

Completing The New Form I-9

Brief Step-By-Step Guide

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4/18/2013

This is a brief step by step guide on how to complete Form I-9 for H-2B workers. Found within this guide is an example of a completed I-9 with explanations on completing this document, and copies of the documents needed to complete Form I-9. The information in this guide is found in the Handbook for Employers: Guidance for Completing Form I-9, provided by the USCIS.

Section 1: Employee Information and Attestation



Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 03/31/2016

▶ START HERE. Read instructions carefully before completing this form. The instructions must be available during completion of this form.
ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

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.)

1 Last Name (Family Name) Apolinar Barrios		First Name (Given Name) First		Middle Initial M	Other Names Used (if any) N/A	
2 Address (Street Number and Name) 32775 FM 106			Apt. Number	City or Town Rio Hondo	State TX	Zip Code 78583
3 Date of Birth (mm/dd/yyyy) 11/08/1983	U.S. Social Security Number []-[]-[]	E-mail Address N/A			Telephone Number N/A	

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):

- 4 A citizen of the United States
 A noncitizen national of the United States (See instructions)
 A lawful permanent resident (Alien Registration Number/USCIS Number): _____
 An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) 11/25/2013. Some aliens may write "N/A" in this field. (See instructions)

For aliens authorized to work, provide your Alien Registration Number/USCIS Number **OR** Form I-94 Admission Number.

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: 6 5 7 7 7 9 3 0 2 2 0

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: G08971088

Country of Issuance: MEXICO

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (See instructions)



5 Signature of Employee: Date (mm/dd/yyyy): 04/18/2013

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.)

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

6 Signature of Preparer or Translator: Date (mm/dd/yyyy): 04/18/2013

Last Name (Family Name) Doe		First Name (Given Name) John	
Address (Street Number and Name) 32775 FM 106			City or Town Rio Hondo
		State TX	Zip Code 78583



Employer Completes Next Page



Section 1: Employee Information and Attestation (This section must be completed and signed on the date employment began):

1. Employee's Last name (H-2B workers have 2 last names, which are entered under this field), First name, Middle Initial, and any other names used (If employee has not used any other name enter "N/A" in this field). Take note, in Mexico a person legal full name includes both the paternal and maternal last name (e.g., Roberto Hernandez Martinez). Both last names must be entered under the last name field. **DO NOT** enter any of the last names in the Middle Initial field because that is incorrect.
2. Employee's address: Since H-2B workers don't have an actual physical address in the U.S. and can only use a foreign address if the employee lives on the border of Canada and Mexico and commutes to work every day, the

address that employee could use is the business physical address. One printed memo explaining why several employees entered the same address in this section must be attached to the I-9 (we will write this memo and send it to all employers).

3. Employee's birthday (date must be entered as mm/dd/yyyy), Social Security Number (optional), email address (optional), and phone number (optional)-please enter "N/A" if employee does not include his/her email address or phone number.
4. Employee must attest whether they are a Citizen of the U.S., a noncitizen national of the U.S., a permanent resident, or an alien authorized to work in the U.S. If employee is an alien authorized to work they must enter expiration date on I-94, the admission number found on the top left hand side of the I-94, the passport number, and the country that issued the passport). Dates on I-9 must be entered as mm/dd/yyyy; remember, dates found on the passport and the employee's birthday on the I-94 is entered as dd/mm/yyyy.
5. Employee's signature and date employment began.
6. This section is reserved for the preparer/translator. This section must be completed if a translator was used or this form was prepared for the employee using the employee's information. By signing this section a preparer/translator attests, under penalty of perjury, that they have assisted in the completion of this form and to the best of their knowledge the information is true and correct. This portion will be completed if Form I-9 was prepared by someone other than the employee or a translator was used.

Section 2: Employer or Authorized Representative Review and Verification

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)

1 Employee Last Name, First Name and Middle Initial from Section 1: Apolinar Barrios, First M

2	List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
3	Document Title: MEX Passport Issuing Authority: Mexico Document Number: G08971088 Expiration Date (if any)(mm/dd/yyyy): 03/14/2015		Document Title: Issuing Authority: Document Number: Expiration Date (if any)(mm/dd/yyyy): 		Document Title: Issuing Authority: Document Number: Expiration Date (if any)(mm/dd/yyyy):
	Document Title: I-94 Issuing Authority: CBP Document Number: 657779302 20 Expiration Date (if any)(mm/dd/yyyy): 11/25/2013				3-D Barcode Do Not Write in This Space
	Document Title: Issuing Authority: Document Number: Expiration Date (if any)(mm/dd/yyyy): 				

Certification

4 I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 04/18/2013 (See instructions for exemptions.)

5	Signature of Employer or Authorized Representative		Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
			04/18/2013	HR Coordinator	
	Last Name (Family Name)	First Name (Given Name)	Employer's Business or Organization Name		
	Gutierrez	Antonio	JKJ Equipment Company, Inc		
	Employer's Business or Organization Address (Street Number and Name)	City or Town	State	Zip Code	
	32775 FM 106	Rio Hondo	TX	78583	

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable) Last Name (Family Name) First Name (Given Name) Middle Initial	B. Date of Rehire (if applicable) (mm/dd/yyyy)

C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.

Document Title:	Document Number:	Expiration Date (if any)(mm/dd/yyyy):

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of Employer or Authorized Representative:

Questions You May Have About Form I-9

(All questions and answers were extracted from USCIS' *Handbook for Employers: Guidance for Completing Form I-9*)

Questions about the Verification Process

1. Q. Do citizens and noncitizen nationals of the United States need to complete Form I-9?

A. Yes. While citizens and noncitizens nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9.

2. Q. If someone accepts a job with my company but will not start work for a month, can I complete Form I-9 when the employee accepts the job?

A. Yes. The law requires that you complete Form I-9 only when the person actually begins working for pay. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the Form I-9 process to screen job applicants.

3. Q. May I fire an employee who fails to produce the required documents within three business days of his or her start date?

A. Yes. You may terminate an employee who fails to produce the required document or documents, or an acceptable receipt for a document, within three business days of the date employment begins.

4. Q. What happens if I properly complete and retain a Form I-9 and DHS discovers that my employee is not actually authorized to work?

A. You cannot be charged with a verification violation. You will also have a good faith defense against the imposition of employer sanctions penalties for knowingly hiring an unauthorized individual, unless the government can show you had knowledge of the unauthorized status of the employee.

Questions about Documents

5. Q. May I specify which documents I will accept for verification?

A. No. The employee may choose which document(s) he or she wants to present from the Lists of Acceptable Documents. You must accept any document (from List A) or combination of documents (one from List B and One from List C) listed on Form I-9. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision in the INA. Individuals who look and/or sound foreign must not be treated differently in the recruiting, hiring, or verification process.

Note: An employer participating in E-Verify can only accept a List B document with a photograph.

6. Q. If an employee enters an Alien Number or Admission Number when completing Section 1 of Form I-9, may I ask to see a document with that number?

A. No. Although it is your responsibility as an employer to ensure that your employees

fully complete Section 1 at the time employment begins, the employee is not required to present a document to complete this section.

When you complete Section 2, you may not ask to see a document with the employee's Alien Number or Admission Number or otherwise specify which document(s) an employee may present.

7. Q. What is my responsibility concerning the authenticity of document(s) presented to me?

A. You must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.

8. Q. May I accept an expired document?

A. No. Expired documents are no longer acceptable for Form I-9. However, you may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by USCIS.

9. Q. If my employee presents a Social Security card that is laminated or is unsigned, may I accept such a card as evidence of employment authorization?

A. You may accept a laminated or unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it. However, the Social Security Administration advises cardholders not to laminate Social Security

cards. Metal or plastic reproductions of the Social Security cards are not acceptable for Form I-9 purposes. SSA provides an online Social Security Number Verification Service (SSNVS) at

<http://www.ssa.gov/employer/ssnv.htm> to verify that employee names and Social Security numbers match Social Security's records.

10. Q. Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth, and their parents' names as proof of employment authorization. May I accept such printouts in place of a Social Security card as evidence of employment authorization?

A. No. Only a person's official Social Security card or a receipt for a replacement card issued by SSA is acceptable.

11. Q. What should I do if an employee presents a Social security card marked "NOT VALID FOR EMPLOYMENT," but states that he or she is now authorized to work?

A. You should ask the employee to provide another document to establish his or her employment authorization, since such Social Security cards do not establish this and are not acceptable documents for Form I-9. Such an employee should go to the local SSA office with proof of his or her lawful employment status to be issued a Social Security card without employment restrictions.

12. Q. May I accept a photocopy of a document presented by an employee?

A. No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.

13. Q. My employee entered a compound last name in Section 1 of Form I-9. The documents presented contain only one of these names. Can I accept this document?

A. DHS does not require employees to use any specific naming standard for Form I-9. If a new employee enters more than one last name in Section 1, but presents a document that contains only one of those last names, the document he or she presents for Section 2 is acceptable as long as you are satisfied that the document reasonably appears to be genuine and to relate to him or her.

14. Q. The name on the document my employee presented to me is spelled slightly differently than the name she entered in Section 1 of Form I-9. Can I accept the document?

A. If there is a slight variation, and the employee has a reasonable explanation, the document is acceptable as long as you are satisfied that the document reasonably appears to be genuine and relates to him or her.

15. Q. Since the new version of Form I-9 allows for three different List A documents in Section 2, are three List A documents required?

A. No. Form I-9 (Rev. 03/08/13N) includes an expanded document entry area in Section 2, which provides an employee that presents a List A document that is a combination of more than one document (e.g., H-2B workers that present their foreign passport & I-94).

16. Q. When can employees present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?

A. The “receipt rule” is designed to cover situations in which an employee is

authorized to work at the time of initial hire or reverification, but he or she is not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9. An individual may present a receipt in lieu of a document listed on Form I-9 to complete Section 2 or Section 3 of Form I-9. The receipt is valid for a temporary period. There are three different documents that qualify as receipts under the rule (mentioning only the most pertinent document): a receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the replacement document to complete Form I-9.

Note: This rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.

Questions about Completing and Retaining Form I-9

17. Q. Can an employee leave any part of Section 1 on Form I-9 blank?

A. Employees must complete every applicable field in Section 1 with the exception of the field requesting the employee’s Social Security number. However, employees must enter their Social Security number in this field if you participate in E-Verify.

18. Q. How do I correct a mistake on an employee’s Form I-9?

A. You can correct an error on Form I-9 is to line through the portions of the form that contain incorrect information, enter the correct

information, and initial and date your correction. If you have previously made changes using White-Out instead, USCIS recommends that you attach a note to the corrected Forms I-9 explaining what happened. Be sure to sign and date the note.

19. Q. What should I do if I need to re-verify an employee who filled out an earlier version of Form I-9?

A. Verify the employee's documents by completing Section 3 of the current version of Form I-9, attach to original Form I-9, and retain along with any copies of documents you may have made.

20. Q. Do I need to complete a new Form I-9 when one of my employees is promoted within my company or transfers to another company office at a different location?

A. No. You do not need to complete a new I-9 if the person is promoted or transferred.

21. Q. What do I do when an employee's employment authorization expires?

A. To continue to employ an individual whose employment authorization has expired, you will need to reverify him or her in Section 3 of Form I-9 no later than the date employment authorization expires. The employee must present a document from either List A or List C that shows either an extension of his or her initial employment authorization or new employment authorization.

22. Q. Can I avoid reverifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?

A. No. You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an individual is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

23. Q. As an employer, do I have to fill out all the Forms I-9 myself?

A. No. You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent, or anyone else action on your behalf. Please note that if someone else fills out Form I-9 on your behalf, he or she must carry out full Form I-9 responsibilities. However, you are still liable for any violations in connection with the form or the verification process.

24. Q. Can I complete Section 1 of Form I-9 for an employee?

A. You may help an employee who needs assistance in completing Section 1 of Form I-9. However, you must also complete the Preparer and/or Translator Certification block. The employee must still sign the certification block in Section 1.

25. Q. How can I protect private information on Forms I-9?

A. To protect employees' private information ensure that completed I-9's and all supporting documents, including photocopies of documents, as well as information regarding

employment authorization if you participate in E-Verify, are stored in a safe, secure location that only authorized individuals can access.

Questions about Different Versions of Form I-9

26. Q. Is Form I-9 available in different languages?

A. Form I-9 is available in English and Spanish; however, only employers in Puerto Rico may use the Spanish version of Form I-9.

27. Q. May I continue to use earlier versions of Form I-9?

A. No. Employer must use the current version of Form I-9. If in doubt on which is the current Form I-9, go to www.uscis.gov/i-9 to view or download the most current form.

28. Q. Where do I get the Spanish version of Form I-9?

A. You may go to www.uscis.gov/i-9 or call USCIS Forms Request Line toll-free at 1-800-870-3676.

The information contained in this guide for completing Form I-9 is not intended as legal advice or opinion, but a mere summary of USCIS's *Handbook for Employers: Guidance for Completing Form I-9 (Employment Eligibility Verification Form)*. The Employers handbook can be obtained at www.uscis.gov/i-9.