2024 I-9 Palooza!

Form I-9 101: Mastering the Basics to Help You Improve Your Results

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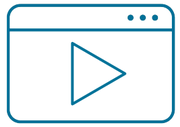
Thanks for Joining I-9 Palooza!

Welcome!

Thank you for joining our webinar. Stay tuned for more from Equifax Workforce Solutions!

Questions?

Please enter your questions in the chat box on your screen at any point during the presentation.



Recording

This webinar is being recorded. You will receive an email with a link to view the recording.

To Keep Our Lawyers Happy

- The information provided herein is intended as general guidance and is not intended to convey specific tax or legal advice. For a legal opinion, please consult your lawyer.
- This presentation is intended for the education and benefit of our customers and potential customers. This webinar cannot be shared with third parties.
- The views expressed are those of the discussion leader(s) and do not necessarily reflect official positions of Equifax.
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Investor analysts should direct inquiries via the ‘Contact Us’ box on the Investor Relations section at Equifax.com.

Your Form I-9 Subject Matter Experts Today

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Agenda

1. How it Started
2. The Basics
3. Best Practices
4. Electronic I-9s

But wait, there's more....

- Live Q&A
- Polling questions

Poll #1

Why are you interested in I-9 Compliance

- ○ I review documents and complete section 2
- ○ I oversee my organization’s I-9 program
- ○ I am responsible for US or global immigration (and thus am involved with I-9s)
- ○ I am responsible for overall compliance at my organization
- ○ I just love government forms!

How it All Started

Why do we have a Form I-9?

Immigration Reform and Control Act of 1986 (IRCA)

Background

- Employment can be "**the magnet**" that attracts people to reside in the US unlawfully
- IRCA established **employer sanctions** to help ensure that employers hire only individuals who may legally work in the US

Requirement

- Employers must verify the identity and employment eligibility on Form I-9 for every employee hired after November 6, 1986
- Congress also prohibited employment discrimination based on citizenship, immigration status, and national origin

Source: EEOC.gov

The Basics

Who Completes the I-9?

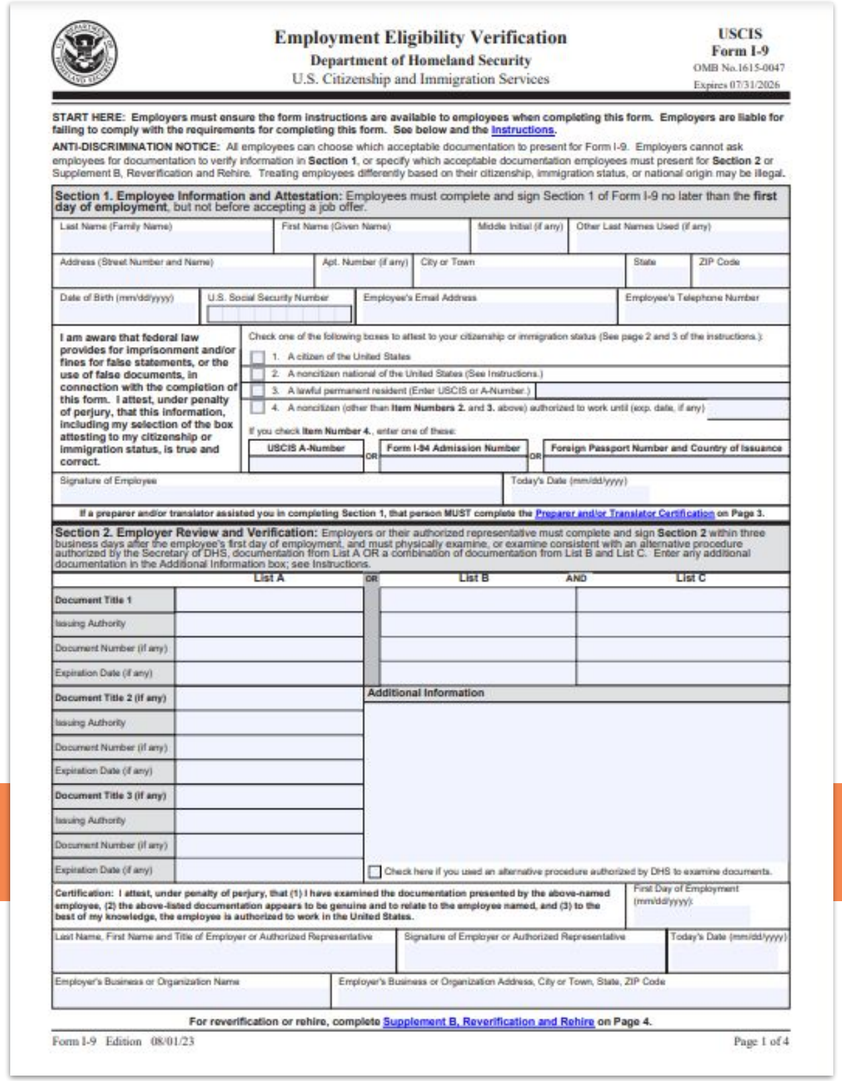
All employers are required to complete the I-9 for individuals hired to perform labor or services in return for wages or remuneration

Exempt groups

- Grandfathered employees hired before November 7, 1986
- Casual domestic workers
- Independent contractors
- Providing labor where employed by a contractor providing contract services
- Not physically working on U.S. soil

Which Version Do I Use?

- Form I-9 Edition 08/01/23 must be used as of November 1, 2023 until its current expiration date of July 31, 2026, unless otherwise stated by USCIS
- Previously accepted versions are no longer valid
- While only employers located in Puerto Rico may complete the Spanish-language version, any employer may use it as a translation tool



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-9
OMB No.1615-0047
Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the Instructions.

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name) | First Name (Given Name) | Middle Initial (if any) | Other Last Names Used (if any)

Address (Street Number and Name) | Apt. Number (if any) | City or Town | State | ZIP Code

Date of Birth (mm/dd/yyyy) | U.S. Social Security Number | Employee's Email Address | Employee's Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

1. A citizen of the United States
2. A noncitizen national of the United States (See Instructions.)
3. A lawful permanent resident (Enter USCIS or A-Number.)
4. A noncitizen (other than **Item Numbers 2.** and **3.** above) authorized to work until (exp. date, if any)

If you check **Item Number 4.**, enter one of these:

USCIS A-Number OR **Form I-94 Admission Number** OR **Foreign Passport Number and Country of Issuance**

Signature of Employee | Today's Date (mm/dd/yyyy)

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign **Section 2** within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)			**Additional Information**		
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)			☐ Check here if you used an alternative procedure authorized by DHS to examine documents.		

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

First Day of Employment (mm/dd/yyyy)

Last Name, First Name and Title of Employer or Authorized Representative | Signature of Employer or Authorized Representative | Today's Date (mm/dd/yyyy)

Employer's Business or Organization Name | Employer's Business or Organization Address, City or Town, State, ZIP Code

For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.

Form I-9 Edition 08/01/23 Page 1 of 4

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Source: DHS.gov

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Form I-9 Completion Timing

Section 1 (Employee)

- Employee must complete Section 1 **on or before the first day of employment** (first day of paid work)
- Employee can complete section 1 before the first day as long as offer has been made and accepted

Section 2 (Employer or Authorized Rep)

- Must complete Section 2 no later than **3 business days after** the employee starts work for pay

Example: if employee starts on a Monday, Section 2 must be completed by Thursday of that week

- Exception: if employee will work for less than 3 days, Section 2 must be completed no later than the first day of work for pay

Employee Completes Section 1

- All employees must provide their current legal name, complete address, and date of birth
- SSN is optional unless employer is enrolled in E-Verify
- Email address and telephone number are always optional
- Employee must select one box to attest to their citizenship or immigration status

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)

Address (Street Number and Name)	Apt. Number (if any)	City or Town	State	ZIP Code

Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's Email Address	Employee's Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

- ☐ 1. A citizen of the United States
- ☐ 2. A noncitizen national of the United States (See Instructions.)
- ☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)
- ☐ 4. A noncitizen (other than **Item Numbers 2.** and **3.** above) authorized to work until (exp. date, if any)

If you check **Item Number 4.**, enter one of these:

USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance

Signature of Employee	Today's Date (mm/dd/yyyy)

Employee must sign and enter the date they signed Section 1. If a preparer and/or translator assists the employee, that person must complete Supplement A, Preparer and/or Translator Certification

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Source: USCIS.gov

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Employee Chooses Documentation to Present

- Employee must present original, acceptable, and unexpired documentation from the Lists of Acceptable Documents (LOAD)
- An employer cannot specify which documentation the employee presents
- Employee may present either:
  1) one selection from List A or
  2) a combination of one selection from List B and one selection from List C

- In certain cases, employee may also present an acceptable receipt for List A, B, or C documents

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Source: USCIS.gov

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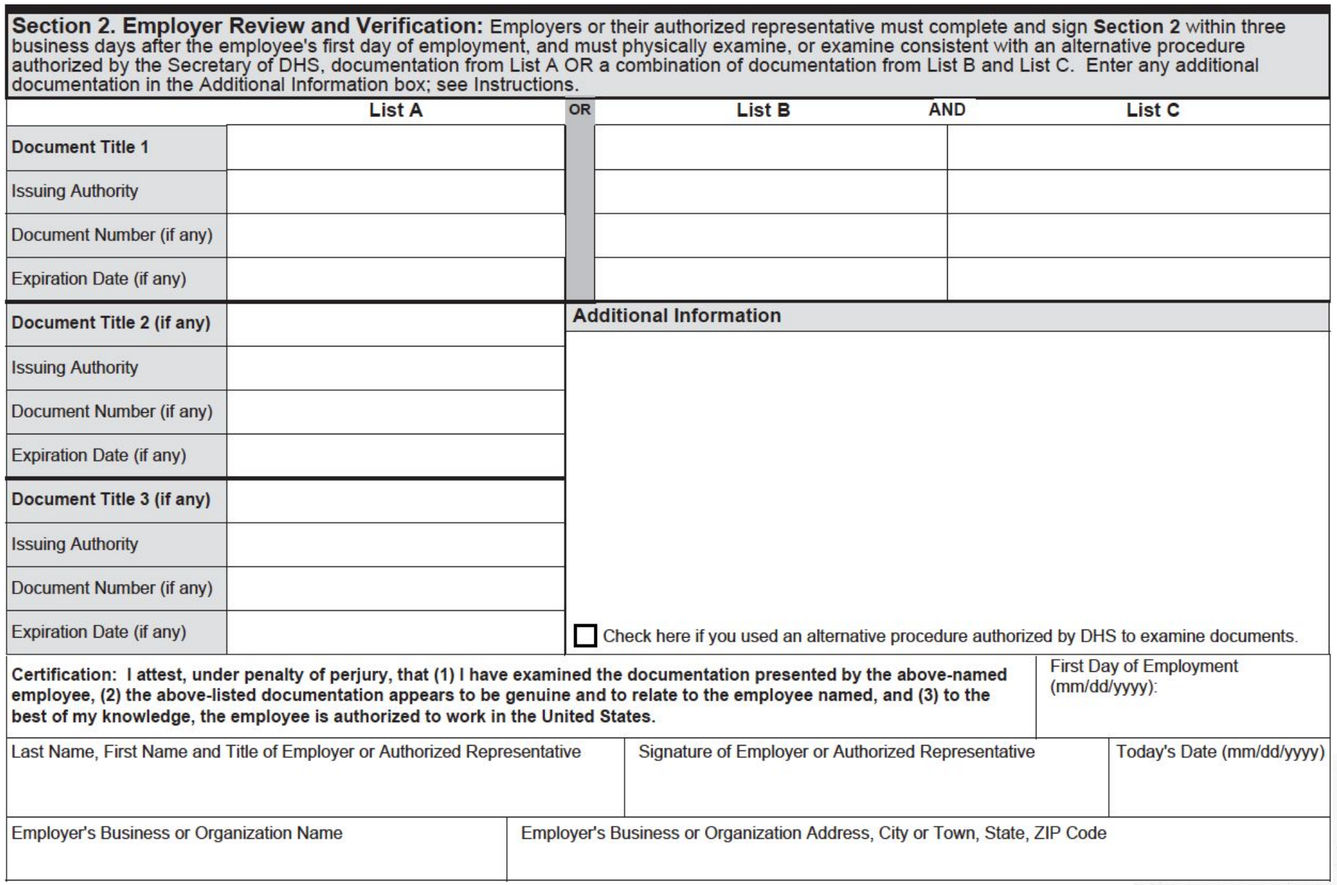
Employer or Authorized Representative Completes Section 2

Employer or authorized representative must:

- Physically or virtually (if eligible) examine original unexpired documents presented by the employee to determine if it reasonably appears to be genuine and relates to the individual
- Record one document from List A OR a combination of one document from List B and one from List C
- Ensure that document title, issuing authority, number(s) and expiration date (if any) from the original document(s) are recorded



Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign **Section 2** within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					

Additional Information

☐ Check here if you used an alternative procedure authorized by DHS to examine documents.

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

First Day of Employment (mm/dd/yyyy):

Last Name, First Name and Title of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)

Employer's Business or Organization Name	Employer's Business or Organization Address, City or Town, State, ZIP Code

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Source: USCIS.gov

Section 2: Additional Pointers

Employers may use **common abbreviations** for states, document titles, or issuing authorities, such as “DL” for driver’s license and “SSA” for Social Security Administration

The **same person** who examined the employee’s documents must also complete the fields in the certification block, then sign and date Section 2

Use the **Additional Information** field to record any additional information required to complete Section 2, or any updates that are necessary once Section 2 is complete

The first day of employment in Section 2 should match your payroll records for the employee

Source: USCIS.gov

The “New Virtual” I-9 Option

Effective as of August 1, 2023, qualifying employers may use an alternative procedure for examining Form I-9 documents virtually in lieu of a physical in-person inspection

Tip: Visit I-9 Central for details concerning the remote examination option https://www.uscis.gov/i-9-central/remote-examination-of-documents

Source: USCIS.gov

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Retaining Copies of Form I-9 Documents

Form I-9

Retaining copies of documents **is optional**. If retained, must keep copies (or electronic images) with the Form I-9

E-Verify

E-Verify participants must retain a photocopy of the following if presented:

- U.S. passport
- U.S. passport card
- Form I-551, Permanent Resident Card
- Form I-766, Employment Authorization Document

Virtual Inspection

If you use an alternative procedure to remotely examine your employee's Form I-9 documentation, you must retain clear and legible copies of **all documents** (front and back) you examine with the employee's Form I-9.

Source: USCIS.gov

Poll #2

Do you keep photocopies of I-9 documentation?

- ○ Yes, we keep them for all employees
- ○ Yes, but only the E-Verify photo matching documents
- ○ Yes, but only for virtually completed I-9s
- ○ No, we decided against this policy

Completing Supplement B Reverification, Rehires and Updates

Reverification

- Employees with expiring work authorization must be reverified in Supplement B no later than the date employment authorization expires

Rehire

- If you rehire an employee within three years from the date the employee's Form I-9 was first completed, you may complete Supplement B and attach it to the employee's previously completed Form I-9

Name Changes

- Must be recorded in Supplement B during reverification or rehire (other times, it’s optional, but recommended)

Supplement B (formerly known as Section 3) can be used for different I-9 purposes

Source: USCIS.gov

I-9 Retention

- You must keep a completed Form I-9 on file for each employee on your payroll (or otherwise receiving remuneration) who was hired after Nov. 6, 1986
- After termination, must retain I-9 until 3 years after date of hire **or** 1 year after termination, **whichever is later**.
- I-9s can be completed/retained in an electronic system that complies with the regulations

USCIS Retention Calculator:
https://www.uscis.gov/i-9-central/completing-form-i-9/retention-and-storage

Source: USCIS.gov

Poll #3 - Retention Quiz!

If an employee was hired on March 1st, 2022 and terminated on May 1st, 2023, when can you purge that I-9?

- ○ May 1st, 2024
- ○ March 1st, 2025
- ○ May 1st, 2023
- ○ You might be safer to keep it forever

Best Practices

Be More Audit Ready

1 Review I-9s for Errors

Conduct an audit before the government shows up

- Be proactive
- “Good faith” efforts
- Find mistakes and make corrections
- Professional/external audits are a best practice

2 Frequent Training

Review the fundamentals and discuss new updates

- Form I-9 timing
- Avoiding common errors
- Understanding documentation

3 Systemize your I-9 process

Utilize smart technology to help standardize your process

- Apply consistent rules
- Document your procedures
- Help reduce errors

Core Benefits of Electronic I-9s

- Helps reduce costly I-9 errors
- Can lead to an increase in onboarding efficiency
- Helps enable standardization of processes
- Helps ensure more timely I-9 reverifications
- Offers integration with E-Verify

Q&A

Next Steps

1 SURVEY

Complete the survey through the webinar console

2 CONTACT

Want to talk to someone about your Form I-9 processes? Click on the “Want to Get In Touch” button on your webinar console or contact us at:

workforce.equifax.com/contact

3 CONNECT

Subscribe to Let’s Talk HR for updates:

workforce.equifax.com/insights

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