Employment Authorization

1. A Social Security Account Number card, unless the card includes one of the following restrictions:
   (1) NOT VALID FOR EMPLOYMENT
   (2) VALID FOR WORK ONLY WITH AUTHORIZATION
   (3) VALID FOR WORK ONLY WITH ORAL AUTHORIZATION
2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Native American tribal document
5. U.S. Citizen ID Card (Form I-197)
6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
7. Employment authorization document issued by the Department of Homeland Security

June 28, 2023
Section 1: Employee Information and Attestation

- EMPLOYEE completes no later than **first day of work for pay**
- Social Security Number is required for E-Verify
- Email address is optional for employee
  - If provided, it MUST be entered in E-Verify
- Attestation
- Preparer or Translator

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**EMPLOYEE** completes no later than **first day of work for pay**

Social Security Number is required for E-Verify

Email address is optional for employee

- If provided, it MUST be entered in E-Verify

Preparer or Translator

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June 28, 2023
Section 2: Employer Certification of Document Review

EMPLOYER completes Section 2 no later than **3 business days** after the employee begins work for pay.

The person that examines the original, unexpired documents in the presence of the employee **MUST** fill out, sign and date Section 2.

Date fields:
- Today’s date
- First day of employment

June 28, 2023
What is E-Verify?

✓ Free web-based service that’s fast and easy to use
✓ Electronically verifies the employment eligibility of:
  - Newly hired employees
  - Existing employees assigned to work on a qualifying federal contract
✓ Partnership between the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA)

June 28, 2023
Form I-9 & E-Verify Work Together

June 28, 2023
Biographic

Employee Information and Attestation

Last Name: Looney
First Name: Tines
Middle Initial: MI

Other Last Names Used: Smith, Platt, Heart

Date of Birth: 01/31/1958

U.S. Social Security Number: 556-88-7741
E-Verify Case Processing
Attestation and Documents

Citizenship Status

- A citizen of the United States
- A noncitizen national of the United States
- A lawful permanent resident
- An alien authorized to work

Employer or Authorized Representative Review and Verification

What document types are on Tunes Looney’s Form I-9?

- List A Document
- List B & C Document

List A Document

- Permanent Resident Card or Alien Registration Receipt Card (Form I-553)
E-Verify Case Processing
First Day of Employment

Additional Case Details

Select the Employee's First Day of Employment

- Today
- 1 Day Ago
- 2 Days Ago

Employee's First Day of Employment

10/04/2021

Employees must be verified within three business days of their first day of employment.

Visa Number

SEVIS ID Number

N1234567891

Employee ID (Optional)

An optional, 40-character field that you may create to easily identify and locate your employee's E-Verify case.

Continue
E-Verify Case Processing

Photo Match

Allows you to match the photo on a document to the photo that DHS has on file for that employee, and is activated automatically if an employee has presented:

- I-551, (Permanent Resident Card)
- Form I-766, (Employment Authorization Document), or
- U.S. passport or passport card
Tentative Nonconfirmation (Mismatch) 
Action Required

- Employers must notify the employee and complete the referral process within **10 federal government working days**
- Employer prints the Further Action Notice and reviews it with the employee promptly and privately
- Employee decides whether or not to take action to resolve the mismatch.
- Employer refers case and provides the Referral Date Confirmation for employees who take action

Employee visits SSA or calls DHS. See [E-Verify What’s New](#) for mismatch extensions due to public office closures

- Employer receives updated results in E-Verify and closes the case

<table>
<thead>
<tr>
<th>Employee Chooses to Take Action</th>
<th>Employee Chooses Not to Take Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer refers employee to appropriate agency</td>
<td>Employer may terminate employee and close the case in E-Verify</td>
</tr>
</tbody>
</table>
NextGen is an exciting new product that modernizes and streamlines the Form I-9 and verification process for employees and employers.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Benefits for Employee</th>
<th>Benefits for Employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will allow employees to enter their own personal information and documents</td>
<td>More privacy and security for your personal information.</td>
<td>Improves efficiency and reduces data entry errors.</td>
</tr>
<tr>
<td>Direct notification of employment status</td>
<td>Immediate notification, in most cases, if further action is needed to determine employment eligibility, including next steps.</td>
<td>Eliminates the need, in most cases, for employers to deliver Further Action Notices to employees.</td>
</tr>
<tr>
<td>Will carry verification status over to new employment</td>
<td>Update and share your employment eligibility status with new employers.</td>
<td>Seamless integration with E-Verify, allowing you to manage all cases in one place.</td>
</tr>
</tbody>
</table>

E-Verify NextGen Overview Video
The anti-discrimination provisions of the INA are enforced by:

Department of Justice Civil Rights Division

Immigrant and Employee Rights Section

Employee hotline: 1-800-255-7688 (TDD: 1-800-616-5525)

Employer hotline: 1-800-255-8155 (TDD: 1-800-362-2735)

IER’s “Employer Dos and Don’ts.”
E-Verify Engagement

Take advantage of our FREE Engagement services:

- Take additional public webinars
- Request event speakers, customized webinars, or content for your publications
- Seek approval for E-Verify® Logo Authorization

You can use logos on websites, job announcements/ applications, or company broadcasts to further advertise your company’s commitment to a legal workforce.

June 28, 2023
Form I-9 Resources

I-9 Central
- I-9 Central
- Revised I-9 Table of Changes
- I-9Central/Espanol (Spanish)
- Form I-9 DACA Guidance
- Updated Receipts Guidance
- Form I-9 and E-Verify Natural Disaster Fact Sheet

M-274, Handbook for Employers
- M-274 Summary of Changes

Mergers & Acquisitions

Examples of documents:
- Acceptable Documents
- Automatic Extensions
- Combination Documents

I-9 Webinar on Demand & Vignettes

June 28, 2023
E-Verify received the highest rating for customer service of all federal agencies in the American Customer Satisfaction Survey!

- Form I-9 Website: [www.uscis.gov/i-9Central](http://www.uscis.gov/i-9Central)
- E-Verify Website: [www.E-Verify.gov](http://www.E-Verify.gov)
- Form I-9 Email: i-9Central@uscis.dhs.gov
- E-Verify Email: E-Verify@uscis.dhs.gov
- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
THANK YOU!