

New Employee Paperwork Explained – Part 2: The I-9 Form



Most managers know that an I-9 must be completed for each new employee, but how many know WHY the I-9 is a necessary part of bringing a new staffer on board?

The I-9 was first required by the Immigration Reform and Control Act (IRCA) of 1986 (now the Department of Homeland Security – U.S. Citizenship and Immigration Services.) This form verifies the eligibility of an employee to work legally in the United States. You, the employer, are required to verify the employment eligibility for every employee hired.

The DHS can audit the I-9's in a company at any time for no reason.

There have not been routine audits, however, the DHS has hired more auditors recently to help with the audits. Fines of up to \$200,000 per I-9 verification that is not completed and maintained can be levied. Regardless of how many or how few employees you have, you must have a completed I-9 for every **full-time or part-time employee**. The only exception to completing an I-9 is in the case of an independent contractor or someone who was hired before November 6, 1986.

U.S. Citizenship and Immigration Services (USCIS) has revised

the list of documents acceptable to complete the I-9 beginning April 3, 2009. The new form must be used for all new hires, and to reverify any employee who may have eligibility documentation on the original form I-9 that has or will be expiring. The revised form will improve the security of the employment authorization verification process. **The biggest difference in the form is that all documents have to be unexpired.**

An **Employment Eligibility Verification form (I-9 Form)** must be completed within 3 days of hire. This form should be kept in a separate file from the employees' file. The forms should be kept for 3 years or for one year after the end of employment.

Each employee must present original documents, not photocopies.

The only exception is an employee may present a certified copy of a birth certificate.

On the form, the employer must verify the employment eligibility and identity documents presented by the employee and record the document information on the I-9 form.

Employees are required to present either one of the documents from List A, or one document from each List B and List C.

List A (Documents that establish both identity and employment eligibility)

- Current United States Passport
- Permanent Resident Card or Alien Registration Receipt Card (I-551)
- Temporary Resident Card (I-688)
- Employment Authorization Document (I-766, I-688B, or I-688A)
- Foreign Passport with temporary I-551 stamp
- For aliens authorized to work only for a specific

employer, foreign passport with Form I-94 authorizing employment with this employer

List B (Documents that establish identity only)

- Driver's license issued by a state or outlying possession
- ID card issued by a state or outlying possession
- Native American tribal document
- Canadian driver's license or ID card with a photograph (for Canadian aliens authorized to work only for a specific employer)
- School ID card with a photography
- Voter's registration card
- U.S. Military card or draft record
- Military dependent's ID Card

List C (Documents that establish employment eligibility only)

- Social Security account number card without employment restrictions
- Original or certified copy of a birth certificate with an official seal issued by a state or local government agency
- Certification of Birth Abroad
- US Citizen ID Card
- Native American tribal document
- Form I-94 authorizing employment with this employer (for aliens authorized to work only for a specific employer)

No I-9 Documentation?

An employee who fails to produce the required document, or a receipt for a replacement document (in the case of lost, stolen or destroyed documents), within three business days of

the date employment begins, can be terminated. An employee who shows a receipt has ninety days to present the original documents.

Click here to read “New Employee Paperwork Explained – Part 1: The Application”

ABOUT THE AUTHOR: *Susan Hayes’ undergraduate degree in Psychology from NC Wesleyan College prepared her to weigh objectivity with compassion. Her Masters in Public Health from The University of North Carolina at Chapel Hill and her background in benefits administration have given her a comprehensive understanding of the complexities and scrutiny imposed on businesses, particularly healthcare businesses. Twenty years as a human resource specialist in the healthcare field means that Ms. Hayes is well-positioned to help a healthcare entity of any size find solutions for human resource issues. She can be contacted at **Susan Hayes, MPH, Hayes Consulting, 910-284-1627, hayesconsulting@embarqmail.com.***