

Table of Changes for Revised M-274, (Rev. 01/22/17)

The purpose of this document is to outline the significant changes made to the M-274, Handbook for Employers: Guidance for Completing Form I-9.

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Cover	*Old Image	*New Image
Cover	M-274 (Rev. 04/30/13) N	M-274 (Rev. 01/22/17)
Inside Cover	You may obtain electronic copies of English and Spanish versions of Form I-9 from the U.S. Citizenship and Immigration Services (USCIS) website www.uscis.gov . To order Forms I-9 or a print copy this Handbook by telephone, call the USCIS Forms Request Line toll-free at 800-870-3676.	You may get electronic copies of English and Spanish versions of Form I-9 from the U.S. Citizenship and Immigration Services (USCIS) website https://www.uscis.gov . To order Form I-9 by telephone, call the USCIS Forms Request Line toll-free at 800-870-3676.
Table of Contents	Electronic Forms I-9	Electronic Retention of Forms I-9
Part Two, Page 2	NOTE: You cannot contract for the labor of an individual if you know that he or she is not authorized to work in the United States.	NOTE: You cannot hire an individual who you know is not authorized to work in the United States.
Part Two, Page 2	If the employee requires multiple preparers and/or translators, subsequent preparers and/or translators must complete the Preparer/ Translator Certification Block of a new Form I-9 (one per person) and attach that page to the employee's form.	If the employee used multiple preparers or translators, each subsequent preparer and/or translator must complete a separate Preparer/Translator Certification block on a Form I-9 Supplement and attach the Supplement to the employee's form.
Part Two, Page 3, Figure 1	*Old Image Figure 1: Completing Section 1: Employee Information and Verification	* New Image Figure 1: Completing Section 1: Employee Information and Verification
Part Two, Page 4	Enter your maiden name or any other legal name you may have used in the Other Names Used field. Enter N/A if you have not used other names.	Have the employee enter their maiden name or any other legal last name they may have used in the Other Last Names Used field. Enter "N/A" if the employee has not used other last names.
Part Two, Page 4	2. Enter your home Address, Apt. Number, City or Town, State and Zip Code. Enter N/A if you have no Apt. Number. You may not enter a P.O. Box in this field. If you have no street address, enter a description of the location of your residence, such as "9 miles south of I-81, to the left of the water tower."	2. The employee should enter their home address, apt. number, city or town, state and ZIP Code. Employees who have no Apt. Number should enter "N/A" in that field. Employees who do not have a street address should enter a description of the location of their residence, such as "Two miles south of I-81, near the water tower."
Part Two, Page 4		It is optional for the employee to provide an email address and telephone number in Section 1. If the employee chooses to provide an email address, it should be entered in the name@site.domain format.

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		Employees who do not wish to enter an e-mail address or telephone number should enter “N/A” in these fields.
Part Two, Page 4	If you use a preparer or translator to fill out the form, that person must certify that he or she assisted you by completing the Preparer and/or Translator Certification Block. If you require multiple preparers and/or translators, subsequent preparers and/or translators must complete the Preparer/Translator Certification of a second Form I-9 and attach that page to your form.	If the employee used a preparer and/or translator to complete the form, that person must certify that they assisted the employee by completing the Preparer and/or Translator Certification block. If the employee did not use a preparer and/or translator, have the employee check the box marked “I did not use a preparer or translator.” If the employee used one or multiple preparers or translators and is completing the paper Form I-9, print out the Form I-9 Supplement, Section 1 Preparer and/or Translator Certification. If the employee used one or multiple preparers and/or translators and is completing Form I-9 using a computer, check the second box marked “A preparer(s) and/or translator(s) assisted the employee in completing Section 1” and select the number of preparers or translators the employee used in the drop down box next to “How Many?”
Part Two, Page 5		<p>Moved from Q&A 38 in previous draft to this page:</p> <p>You may designate or contract with someone such as a personnel officer, foreman, agent, or anyone else acting on your behalf, including a notary public, to complete Section 2. Note that anyone else who completes Form I-9 on your behalf must carry out full Form I-9 responsibilities. It is not acceptable for the designated person to physically examine the employee’s employment authorization and identity documents, and leave Section 2 for you to complete. You are liable for any violations in connection with the form or the verification process, including any violations of the employer sanctions laws committed by the person designated to act on your behalf.</p>
Part Two Page 6	*Old Image Figure 2: Section 2: Employer or Authorized Representative Review and Verification	*New Image Figure 2: Section 2: Employer or Authorized Representative Review and Verification
Part Two Page 6	Enter the document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee. You may use common abbreviations to document the document title or issuing authority, e .g. DL for driver’s license and SSA for Social Security Administration.	Enter the document title(s), issuing authority, document number, and the expiration date from original documents supplied by employee. You may use either common abbreviations for the document title or issuing authority, for example, “DL” for driver’s license and “SSA” for Social Security Administration, or the suggestions

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<p>Part Two, Page 7</p>	<p>NOTE: If the employee is a student or exchange visitor who presented a foreign passport with a Form I-94, the employer should also enter the student’s Form I-20 or DS-2019 number (Student and Exchange Visitor Number – SEVIS Number); and the program end date from Form I-20 or DS-2019 .</p>	<p>in the form instructions.</p> <p>The “Additional Information” space is for Form I-9 notes, such as:</p> <ul style="list-style-type: none"> • Notations that describe special circumstances such as employment authorization extensions for F-1 OPT STEM students, CAP-GAP, H-1B and H-2A employees continuing employment with the same employer or changing employers, and TPS, AC-21, 240-day, 180-day, and 120-day work authorization extensions, as required • Information from additional documents that F-1 or J-1 nonimmigrant employees may present including the Student and Exchange Visitor (SEVIS) number and the program end date from Forms I-20, Certificate of Eligibility for Nonimmigrant Student Status, or DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, as required • Employee termination dates and form retention dates • E-Verify case verification number, which may also be entered in the margin or attached as a separate sheet per E-Verify requirements and your chosen business process • Discrepancies that E-Verify employers must notate when participating in the IMAGE program • Any other comments or notations necessary for the employer’s business process
<p>Part Two, Page 8</p>	<p>In certain circumstances, employers, recruiters, and referrers for a fee must accept a receipt in lieu of a List A, List B, or a List C document if one is presented by an employee.</p> <p>Acceptable receipts an employee can present are listed in Table 1 below.</p> <p>When the employee provides an acceptable receipt, enter the document title in Section 2 of Form I-9, enter the word “receipt” and its document number in the “Document #” space, and enter the last day that the receipt</p>	<p>Sometimes, you must accept a receipt in lieu of a List A, List B, or a List C document if the employee presents one. New employees who choose to present a receipt(s) must do so within three business days of their first day of employment. Employees who choose to present a receipt for reverification must present it by the date their employment authorization expires. Receipts are not acceptable if employment lasts less than three business days.</p> <p>Table 1 on the following page provides a list of acceptable receipts an employee can</p>

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	<p>is valid in the “Expiration Date” field. When the employee presents the actual document, cross out the word “receipt” and any accompanying document number and expiration date, insert the number from the actual document presented, and initial and date the change.</p> <p>A receipt indicating that an individual has applied for an initial Employment Authorization Document (Form I-766) or for an extension of an expiring Employment Authorization Document (Form I-766) is NOT acceptable proof of employment authorization on Form I-9. Receipts are never acceptable if employment lasts fewer than three business days.</p>	<p>present. If an employee presents a receipt for the application to replace a lost, stolen or damaged document, the employee must present the replacement document to you within 90 days from the first day of work for pay, or in the case of reverification, within 90 days from the date the employee’s employment authorization expired. Enter the word “Receipt” followed by the title of the document in Section 2 under the list that relates to the receipt. When completing the form using a computer, scroll down in the appropriate list to select the receipt presented. See Table 1 below for more information.</p> <p>When your employee presents the original replacement document, cross out the word “Receipt,” then enter the information from the new document into Section 2. Other receipts may be valid for longer or shorter periods. This includes the arrival portion of Form I-94/I-94A, Arrival Departure Record, containing a temporary I-551 stamp and a photograph of the individual. This receipt is valid until the expiration date of the temporary I-551 stamp or one year from the date of admission, if there is no expiration date.</p>
Part Two, Page 9	* Old Table Table 1: Receipts	* Updated Table Table 1: Receipts
Part Two, Page 10	<p>Minors (Individuals under Age 18)</p> <p>If a person under the age of 18 cannot present an identity document from List B, he or she may establish identity by completing Form I-9 as shown below.</p>	<p>Minors (Individuals under Age 18)</p> <p>If a person under the age of 18 is unable to present an identity document from List B, they may establish identity by completing Form I-9 as shown below. The minor must still provide a document from List C to establish work authorization.</p> <p>If the minor’s employer participates in E-Verify, the minor must present a List B identity document with a photograph.</p>
Part Two, Page 10	*Old Image Figure 3: Completing Section 1 of Form I-9 for minors without List B documents	*New Image Figure 3: Completing Section 1 of Form I-9 for minors without List B documents
Part Two, Page 11	*Old Image Figure 4: Completing Section 2 of Form I-9 for Minors without List B Documents	*New Image Figure 4: Completing Section 2 of Form I-9 for minors without List B documents

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Part Two, Page 12	*Old Image Figure 5: Completing Section 1 of Form I-9 for Employees with Disabilities (Special Placement)	*New Image Figure 5: Completing Section 1 of Form I-9 for employees with disabilities (special placement)
Part Two, Page 13	*Old Image Figure 6: Completing Section 2 of Form I-9 for Employees with Disabilities (Special Placement)	*New Image Figure 6: Completing Section 2 of Form I-9 for employees with disabilities (special placement)
Part Two, Page 14		*New Section Automatic Extensions of Employment Authorization Documents (EAD) in Certain Circumstances <i>Automatic Extensions Based on Timely Employment Authorization Document (Form I-766) Renewal Application</i> Foreign nationals in certain employment eligibility categories who file an EAD renewal application may receive automatic extensions of their expiring EAD for up to 180 days. The extension begins on the date the EAD expires and continues for up to 180 days unless the renewal application is denied. An automatic EAD extension depends on these requirements: <ol style="list-style-type: none"> 1. The employee must have timely filed an application to renew their EAD before it expires (except certain employees granted Temporary Protected Status (TPS)), and the application remains pending; 2. The eligibility category on the face of the EAD is the same eligibility category code on the Form I-797C, Notice of Action, the employee received from USCIS indicating USCIS's receipt of their renewal application (except employees with TPS who may have a C19/A12 combination); and 3. The eligibility category is listed on uscis.gov as eligible for EAD automatic extensions. As of the date of publication of this M-274, Handbook for Employers, eligibility categories codes for a 180-day automatic extension are A03, A05, A07, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31 and A12 or C19. The employee's expired EAD in combination

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		<p>with the Form I-797C Notice of Action showing that the EAD renewal application was timely filed and showing the same qualifying eligibility category as that on the expired EAD is an acceptable document for Form I-9. This document combination is considered an unexpired Employment Authorization Document (Form I-766) under List A.</p> <p>To find the eligibility category code on your employee’s employment authorization document, see Figure 7 below:</p>
<p>Part Two, Page 14</p>		<p>* New Figure</p> <p>Figure 7: Auto-Extended Employment Authorization Documents: Finding the Category Notation and Expiration Date on an EAD</p> <p>The category notation appears on the face of the Employment Authorization Document (Form I-766) under “Category.”</p> <p>The expiration date appears on the face of the Employment Authorization Document (I-766) to the right of “Card Expires.”</p>
<p>Part Two, Page 15</p>		<p>*New Figure Continues</p> <p>Finding the Auto-Extended EAD Expiration Date on the I-797C: Sample 1</p> <p>The receipt number appears on the face of the I-797C Notice of Action in the “Receipt Number” field.</p> <p>The filing date is the date USCIS received the application and appears in the “Received Date” field. This date should be on or before the expiration date on the face of the Employment Authorization Document.</p> <p>The category code may appear on the face of the I-797C Notice of Action in the “Class Requested” field. If you do not see this field, see Sample 2 below.</p>
<p>Part Two, Page 15</p>		<p>Finding the Auto-Extended EAD Expiration Date on the I-797C: Sample 2</p> <p>The receipt number appears on the face of the I-797C Notice of Action in the “Receipt Number” field.</p> <p>The filing date is the date USCIS received the application and appears in the “Received</p>

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		<p>Date” field. This date should be on or before the expiration date on the face of the Employment Authorization Document.</p> <p>The category code may appear on the face of the I-797C Notice of Action in the “Eligible Category” field. If you do not see this field, see Sample 1 above.</p>
<p>Part Two, Page 16</p>		<p><i>Automatic EAD Extensions for TPS Beneficiaries</i></p> <p>Beneficiaries of TPS may present an Employment Authorization Document (Form I-766) that is expired on its face with a C19 eligibility code but a Form I-797C Notice of Action indicating the eligibility category code A12. Therefore, just for TPS beneficiaries, the eligibility category codes do not need to be the same, but can be either C19 or A12.</p> <p>TPS beneficiaries may receive an automatic extension of their Employment Authorization Document (Form I-766) if they file their renewal application in accordance with the applicable <i>Federal Register</i> notice regarding procedures for renewing TPS-related employment documentation, which may or may not require that the application be filed prior to the expiration of the Employment Authorization Document (Form I-766). TPS beneficiaries have other ways to receive an automatic extension of their EAD. In many circumstances, their EAD may be automatically extended under a notice published in the <i>Federal Register</i> based on an extension of the TPS country designation. In these instances, DHS will inform the public in the <i>Federal Register</i> notice that TPS status and employment authorization for TPS beneficiaries are being extended. You may not require employees to prove they are a national of a country that has been designated for TPS.</p>
<p>Part Two, Page 16</p>		<p><i>Guidance on Completing Form I-9</i></p> <p>For a current employee, update Section 2 of Form I-9 with the new expiration date as follows:</p> <ol style="list-style-type: none"> 1. Draw a line through the old expiration date and write the new expiration date in

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		<p>the margin of Section 2;</p> <ol style="list-style-type: none"> 2. Write EAD EXT in Section 2; 3. Initial and date the correction. <p>The new expiration date to enter is the date 180 days from the date the card expires, which is the date on the face of the expired EAD. Employees whose employment authorization was automatically extended along with their EAD (such as adjustment of status applicants, but not asylees who are employment authorized incident to status) should cross out the “employment authorized until” date in Section 1, write the date that is 180 days from the date their current EAD expires, and initial and date the change. New employees may present the expired EAD and Form I-797C Notice of Action indicating USCIS’s receipt of the employee’s timely filed renewal application. When completing Section 1, the employee should enter the date that is 180 days from the “card expires” date of their expired EAD in the “employment authorized until mm/ dd/yyyy” field.</p> <p>When completing Section 2, the employer should enter into the Expiration Date field the date the automatic extension period expires, not the expiration date on the face of the expired EAD. The automatic extension expiration date is the date 180 days from the “card expires” date on the EAD. Note that this expiration date may be cut short if the employee’s renewal application is denied before the 180-day period expires. The employer should enter the receipt number from the I-797C Notice of Action as the document number on Form I-9.</p>
<p>Part Two Page 16</p>		<p><i>Reverification</i> Reverification is required when the employee’s automatic extension ends, no later than 180-days after the expiration date of the Employment Authorization Document (Form I-766). Reverification can also be done before the end of the 180-day extended time period, upon receipt of any document that shows current employment authorization, such as any document from List A or List C.</p>
<p>Part Two, Page 16</p>	<p>You may use Section 3 of Form I-9, or, if Section 3 has already been used for a previous reverification or update, use a new</p>	<p>You may use Section 3 of Form I-9, or if Section 3 has already been used for a previous reverification or update, then use</p>

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	<p>Form I-9. If you use a new Form I-9, enter the employee’s name in the space provided at the top of Section 2, complete Section 3, and retain only the second page of the new Form I-9 with the original. The employee must present a document that shows current employment authorization, e.g., any document from List A or List C, including an unrestricted Social Security card. If the employee cannot provide you with proof of current employment authorization, you cannot continue to employ that person.</p>	<p>Section 3 of a new Form I-9. If you complete Form I-9 on paper, you must:</p> <ol style="list-style-type: none"> 1. Enter the last name, first name and middle initial from the original Form I-9 at the top of Section 2 leaving the Citizenship/Immigration Status field blank (only for those using Section 3 of a new form); 2. Complete Section 3; 3. Keep only the second page of the new Form I-9 with the original. <p>When completing the Form I-9 using a computer, you must enter the last name, first name and middle initial from the original Form I-9 at the top of Section 3.</p> <p>When you complete Section 3 on a computer and print, Sections 2 and 3 will appear on the same page. The employee must present a document that shows current employment authorization such as any document from List A or List C, including an unrestricted Social Security card. You cannot continue to employ an employee who cannot provide you with proof of current employment authorization.</p>
<p>Part Two, Page 17</p>		<p>MRIVs are usually issued with the following language on the visa: “UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR.” The one year time period begins on the date of admission. If, in the rare instance, an immigrant visa is issued without the statement “FOR 1 YEAR,” employers should treat the MRIV as evidence of permanent residence status for one year from the date of admission.</p> <p>If the stamp in the passport is endorsed “CR-1” and is near but not on the immigrant visa, it is still a valid endorsement.</p>
<p>Part Two, Page 18</p>	<p>However, you may not accept Form I-797 that acknowledges receipt of an application for an initial Form I-551. Receipts showing an application for a new document are acceptable only if the original document has been lost, stolen, or damaged.</p>	
<p>Part Two, Page 18</p>		<p>Native Americans</p> <p>A Native American tribal document establishes both identity and employment</p>

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		<p>authorization on Form I-9. If an employee presents a Native American tribal document, you do not need any other documents from the employee to complete Section 2. To be acceptable for Form I-9 purposes, a Native American tribal document must be issued by a tribe recognized by the U.S. federal government. Members of federally recognized tribes who are LPRs, aliens authorized to work, and noncitizen nationals may have a Native American tribal document issued by such tribes. Because federal recognition of tribes can change over time, you may check the Bureau of Indian Affairs website at bia.gov to determine if the tribe is federally recognized.</p> <p>The following documents are not considered Native American tribal documents for Form I-9 purposes and cannot be used for either List B or List C:</p> <ul style="list-style-type: none"> • A tribal membership document issued by a Canadian First Nation such as a Canadian Indian tribe, rather than a U.S. Indian tribe, including a U.S. Indian tribe that grants membership and issues tribal membership documents to Canadian nationals • A Certificate of Indian Status (commonly referred to as an “INAC card”) issued by Aboriginal Affairs and Northern Development Canada (formerly known as Indian and Northern Affairs Canada, or “INAC”) <p>While individuals who possess such documents might possibly qualify for employment authorization under INA § 289 (and, if applicable, 8 CFR § 289.2), their tribal membership cards issued by a Canadian First Nation, or INAC cards issued by the Government of Canada, cannot, by themselves, establish work authorization.</p> <p>For E-Verify Employers: Section 403 of the E-Verify authorizing statute requires that all List B documents must contain a photograph. This includes Native American tribal documents presented as a List B document. If the employee’s Native American tribal document does not contain a photograph, you should request the employee provide a List B document with a</p>

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		<p>photograph. The Native American tribal document is acceptable as the employee's List C document. Your employee may also choose to provide a List A document in place of a List B and List C document.</p>
<p>Part Two, Page 18</p>		<p>In addition, refugees and asylees may present an expired EAD with Form I-797C Notice of Action from USCIS for Form I-765, Application for Employment Authorization if Form I-797C lists the same employment authorization category as the expired EAD. This combination is considered an unexpired employment authorization and identity document (List A) and is valid for up to 180 days after the "card expires" date on the face of the EAD.</p> <p><i>See Automatic Extensions of Employment Authorization Document in Certain Circumstances</i> for more information about eligible categories and Form I-9 completion instructions for an employee who is a beneficiary of an employment authorization document auto-extension.</p>
<p>N/A (deletion)</p>	<p>Temporary Protected Status (TPS)</p> <p>Temporary Protected Status (TPS) is a temporary immigration benefit that allows qualified individuals from designated countries (or parts of those countries) who are in the United States to stay here for a limited time period. As a TPS beneficiary, an employee may choose to present an Employment Authorization Document (Form I-766) to demonstrate employment authorization or any other applicable document or combination of documents (IMAGE DELETED – OLD EAD) listed on Form I-9 as proof of identity and employment authorization. TPS-related Employment Authorization Documents (Forms I-766) contain an expiration date on their face, but a TPS beneficiary may continue to work after the expiration date if DHS has temporarily extended the validity date of the Employment Authorization Document (Form I-766) through an appropriate notice published in the Federal Register. When DHS extends a specific TPS country designation, it sometimes issues a Federal Register notice containing a temporary blanket automatic extension of expiring Employment Authorization</p>	

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	<p>Documents (Forms I-766) for TPS beneficiaries from that country to allow time for USCIS to issue new Employment Authorization Documents (Forms I-766) bearing updated validity dates. The USCIS website and Federal Register will note if Employment Authorization Documents (Forms I-766) have been automatically extended for TPS beneficiaries from the particular country and to what date. The automatic extension is typically for six months, but the time period can vary. TPS beneficiaries must re-register and, if they request, obtain new Employment Authorization Documents (Forms I-766) before the automatic extension expires. You may accept an expired Employment Authorization Document (Form I-766) that has been auto-extended to complete the Form I-9, provided the following information appears on the card as shown in the box at the top of the page. Employers should enter the document name, number, and expiration date in Section 2 under List A, noting the end of the auto-extension period. If an existing employee’s EAD has been extended, draw a line through the expiration date for the EAD entered in Section 2; write the new date to which the EAD has been extended above the previous date; write “EAD Ext .” in the margin of Section 2 and initial and date the correction . You may not request that an employee provide proof that he or she is a national of a country that has been designated for TPS. If your employee presents an Employment Authorization Document (Form I-766), you must accept it if it reasonably appears on its face to be genuine and to relate to the employee presenting it. When the automatic extension of the Employment Authorization Document (Form I-766) expires, you must reverify the employee’s employment authorization by entering the document name, number and expiration date in Section 3 of Form I-9 or a new Form I-9, if necessary. The TPS beneficiary may choose to present an unexpired Employment Authorization Document (Form I-766) with an updated expiration date or any other document from List A or C of Form I-9 establishing that he or she continues to be authorized to work in the United States. If the employee presents a</p>	

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	<p>renewed Employment Authorization Document (Form I-766), it will bear the notation “A-12” or “C-19” on the face of the card under “Category,” and is acceptable under List A as evidence of both identity and employment authorization .</p>	
<p>Part Two, Page 19</p>		<p>Refugees may also present an expired EAD in combination with an I-797C Notice of Action from USCIS indicating timely filing of the renewal application for an EAD (provided the I-797C indicates the same employment authorization category as the expired employment authorization document). This combination is considered an unexpired employment authorization and identity document (List A) and is valid for up to 180 days after the “card expires” date on the face of the EAD.</p> <p>See <i>Automatic Extensions of Employment Authorization Document in Certain Circumstances</i> for more information about eligible categories and Form I-9 completion instructions for an employee who is a beneficiary of a 180-day employment authorization document auto-extension.</p>
<p>Part Two, Page 19</p>		<p>Asylees may also present an expired Employment Authorization Document (Form I-766) in combination with an I-797C Notice of Action from USCIS indicating timely filing of the renewal application for an EAD (provided the I-797C lists the same employment authorization category as the expired EAD). This combination is considered an unexpired employment authorization and identity document (List A) and is valid for up to 180 days after the ‘card expires’ date on the face of the EAD.</p> <p>See <i>Automatic Extensions of Employment Authorization Document in Certain Circumstances</i> for more information about eligible categories and Form I-9 completion instructions for employees who are beneficiaries of an employment authorization document auto-extension.</p>
<p>Part Two, Page 20</p>	<p>USCIS does not issue Employment Authorization Documents (Forms I-766) to J-1 exchange visitors. However, they are issued several other documents that, when presented in combination, are acceptable under List A of Form I-9: unexpired foreign passport, Form I-94/Form I-94A and Form</p>	<p>USICS does not issue EADs (Employment Authorization Documents, Forms I-766) to J-1 exchange visitors. However, they are issued several other documents that, in combination are List A documents and are evidence of employment authorization for J-1 exchange visitors who are not students:</p>

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	<p>DS-2019. If the employee presents this combination of documents when completing Form I-9, ensure that he or she enters his or her admission number from Form I-94/ I-94A in Section 1 . You should enter in Section 2 (or Section 3 if reverifying) under List A the exchange visitor’s:</p> <ul style="list-style-type: none"> • Unexpired foreign passport number, issuing authority, and passport expiration date, • 11-digit Form I-94/Form I-94A number and its expiration date (including duration of status, which is indicated on the card as “D/S”), and the • Form DS-2019 number (SEVIS number) and expiration date of employment authorization listed on the form. 	<p>Unexpired foreign passport; Form I-94/Form I-94A Arrival Departure Record indicating J-1 non-immigrant status; and Form DS-2019 with the responsible officer’s endorsement.</p> <p>J-1 students may present the documents above if they also have a letter from the responsible officer authorizing employment. Or List B and List C documents. For example, the J-1 student could present a List B document (such as a state driver’s license) and under List C #8, a Form I-94 in combination with Form DS-2019 and a letter from a responsible officer. The documents by themselves do not qualify.</p>
<p>Part Two, Page 21</p>	<p>On-campus employment does not require designated school official or DHS approval but is limited to 20 hours a week when school is in session. On-campus employment must be performed on the school’s premises (including on-location commercial firms that provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location that is educationally affiliated with the school. Employment with on-site commercial firms, such as a construction company that builds a school building, is not deemed on-campus employment if it does not provide direct student services. For more information about on-campus employment, you should contact the Student and Exchange Visitor Program (SEVP) at www.ice.gov. The F-1 student’s unexpired foreign passport in combination with his or her Form I-94/Form I-94A indicating F-1 nonimmigrant status would qualify as a List A document for Form I-9 purposes.</p>	<p>Foreign students in F-1 nonimmigrant status may work on campus without the approval of a DSO or USCIS.</p> <p>On-campus employment is authorized until the student completes their course of study. The F-1 nonimmigrant admission notation on Form I-94/I-94A Arrival Departure Record usually states “D/S” indicating duration of status. The F-1 student’s Form I-20 bears the latest date they can complete their studies. Enter this date in Section 1 as the date employment authorization expires.</p> <p>To complete Section 2, the combination of the F-1 student’s unexpired foreign passport and Form I-94/94A Arrival Departure Record indicating F-1 nonimmigrant status is a List A document for on-campus employment. Employers are not required to record information from the student’s Form I-20 in Section 2.</p> <p>Foreign students in F-1 nonimmigrant status may work:</p> <ul style="list-style-type: none"> • On the school’s premises, including on-location commercial firms that provide services for students on campus, such as the school bookstore or cafeteria • At an off-campus location that is educationally affiliated with the school. <p>Employment that does not provide direct</p>

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		<p>services to students is not on-campus employment. For example, an on-campus commercial firm, such as a construction company that builds a school building, does not provide direct student services. Guidelines for on-campus employment are available at ice.gov/sevis/employment.</p> <p>On-campus employment is limited to 20 hours a week when school is in session. An exception to this limitation applies in cases of emergent circumstances announced by DHS in a notice published in the Federal Register.</p>
<p>Part Two, Page 22</p>	<p>The following documents establish the student’s identity and employment authorization for Form I-9 purposes and should be entered in Section 2 under List A of Form I-9:</p> <ul style="list-style-type: none"> • The student’s foreign passport; • Form I-20 with the designated school official’s endorsement for employment on page 3; and • A valid Form I-94/Form I-94A indicating F-1 nonimmigrant status. Ensure that the student enters his or her admission number from Form I-94/Form I-94A in Section 1. <p>For the other types of employment available to eligible foreign students, employment authorization must be granted by USCIS, and will be evidenced by an Employment Authorization Document (Form I-766) issued by USCIS.</p>	<p>The following documents establish the student’s identity and employment authorization for Form I-9 purposes and should be entered in Section 2:</p> <p>List A documents include the combination of:</p> <ul style="list-style-type: none"> • Unexpired foreign passport; • Form I-20 with the DSO endorsement for employment; and • Form I-94/Form I-94A indicating F-1 nonimmigrant status. <p>Or</p> <p>List B and List C documents. The F-1 student could present a List B document (such as a state driver’s license) and under List C #8, Form I-94 indicating F-1 nonimmigrant status with a properly endorsed Form I-20. The documents by themselves do not qualify.</p> <p>An acceptable Form I-20 for CPT must have all employment authorization fields completed. These fields include employment status, employment type, start and end date of employment, and the employer’s name and location.</p> <p>For the other types of employment available to certain foreign students, such as optional practical training (OPT) employment authorization, STEM (Science, Technology, Engineering, and Mathematics) OPT extension, or off-campus employment based on severe economic hardship, employment authorization must be granted by USCIS and will be evidenced by an EAD issued by USCIS.</p>

Page # (New)	Previous Text (Rev. 04/30/13) N	New Text (Rev. 01/22/17)
N/A (Deletion)	Figure 7: Completing Section 1 of Form I-9 for Students in Curricular Practical Training	Figure and accompanying text deleted
N/A (Deletion)	Figure 8: Completing Section 2 of Form I-9 for Students in Curricular Practical Training	Figure and accompanying text deleted
N/A (Deletion)	Figure 9: Completing Section 1 of Form I-9 for F-1 Nonimmigrant Students with OPT	Figure and accompanying text deleted
N/A (Deletion)	Figure 10: Completing Section 2 of Form I-9 for F-1 Nonimmigrant Students with OPT	Figure and accompanying text deleted
<p>Part Two, Page 22-23</p>	<p>If the student’s Employment Authorization Document (Form I-766) expires while his or her STEM extension application is pending, he or she is authorized to work until USCIS makes a decision on his or her application, but not more than 180 days from the date the student’s initial OPT Employment Authorization Document (Form I-766) expires.</p> <p>The student’s expired Employment Authorization Document (Form I-766), together with his or her Form I-20 endorsed by the designated school official recommending the STEM extension are acceptable proof of identity and employment authorization for Form I-9 purposes. Enter these documents in Section 2 under List A of Form I-9. You should reverify employment authorization no later than 180 days from the expiration date of the previous Employment Authorization Document (Form I-766).</p>	<p>The EAD issued to the F-1 STEM OPT student states “STU: STEM OPT ONLY.” The following documents establish a student’s identity and employment authorization for Form I-9:</p> <ul style="list-style-type: none"> • Unexpired EAD or • For certain instances where students have timely-filed Forms I-765 pending, an expired EAD presented with Form I-20 endorsed by the student’s designated school official recommending a STEM extension. <p>If the student presents an expired EAD and an endorsed Form I-20 recommending a STEM extension, the employer should enter the following information under List A in Section 2:</p> <ul style="list-style-type: none"> • EAD document title; • EAD document number; • Date the EAD expired in the expiration date space; and “180-day ext.” in the Additional Information field. <p>The expired EAD with an endorsed Form I-20 is acceptable until USCIS makes a decision on the student’s application, but for not more than 180 days from the date the student’s initial OPT EAD expires. Employment authorization must be reverified after 180 days from the date the EAD expires to continue employment.</p> <p>Acceptable Forms I-20 for STEM OPT students must have all Employment Authorization fields completed. These fields include: employment status, employment type, start and end date of employment, and the employer’s name and location.</p>

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		<p>Employers have specific responsibilities when providing practical training opportunities to STEM OPT students. Some employer responsibilities include:</p> <ul style="list-style-type: none"> • Enrolling in E-Verify and remaining in good standing before employing an F-1 STEM OPT student. • Implementing a formal training plan to augment the student’s academic learning through practical experience. • Completing the employer’s portion and certifying Form I-983, Training Plan for STEM OPT Students. • Reporting to the DSO and updating Form I-983 if there are any changes to or material deviations from the student’s formal training plan. • Reporting to the DSO when a student’s employment is terminated for any reason before the end of the authorized extension period. <p>Additional employer requirements and information on an employer’s responsibilities are available at studyinthestates.dhs.gov.</p>
<p>Part Two, Page 24</p>		<p>The following documents establish identity and employment authorization for Form I-9 purposes for students who have had their status and employment authorization extended through cap-gap:</p> <ul style="list-style-type: none"> • Expired EAD; and, • Form I-20 endorsed by the student’s DSO recommending the cap-gap extension. <p>These documents are acceptable through September 30 of the year in which the employer filed the H-1B petition unless the H-1B petition is rejected, not selected, denied, revoked or withdrawn before October 1.</p> <p>To verify employment authorization in Section 2 or conduct reverification in Section 3 during the cap-gap period, the employer should record:</p> <ul style="list-style-type: none"> • EAD document title; • EAD document number; • Date the EAD expired in the expiration date space; and “CAP-GAP” in the Additional

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		Information field.
<p>Part Two, Page 24</p>	<p>H-1B employees changing employers (porting) Under the American Competitiveness Act in the Twenty-First Century (AC-21), an H-1B employee who is changing employers within the H-1B program may begin working for you as soon as you file a Form I-129 petition on his or her behalf. To qualify for AC-21 benefits, the new petition must not be frivolous and must have been filed prior to the expiration of the individual’s period of authorized stay. You must complete a new Form I-9 for this newly hired employee. An H-1B employee’s Form I-94/Form I-94A issued for employment with the previous employer, along with his or her foreign passport, would qualify as a List A document. You should write “AC-21” and enter the date you submitted Form I-129 to USCIS in the margin of Form I-9 next to Section 2. See Completing Form I-9 for Nonimmigrant Categories when Requesting Extensions of Stay below. For more information about employing H-1B workers, please visit www.uscis.gov.</p>	<p>H-1B employees changing employers (porting) An H-1B employee who is changing H-1B employers may begin working for the new employer as soon as the employer files a Form I-129 petition on behalf of the employee. The new petition must not be frivolous and must have been filed prior to the expiration of the individual’s period of authorized stay. The new employer must complete a new Form I-9 for this newly hired employee. An H-1B employee’s Form I-94/Form I-94A issued for employment with the previous employer, along with their foreign passport, would qualify as a List A document. The new employer should write “AC-21” and enter the date Form I-129 was submitted to USCIS in the Additional Information field in Section 2.</p> <p><i>See Completing Form I-9 for Nonimmigrant Categories When Requesting Extensions of Stay below.</i></p> <p>For more information about employing H-1B workers, please visit uscis.gov.</p> <p>Please go to uscis.gov/files/form/i-129instr.pdf for further instructions on filing extensions of stay.</p>
<p>Part Two, Page 25</p>	<p>You should write “120-Day Ext.” and enter the date you submitted Form I-129 to USCIS in the margin of Form I-9 next to Section 2.</p>	<p>You should write “120-Day Ext.” and enter the date you submitted Form I-129 to USCIS in the Additional Information box in Section 2.</p>
<p>Part Two, Page 26</p>	<p>You should write “240-day Ext.” and the date you submitted Form I-129 to USCIS in the margin of Form I-9 next to Section 2.</p> <p>Other categories include: E-1, E-2, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, R-1 and TN (per 8 CFR 274a .12 (b) (20)). Note that individuals in the E-1 and E-2 categories are employers.</p>	<p>On these employees’ Form I-9, write “240-day Ext.” and the date Form I-129 was submitted to USCIS in the Additional Information box in Section 2. Also your employee may update Section 1 by crossing out the expiration date of their employment authorization noted in the attestation. Write in the new date that the automatic extension of employment authorization ends. Initial and date this update in the margin of Section 1.</p> <p>Other categories include: CW-1 H-1B, H-1B1, H-2A, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, R-1, TN, A3, E-1, E-2, E-3, G-5, and I. Note that individuals in the E-1 and E-2 categories are employers.</p>

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<p>Part Two, Page 26</p>	<p>After submitting Form I-129 to USCIS, you will receive a notice from USCIS acknowledging that your petition is pending, which you should retain with the employee's Form I-9.</p> <p>If USCIS approves the application/petition for an extension of stay, you will receive a Form I-797(A), which includes an expiration date and an attached Form I-94A, Arrival/Departure Record. Enter the document title, number and expiration date listed on the notice in Section 3 of Form I-9. You must give your employee the Form I-94A, which is evidence of his or her employment-authorized nonimmigrant status.</p>	<p>After submitting Form I-129 or Form I-129CW to USCIS, you will receive a notice from USCIS acknowledging that your petition is pending; you should keep it with the employee's Form I-9. After you receive the I-797C, Notice of Action, which bears the amount of the filing fee submitted and acknowledges USCIS' receipt of the new Form I-129 petition, it is not necessary to maintain a copy of the Form I-129 application, proof of payment, and mailing receipt for Form I-9 purposes. You should retain the I-797C, Notice of Action to show that you filed for an extension of stay on the employee's behalf.</p> <p>If USCIS approves the application/petition for an extension of stay, you will receive a Form I-797A, Notice of Action which includes an expiration date and an attached Form I-94A, Arrival/Departure Record. Enter the document title, number and expiration date listed on the notice in Section 3 of Form I-9. You must give your employee the Form I-94A, which is evidence of their employment-authorized nonimmigrant status.</p>
<p>Part Two, Page 26-27</p>		<p>Automatic Extensions of EADs in Certain Circumstances</p> <p>DHS regulations provide for up to 180-day automatic extension of employment authorization of certain Form I-766, Employment Authorization Documents (EADs) for some individuals who have timely filed a renewal of their EADs. For qualifying individuals except TPS beneficiaries, timely filed means prior to the expiration of their most recent EAD. For TPS beneficiaries, timely filed means filing as instructed by the Federal Register notice announcing the TPS registration procedures. The TPS automatic extension will terminate early if USCIS denies the renewal application before the 180th day is reached. DHS has determined that 15 employment eligible categories can receive automatic renewal of their EADs. The following are the eligible category codes which can be found on the face of the expired EAD: A03, A05, A07, A08, A10, A12 or C19, C08, C09, C10, C16, C20, C22, C24, C31. For an updated list, visit uscis.gov. See Figure 7 for more information.</p>

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		<p>Documentation for Form I-9</p> <p>The combination of an expired EAD noting a qualifying eligibility code, in combination with a Form I-797C, Notice of Action acknowledging receipt of an EAD renewal application and noting an eligibility category code that matches the expired EAD constitutes an unexpired EAD (Form I-766) under List A of Form I-9, so long as Form I-797C indicates that the renewal application was filed before the previous EAD expired. However, for TPS beneficiaries, the codes will be A-12 or C-19, but do not have to match, and the employer can consider the renewal application as timely filed if it was filed by the dates stated in the current TPS Federal Register notice applicable for the individual's country.</p> <p>Therefore, when the expiration date on the automatically extended EAD is reached, the employer and the employee should update expiration dates stated on the previously completed Form I-9 (Sections 1 and 2 or 3) to reflect the extended expiration date while the renewal application is pending. Cross out the dates and write the last date of the automatic extension period and initial the correction. Note that the employee must make and initial the correction if one is necessary in Section 1, while the employer must make and initial the correction in Section 2 or 3. If the automatically extended EAD is being presented by the individual to a new employer, then the expiration dates to be entered on Form I-9 should be the last date of the automatic extension. If the employer is retaining copies of documents with Form I-9, then both the expired EAD and the Form I-797 should be retained. At the end of the expiration date, you must reverify by updating Section 3. See Figure 7 for more information.</p> <p>Failure of an Employee to Present Acceptable Documents</p> <p>You may terminate an employee who fails to produce an acceptable document or documents, or an acceptable receipt for a document within three business days of the date employment begins. Employers that fail to properly complete Form I-9 risk violating section 274A of the INA and are subject to</p>

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Part Two, Page 27		<p>civil money penalties.</p> <p>Note: If you need to reverify the employment authorization of an existing employee who completed an earlier version of Form I-9, the employee must provide any document(s) they choose from the Lists of Acceptable Documents for the most current versions of the Form I-9. Enter the new document(s) in Section 3 of the current version of Form I-9 and keep it with the previously completed Form I-9. Visit I-9 Central at uscis.gov/i-9-central for the most current version of the Form I-9.</p>
Part Two, Page 28	<p>Inspect the previously completed Form I-9 and:</p> <ol style="list-style-type: none"> 1. If the employee’s previously completed Form I-9 indicates that the individual is still eligible to work, you are not required to complete a new Form I-9 but may rely on the previously completed Form I-9 to meet the verification requirements for this employee. You must update the previously completed Form I-9 in Block B in Section 3 with the date of rehire. OR 2. If you determine that the employee’s employment authorization has expired, you must reverify employment authorization in Block C of Section 3 of the previously completed Form I-9, or use page 2 of a new Form I-9 if Section 3 has already been used 	<p>If you choose to rely on a previously completed Form I-9, follow these guidelines:</p> <ul style="list-style-type: none"> • If the employee remains employment authorized as indicated on the previous Form I-9, the employee does not need to provide any additional documentation. In Section 3, provide the employee’s rehire date, any name changes, and sign and date the form. • If the previous Form I-9 indicates that the employee’s employment authorization has expired, you must reverify employment authorization in Section 3 in addition to providing the rehire date. If the previously executed Form I-9 is not the current version of the form, you must complete Section 3 on the current version of the form. • If you already used Section 3 of the employee’s previously completed Form I-9, but are rehiring the employee within three years of the original execution of Form I-9, you may complete Section 3 on a new Form I-9 and attach it to the previously completed form. <p>Employees rehired after three years of the original completion of the Form I-9 must complete a new Form I-9.</p>
Part Two, Page 28	<p>* Old Figure Figure 11: Completing Section 3: Reverification and Rehires</p>	<p>* Updated Figure Figure 8: Completing Section 3: Reverification and Rehires</p>
Part Two, Page 29		<p>Employers who have acquired or merged with another company have two options:</p> <p>Option A: Treat all acquired employees as</p>

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		<p>new hires and complete a new Form I-9 for every individual. Enter the effective date of acquisition or merger as the employee's first day of employment in Section 2 of the new Form I-9.</p> <p>If you choose Option A, avoid engaging in discrimination by completing a new Form I-9 for all of your acquired employees, without regard to actual or perceived citizenship status or national origin.</p> <p>Option B: Treat all acquired individuals as employees who are continuing in their uninterrupted employment status and retain the previous owner's Form I-9 for each acquired employee. Note that you are liable for any errors or omissions on the previously completed Form I-9.</p> <p>Employees hired on or before Nov. 6, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times are exempt from completing Form I-9 and cannot be verified in E-Verify. For help with making this determination, see 8 CFR 274a.2(b)(1)(viii) and 8 CFR 274a.7. If you determine that an employee hired on or before Nov. 6, 1986 is not continuing in their employment or does not have a reasonable expectation of employment at all times, the employee may be required to complete a Form I-9.</p> <p>Federal contractors with the FAR E-Verify clause are subject to special rules regarding the verification of existing employees. For more information, see the E-Verify Supplemental Guide for Federal Contractors at uscis.gov/e-verify.</p>
<p>Part Two, Page 30</p>		<p>Special Rules for State Employment Agencies</p> <p>A state employment agency, sometimes known as a state workforce agency, may choose to verify the employment authorization and identity of an individual it refers for employment on Form I-9. In such a case, the agency must issue a certification to you so that you receive it within 21 business days of the date the referred individual is hired. If an agency refers a potential employee to you with a job order, other</p>

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		<p>appropriate referral form or telephonically authorized referral, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. Before receiving the certification, you should retain the job order, referral form or annotation reflecting the telephonically authorized referral as you would Form I-9. When you receive the certification, you must review it to ensure that it relates to the person hired and observe the person sign the certification. You must also retain the certification as you would a Form I-9 and make it available for inspection, if requested. Check with your state employment agency to see if it provides this service and become familiar with its certification document.</p>
<p>Part Two, Page 30</p>		<p>Correcting Form I-9</p> <p>If the employer, recruiter, or referrer for a fee (“employer”) discovers an error in Section 1 of an employee’s Form I-9, the employer should bring itself into compliance immediately and ask the employee to correct the error. Employers and/or their authorized representative may only correct errors made in Section 2 or Section 3 of Form I-9.</p> <p>The correct the form:</p> <ul style="list-style-type: none"> • Draw a line through the incorrect information; • Enter the correct information; • Initial and date the correction. <p>Correcting Section 1</p> <p>If the employer and/or their authorized representative discover information has been omitted in Section 1, the employer should ask the employee to enter the missing information. If the employee is remotely located, the employer should develop the appropriate business process to allow the employee to enter the missing information in Section 1.</p> <p>When correcting Section 1, the employee should:</p> <ul style="list-style-type: none"> • Enter the omitted information; • Initial and date near the newly entered information. <p>The employer should attach a written</p>

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		<p>explanation of what happened. If the employee’s employment has terminated, the employer should attach a written explanation to the Form I-9 explaining the error and place in the employee’s file.</p>
<p>Part Two, Page 31</p>		<p>Corrections by a Preparer/Translator Assisting with Section 1</p> <p>Upon discovering an error, the preparer and/or translator should:</p> <ul style="list-style-type: none"> • Make the correction or help the employee make the correction by drawing a line through the incorrect information and entering the correct information; • Have the employee initial and date the correction; • Initial and date the correction if the preparer/ translator makes the correction. <p>If the preparer and/or translator who helps with the correction completed the Preparer and/or Translator Certification block when the employee initially completed Form I-9, they should not complete the certification block again. If the preparer and/or translator did not previously complete the preparer and/or translator certification block, they should</p> <ul style="list-style-type: none"> • Complete the certification block; or • If the certification block was previously completed by a different preparer and/or translator, complete a new certification block.
<p>Part Two, Page 31</p>		<p>Correcting Section 2 and Section 3</p> <p>If the employer and/or their authorized representative discover information has been omitted in Section 2 or 3, the employer should enter the omitted information to the extent possible and initial and date in the same area. Also, it would be helpful to attach a written explanation of what happened to the Form I-9. If an employer failed to enter the date Section 2 and/or 3 was completed, the form should not be back dated. The employer should enter the current date and initial by the date field.</p> <p>To correct multiple recording errors on the form, you may redo the section on a new</p>

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		<p>Form I-9 and attach it to the old form. A new Form I-9 can be completed if major errors (such as entire sections were left blank or Section 2 was completed based on unacceptable documents) need to be corrected. A note should be attached to the employee's Form I-9 regarding the reason changes were made to an existing Form I-9 or a new Form I-9 was completed. Do NOT conceal any changes made on the form. Doing so may lead to increased liability under federal immigration law. If you have made changes on a Form I-9 using correction fluid, we recommend you attach a signed and dated note to the corrected Form I-9 explaining what happened. You can find guidance on making corrections to Form I-9 at uscis.gov/i-9-central.</p>
Part Three, Page 32		<p>NOTE: Insufficient or incomplete documentation is a violation of section 274A (a)(1)(B) of the INA (8 CFR Part 274a .2(f)(2)).</p>
Part Three, Page 34	<p>If copies or electronic images of the employee's documents are made, they must either be retained with Form I-9 or stored with the employee's records.</p>	<p>If you make copies or electronic images of the employee's documents, they must be either retained with the corresponding Form I-9 or stored with the employee's records in accordance with the standards for electronic records retention as specified in 8 CFR 274a.2(b)(3). However, if copies or electronic images of the employee's documents are made, they must be made available at the time of a Form I-9 inspection by DHS or another federal government agency.</p>
Part Three, Page 35	<p>NOTE: E-Verify employers should provide E-Verify case summaries in addition to Forms I-9 when they receive a request for inspection.</p>	<p>NOTE: E-Verify employers should provide E-Verify Case Detail Pages in addition to Form I-9 when they receive a request for inspection.</p>
Part Four, Page 36		<p>Unlawful Discrimination</p> <p>Discriminating in the Form I-9 and E-Verify verification processes can violate federal law. This section describes prohibited discrimination and how to prevent prohibited discrimination in verifying an individual's employment authorization.</p>
Part Four, Page 36 (and throughout)	Office of Special Counsel (OSC)	Immigrant and Employee Rights Section (IER)
Part Four, Page 36	Document Abuse	Unfair Documentary Practices
Part Four,		IER and EEOC share jurisdiction over

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Page 37		national origin discrimination charges. EEOC investigates national origin discrimination claims against employers with 15 or more employees, and IER investigates national origin discrimination claims against smaller employers with more than three and less than 15 employees.
Part Four, Pages 37-38	<p>You should not:</p> <ol style="list-style-type: none"> 1. Set different employment eligibility verification standards or require that different documents be presented by employees because of their national origin and citizenship status. For example, you cannot demand that non-U.S. citizens present DHS issued documents. Each employee must be allowed to choose the documents that he or she will present from the lists of acceptable Form I-9 documents. For example, both citizens and employment-authorized aliens may present a driver's license (List B) and an unrestricted Social Security card (List C) to establish identity and employment authorization. However, documents that are clearly inconsistent may be rejected. 2. Request to see employment eligibility verification documents before hire and completion of Form I-9 because someone looks or sounds "foreign," or because someone states that he or she is not a U.S. citizen. 3. Refuse to accept a document, or refuse to hire an individual, because a document has a future expiration date. 4. Request that, during reverification, an employee present a new unexpired Employment Authorization Document (Form I-766) if he or she presented one during initial verification. For reverification, each employee must be free to choose to present any document either from List A or from List C. 5. Limit jobs to U.S. citizens unless U.S. citizenship is required for the specific position by law; regulation; executive order; or federal, state, or local government contract. On an individual basis, you may legally prefer a U.S. citizen or noncitizen national over an equally qualified alien to fill a specific position, but you may not adopt a 	<p>You should not:</p> <ol style="list-style-type: none"> 1. Have different rules or requirements for individuals because of their national origin, citizenship, or immigration status. For example, you cannot demand that non- U.S. citizens present DHS-issued documents. Each individual must be allowed to choose the documents that they will present from the lists of acceptable Form I-9 documents. For example, both citizens and employment-authorized individuals may present a driver's license (List B) and an unrestricted Social Security card (List C) to establish identity and employment authorization. However, you must reject documents that do not reasonably appear to be genuine or to relate to the individual presenting them. 2. Request to see employment eligibility verification documents before hire and completion of Form I-9 because an individual looks or sounds "foreign," or because the individual states that they are not a U .S. citizen. 3. Refuse to accept a document, or refuse to hire an individual, because a document has a future expiration date. 4. Request specific documents from individuals to run an E-Verify case or based on an E-Verify tentative nonconfirmation. 5. Request that an individual run a Self Check case and/or present documents showing the individual cleared Self Check. 6. Request that an employee who presented an unexpired Permanent Resident Card present a new document when the Permanent Resident Card expires. 7. Request that, during reverification, an employee present a new unexpired Employment Authorization Document (Form I-766) if they presented one during initial verification. For

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	<p>blanket policy of always preferring citizens over noncitizens.</p>	<p>reverification, each employee must be free to choose to present any document either from List A or from List C.</p> <p>8. Limit jobs to U .S. citizens unless U .S. citizenship is required for the specific position by law; regulation; executive order; or federal, state, or local government contract.</p> <p>Employers Prohibited From Retaliating Against Employees</p> <p>You cannot take retaliatory action against a person who has filed a charge of discrimination with IER or EEOC, was a witness or otherwise participated in the investigation or prosecution of a discrimination complaint, or otherwise asserts rights under the INA’s anti-discrimination provision and/or Title VII. Such retaliatory action may constitute a violation of the INA’s anti-discrimination provision, Title VII, and other federal anti-discrimination law. Retaliation violates federal law.</p>
<p>Part Four, Page 38</p>	<p>If DHS or an administrative law judge determines that you have knowingly hired unauthorized aliens (or are continuing to employ aliens knowing that they are or have become unauthorized to work in the United States), you may be ordered to cease and desist from such activity and pay a civil money penalty as follows:</p> <p>1. First Offense: Not less than \$375 and not more than \$3,200 for each unauthorized alien</p> <p>2. Second offense: Not less than \$3,200 and not more than \$6,500 for each unauthorized alien</p> <p>3. Subsequent Offenses: Not less than \$4,300 and not more than \$16,000 for each unauthorized alien.</p> <p>You will be considered to have knowingly hired an unauthorized alien if, after November 6, 1986, you use a contract, subcontract or exchange, entered into, renegotiated or extended, to obtain the labor of an alien and know the alien is not authorized to work in the United States . You will be subject to the penalties set forth</p>	<p><i>Hiring or Continuing to Employ Unauthorized Aliens</i></p> <p>If DHS or an administrative law judge determines that you have knowingly hired unauthorized aliens (or are continuing to employ aliens knowing that they are or have become unauthorized to work in the United States), you may be ordered to cease and desist from such activity and pay a civil money penalty for each offense.</p> <p>You will be considered to have knowingly hired an unauthorized alien if, after Nov. 6, 1986, you use a contract, subcontract or exchange, entered into, renegotiated or extended, to obtain the labor of an alien and know the alien is not authorized to work in the United States. You will be subject to the penalties above.</p>

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	above.	
Part Four, Pages 38-39	<p><i>Failing to comply with Form I-9 requirements</i></p> <p>If you fail to properly complete, retain, and/or make available for inspection Forms I-9 as required by law, you may face civil money penalties in an amount of not less than \$110 and not more than \$1,100 for each violation. In determining the amount of the penalty, DHS considers:</p> <ol style="list-style-type: none"> 1. The size of the business of the employer being charged, 2. The good faith of the employer, 3. The seriousness of the violation, 4. Whether or not the individual was an unauthorized alien, and 5. The history of previous violations of the employer 	<p><i>Failing to Comply With Form I-9 Requirements</i></p> <p>If you fail to properly complete, retain, and/or make Form I-9 available for inspection as required by law, you may face civil money penalties for each violation. In determining the amount of the penalty, DHS considers:</p> <ol style="list-style-type: none"> 1. The size of the business of the employer being charged; 2. The good faith of the employer; 3. The seriousness of the violation; 4. Whether or not the individual was an unauthorized alien; and 5. The history of previous violations of the employer
Part Four, Page 35	<p><i>Requiring indemnification</i></p> <p>Employers found to have required a bond or indemnity from an employee against liability under the employer sanctions laws may be ordered to pay a civil money penalty of \$1,100 for each violation and to make restitution, either to the person who was required to pay the indemnity, or, if that person cannot be located, to the U.S. Treasury.</p>	<p><i>Requiring Indemnification</i></p> <p>Employers found to have required a bond or indemnity from an employee against liability under the employer sanctions laws may be ordered to pay a civil money penalty for each violation and to make restitution, either to the person who was required to pay the indemnity, or, if that person cannot be located, to the U.S. Treasury.</p>
Part Four, Page 39	<p><i>Criminal Penalties</i></p> <p><i>Engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens</i></p> <p>Persons or entities who are convicted of having engaged in a pattern or practice of knowingly hiring unauthorized aliens (or continuing to employ aliens knowing that they are or have become unauthorized to work in the United States) after November 6, 1986, may face fines of</p>	<p><i>Criminal Penalties</i></p> <p><i>Engaging in a Pattern or Practice of Knowingly Hiring or Continuing to Employ Unauthorized Aliens</i></p> <p>Persons or entities who are convicted of having engaged in a pattern or practice of knowingly hiring unauthorized aliens (or continuing to employ aliens knowing that they are or have become unauthorized to work in the United States) after Nov. 6, 1986, may face fines and/or six months imprisonment.</p>
Part Four, Page 39	<p>Employers who commit citizenship status or national origin discrimination in violation of the anti-discrimination provision of the INA may also be ordered to pay a civil money penalty as follows:</p> <ol style="list-style-type: none"> 1. First Offense: Not less than \$375 and not more than \$3,200 for each individual discriminated against. 2. Second Offense: Not less than \$3,200 and not more than \$6,500 for each individual discriminated against. 3. Subsequent Offenses: Not less than \$4,300 	<p>Employers that violate the anti-discrimination provision of the INA may also be ordered to pay a civil money penalty. For more information on civil penalties, contact IER.</p>

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	and not more than \$16,000 for each individual discriminated against.	
Part Four, Page 40	<p>Individuals found by DHS or an administrative law judge to have violated section 274C of the INA may be ordered to cease and desist from such behavior and to pay a civil money penalty as follows:</p> <p>1. First offense: Not less than \$375 and not more than \$3,200 for each fraudulent document that is the subject of the violation.</p> <p>2. Subsequent offenses: Not less than \$3,200 and not more than \$6,500 for each fraudulent document that is the subject of the violation.</p>	<p>Individuals found by DHS or an administrative law judge to have violated section 274C of the INA may be ordered to cease and desist from such behavior and to pay a civil money penalty.</p> <p>Additional Information</p> <p>For more information relating to discrimination based upon national origin and citizenship or immigration status, and discrimination during the Form I-9 and E-Verify processes, contact IER at 1-800-255-8155 (employer hotline) or 1-800-237-2515 (TTY for the deaf or hard of hearing); or visit their website at justice.gov/ier.</p> <p>For more information on Title VII and EEOC policies and procedures, call 1-800-669-4000, or 1-800-669-6820 (TTY for the deaf or hard of hearing), or visit EEOC's website at eoc.gov.</p>
Part Five, Page 41		<p>Note: "Recruiter or Referrer for a Fee" is limited to agricultural associations, agricultural employers, or farm labor contractors as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act, Public Law 97-470 (29 U.S.C. 1802).</p>
Part Seven (deletion from handbook)	<p>3. 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?</p> <p>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</p>	
Part Seven, Page 43	<p>4. Q. Do I need to fill out Forms I-9 for independent contractors or their employees?</p> <p>A. No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company's employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you may not use a contract, subcontract or</p>	<p>3. Q. Do I need to complete Form I-9 for independent contractors or their employees?</p> <p>A. No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Form I-9 for that company's employees. The construction company is responsible for completing Form I-9 for its own employees. However, you</p>

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	exchange to obtain the labor or services of an employee knowing that the employee is unauthorized to work.	may not use a contract, subcontract or exchange to obtain the labor or services of an employee knowing that the employee is unauthorized to work.
Part Seven, Page 43	<p>5. Q. May I fire an employee who fails to produce the required documents within three business days of his or her start date?</p> <p>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.</p>	<p>4. Q. May I fire an employee who fails to produce the required documents within three business days of their start date?</p> <p>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.</p>
Part Seven, Page 43	<p>6. 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?</p> <p>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.</p>	<p>5. 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?</p> <p>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.</p>
Part Seven, Page 44	<p>7. Q. May I specify which documents I will accept for verification?</p> <p>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 and found in Part Eight of this Handbook that reasonably appear on their face to be genuine and to relate to the person presenting them . 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. For more information relating to discrimination during the Form I-9 process, contact OSC at 1-800-255-8155 (employers) or 1-800-237-2515 (TDD) or visit OSC's website at www.justice.gov/crt/osc.</p> <p>NOTE: An employer participating in E-Verify can only accept a List B document</p>	<p>6. Q. May I specify which documents I will accept for verification?</p> <p>A. No. The employee may choose which document(s) they want 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 and found in Part Eight of this handbook that reasonably appear on their face to be genuine and to relate to the person presenting them. 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. Please see Part Eight of this handbook for more information on acceptable documents.</p> <p>For more information relating to discrimination during the Form I-9 process, contact IER at 1-800-255-8155 (employers) or 1-800-237-2515 (TDD) or visit IER's</p>

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	with a photograph.	<p>website at justice.gov/ier.</p> <p>NOTE: An employer participating in E-Verify can only accept a List B document with a photograph.</p>
Part Seven (deletion from handbook)	<p>8. 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?</p> <p>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.</p>	
Part Seven, Page 44	<p>9. Q. What is my responsibility concerning the authenticity of document(s) presented to me?</p> <p>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.</p>	<p>7. Q. What is my responsibility concerning the authenticity of document(s) presented to me?</p> <p>A. You must physically 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.</p> <p>However, you must provide the employee with an opportunity to present other documents from the Lists of Acceptable Documents.</p>
Part Seven, Page 44	<p>10. Q. My employee has presented a U.S. passport card. Is this an acceptable document?</p> <p>A. Yes. The passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered a "passport" for purposes of Form I-9 and has been included on List A of the Lists of Acceptable Documents on Form I-9.</p>	<p>8. Q. My employee has presented a U.S. passport card. Is this an acceptable document?</p> <p>A. Yes. The passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered a "passport" for purposes of Form I-9 and has been included on List A of the Lists of</p>

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Part Seven, Page 44	<p>11. Q. Why was documentation for citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) added to the Lists of Acceptable Documents on Form I-9?</p> <p>A. Under the Compacts of Free Association between the United States and FSM and RMI, most citizens of FSM and RMI are eligible to reside and work in the United States as nonimmigrants. An amendment to the Compacts eliminated the need for citizens of these two countries to obtain Employment Authorization Documents (Forms I-766) to work in the United States. However, FSM and RMI citizens may also apply for Employment Authorization Documents (Forms I-766) if they wish, or present a combination of List B and List C documents. The List A document specific to FSM and RMI citizens is a valid FSM or RMI passport with a Form I-94/Form I-94A indicating nonimmigrant admission under one of the Compacts.</p>	<p>Acceptable Documents on Form I-9.</p> <p>9. Q. Why was documentation for citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) added to the Lists of Acceptable Documents on Form I-9?</p> <p>A. Under the Compacts of Free Association between the United States and FSM and RMI, most citizens of FSM and RMI are eligible to reside and work in the United States as nonimmigrants. An amendment to the Compacts eliminated the need for citizens of these two countries to obtain Employment Authorization Documents (Forms I-766) to work in the United States. However, FSM and RMI citizens may also apply for Employment Authorization Documents (Forms I-766) if they wish, or present a combination of List B and List C documents. The List A document specific to FSM and RMI citizens is a valid FSM or RMI passport with a Form I-94/Form I-94A indicating nonimmigrant admission under one of the Compacts.</p>
Part Seven, Page 45	<p>12. Q. How do I know whether a Native American tribal document issued by a U.S. tribe presented by my employee is acceptable for Form I-9 purposes?</p> <p>A. In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. federal government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, please check the Bureau of Indian Affairs website at www.bia.gov.</p>	<p>10. Q. How do I know whether a Native American tribal document issued by a U.S. tribe presented by my employee is acceptable for Form I-9 purposes?</p> <p>A. In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. federal government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, please check the Bureau of Indian Affairs website at bia.gov.</p>
Part Seven, deletion	<p>13. Q. The Native American tribal document is listed on both List B and List C of Form I-9. Does this mean that my employee may present this document to prove both identity and employment authorization?</p> <p>A. If an employee presents a Native American tribal document, it establishes both identity and employment authorization on Form I-9, so you do not need any other documents from the employee to complete Section 2 of Form I-9.</p>	
Part Seven,	14. Q. Can the Certificate of Indian Status,	11. Q. Can the Certificate of Indian Status,

Page # (New)	Previous Text (Rev. 04/30/13) N	New Text (Rev. 01/22/17)
<p>Page 45</p>	<p>commonly referred to as the status card or INAC card, be used as a Native American tribal document for Form I-9 purposes?</p> <p>A. No. This card is not a Native American tribal document. It is issued by Indian and Northern Affairs Canada (INAC), which is a part of the Canadian government.</p>	<p>commonly referred to as the status card or INAC card, be used as a Native American tribal document for Form I-9 purposes?</p> <p>A. No. This card is not a Native American tribal document. It is issued by Indian and Northern Affairs Canada (INAC), which is a part of the Canadian government.</p>
<p>Part Seven, deletion</p>	<p>15. Q. An employee has attested to being a U.S. citizen or U.S. noncitizen national on Section 1 of Form I-9, but has presented me with Form I-551, Permanent Resident Card, or “green card.” Another employee has attested to being a lawful permanent resident but has presented a U.S. passport. Should I accept these documents?</p> <p>A. In these situations, you should first ensure that the employee understood and properly completed the Section 1 attestation of status. If the employee made a mistake and corrects the attestation, he or she should initial and date the correction, or complete a new Form I-9. If the employee confirms the accuracy of his or her initial attestation, you should not accept a “green card” from a U.S. citizen or a U.S. passport from an alien. Although you are not expected to be an immigration law expert, both documents in question are inconsistent with the status attested to and are, therefore, not documents that reasonably relate to the person presenting them.</p>	
<p>Part Seven, Page 45</p>	<p>16. Q. May I accept an expired document?</p> <p>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.</p> <p>For example, Temporary Protected Status (TPS) beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice. These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period specified in the Federal Register notice. When the automatic extension of the Employment Authorization</p>	<p>12. Q. May I accept an expired document?</p> <p>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.</p> <p>For example, Temporary Protected Status (TPS) beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice or, if the employee timely filed for a new Employment Authorization Document (Form I-766) the corresponding I-797C from USCIS indicating timely filing may be presented with the expired EAD to the employer as a List A document. These</p>

Page # (New)	Previous Text (Rev. 04/30/13) N	New Text (Rev. 01/22/17)
	<p>Document (Form I-766) expires, you must reverify the employee’s employment authorization. Please see Part 2 for more information on TPS. NOTE: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.</p>	<p>individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period. When the automatic extension of the Employment Authorization Document (Form I-766) expires, you must reverify the employee’s employment authorization.</p> <p>Please see Automatic Extensions of Employment Authorization Document in Certain Circumstances for more information.</p> <p>NOTE: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.</p>
<p>Part Seven, Page 45</p>	<p>17. Q. How can I tell if a DHS-issued document has expired? If it has expired, should I reverify the employee?</p> <p>A. Some INS-issued documents, such as older versions of the Alien Registration Receipt Card (Form I-551), do not have expiration dates, and are still acceptable for Form I-9 purposes. However, all subsequent DHS-issued Permanent Resident Cards (Forms I-551) contain two-year or 10-year expiration dates. You should not reverify an expired Alien Registration Receipt Card/Permanent Resident Card (Form I-551). Other DHS-issued documents, such as the Employment Authorization Document (Form I-766) also have expiration dates. These dates can be found on the face of the document. Generally, Employment Authorization Documents (Forms I-766) must be reverified upon expiration.</p>	<p>13. Q. How can I tell if a DHS-issued document has expired? If it has expired, should I reverify the employee?</p> <p>A. Some INS-issued documents, such as older versions of the Alien Registration Receipt Card (Form I-551), do not have expiration dates, and are still acceptable for Form I-9 purposes.</p> <p>However, all subsequent DHS-issued Permanent Resident Cards (Forms I-551) contain two-year or 10-year expiration dates. You should not reverify an expired Alien Registration Receipt Card/Permanent Resident Card (Form I-551). Other DHS-issued documents, such as the Employment Authorization Document (Form I-766) also have expiration dates. These dates can be found on the face of the document. Generally, Employment Authorization Documents (Forms I-766) must be reverified upon expiration.</p>

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Part Seven, deletion from handbook	<p>18. 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?</p> <p>A. No. Only a person's official Social Security card or a receipt for a replacement card issued by SSA is acceptable.</p>	
Part Seven, Deletion from handbook	<p>19. 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?</p> <p>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.</p>	
Part Seven, Page 45	<p>20. Q. May I accept a photocopy of a document presented by an employee?</p> <p>A. No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.</p>	<p>14. Q. May I accept a photocopy of a document presented by an employee?</p> <p>A. No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.</p>
Part Seven, Pages 45-46	<p>21. Q. I noticed on Form I-9 that under List A there are three spaces for document numbers and expiration dates. Does this mean I have to see three List A documents.</p> <p>A. No. Form I-9 (Rev. 03/08/13N) includes an expanded document entry area in Section 2. The additional spaces are provided in case an employee presents a List A document that is really a combination of more than one document. For example, an F-1 student in curricular practical training may present, under List A, a foreign passport, Form I-94/Form I-94A and Form I-20 that specifies that you are his or her approved employer. Form I-9 provides space for you to enter the document number and expiration date for all</p>	<p>15. Q. I noticed on Form I-9 that under List A there are three spaces for document numbers and expiration dates. Does this mean I have to see three List A documents.</p> <p>A. No. Form I-9 (Rev. 11/14/16 N) includes an expanded document entry area in Section 2. The additional spaces are provided in case an employee presents a List A document that is really a combination of more than one document. For example, an F-1 student in curricular practical training may present, under List A, a foreign passport, Form I-94/Form I-94A and Form I-20 that specifies that you are their approved employer. Form I-9 provides space for you to enter the document number and expiration date for all</p>

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	<p>three documents. Another instance where an employer may need to enter document information for three documents is for J-1 exchange visitors. If an employee provides you with one document from List A (e.g., U.S. passport), or a combination of 2 documents (e.g., foreign passport and Form I-94/94A), you do not need to fill out any unused space(s) under List A.</p>	<p>three documents. Another instance where an employer may need to enter document information for three documents is for J-1 exchange visitors. If an employee provides you with one document from List A (such as a U.S. passport), or a combination of two documents (such as a foreign passport and Form I-94/94A), you do not need to fill out any unused space(s) under List A.</p>
<p>Part Seven, Page 46</p>	<p>22. Q. When I review an employee’s identity and employment authorization documents, should I make copies of them?</p> <p>A. If you participate in E-Verify and the employee presents a document used as part of Photo Matching, currently the U.S. passport and passport card, Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766), you must retain a photocopy of the document he or she presents. Other documents may be added to Photo Matching in the future. If you do not participate in E-Verify, you are not required to make photocopies of documents. However, if you wish to make photocopies of documents other than those used in E-Verify, you must do so for all employees. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of Form I-9, nor is it an acceptable substitute for proper completion of Form I-9 in general.</p>	<p>16. Q. When I review an employee’s identity and employment authorization documents, should I make copies of them?</p> <p>A. If you participate in E-Verify and the employee presents a document used as part of Photo Matching, currently the U.S. passport and passport card, Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766), you must retain a photocopy of the document they present. Other documents may be added to Photo Matching in the future. If you do not participate in E-Verify, you are not required to make photocopies of documents. However, if you wish to make photocopies of documents other than those used in E-Verify, you must do so for all employees. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of Form I-9, nor is it an acceptable substitute for proper completion of Form I-9 in general.</p>
<p>Part Seven, Page 46</p>	<p>23. Q. When can employees present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?</p> <p>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. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable. 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</p>	<p>17. Q. When can employees present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?</p> <p>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 they are not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.</p>

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	<p>are three different documents that qualify as receipts under the rule:</p> <ol style="list-style-type: none"> 1. 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. See Part 2 for more information on these receipts. 2. A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/Form I-94A if the I-551 stamp does not contain an expiration date. 3. A Form I-94/Form I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present an Employment Authorization Document (Form I-766) or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires. For more information on receipts, see Table 1 in Part 2. 	<p>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:</p> <ol style="list-style-type: none"> 1. 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. 2. Form I-94/I-94A containing a temporary I-551 stamp and a photograph. The individual must present the actual Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/Form I-94A if the I-551 stamp does not contain an expiration date. 3. A Form I-94/Form I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present an Employment Authorization Document (Form I-766) or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires. For more information on receipts, see Table 1 in Part Two.
<p>Part Seven, deletion from handbook</p>	<p>24. Q. My employee has applied for a new Employment Authorization Document (Form I-766). Is the USCIS receipt notice covered by the Form I-9 receipt rule?</p> <p>A. In this case, the USCIS receipt notice is not an acceptable receipt for Form I-9 purposes. An employee with temporary employment authorization and holding an Employment Authorization Document (Form I-766) should apply for a new card at least 90 days before the expiration of his or her current document. If your employee applied for a new card at least 90 days before his or her current card expired but is nearing the end of the 90-day processing period without</p>	

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	<p>a decision from USCIS, instruct your employee to call the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) about the status of his or her application. USCIS strongly encourages that employees first call the National Customer Service Center before visiting a USCIS office to prevent possible delays. If your employee prefers to check on the status of his or her application at a USCIS office, he or she may schedule an InfoPass appointment at www.infopass.uscis.gov. When your employee's current Employment Authorization Document (Form I-766) expires, he or she must be able to present a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 reverification requirements.</p>	
<p>Part Seven, Page 47</p>	<p>25. Q. My nonimmigrant employee has presented a foreign passport with a Form I-94/Form I-94A (List A, Item 5). How do I know if this employee is authorized to work?</p> <p>A. You, as the employer, likely have submitted a petition to USCIS on the nonimmigrant employee's behalf. However, there are some exceptions to this rule:</p> <ol style="list-style-type: none"> 1. You made an offer of employment to a Canadian passport holder who entered the United States under the North American Free Trade Agreement (NAFTA) with an offer letter from your company. This nonimmigrant worker will have a Form I-94/Form I-94A indicating a TN immigration status, and may choose to present it with his or her passport under List A. The employee may also present Form I-94/Form I-94A indicating a TN immigration status as a List C document, in which case your employee will need to present a List B document (e.g., Canadian driver's license) to satisfy Section 2 of Form I-9. 2. A student working in on-campus employment or participating in curricular practical training. (See Part 2.) 3. A J-1 exchange visitor. (See Part 2.) Most employees who present a foreign passport in combination with a Form I-94 or I-94A (List A, Item 5) are restricted to work only for the employer who petitioned on their behalf. If 	<p>18. Q. My nonimmigrant employee has presented a foreign passport with a Form I-94/ Form I-94A (List A, Item 5). How do I know if this employee is authorized to work?</p> <p>A. You, as the employer, likely have submitted a petition to USCIS on the nonimmigrant employee's behalf. However, there are some exceptions to this rule:</p> <ol style="list-style-type: none"> 1. You made an offer of employment to a Canadian passport holder who entered the United States under the North American Free Trade Agreement (NAFTA) with an offer letter from your company. This nonimmigrant worker will have a Form I-94/Form I-94A indicating a TN immigration status, and may choose to present it with their passport under List A. The employee may also present Form I-94/ Form I-94A indicating a TN immigration status as a List C document, in which case your employee will need to present a List B document (such as a Canadian driver's license) to satisfy Section 2 of Form I-9. 2. A student working in on-campus employment or participating in curricular practical training. (See Part Two.) 3. A J-1 exchange visitor. (See Part Two.) Most employees who present a foreign

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	<p>you did not submit a petition for an employee who presents such documentation, then that nonimmigrant worker is not usually authorized to work for you. See Part 2 for more information on nonimmigrant employees.</p>	<p>passport in combination with a Form I-94 or I-94A (List A, Item 5) are restricted to work only for the employer who petitioned on their behalf. If you did not submit a petition for an employee who presents such documentation, then that non-immigrant worker is not usually authorized to work for you. See Part Two for more information on nonimmigrant employees.</p>
<p>Part Seven, Page 47</p>	<p>26. Q. My new employee presented two documents to complete Form I-9, each containing a different last name. One document matches the name she entered in Section 1. The employee explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can I accept the document with the different name?</p> <p>A. You may accept a document with a different name than the name entered in Section 1 provided that you resolve the question of whether the document reasonably relates to the employee. You also may wish to attach a brief memo to Form I-9 stating the reason for the name discrepancy, along with any supporting documentation the employee provides. An employee may provide documentation to support his or her name change, but is not required to do so. If, however, you determine that the document with a different name does not reasonably appear to be genuine and to relate to her, you may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.A</p>	<p>19. Q. My new employee presented two documents to complete Form I-9, each containing a different last name. One document matches the name she entered in Section 1. The employee explained that she had just gotten married and changed her last name, but had not yet changed the name on the other document. Can I accept the document with the different name?</p> <p>A. You may accept a document with a different name than the name entered in Section 1 provided that you resolve the question of whether the document reasonably relates to the employee. You also may wish to attach a brief memo to Form I-9 stating the reason for the name discrepancy, along with any supporting documentation the employee provides. An employee may provide documentation to support their name change, but is not required to do so. If, however, you determine that the document with a different name does not reasonably appear to be genuine and to relate to her, you may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.</p>
<p>Part Seven, Page 47</p>	<p>27. Q. My employee entered a compound last name in Section 1 of Form I-9. The documents she presented contain only one of these names. Can I accept this document?</p> <p>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 . It is helpful for individuals attesting to lawful</p>	<p>20. Q. My employee entered a compound last name in Section 1 of Form I-9. The documents she presented contain only one of these names. Can I accept this document?</p> <p>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 they present for Section 2 is acceptable as long as you are satisfied that the document reasonably appears to be genuine and to relate to the employee . It is</p>

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	<p>permanent resident status who have more than one name to enter their name on Form I-9 as it appears on their Permanent Resident Card (Form I-551).</p>	<p>helpful for individuals attesting to lawful permanent resident status who have more than one name to enter their name on Form I-9 as it appears on their Permanent Resident Card (Form I-551).</p>
<p>Part Seven, Page 47</p>	<p>28. 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 this document?</p> <p>A. If the document contains a slight spelling variation, and the employee has a reasonable explanation for the variation, the document is acceptable as long as you are satisfied that the document otherwise reasonably appears to be genuine and to relate to him or her.</p>	<p>21. Q. The name on the document my employee presented to me is spelled slightly differently than the name they entered in Section 1 of Form I-9. Can I accept this document?</p> <p>A. If the document contains a slight spelling variation, and the employee has a reasonable explanation for the variation, the document is acceptable as long as you are satisfied that the document otherwise reasonably appears to be genuine and to relate to the employee.</p>
<p>Part Seven, Page 48</p>	<p>29. Q. My employee’s Employment Authorization Document (Form I-766) expired and the employee now wants to show me a Social Security card. Do I need to see a current DHS document?</p> <p>A. No. During reverification, an employee must be allowed to choose what documentation to present from either List A or List C. If an employee presents an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document. However, if an employee presents a restricted Social Security card upon reverification, you must reject the restricted Social Security card, since it is not an acceptable Form I-9 document, and ask the employee to choose different documentation from List A or List C of Form I-9.</p>	<p>22. Q. My employee’s Employment Authorization Document (Form I-766) expired and the employee now wants to show me a Social Security card. Do I need to see a current DHS document?</p> <p>A. No. During reverification, an employee must be allowed to choose what documentation to present from either List A or List C. If an employee presents an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document. However, if an employee presents a restricted Social Security card upon reverification, you must reject the restricted Social Security card, since it is not an acceptable Form I-9 document, and ask the employee to choose different documentation from List A or List C of Form I-9.</p>
<p>Part Seven, deletion from handbook</p>	<p>30. Q. Can DHS double-check the status of an individual I hired, or “run” his or her number (typically an Alien Number or Social Security number) and tell me if it is valid?</p> <p>A. DHS cannot double-check a number for you, unless you participate in E-Verify, which confirms the employment authorization of your newly hired employees. For more information about this program, see Part Six. You may also call DHS at 1-888-464-4218 or visit www.dhs.gov/EVerify. You also may contact DHS if you have a strong reason to believe documentation may</p>	

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	not be valid, in which case ICE may investigate the possible violation of law	
Part Seven, Page 48	<p>31. Q. My employee presented me with a document issued by INS rather than DHS. Can I accept it?</p> <p>A. Yes, you can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: USCIS, CBP, and ICE. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.</p>	<p>23. Q. My employee presented me with a document issued by INS rather than DHS. Can I accept it?</p> <p>A. Yes, you can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: USCIS, CBP, and ICE. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.</p>
Part Seven, Page 48	<p>32. Q. Can an employee leave any part of Section 1 on Form I-9 blank?</p> <p>A. Employees must complete every applicable field in Section 1 of Form I-9 with the exception of the fields requesting the employee's e-mail address, telephone number and Social Security number. However, employees must enter their Social Security number in this field if you participate in E-Verify.</p> <p>NOTE: Not all employees who attest to being an Alien Authorized to Work will have an expiration date for their employment authorization. However, refugees and asylees who present an Employment Authorization Document (Form I-766) have employment authorization that does not expire. These individuals should put "N/A" where Section 1 asks for an expiration date.</p>	<p>24. Q. Can an employee leave any part of Section 1 on Form I-9 blank?</p> <p>A. Employees must complete every applicable field in Section 1 of Form I-9 with the exception of the Social Security number field. However, employees must enter their Social Security number in this field if you participate in E-Verify. The e-mail address and telephone number fields are optional but if an employee chooses not to provide this information, they must enter "N/A." Do not leave these fields blank.</p> <p>NOTE: Not all employees who attest to being an Alien Authorized to Work will have an expiration date for their employment authorization. However, refugees and asylees who present an Employment Authorization Document (Form I-766) have employment authorization that does not expire. These individuals should put "N/A" where Section 1 asks for an expiration date.</p>

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<p>Part Seven, Page 48</p>	<p>33. Q. How do I correct a mistake on an employee's Form I-9?</p> <p>A. The best way to correct Form I-9 is to line through the portions of the form that contain incorrect information, then enter the correct information. Initial and date your correction. If you have previously made changes on Forms I-9 in 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.</p>	<p>25. Q. How do I correct a mistake on an employee's Form I-9?</p> <p>A. If you find a mistake on an employee's Form I-9, you must have the employee correct errors in Section 1. Employers must make corrections in Section 2. The best way to correct Form I-9 is to line through the portions of the form that contain incorrect information and then enter the correct information. Initial and date your correction. If you have previously made changes on Form I-9 in White-Out instead, USCIS recommends that you attach a note to the corrected Form I-9 explaining what happened. Be sure to sign and date the note.</p>
<p>Part Seven, Page 48-49</p>	<p>34. Q. What should I do if I need to reverify an employee who filled out an earlier version of Form I-9?</p> <p>A. If you used a version of Form I-9 when you originally verified the employee that is no longer valid, and you are now reverifying the employment authorization of that employee, the employee must provide any document(s) he or she chooses from the current Lists of Acceptable Documents . Enter this new document(s) in Section 3 of the current version of Form I-9 and retain it with the previously completed Form I-9. To see if your form is an acceptable version of Form I-9, go to www.uscis.gov/I-9.</p> <p>For more information on reverification, please see Part 2.</p>	<p>26. Q. What should I do if I need to reverify an employee who filled out an earlier version of Form I-9?</p> <p>A. If you used a version of Form I-9 when you originally verified the employee that is no longer valid, and you are now reverifying the employment authorization of that employee, the employee must provide any document(s) they choose from the current Lists of Acceptable Documents. Enter this new document(s) in Section 3 of the current version of Form I-9 and retain it with the previously completed Form I-9. To see if your form is an acceptable version of Form I-9, go to uscis.gov/i-9.</p> <p>For more information on reverification, please see Part Two.</p>
<p>Part Seven, Page 49</p>	<p>35. 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?</p> <p>A. No. You do not need to complete a new Form I-9 for employees who have been promoted or transferred.</p>	<p>27. 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?</p> <p>A. No. You do not need to complete a new Form I-9 for employees who have been promoted or transferred.</p>
<p>Part Seven, Page 49</p>	<p>36. Q. What do I do when an employee's employment authorization expires?</p> <p>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. Reverification must occur no later than the date that employment</p>	<p>28. Q. What do I do when an employee's employment authorization expires?</p> <p>A. To continue to employ an individual whose employment authorization has expired, you will need to reverify the</p>

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	<p>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. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, enter the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space . If the version of Form I-9 that you used for the employee’s original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the original Form I-9. You may want to establish a calendar call-up system for employees whose employment authorization will expire and provide the employee with at least 90 days’ notice prior to the expiration date of the employment authorization. You may not reverifiy an expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired. NOTE: You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on Form I-9 that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.</p>	<p>employee in Section 3 of Form I-9. Reverification must occur no later than the date that employment authorization expires. The employee must present a document from either List A or List C that shows either an extension of their initial employment authorization or new employment authorization. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, enter the document title, number, and expiration date (if any), in the Reverification and Rehires section (Section 3), and sign in the appropriate space.</p> <p>If the version of Form I-9 that you used for the employee’s original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the original Form I-9.</p> <p>You may want to establish a calendar notification system for employees whose employment authorization will expire and provide the employee with at least 90 days’ notice prior to the expiration date of the employment authorization.</p> <p>You may not reverifiy an expired U .S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.</p> <p>Some workers are eligible for an automatic extension of their Employment Authorization Document for 180 days, in certain circumstances. If your employee presents an expired Employment Authorization Document (Form I-766) in combination with an I-797C Notice of Action from USCIS indicating both timely filing for a renewal of their Employment Authorization document and eligibility for a 180-day automatic extension of their Employment Authorization Document (Form I-766), you should not reverifiy the employee based on the expiration date on the face of the Employment Authorization Document (Form I-766); instead, update Section 2 of Form I-9 at that time. When the automatic extension of</p>

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		<p>the Employment Authorization Document (Form I-766) expires (180 days after the expiration date on the face of the Employment Authorization Document (Form I-766)), you must reverify the employee's employment authorization. Please see Automatic Extensions of Employment Authorization Document in Certain Circumstances for eligible categories and additional information.</p> <p>NOTE: You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on Form I-9 that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.</p>
<p>Part Seven, page 49-50</p>	<p>37. Q. Can I avoid reverifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?</p> <p>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.</p>	<p>29. Q. Can I avoid reverifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?</p> <p>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.</p>
<p>Part Seven, deletion</p>	<p>38. Q. As an employer, do I have to fill out all the Forms I-9 myself?</p> <p>A. No. You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent, or anyone else acting on your behalf, such as a notary public. 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.</p>	

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	<p>However, you are still liable for any violations in connection with the form or the verification process. For example, it is not acceptable for a notary public to view employment authorization and identity documents, but leave Section 2 for you to complete. The person who views an employee's employment authorization documents should also complete and sign Section 2 on your behalf.</p>	
<p>Part Seven, page 50</p>	<p>39. Q. Can I contract with someone to complete Forms I-9 for my business?</p> <p>A. Yes. You can contract with another person or business to verify employees' identities and employment authorization and to complete Forms I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employer sanctions laws.</p>	<p>30. Q. Can I contract with someone to complete Form I-9 for my business?</p> <p>A. Yes. You can contract with another person or business to verify employees' identities and employment authorization and to complete Form I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employer sanctions laws.</p>
<p>Part Seven, Page 50</p>	<p>42. Q. How does OSC obtain the necessary information to determine whether an employer has committed an unfair immigration-related employment practice under the anti-discrimination provision of the INA?</p> <p>A. OSC will notify you in writing to initiate an investigation, request information and documents, and interview your employees. If you refuse to cooperate, OSC can obtain a subpoena to compel you to produce the information requested or to appear for an investigative interview.</p>	<p>31. Q. How does the Immigrant and Employee Rights Section in the Department of Justice's Civil Rights Division (IER) obtain the necessary information to determine whether an employer has committed an unfair immigration-related employment practice under the anti-discrimination provision of the INA?</p> <p>A. IER will notify you in writing to initiate an investigation, request information and documents, and interview your employees. If you refuse to cooperate, IER can obtain a subpoena to compel you to produce the information requested or to appear for an investigative interview.</p>
<p>Part Seven, Page 50</p>	<p>43. Q. Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?</p> <p>A. Yes. You must complete Forms I-9 for all employees. NAFTA entrants must show identity and employment authorization documents just like all other employees.</p>	<p>32. Q. Do I have to complete Form I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?</p> <p>A. Yes. You must complete Form I-9 for all employees. NAFTA entrants must show identity and employment authorization documents just like all other employees.</p>
<p>Part Seven, Page 50</p>	<p>44. Q. If I am a recruiter or referrer for a fee, do I have to fill out Forms I-9 on individuals that I recruit or refer?</p> <p>A. No, with three exceptions: Agricultural</p>	<p>33. Q. If I am a recruiter or referrer for a fee, do I have to fill out Form I-9 on individuals that I recruit or refer?</p>

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	<p>associations, agricultural employers, and farm labor contractors must complete Forms I-9 on all individuals who are recruited or referred for a fee. However, all recruiters and referrers for a fee must complete Forms I-9 for their own employees hired after November 6, 1986. Also, all recruiters and referrers for a fee are liable for knowingly recruiting or referring for a fee individuals not authorized to work in the United States and must comply with federal anti-discrimination laws.</p>	<p>A. No, with three exceptions: Agricultural associations, agricultural employers, and farm labor contractors must complete Form I-9 on all individuals who are recruited or referred for a fee. However, all recruiters and referrers for a fee must complete Form I-9 for their own employees hired after Nov. 6, 1986. Also, all recruiters and referrers for a fee are liable for knowingly recruiting or referring for a fee individuals not authorized to work in the United States and must comply with federal anti-discrimination laws.</p>
<p>Part Seven, Page 50</p>	<p>46. Q. If I am self-employed, do I have to fill out a Form I-9 on myself? A. A self-employed person does not need to complete a Form I-9 on his or her own behalf unless the person is an employee of a separate business entity, such as a corporation or partnership. If the person is an employee of a separate business entity, he or she, and any other employees, will have to complete Form I-9.</p>	<p>34. Q. If I am self-employed, do I have to fill out a Form I-9 on myself? A. A self-employed person does not need to complete a Form I-9 on their own behalf unless the person is an employee of a separate business entity, such as a corporation or partnership. If the person is an employee of a separate business entity, he or she, and any other employees, will have to complete Form I-9.</p>
<p>Part Seven, Page 50</p>	<p>47. Q. I have heard that some state employment agencies, commonly known as state workforce agencies, can certify that people they refer are authorized to work. Is that true? A. Yes. A state employment agency may choose to verify the employment authorization and identity of an individual it refers for employment on Form I-9. In such a case, the agency must issue a certification to you so that you receive it within 21 business days from the date the referred individual is hired. If an agency refers a potential employee to you with a job order, other appropriate referral form, or telephonically authorized referral, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. Before receiving the certification, you must retain the job order, referral form, or annotation reflecting the telephonically authorized referral as you would Forms I-9. When you receive the certification, you must review the certification to ensure that it relates to the person hired and observe the person sign the certification. You must also</p>	<p>35. Q. I have heard that some state employment agencies, commonly known as state workforce agencies, can certify that people they refer are authorized to work. Is that true? A. Yes. A state employment agency may choose to verify the employment authorization and identity of an individual it refers for employment on Form I-9. In such a case, the agency must issue a certification to you so that you receive it within 21 business days from the date the referred individual is hired. If an agency refers a potential employee to you with a job order, other appropriate referral form, or telephonically authorized referral, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. Before receiving the certification, you must retain the job order, referral form, or annotation reflecting the telephonically authorized referral as you would Form I-9. When you receive the certification, you must review the certification to ensure that it relates to the person hired and observe the person sign the certification. You must also</p>

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	<p>retain the certification as you would a Form I-9 and make it available for inspection, if requested. You should check with your state employment agency to see if it provides this service and become familiar with its certification document.</p>	<p>retain the certification as you would a Form I-9 and make it available for inspection, if requested. You should check with your state employment agency to see if it provides this service and be-come familiar with its certification document.</p>
<p>Part Seven, Page 51</p>		<p>36. Q. What is the INA's Anti-Discrimination Provision?</p> <p>A. The Immigration and Nationality Act's (INA) anti-discrimination provision, codified at 8 U.S.C. § 1324b, is a law that prohibits four types of discriminatory unfair employment practices:</p> <p>Citizenship or immigration status discrimination with respect to hiring, firing, and recruitment or referral for a fee, by employers with four or more workers, subject to certain exceptions. Employers may not treat individuals differently because they are or are not U.S. citizens or because of their work-authorized immigration status. U.S. citizens, U.S. nationals, recent lawful permanent residents, asylees, and refugees are protected from citizenship status discrimination. An employer may restrict hiring to U.S. citizens only when required to do so by law, regulation, executive order, or government contract.</p> <p>National origin discrimination with respect to hiring, firing, and recruitment or referral for a fee, by employers with four to 14 workers. Employers may not treat individuals differently because of their place of birth, country of origin, ancestry, native language, accent or because they are perceived as looking or sounding "foreign." All work-authorized individuals are protected from national origin discrimination. The Equal Employment Opportunity Commission has jurisdiction over national origin discrimination claims against employers with 15 or more workers, regardless of the work authorization status of the discrimination victims.</p> <ul style="list-style-type: none"> • Unfair documentary practices related to verifying the employment eligibility of employees during the I-9 or E-Verify processes. Employers may not, on the basis

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		<p>of citizenship, immigration status, or national origin, request more or different documents than are required to verify employment eligibility and identity, reject reasonably genuine-looking documents, or specify certain documents over others. All work-authorized individuals are protected from unfair documentary practices.</p> <ul style="list-style-type: none"> • Intimidation or Retaliation. Employers may not intimidate, threaten, coerce, or retaliate against individuals who file charges with IER who cooperate with an IER investigation, who contest an action that may constitute unfair documentary practices or discrimination based upon citizenship, immigration status, or national origin, or who otherwise assert their rights under the INA's anti-discrimination provision.
<p>Part Seven, Page 51</p>		<p>37. Q. Can I limit hiring only to U.S. citizens?</p> <p>A. Employers cannot limit positions to U.S. citizens only unless they are required to do so by a law, executive order, regulation, or government contract that requires specific positions to be filled only by U.S. citizens. If a job applicant is discouraged or rejected from employment based on citizenship status, the employer may be committing citizenship status discrimination in violation of the anti-discrimination provision of the INA.</p>
<p>Part Seven, Page 51</p>		<p>38. Q. Can I refuse to hire someone based on national origin?</p> <p>A. Failure to hire an individual based on the person's national origin may violate the anti-discrimination provision of the INA if the employer employs between four and 14 employees, or may violate Title VII of the Civil Rights Act (enforced by the Equal Employment Opportunity Commission (EEOC) if the employer has 15 or more employees. If a small employer has rejected your employment application based on your national origin, contact IER to determine whether IER or the EEOC has jurisdiction to assist you.</p>
<p>Part Seven, Page 51</p>		<p>39. Q. Can I ask an employee to show a specific document for the Form I-9?</p>

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		<p>A. No. For employment eligibility verification, an employee must be allowed to choose which documents to show from the Form I-9 Lists of Acceptable Documents. If the documentation reasonably appears to be genuine and to relate to the employee, the employer must accept it. An employer may be violating the anti-discrimination provision of the INA if the employer requires an employee to show specific documents or more documents than required based on the employee's citizenship, immigration status or national origin.</p>
<p>Part Seven, Page 51</p>		<p>40. Q. Can I refuse to accept an employee's documentation if I would prefer to see another type of documentation?</p> <p>A. No. For employment eligibility verification, an employee must be allowed to choose which documents to show from the Form I-9 Lists of Acceptable Documents. If the documentation reasonably appears to be genuine and to relate to the employee, the employer must accept it. An employer may be violating the anti-discrimination provision of the INA if the employer rejects the valid documentation an employee presents based on the employee's citizenship, immigration status or national origin.</p>
<p>Part Seven, Page 52</p>		<p>41. Q. Can I ask my employee to show the same type of document for reverification as the employee showed to complete Section 2?</p> <p>A. No. For reverification, an employee may choose which unexpired List A or List C document to present. An employer may be violating the anti-discrimination provision of the INA if the employer requires an employee to show specific documents for reverification based on the employee's citizenship, immigration status or national origin.</p> <p>For more information on these or any other discrimination-related questions, call IER's employer hotline at 1-800-255-8155 or 1-800-237-2515 (TTY). You can also visit IER's website at justice.gov/ier.</p> <p>For more information on avoiding discrimination in the Form I-9 and E-Verify processes, visit justice.gov/ier.</p>

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Part Seven, Page 52	<p>52. Q. Is Form I-9 available in different languages?</p> <p>A. Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may use the Spanish version to meet the verification and retention requirements of the law. Employers in the United States and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but the English version must be completed and retained in the employer’s records. Employees may also use or ask for a preparer and/or translator to assist them in completing the form.</p>	<p>42. Q. Is Form I-9 available in different languages?</p> <p>A. Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may use the Spanish version to meet the verification and retention requirements of the law. Employers in the United States and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but the English version must be completed and retained in the employer’s records. Employees may also use or ask for a preparer and/or translator to assist them in completing the form.</p>
Part Seven, Page 52	<p>53. Q. Are employers in Puerto Rico required to use the Spanish version of Form I-9?</p> <p>A. No. Employers in Puerto Rico may use either the Spanish or the English version of Form I-9 to verify new employees.</p>	<p>43. Q. Are employers in Puerto Rico required to use the Spanish version of Form I-9?</p> <p>A. No. Employers in Puerto Rico may use either the Spanish or the English version of Form I-9 to verify new employees.</p>
Part Seven, Page 52	<p>54. Q. May I continue to use earlier versions of Form I-9?</p> <p>A. No, employers must use the current version of Form I-9. A revision date with an “N” next to it indicates that all previous versions with earlier revision dates, in English or Spanish, are no longer valid . You may also use subsequent versions that have a “Y” next to the revision date. If in doubt, go to www.uscis.gov/i-9 to view or download the most current form.</p>	<p>44. Q. May I continue to use earlier versions of Form I-9?</p> <p>A. No, employers must use the current version of Form I-9. A revision date with an “N” next to it indicates that all previous versions with earlier revision dates, in English or Spanish, are no longer valid . You may also use subsequent versions that have a “Y” next to the revision date. If in doubt, go to uscis.gov/i-9 to view or download the most current form.</p>
Part Seven, Page 52	<p>55. Q. Where do I get the Spanish version of Form I-9?</p> <p>A. You may download the Spanish version of this form from the USCIS website at www.uscis.gov/i-9. For employers without internet access, you may call the USCIS Forms Request Line toll-free at 1-800-870-3676.</p>	<p>45. Q. Where do I get the Spanish version of Form I-9?</p> <p>A. You may download the Spanish version of this form from the USCIS website at uscis.gov/i-9. For employers without internet access, you may call the USCIS Forms Request Line toll-free at 800-870-3676.</p> <p>For more questions and answers on Form I-9 topics, go to uscis.gov/i-9-central and select I-9 Central Questions & Answers.</p>
Part Eight, Page 53	<p>If a person is unable to present the required document(s) within three business days of the date work for pay begins, he or she must</p>	<p>If a person is unable to present the required document(s) within three business days of the date work for pay begins, they must</p>

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	<p>present an acceptable receipt within that time. The person then must present the actual document when the receipt period ends. The person must have indicated on or before the time employment began, by having checked an appropriate box in Section 1, that he or she is already authorized to be employed in the United States. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Receipts are also not acceptable if employment is for fewer than three business days.</p>	<p>present an acceptable receipt within that time. If they present a receipt, the person must present the actual document when the receipt validity period ends. They must have indicated on or before the time employment began, by having checked an appropriate box in Section 1, that they are already authorized to be employed in the United States.</p> <p>Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Receipts are also not acceptable if employment is for fewer than three business days. For a list of acceptable receipts for Form I-9, see Table 1 in Part Two. For more examples of acceptable documents, including List C #8, please visit uscis.gov/i-9-central. Note that a Form I-797C acknowledging receipt of an EAD renewal application presented with an expired EAD is considered an unexpired EAD in certain circumstances. Please refer to Part Two for further information.</p>
<p>Part Eight, Page 53</p>	<p>*Old Graphic</p> <p>List A Documents that Establish Both Identity and Employment Authorization</p>	<p>*Updated Graphic</p> <p>List A Documents that Establish Both Identity and Employment Authorization</p>
<p>Part Eight, Page 54</p>	<p>*Old Graphic</p> <p>List B Documents that Establish Identity</p>	<p>*Updated Graphic</p> <p>List B Documents that Establish Identity</p>
<p>Part Eight, Page 54</p>	<p>*Old Graphic</p> <p>List C Documents that Establish Employment Authorization</p>	<p>*Updated Graphic</p> <p>List C Documents that Establish Employment Authorization</p>
<p>Part Eight, Page 56</p>	<p>*Old Image: U.S. Passport Card</p>	<p>*New Image: U.S. Passport Card</p>
<p>Part Eight, Page 56</p>	<p>On May 11, 2010, USCIS began issuing the newly redesigned Permanent Resident Card, also known as the Green Card, which is now green in keeping with its long-standing nickname. The card is personalized with the bearer's photo, name, USCIS number, alien registration number, date of birth, and laser-engraved fingerprint, as well as the card expiration date.</p> <p>Note that on the new card, shown below, the</p>	<p>On May 11, 2010, USCIS began issuing the newly re-designed Permanent Resident Card, also known as the Green Card, which is now green in keeping with its long-standing nickname. The card is personalized with the bearer's photo, name, USCIS number, alien registration number, date of birth, and laser-engraved fingerprint, as well as the card expiration date.</p> <p>Note that on the new card, shown below, the lawful permanent resident's alien registration</p>

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	lawful permanent resident’s alien registration number, commonly known as the A number, is found under the USCIS # heading. The A number is also located on the back of the card	number, commonly known as the A number, is found under the USCIS # heading. The A number is also located on the back of the card. These cards may or may not contain a signature. A signature is not required for the card to be acceptable for Form I-9 purposes.
Part Eight, Page 57	*Old Image Foreign Passport with I-551 Stamp or MRIV	*New Image Foreign Passport with I-551 Stamp or MRIV
Part Eight, Page 57	<p>USCIS uses either an I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residence. Sometimes, if no foreign passport is available, USCIS will place the I-551 stamp on a Form I-94 and affix a photograph of the bearer to the form. This document is considered a receipt.</p> <p>Reverify the employee in Section 3 of Form I-9 when the stamp in the passport expires, or one year after the issuance date if the stamp does not include an expiration date. For temporary I-551 receipts, at the end of the receipt validity period, the individual must present the Permanent Resident Card (Form I-551) for Section 2 of Form I-9.</p> <p>The MRIV demonstrates permanent resident status for one year from the date of admission found in the foreign passport that contains the MRIV.</p>	<p>USCIS uses either an I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residence. Sometimes, if no foreign passport is available, USCIS will place the I-551 stamp on a Form I-94 and affix a photograph of the bearer to the form. This document is considered a receipt.</p>
Part Eight, Page 58	* Old Images Employment Authorization Documents, front and back	*New Image Employment Authorization Document, front and back
Part Eight, Page 59	* Old Image Form I-20	* New Image Form I-20
Part Eight, Page 60	CBP and sometimes USCIS issue arrival-departure records to nonimmigrants. This document indicates the bearer’s immigration status, the date that the status was granted, and when the status expires. The immigration status notation within the stamp on the card varies according to the status granted, e.g., L-1, F-1, J-1. The Form I-94 has a handwritten	CBP and sometimes USCIS issue arrival-departure records to nonimmigrants. This document indicates the bearer’s immigration status, the date that the status was granted, and when the status expires. The immigration status notation within the stamp on the card varies according to the status granted, for example, L-1, F-1, J-1. Form I-94 can

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	<p>date and status, and the Form I-94A has a computer-generated date and status. Both may be presented with documents that Form I-9 specifies are valid only when Form I-94 or Form I-94A also is presented, such as the foreign passport, Form DS-2019, or Form I-20. Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94 or Form I-94A.</p>	<p>contain a handwritten date and status or be computer-generated. Form I-94A has a computer-generated date and status. Both may be presented with documents that Form I-9 specifies are valid only when Form I-94 or Form I-94A also is presented, such as the foreign passport, Form DS-2019, or Form I-20.</p> <p>Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94 or Form I-94A.</p>
<p>Part Eight, Page 60</p>		<p>*Additional Image Electronic I-9</p>
<p>Part Eight, Page 60</p>	<p>*Old Image Passports of the Federated States of Micronesia and the Republic of the Marshall Islands</p>	<p>*New Image Passports of the Federated States of Micronesia and the Republic of the Marshall Islands</p>
<p>Part Eight, Page 61</p>	<p>*Old Image Driver's License from the Commonwealth of Virginia</p>	<p>*New Image Driver's License from Mississippi</p>
<p>Part Eight, Page 61</p>	<p>*Old Image Identification card from the Commonwealth of Virginia</p>	<p>*New Image Identification card from Mississippi</p>
<p>Part Eight, Page 61</p>	<p>Some states may place notations on their drivers' licenses that state the card does not confirm employment authorization. For Form I-9 purposes, these drivers' licenses, along with every other state's, establish the identity of an employee. When presenting any driver's license, the employee must also present a List C document that establishes employment authorization.</p>	<p>Some states may place restrictive notations on their drivers' licenses. For Form I-9 purposes, these drivers' licenses may be acceptable.</p>
<p>Part Eight, Page 61</p>	<p>Some states may place notations on their ID cards that state the card does not confirm employment authorization. For Form I-9 purposes, these cards, along with every other state's, establish the identity of an employee. When presenting any state-issued ID card, the employee must also present a List C document that establishes employment authorization.</p>	<p>Some states may place restrictive notations on their ID cards. For Form I-9 purposes, these cards may be acceptable.</p>