



Questions and Answers

Revised Form I-9 Teleconferences

November 17, 2016 and on January 31, 2017

Overview

On November 17, 2016 and on January 31, 2017, the U.S. Citizenship and Immigration Services (USCIS), Customer Service and Public Engagement Directorate (CSPED), and the Immigration Records and Identity Services Directorate (IRIS), Verification Division hosted two teleconferences on the revised Form I-9, Employment Eligibility Verification.

During these engagements, Verification Division representatives presented a high-level overview of the enhancements made to the revised form, highlighted resources available to both employers and employees, and responded to stakeholder questions. The questions and answers provided during these calls have been outlined in the section below. Also, we invite you to continue the conversation:

- Join one of our free upcoming webinars. Each session lets you engage with employment eligibility verification experts and is a great opportunity to get your questions answered.
- Email E-VerifyOutreach@uscis.dhs.gov to request a customized webinar for your business, association or group.
- Share your feedback about Form I-9 on E-Verify Listens and let others vote on your ideas.
- Visit I-9 Central for the latest news, updated Handbook for Employers: Guidance for Completing Form I-9, engaging multimedia content, and other tools to help you verify your employee's identity and employment authorization.

Questions & Answers

How do I access the form and instructions when using a computer: specifically, how do I use the buttons at the top of the revised Form I-9 to access the instructions?

Users can download Form I-9 from the link on the USCIS Form I-9 download page. Users connected to the internet can click the Instructions button at the top of each page of Form I-9, which will take the user to the instructions on the Form I-9 download page as needed. Users without internet access will need to download and/or print a copy for employees.

If I use E-Verify, do I also need to complete Form I-9?

Yes, you must first complete Form I-9, which is the basis of the employment eligibility verification process. E-Verify participants transfer the data from Form I-9 to E-Verify by creating a case.

Where is the address for where we are going to mail Form I-9?

You never mail it: Form I-9 is not collected by a government agency. The form, whether it is completed for a new hire, a reverification or a rehire, is retained by the employer. The Department of Homeland Security (DHS); the Department of Labor; or the Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) may notify you that they want to inspect your employee's Form I-9. You must be ready to present your original forms for inspection. Please refer to Part 4 of the M-274, as well as I-9 Central, for guidance on storage and retention of Form I-9.

How long do we need to keep Form I-9, as long as the employee works here?

Form I-9 should be kept on file for 3 years after the employee's start date or 1 year after the termination date of that employee, whichever is longer, and you'll make this calculation at the time your employee leaves your employment.

Are employers required to keep a copy of the employee's legal documents on file?

Employers may choose to keep copies of employees' documents. If employers choose to do so for one, they must keep copies for all employees.

Must I include the Preparer/Translator Certification Supplement when I send out a blank paper Form I-9 to my hiring sites?

Employers who wish to complete Form I-9 in paper can use the paper version of the form that's available on the Form I-9 download page, so it is easy to print without worrying about Adobe compatibility. Employers should ensure they include some Preparer/Translator Supplements in case any extra preparer/translators need extra certification blocks.

Are employers or employees completing the Form I-9 in paper required to enter "N/A" in fields that do not apply?

Employers who complete the form on paper may leave some areas blank. Please refer to the instructions for specific guidance on what is required to be entered in each field.

Specifically, in Section 1, employees enter biographical information and must enter "N/A" if a field does not apply to them. The only exception is the Social Security number field: employees can leave that field blank if they choose not to enter a Social Security number if their employer does not participate in E-Verify. Also, employees only need to complete the areas inside the attestation box they select. They should not put "N/A" in fields within any attestation box they have not selected. No field in the Preparer/Translator Certification Area requires "N/A" at any time.

In Section 2, employers should not write anything, including "N/A," in any column where a document has not been entered. If an employee presents 1 List A document, the employer should enter it in the first section of the first column, leaving the other sections in that column, and the

other columns, blank. If the employee presents a List B and C document, enter them in the List B and C sections and leave the 3 areas in the List A column blank.

As the employer, it is your responsibility to ensure the employee has completed Section 1 correctly. If the employee has not put in “N/A” in a block where it is required, you should ensure the employee makes that correction.

Also note: employees, whose employer participates in E-Verify, are required to enter their Social Security number on Form I-9 in Section 1. E-Verify employers should allow individuals who have not been issued a Social Security number, but who have otherwise properly completed Form I-9, to begin work and create the E-Verify case once the employee receives their Social Security number.

Must employers use Section 3 for reverifications and rehires, or can they complete a new Form I-9 so as to run a new E-Verify case?

If you are reverifying an employee’s employment authorization, you must complete Section 3 on the most current version of Form I-9, the 11/14/2016 N version. When employers reverify an employee’s employment authorization, they should allow the employee to choose to present any List A or List C document from the Lists of Acceptable Documents. List B documents should never be reverified.

If you are rehiring an employee, you may choose to complete a new Form I-9 or complete Section 3 on the employee’s original Form I-9.

E-Verify does not allow for reverification and you should not complete a new Form I-9 to create a new E-Verify case for an existing employee. The [E-Verify User Manual](#) can provide more guidance on E-Verify and rehiring/reverifying.

When completing Section 1 on paper, is it required that the date of birth be written in the exact same format that it appears on the fillable form? What if the employee enters a 2-digit year?

When completing the form in paper, any format for the date of birth is acceptable as long as the format is clear and easily recognizable.

In Section 2, what issuing authority should be entered for a driver’s license in the List B column? We used to enter in “Department of Motor Vehicles” and the state, but now we can only enter the state that issued the document. Do we need to write in “Department of Motor Vehicles” or whatever the agency might be?

USCIS assumed DMV for the issuing authority of a driver’s license or state-issued ID so employers only need to select the state that issued the document from the drop-down on Form I-9. No other text is necessary.

Can employees use a P.O. Box in Section 1?

Yes, employees can enter their current residential or P.O. Box address in the first Address field in Section 1. Preparers, translators and employers may not enter P.O. Boxes on Form I-9.

Do remote employees need to notarize their Form I-9? What should we do if we don't have an authorized representative in certain areas where we are hiring employees?

Employers may use anyone, such as a notary, to act on their behalf. Notaries do not need to stamp or notarize any fields on Form I-9 because they are not acting as a notary, but rather as an authorized representative of the employer. Remote hires have never been required to notarize their Form I-9. Employers can authorize any person to complete Section 2 on their behalf. The authorized representative would be required to ensure the employee completed Section 1 correctly, physically examine the employee's documents, and complete, sign and date Section 2.

Do employers who choose to complete the form in paper need to store the printed instructions provided to the employee with the employee's Form I-9?

No, employers are not required to store the instructions with the employee's Form I-9. Employers must ensure that employees have access to the form instructions and Lists of Acceptable Documents, either by providing printed copies or ensuring employees have access to them electronically. Employers could print 1 copy of the instructions and the List of Acceptable Documents and reuse it for multiple employees. The form provides paperless alternatives to providing the instructions: a hyperlink at the top of each page provides online access to the instructions, or employers may download the instructions, so they can be viewed on a desktop.

Is a P.O. Box acceptable in any field other than the first address field in Section 1?

No. Employees should enter their current residential or P.O. Box address in the first Address field in Section 1. Preparers, translators and employers may not enter P.O. Boxes on Form I-9.

Do employers need to complete the newly revised Form I-9 for their current employees who were verified on a previous version of the form?

No, employers should not complete a new Form I-9 for current employees who already have a properly completed Form I-9 on file. Employers only need to use the newly revised form for employees they hired on or after Jan. 22, 2017, and for any employees that require reverification on or after that date.

In the Citizenship and Immigration Status field at the top of Section 2, is it acceptable to write the whole citizenship or immigration status instead of putting just a number?

In Section 2, the citizenship/immigration status feature is the hinge that allows Sections 1 and 2 to work together. The number the employer must enter in this field correlates with the attestation box the employee selected in Section 1. Employers may only write in the number of the citizenship and immigration status box the employee selected in Section 1. Employers who have entered anything but a number in this field should correct this field.

If an employee provides a List B document, such as a driver's license, that expires in the future, do I need to reverify that document?

List B documents never need to be reverified.

Do List C documents need to be reverified?

If the List C document contains an employment authorization expiration date, employers will need to reverify that employee's employment authorization to continue employment. When employers reverify an employee's employment authorization, they should allow the employee to choose to present any List A or List C document from the Lists of Acceptable Documents. List B documents should never be reverified.

Does E-Verify provide employer notifications when an employee's work authorization document is expiring and requires reverification?

Yes. E-Verify provides notification when an employee's Employment Authorization Document (Form I-766) or an Arrival-Departure Record (Form I-94) document is expiring and requires reverification on Form I-9.

If an employer rehires an employee within 3 years from the time the employee originally completed Form I-9, can they complete Section 3 or should they complete a new Form I-9?

If an employer rehires an employee within 3 years of the date of the previously completed Form I-9, the employer may either complete a new Form I-9 for the employee or complete Section 3 of the previously completed Form I-9.

For Section 3 completion, if the employee continues to be employment authorized, the employer only needs to record the rehire date and any name changes. If the employee's Form I-9 indicates that the employee's employment authorization has expired, then the employer must reverify continued employment authorization and record the document information in Section 3. Employers should review the guidance on I-9 Central and in the M-274 to determine proper completion of Section 3 in the case of rehired employees.

What is the QR Code?

The QR code, which generates when the form prints, consolidates all of the information entered in each of the fields in each Section when the form is completed on a computer. The QR code is an optional field that should be left blank if the employer is completing the form on paper. Further, employers are not required to incorporate QR codes when creating their own Form I-9 or using third-party forms.

If the Form I-9 process is done electronically, is it still ok to use a third party?

Employers who use third-party forms should follow the Form I-9 requirements and if it is an electronic system, it must additionally adhere to the DHS regulations for electronic Forms I-9. Employers who wish to implement an electronic Form I-9 with an electronic signature function may recreate a Form I-9 that includes such a function, as long as the resulting form is legible; there is no change to the name, content, or sequence of the data elements and instructions; no additional data elements or language are inserted; and the standards specified under 8 CFR sections 274a.2(e) through (i), as applicable, are met. The system used to generate and store the electronic Form I-9 also must comply with regulations found at 8 CFR 274a.2 sections (e)-(i). See the Handbook for Employers (M-274): Instructions for Completing Form I-9 for more information.

The Form I-9 posted to the USCIS website does not have an electronic signature function.

If an employer needs to reverify multiple times, how can they do that? Are you going to add multiple sections to do that?

Currently, there are no plans to create a supplemental document for reverification, so employers will need to open a new form to complete Section 3 for subsequent verifications.

On page 1 of Form I-9, I use the paper form, do Permanent Residents need to indicate that they have entered an A-Number or USCIS Number?

Lawful Permanent Residents whose Alien Numbers begin with the “A” prefix should include the “A” in the space provided. Lawful Permanent Residents whose Alien Numbers begin with USCIS should only include the number in the space provided.

When will the Handbook for Employers be updated?

The M-274 was posted in February to include information on the revised Form I-9, as well as some new regulations that affect the way certain documents should be entered in Form I-9. The updated M-274 is available on <https://www.uscis.gov/i-9>.

I am having trouble downloading and printing the Form I-9.

Employers must download the form directly to their local computer, then open the downloaded form using Adobe Reader for optimal performance. You should use the latest version of the free [Adobe Reader](#). For best results, ensure that you use the most current version of the browser of your choice. The Internet Explorer, Firefox and Safari web browsers will prompt you to open or save the form.

To download the form using the Chrome web browser:

1. Click the link to the Form I-9 you wish to download.
2. Click the arrow that displays in the PDF file download box that will appear in the bottom left-hand corner.
3. Select “Show in folder” from the drop-down that appears.
4. Open the form that appears in your Download folder.

Can an employer also act as an employee’s preparer/translator? Which address must an employer enter in the Preparer/Translator Certification?

Yes, employers can act as preparers or translators. An employer assisting an employee as a preparer or translator acts as an individual and so must enter their personal residence address in the Preparer/Translator Certification in Section 1. Employers would enter their business address in Section 2.

How would an employer correct a Form I-9 that is missing the first day of employment in Section 2?

If the hire date is missing from the originally completed form, the employer should enter the original hire date in the ‘first day of employment’ field, initial and date the addition, and make a note in the Additional Information field stating the reason for the correction.

To make other corrections the employer may draw a line through the incorrect information, enter the correct information and initial and date the correction.

To correct multiple recording errors on the form, you may redo the section on a new Form I-9 and attach it to the old form. A new Form I-9 can also be completed to correct major errors (such as entire sections were left blank or Section 2 was completed based on unacceptable documents). We suggest including a note in the file regarding the reason you made changes to an existing Form I-9 or completed a new Form I-9.

My company permanently hires temporary workers we obtained through a temporary agency. In many cases, my company completes Form I-9 at the time of hire, but sometimes, the temp agency has completed Form I-9 for that employee. Is my company required to retain a copy of the Form I-9 completed by the temp agency?

If your company is considered the individual’s employer, your company is responsible for completing the Form I-9 process for the individual at the time of hire. Your company is also responsible for retaining and storing the completed Form I-9. Your company cannot rely on the Form I-9 completed by the temp agency, the individual’s former employer.

Special rules apply to state employment agencies. See 8 CFR 274a.6.

How should an employer document an employee’s name change on Form I-9?

If an employer is reverifying or rehiring an employee in Section 3, the employer should enter the employee’s new name in the spaces provided. If an employer learns of an employee’s name change outside of reverification or rehire, USCIS recommends that employers document the name change in the spaces provided in Section 3.

Do employers need to retain an employee’s Form I-9 documents?

If the employer is not an E-Verify participant, the employer can choose to retain copies of employees’ Form I-9 documents, but if they choose to do so for 1, they must do so for all employees. If the employer uses E-Verify, they must retain copies of the U.S. passport, Lawful Permanent Resident Card (Form I-551) or Employment Authorization Document (Form I-766) if an employee presented 1 of these to complete Form I-9.

Can an employer prepopulate the employer name and address in Section 2 of Form I-9? If so, which address is the employer required to use, the corporate office address or the hiring site where the employee will work?

Only the Employer's Business or Organization Name, Employer's Business or Organization Address (Street Number and Name), City or Town, State, and Zip Code in Section 2 can be pre-populated. No other fields in Sections 1 or 2 can be pre-populated.

The business or organization address should be the most appropriate address that identifies the location of the employer, which could be the physical address where the employee is working or the corporate headquarters.

What is the difference between the information requirements for Aliens Authorized to Work in Section 1 and what they are to provide for completion of Section 2 based on the Lists of Acceptable Documents?

In Section 1, employees attest to being an Alien Authorized to Work and must enter one of the 3 numbers requested in that attestation. The employee is not required to present a document that provides proof of the information entered.

For example, if an employee enters an A-Number in section 1, he or she may choose to present the employer with a document that does not contain an A-Number, such as a foreign passport along with Form I-94 and the employer would enter information from the foreign passport and Form I-94 in Section 2. Neither is the employee required to present proof of the A-Number in Section 2, nor may the employer ask for a document evidencing the A-Number. For Section 2, employees may present any documentation from the Lists of Acceptable Documents to show identity and employment authorization to the employer to complete Section 2.

We would also like to encourage all employees to include an email address in Section 1. For employers who use E-Verify, if your employee provides an email address in Section 1, you should enter it in E-Verify. This will help us contact employees with important notices about their E-Verify case.