

I-9 Checklist

The Immigration Reform and Control Act ([IRCA](#)) mandates that employers verify the employment eligibility of newly-hired employees and makes it unlawful for employers to knowingly hire or continue to employ unauthorized workers. Maintaining proper I-9 files is the best defense for an employer against a charge of hiring an undocumented worker. Here are some tips to assist you in maintaining your I-9 files:

- ✓ I-9 forms should be maintained separately, and apart from personnel files and other employment records. You **may** copy the documents presented by an employee, which you must retain with his or her Form I-9, but this is **not** required. Regardless of whether you make copies of the documents the employee presents, you are still required to fully complete section 2 of Form I-9. Finally, if you retain copies of employee documents, follow this procedure for all employees.
- ✓ Cross reference your payroll list of current employees and verify that you have a completed form for every employee. You must retain I-9 forms for a minimum of three years and a maximum of one year after the worker is no longer employed. For example, if a worker quits after one year, you must maintain the I-9 for two years after the employee's departure. If a worker works for you for two or more years, you need to retain the I-9 for one year after the employee's departure. **Tip:** *move the I-9 to a separate file as soon as the employee terminates.*
- ✓ Organize your I-9 forms into 3 separate and distinct files:
 - 1) Current Employees
 - 2) Former Employees (filed by year)
 - 3) Seasonal Employees
- ✓ Destroy I-9 forms of former workers once you've met the retention requirement.

Tips on Filling Out the I-9 Form:

Section 1. Employee Information and Verification:

Should be completed on the first day of work but not later than on their third work day. The current version of the I-9 form was revised 8/7/09 and expires on 08/31/12.

- Give the employee a Form I-9 (including instruction/document list). Ask him/her to complete Section 1 and bring an acceptable combination of documents. **NOTE:** *Let the employee choose the documents. Never request specific documents.*

- Check that the employee has completed all fields in section one: Name (the employee must use his/her legal name in correct order), address, date of birth, and social security number (this is optional).
- One box must be checked in the citizenship attestation section. A Lawful Permanent Resident must provide an 8- or 9-digit Alien Number. An “Alien Authorized to Work” must provide the date work authorization expires and an “alien number” or an 11-digit admission number from the Form I-94.
- Sign and Date: The form is not valid without the employee signature.
- Preparer and/or Translator Certification: If someone other than the employee assisted in completing section 1, this section must be signed and dated.

Section 2. Employer Review and Verification:

Should be completed on the first day of work, but never later than on their third work day, by an authorized representative of the hiring department.

- Accept the first valid, original document or combination of documents.
- ✓ Valid documentation is: one document from List A, **or** one from List B **and** one from List C.
Tip: *Don't over document. If you receive more documents than you need, give back the excess ones to the employee.*
- ✓ Be sure the employee has signed the documents.
- ✓ Note that Foreign Passport with an I-94 Arrival/Departure Record requires an additional Work Authorization document, such as I-20 or DS-2019.
- Record each document title, issuing authority, document number, and expiration date (if applicable). Be sure to use the correct column for List A, B, or C.
- Enter the date that employment began in the attestation section. Note that this may be different from the date that you sign the form
- Sign and date. Only the person who **viewed** the original documents can complete this section.

Additional Resources:

- Visit the WFB website, www.wsfb.com/employerservices, or contact the Employer Services division of the WFB at 1-800-331-3276.
- The I-9 Handbook for Employers, www.uscis.gov is a great resource. Download it or call 800-375-5283 to order.
- The Department of Justice maintains an employer hotline to answer questions about inadvertent discrimination or help with the I-9 at 800-255-8155, or the website <http://www.usdoj.gov/crt/osc>.