

# I-9 REPORTING CHEAT SHEET

## What is the I-9?

- Establishes identity and employment authorization
- Use of Form I-9 is MANDATORY for U.S. employers
- All U.S. employers must have a Form I-9 on file for all current employees - Exception: Employers are not required to have Form I-9 for employees hired on or before November 6th, 1986
- Failure to complete an I-9 or failure to complete an I-9 within 3 working days of an employee start date can subject an employer to substantial fines

## Form I-9 Sections

1. **Section 1 Employee Information and Attestation** - A newly hired employee must complete and sign Section 1 of Form I-9 no later than their first day of employment
2. **Section 2 Employer Review and Attestation** - Employers must complete and sign Section 2 of Form I-9, Employment Eligibility Verification, within 3 business days of the date of hire of their employee (the hire date means the first day of work for pay)
3. **Section 3 Reverification and Rehires** - Used when employee's authorization or document has expired - May be used for rehires within 3 years of the date that the I-9 was originally completed - Used when employee has a legal name change

## Revised Form I-9

- Among the changes in the new version, Section 1 asks for "other last names used" rather than "other names used," and streamlines certification for certain foreign nationals
- Individuals who have limited work authorization need provide only their A number or I-94 admission number or foreign passport number in Section 1
- The addition of prompts to ensure information is entered correctly (when using Adobe PDF viewer or application)
- The ability to enter multiple preparers and translators
- A dedicated area for including additional information rather than having to add it in the margins
- A supplemental page for the preparer/translator
- A separate page (Page 3) for Section 3 of the Form I-9

## Missing Forms and Correcting Mistakes

- If you discover a mistake on Form I-9, correct the existing form OR prepare a new Form I-9.
- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Form I-9 stating the reason for your action. Make sure that if the correction needed is in a section the employee is responsible for that THEY make those corrections.
- If you discover you are missing the Form I-9 for an employee, immediately provide the employee with a Form I-9. Do NOT backdate the Form I-9.

### **Storage & Retention**

- Form I-9 MUST be on file for all current employees
- Store Forms I-9 and document copies together
- Forms I-9 must be retained for: 3 years after the date you hire an employee or 1 year after the date employment terminates, whichever is later.

*Employees may contact the Office of Special Counsel (OSC) to obtain additional information regarding employment discrimination and employee rights and responsibilities. 1-800-255-7688 (TDD: 1-800-6165525)*

*Employers may also contact OSC – 1-800-255-8155 (TDD: 1-800-3622735). Callers may remain anonymous. The OSC is activity encouraging employers to use this resource to review any policies you feel might be in the “grey”.*