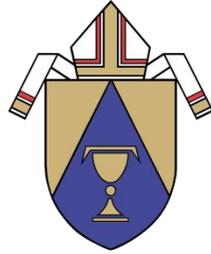


DIOCESE OF SACRAMENTO



Form I-9

Employment Eligibility Form

Frequently Asked Questions

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FILLING OUT THE I-9 FORM

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?

A: No. 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, one of the documents found in List A is a foreign passport with an attached Form I-94/I-94A, bearing the same name as the passport and containing endorsement of the individual's nonimmigrant status, if that status authorizes the individual to work for the employer. Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94/I-94A.

If the employee is a student or exchange visitor, the employer should enter the employee's Form I-20 or DS-2019 number and the program end date from Form I-20 or DS-2019 in addition to the passport and Form I-94 information.

Q: Who is permitted to fill out Section 1 of Form I-9?

A: Only the employee is allowed to fill out Section 1. If the employee needs assistance, then the translator section of the Form must be filled out and signed by the individual assisting the employee.

Q: Can my employee leave any part of Section 1 on Form I-9 blank?

A: Employees must complete every applicable field in Section 1 of Form I-9 with the exception of the fields requesting your employee's telephone number and email address.

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

A: No. 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. To do so may violate the anti-discrimination provision of the Immigration and Nationality Act (INA).

Q: The name on the Form I-9 does not match the name on the employee's social security card. What should I do?

A: Department of Homeland Security (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 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).

ACCEPTABLE DOCUMENTS

Q: What should I do if the person I hire is unable to provide the required documents within three (3) business days of the date employment begins?

A: The employer must have the employee terminated if the proper documentation cannot be presented within three (3) business days. The exception is if a receipt has been provided as temporary proof of employment eligibility when a List A, B, or C document has been lost, stolen, or damaged. The replacement document must then be presented within ninety (90) days of the hire date.

Q: May I specify which documents I will accept for verification?

A: No. The employee must choose which document(s) he or she wants to present from the List 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 that reasonably appears 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 of the INA.

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

A: You must examine the document(s), and if they reasonably appear to be genuine and to relate to the person presenting them, you must accept them. 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. You may ask if the employee has other documentation that would satisfy Form I-9 requirements.

Q: My employee's Employment Authorization Document (Form I-766) expired and the employee now wants to show me a driver's license (List B) and a Social Security card (List C). Do I need to see a current DHS document?

A: No, as long as the employee presents an unexpired driver's license and an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document.

Q: May I accept an expired document?

A: No. Expired documents may not demonstrate a valid status and are prone to tampering and fraudulent use. If a document does not contain an expiration date, such as a social security card, it is considered unexpired.

Q: May I accept a photocopy of a document presented by my employee?

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

Q: Some people are presenting me with printouts from the Social Security Administration with their name, Social Security number, date of birth, and their parents' names. May I accept such printouts in place of a Social Security card as evidence of employment eligibility?

A: No. Only a person's official Social Security card is acceptable.

Q: What should I do if an employee presents a Social Security card marked "NOT VALID FOR EMPLOYMENT" or "VALID FOR WORK ONLY WITH DHS AUTHORIZATION" as a Form I-9 supporting document?

A: These Social Security cards are considered "restricted" and are not acceptable for Form I-9 purposes. You should give them the List of Acceptable Documents and must ask them to provide another document to establish their employment eligibility.

Q: What is the proper issuing authority for a Social Security card?

A: Current Social Security cards use "Social Security Administration" or "Department of Health and Human Services" while older cards use "US Government". Refer to the card to determine which to use.

Q: Is an unsigned Social Security card or an unsigned passport valid?

A: Yes. A signature is not required for the card or passport to be valid. You may accept an unsigned Social Security card or passport as long as the document reasonably appears to be genuine and to relate to the person presenting it.

Q: Does a state-issued enhanced driver's license qualify as a List A document?

A: No, the enhanced driver's license is a List B document.

Q: Can I accept an expired driver's license with a paper document stating that the paper document serves as a temporary license?

A: A state-issued temporary driver's license is an acceptable List B document provided it contains a photograph or identifying information including name, date of birth, gender, height, eye color, and address. If the temporary driver's license has conditions, such as that the expired license must accompany the temporary driver's license for it to be valid, then those conditions must be met.

Q: The Certificate of Naturalization states you may not make a copy of it. As an employer, I make copies of all documents for Form I-9. May I make a copy of the Certificate of Naturalization?

A: Yes. You may make a copy of the Certification of Naturalization for Form I-9.

SELF-AUDITS AND CORRECTIONS

Q: How do I correct a mistake on an associate's Form I-9?

A: If the employer discovers an error in Section 1 of an employee's Form I-9, the employer must ask the employee to correct the error. When correcting Section 1, the employee should draw a line through the incorrect information, make the correction, and initial and date the correction with the current date. Be sure to use a different color ink to make corrections.

Employers may only correct errors made in Section 2 or Section 3 of Form I-9. When correcting Sections 2 or 3, the employer should draw a line through the incorrect information, make the correction, and initial and date the correction.

Q: What should I do if an invalid version of Form I-9 was completed for my employee at the time of hire?

A: As long as the Form I-9 documentation presented was acceptable under the Form I-9 rules that were current at the time of hire, the employer may correct the version error by stapling the outdated completed form to a blank current version, and signing the current blank version noting why the current blank version is attached (wrong edition was used at time of hire). In the alternative, the employer may draft an explanation and attach it to the outdated completed Form I-9 explaining that the wrong form was filled out correctly and in good faith. Use the current date when dating the Form.

Q: What if there are multiple errors and the document has become illegible?

A: To correct multiple recording errors on the form, the employer (employee if Section 1) may redo the section on a new 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 being left blank or Section 2 being completed based on unacceptable documents) need to be corrected. A note should be included in the file regarding the reason the employer made changes to an existing Form I-9 or completed a new Form I-9. This should be attached to the original Form I-9.

Q: What should be done if White-Out has been used to make corrections?

A: If corrections have been made on Forms I-9 in White-Out, USCIS recommends that you attach a note to the corrected Forms I-9 explaining what happened. Be sure to sign and date the note.

Q: Do I need to make my employee complete a new Form I-9 if my employee does not sign in the correct space in Section 1 of Form I-9?

A: No. As long as it is clear that the signature relates to the attestation (“I attest, under penalty of perjury...”), there is no need to complete a new Form I-9 or correct the placement of the signature.

Q: The date of hire on Form I-9 doesn't match the hire date in ADP. Should this be corrected?

A: Yes. The date of hire in the Certification area of Section 2 must match the date the employee started working.

Q: Section 2 was left blank when the I-9 was originally filled out. Can a different person than the one who examined the original documents fill out this section to correct the Form?

A: No. The signature in Section 2 means that the original documents have been verified by the person signing. Only the person who viewed the original documents may sign here. If that person is no longer available, attach a memo explaining that the person who viewed the original documents is no longer available to sign Section 2.

Q: What should be done in the case of over-documentation (document abuse)?

A: Only photocopies of the documents listed on the Form I-9 should be attached to the Form. If you find there are extra documents attached, please remove them and be sure that they are completely destroyed.

Q: What should I do if I find an I-9 for an employee who was hired before November 6, 1986?

A: Form I-9 is not to be filled out for any employee hired before the November 6, 1986. If you come across a Form completed for employee hired before this date, the Form and its attached documentation must be destroyed completely.

REVERIFICATION

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

A: To continue to employ an individual whose employment authorization has expired, you will need to reverify him or her in Section 3 of Form I-9. Reverification must occur no later than the date that employment authorization expires. The employee must present a document that shows either an extension of his or her initial employment authorization or new employment authorization. The employee does not need to present the same document that was presented for initial verification. You must review this document and, if it reasonably appears to be genuine and to relate to the person presenting it, record the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space.

Q: When doing a reverification, what should be done if the version of the Form I-9 that was originally used at the time of hire has expired?

A: If the version of Form I-9 that was 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.

Q: Do I need to reverify passports or permanent resident cards because they have an expiration date?

A: No. You may not reverify 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. You also cannot refuse to accept a document because it has a future expiration date.

Q: My employee has applied for a new Employment Authorization Document (Form I-766). Is the United States Citizenship and Immigration Services (USCIS) receipt notice considered valid?

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 the employee does not have the new card physically in-hand by the current expiration date, he or she is no longer authorized to work.

Q: Do I need to fill out a new Form I-9 if I rehire an employee?

A: Not always. You may reverify the employee using Section 3 of their original I-9 Form (as long as the Form is the current version and it is within 3 years of initial date of hire) or the employee may complete Section 1 and you complete Section 2 on a new Form I-9 instead of completing Section 3 when rehiring employees.

Q: If an employee has his/her name changed, does this information have to be updated in Section 3 of the I-9?

A: No. There is no specific guidance from Department of Homeland Security that requires a reverification with a name change. If the employee brings the information to you, you may do the reverification following the guidelines above.

RETENTION AND STORAGE

Q: What are the requirements for filing and retaining I-9 forms?

A: You must retain I-9 forms for all active employees and 3 years after the date the person's employment is terminated. File I-9 forms alphabetically, using separate folders for active and inactive employees. Photocopies of the supporting documents must be attached to the filed I-9. **I-9 forms must be filed separately from other personnel files.**

Q: What should be done with an employee's I-9 if he/she is transferred to a different location?

A: The employee's I-9 should also be transferred to the appropriate corresponding location.

Q: Where is the Form I-9 stored for each employee?

A: Each I-9 should be stored in its own file separate from the employees' personnel files.

Q: What must be done with an employee's Form I-9 when he/she no longer works for the location?

A: **For terminated employees ONLY:** Move the Form I-9 to the inactive Form I-9 file folder and retain it for three (3) years after date of termination. Do **not** store I-9 Forms for active and inactive associates in the same folder. Once the appropriate length of time has elapsed, the Form I-9 **must be destroyed**. If you determine that a Form I-9 must be destroyed, shred the Form I-9.

Q: If a natural disaster or any other unforeseen occurrence destroys stored Forms I-9, what should be done?

A: Employers whose Forms I-9 are missing and/or destroyed as a result of a natural disaster or any other unforeseen occurrence should complete new Forms I-9 to the extent reasonably possible and attach a memo stating the reason new Forms I-9 were redone or why it was not possible to redo the Forms I-9.