

I. GENERAL INTRODUCTION TO FORM I-9.

- A. Used for verifying the identity and employment authorization of all individuals hired for employment in the United States.
 - 1. Not required for volunteers who will not receive something of value (e.g. remuneration).
 - 2. Required even if employees are hired only for a short duration.
- B. All U.S. employers, regardless of size, must ensure proper completion for each new employee hired after November 6, 1986. Not required for employees hired on or prior to November 6, 1986.
- C. New hires must attest to their employment authorization and physically present employer with acceptable document(s) verifying identity and U.S. employment authorization.
- D. Employers must personally examine the original unexpired document(s) presented in the presence of the new hire to determine whether the document(s) reasonably appear to be genuine and to relate to the employee and record the document information on the Form I-9.
- E. New version was published on November 14, 2016 and must be used by employers as of January 22, 2017. This can be found at: <https://www.uscis.gov/i-9>.

II. PAPER RETENTION AND STORAGE

- A. Keep Forms I-9 separate from employee personnel files.
- B. Must retain original pages of Form I-9 on which employee and employer enter data.
- C. Employer not required to retain copies of identity and employment authorization documents presented by employee, but if employer elects to do so, must do so consistently and keep these copies with Form I-9.
- D. Forms I-9 must be retained for the longer of:
 - 1. Three years from the first date of employment *OR*
 - 2. One year from the termination date.
- E. May be stored off-site, as long as available for presentation within three days of inspection request.

III. HOW TO CONDUCT A VOLUNTARY SELF- AUDIT

- A. An employer may choose to review all, or a sample of, Forms I-9.
- B. Employer should inform its employees in writing that it is conducting an internal audit of Forms I-9 explaining the scope and reason.
- C. Best Practices:
 - 1. Review and evaluate present I-9 compliance policies and procedures.
 - 2. Separate Forms I-9 from employee personnel files and create an I-9 file. Create separate sections for current employees and former employees.
 - 3. Prepare a list of all current full-time and part-time employees, including the date of hire.
 - 4. Separate those Forms I-9 that are no longer required to be maintained as a matter of law and destroy these records by shredding or other means to protect confidentiality of personally identifiable information¹.
 - 5. Compare the list of all current employees with the forms in the I-9 file to assure that an I-9 Form exists for each employee for whom a form is required, and take corrective action if appropriate.
 - 6. Review remaining Forms I-9 for completeness and technical mistakes, and make appropriate corrections.
 - 7. For former employees whose Forms I-9 are still required to be maintained, calculate the date when the I-9 may be purged and put the purge date in a tickler system.
 - 8. Take appropriate corrective action as soon as possible for any Forms I-9 where appropriate documentation was not presented or a required reverification was not completed.
 - 9. Recommend suspension for workers for whom proper verification or reverification cannot be completed within a reasonable period of time.

¹ In the state of Connecticut, public schools, as well as municipalities, towns, cities, boroughs, political subdivisions, and certain quasi-public agencies, are required to apply for permission to destroy these records with the Office of the Public Records Administrator. Upon receipt of the signed approval from the Office of the Public Records Administrator, public schools may proceed in destroying these records in the manner described herein. Similar requirements may apply to public entities in other states.

10. Prepare a file memo which includes results of the audit, including any actions taken, and recommendations.

IV. COMMON ERRORS AND HOW TO MAKE CORRECTIONS.

- A. Section One: Employee Information and Attestation.
1. Not completed on or before employment start date.
 2. Name in wrong order.
 3. Incomplete address.
 4. U.S. immigration status attestation box not checked or wrong box is checked.
 5. Alien or Admission Number missing.
 6. Signature missing.
 7. Date missing.
 8. Date of birth listed instead of date signed.
- B. Section Two: Employer or Authorized Representative Review and Verification.
1. Not completed within three days of the first date of employment.
 2. List A (Identity & Work Authorization), B (Identity) or C (Work Authorization) information left blank or not fully completed.
 3. Date of hire missing.
 4. Column B (Identity) and C (Work authorization) information reversed.
 5. Document number or expiration date missing.
 6. Employer address missing.
 7. Employer or authorized representative name missing.
 8. Employer or authorized representative signature missing.
 9. Employer date missing.
 10. Too many documents recorded.

C. Corrections

1. To correct an error on Forms I-9:
 - a. Use different color ink.
 - b. Draw a line through the incorrect information.
 - c. Enter the correct information.
 - d. Initial and date the correction.
2. Employer may not correct an error in Section One.
3. White out should never be used to correct errors.
4. If a section was left blank, redo the section on the existing Form I-9. A memorandum should be included in the file regarding the reason a new Form I-9 section was completed.

V. **RESOURCES.**

- A. M-274 Employer Handbook: <https://www.uscis.gov/i-9>.
- B. I-9 Central Website: <https://www.uscis.gov/i-9-central>.

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