



# <sup>2024</sup> I-9 Palooza!

Helping Reduce Discrimination  
in I-9 Processes: Best Practices  
for Team Training

**EQUIFAX**®

Workforce  
Solutions

# Thanks for Joining I-9 Palooza!



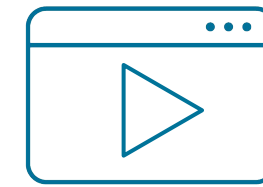
## Welcome!

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.
-  Copyright © 2024, Equifax Inc., Atlanta, Georgia. All rights reserved. Equifax is a registered trademark of Equifax Inc.

Investor analysts should direct inquiries via the 'Contact Us' box on the Investor Relations section at [Equifax.com](https://www.equifax.com).



# Your Form I-9 Subject Matter Experts Today



**Liza Zamd**

Senior Trial Attorney  
US Department of Justice  
Civil Rights Division  
Immigrant and Employee Rights



**Katie Minervino**

Partner  
Pierce Atwood LLP



**John Fay**

Director, Product Strategy  
Equifax Workforce Solutions

# Agenda

- 1 Unfair Documentary Practices
- 2 Is this Acceptable? A Review of Identity and Employment Authorization Documents
- 3 Discrimination Considerations with Remote Document Examination (“Virtual I-9”)
- 4 Electronic I-9 Issues





# Time for a Quiz!

# Poll #1

True or False: you can only accept a Social Security Card if presented by a US citizen or Lawful Permanent Resident

True

False

# Did you know?

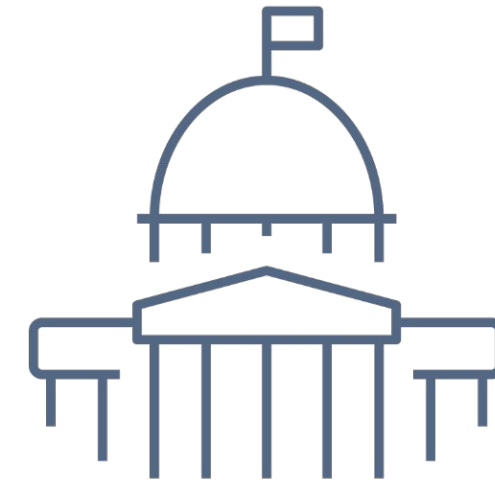


“An estimated 891,000 employers in the US **began discriminatory practices** based on their misunderstanding of the Immigration Reform and Control Act of 1986”



# Background of IER

- Prosecutes employment discrimination based on national origin, citizenship, or immigration status
- Four types of prohibited conduct
  - Citizenship/Immigration Status Discrimination
  - National Origin Discrimination
  - Unfair Documentary Practices
  - Retaliation or Intimidation



## Immigrant and Employee Rights Section

Employer Hotline:  
1-800-255-8155

Email: [liza.zamd@usdoj.gov](mailto:liza.zamd@usdoj.gov)

# Unfair Documentary Practices

Employers **cannot** treat individuals differently on the basis of national origin, citizenship, or immigration status in the Form I-9 or E-Verify process

Employers **cannot**:

- Request more or different documents
- Reject reasonably genuine-looking documents
- Specify certain documents

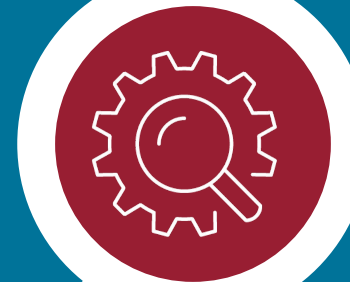
## What is an intent to discriminate?

“An act of intentionally treating an individual differently based on national origin or citizenship status...regardless of the explanation for the differential treatment, and regardless of whether such treatment is because of animus or hostility.”

**28 CFR 44.101(e)**

# Use of AI in Employment Eligibility Verification

Employers are now routinely using AI and similar technologies in their hiring and recruiting processes to facilitate and streamline the process



AI-generated results may reflect and reproduce unwanted inequities or provide inaccurate information

Employers can reduce their risk of violating anti-discrimination laws by thoroughly testing their use of AI and automated systems and regularly monitoring the effects on protected groups

Source: [Pew Research, "AI in Hiring and Evaluating Workers: What Americans Think" \(April 2023\)](#)



# I-9 Game Time: Is this acceptable?

# Is this okay?


The following action items **MUST** be performed on or before your first day of employment.

New Hire Forms Checklist	
<input type="checkbox"/>	<b>Contract</b> signed - (unclassified employees only) <b>Position description</b> signed – (permanent university staff/project employees only) The position description will be signed during your scheduled orientation session.
<input type="checkbox"/>	<b>I-9 Form</b> –Your job is contingent upon verification of identity and work authorization (I-9). You <b>MUST</b> bring two forms of IDs (e.g., driver's license and SS card) to complete the I-9. Please bring these <b>original</b> documents (copies cannot be accepted) with you on or before your first day of work.
<input type="checkbox"/>	<b>Direct Deposit</b> – Direct deposit is a condition of employment. Please complete the form and attach a copy of a deposit ticket or voided check. If you are banking out of town or out of state, please be sure the bank's address is included.
<input type="checkbox"/>	<b>W-4/Self ID Form (Federal and State Employee's Withholding Certificate)</b> - The entire form needs to be completed.
<input type="checkbox"/>	<b>Emergency Contact Information</b> - Please complete.
<input type="checkbox"/>	<b>Confidentiality Form</b> – Please sign and date.
<input type="checkbox"/>	<b>Transcripts</b> – (unclassified employees only) Official transcripts are needed for all degrees, not just highest degree attained. <b>Not applicable for Graduate Assistants.</b>

New hire packet contains “helpful” I-9 instruction...



# Is this acceptable?

 **U.S. Customs and Border Protection**  
*Securing America's Borders*

---

**Most Recent I-94**

---

Admission (I-94) Record Number :  
Most Recent Date of Entry: 2022 July 26  
**Class of Admission : RE**  
**Admit Until Date : D/S**  
Details provided on the I-94 Information form:

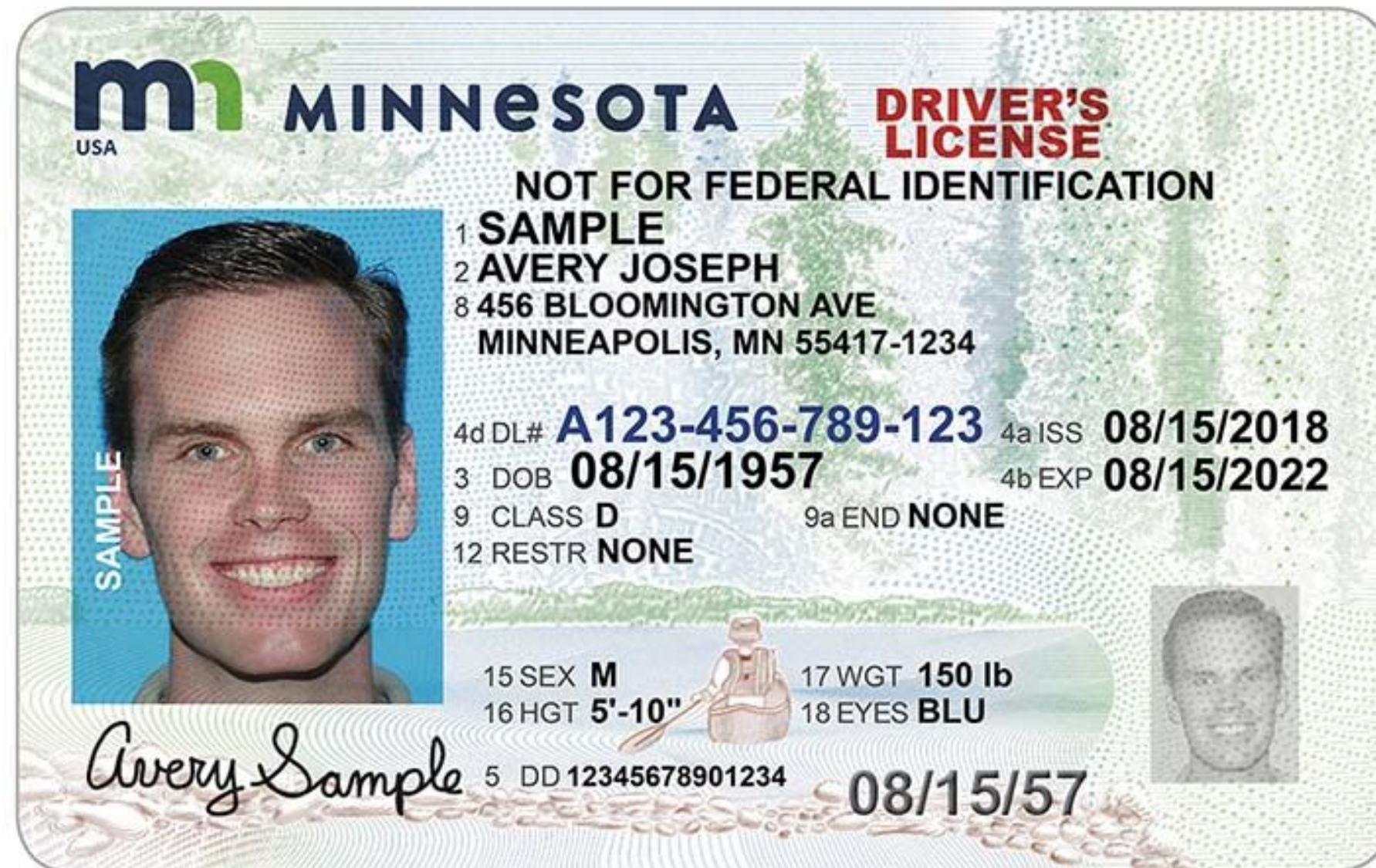
Last/Surname :  
First (Given) Name :  
Birth Date :  
Document Number :  
Country of Citizenship : **Guatemala**

---

Electronic I-94  
but not for a  
specific employer



# Is this acceptable for I-9 purposes?



State-issued  
 driver's license  
 with bearing "Not  
 for Federal  
 Identification"



# Is this acceptable?

Name on  
employee's  
documentation  
differs from name  
provided on the  
Form I-9

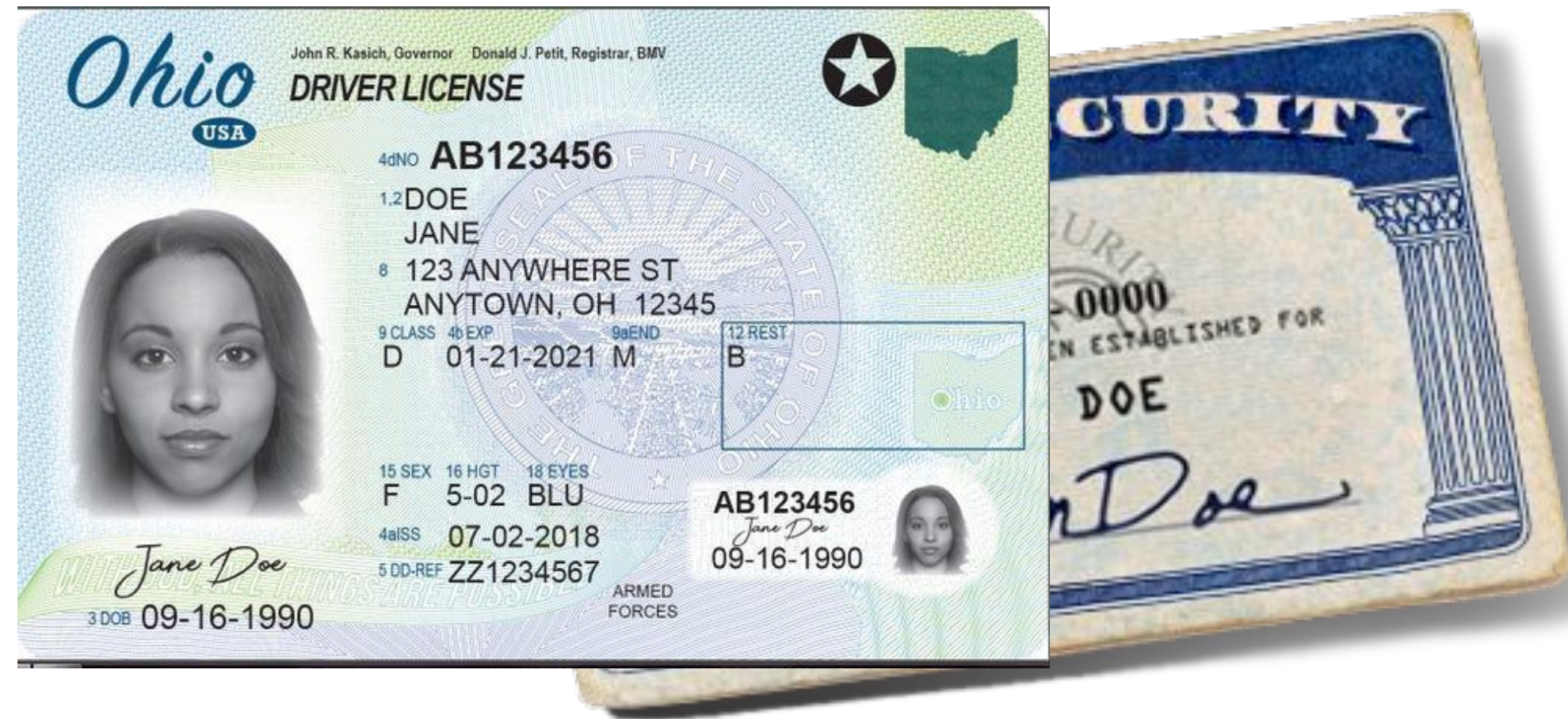
Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.				
Last Name (Family Name) <b>Smith</b>	First Name (Given Name) <b>Roberta</b>	Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name) <b>123 Main Street</b>	Apt. Number (if any)	City or Town <b>Phoenix</b>	State <b>AZ</b>	ZIP Code <b>85004</b>
Date of Birth (mm/dd/yyyy) <b>12/12/1978</b>	U.S. Social Security Number <div></div>	Employee's Email Address	Employee's Telephone Number	





# Is this acceptable for I-9 purposes?

Employee comes forward with new identity...





# Quiz #2

<sup>2024</sup>  
I-9  
Palooza!

## Poll #2

True or False: Some federal, state, or local “ID cards” under List B #2 are printed on regular pieces of paper.

True  
False

# The “Virtual” I-9 Option for Examining Documents



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>



# Discrimination Considerations with Remote Document Examination (“Virtual I-9s”)

## Implementation: Consistency Requirement

- If a qualified employer chooses to offer the alternative procedure at an E-Verify hiring site, that employer must do so **consistently** for all employees at that site
- A qualified employer may choose to offer the alternative procedure **for remote hires only** but continue to use physical in-person examination procedures to all employees who work onsite or in a hybrid capacity
- Under no circumstances can employers unlawfully discriminate, such as by deciding who is eligible for the alternative procedure based on a protected characteristic



“Qualified employers must allow employees who are unable or unwilling to submit documentation using the alternative procedure to submit documentation for physical examination.”

88 FR 47749

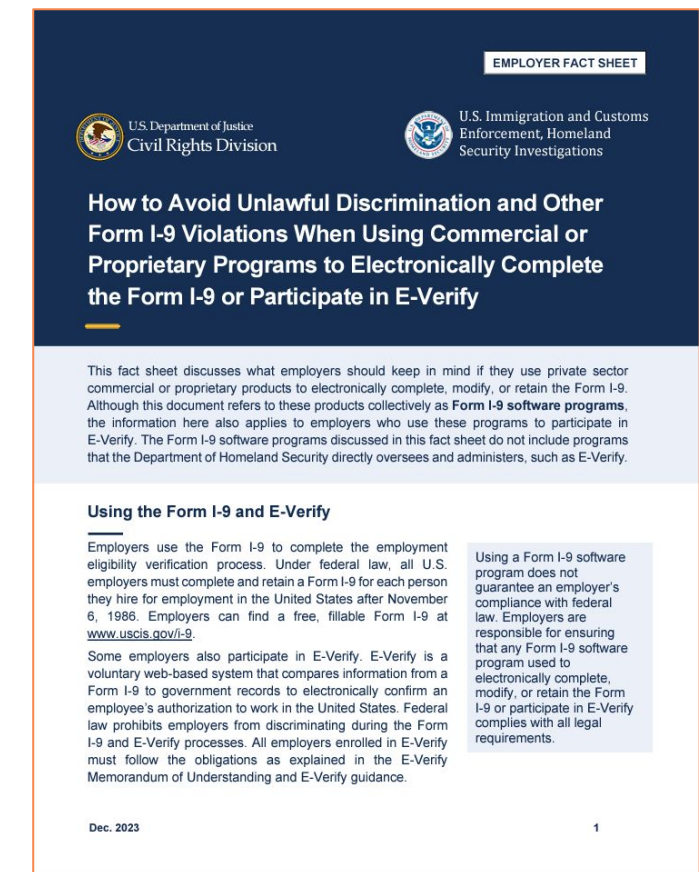
# Electronic I-9 Issues

- Incorrect automation can lead to unfair documentary practices
- Be mindful of additional steps or requirements (e.g., system encourages asking for documents to confirm Section 1 responses)
- Employers must be able to delay creating E-Verify cases when E-Verify rules instruct them to do so
- Look out for systems that prompt unnecessary reverification (e.g., reverifying permanent resident cards)

## New Government Resource

### IER/ICE Employer Fact Sheet

[https://www.justice.gov/d9/2023-12/joint\\_form\\_i-9\\_software\\_guidance\\_12\\_19\\_23.pdf](https://www.justice.gov/d9/2023-12/joint_form_i-9_software_guidance_12_19_23.pdf)



# Q&A

---

## *Today's Presenters*

### **Liza Zamd**

Senior Trial Attorney  
US Department of Justice  
Civil Rights Division  
Immigrant and Employee Rights Section

### **Immigrant and Employee Rights Section**

Employer Hotline: 1-800-255-8155

Email: [liza.zamd@usdoj.gov](mailto:liza.zamd@usdoj.gov)

### **Katie Minervino**

Partner  
Pierce Atwood LLP  
[kminervino@pierceatwood.com](mailto:kminervino@pierceatwood.com)

### **John Fay**

Director, Product Strategy  
Equifax Workforce Solutions  
[john.fay@equifax.com](mailto:john.fay@equifax.com)



# Next Steps



## 1 SURVEY

Complete the survey through the webinar console



Activity ID:  
**24-MZTNQ**



## 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](https://workforce.equifax.com/contact)**



## 3 CONNECT

Subscribe to Let's Talk HR for updates:  
**[workforce.equifax.com/insights](https://workforce.equifax.com/insights)**