

# Fall Forecast: Navigating I-9 and E-Verify for the New Fiscal Year

October 5, 2023

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Solutions



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



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# Today's Presenters



**Allison Delfino**

Director, Employer Services Training  
Equifax Workforce Solutions



**John Fay**

Director, Product Strategy  
Equifax Workforce Solutions



# To set the stage for today's discussion...



# Today's Agenda



- **New I-9 edition**
- **“COVID I-9” cleanup**
- **Virtual document review**
- **Update on state E-Verify laws**
- **E-Verify NextGen**

**But wait, there's more....**

- **Question and Answer session**



# The New Form I-9

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# The New Form I-9 (Edition: August 1, 2023)

## Recap:

- **Sections 1 and 2** are on one page (in a condensed format)
  - **Supplement A:** Preparer and/or translator
  - **Supplement B:** Reverification and rehire
- **Instructions** and the **Lists of Acceptable documents** contain minor revisions
- Employers must use for new hires and reverifications starting **November 1, 2023**

**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.

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



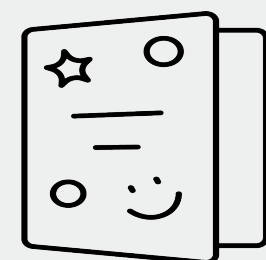


# The New Form I-9: what you REALLY need to know



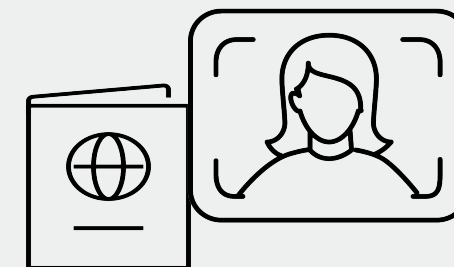
## New virtual checkbox

The most significant field-level change is the addition of the new “alternative procedure” checkbox



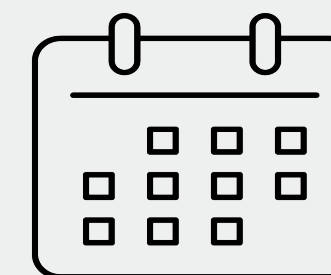
## N/A no longer required

Instructions indicate to leave a field blank if it does not apply



## LOAD has more detail

The Lists of Acceptable Documents (LOAD) now includes receipts and clarifies when expired documents may be acceptable



## November 1 deadline

Using an old (outdated) edition of the Form I-9 can be a technical violation during an inspection

A revised Spanish Form I-9 dated "08/01/2023" is also available for use in Puerto Rico only



# COVID Virtual I-9 Follow-up Inspections



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## COVID-19 Virtual Policy Ends as of July 31, 2023

Employers taking physical proximity precautions due to COVID-19 were permitted to examine documents remotely followed by an in-person inspection when normal operations resume

## Employers instructed to complete any necessary follow-up inspections

On May 4, 2023, Immigration and Customs Enforcement (ICE) announced that employers must complete the required follow-up inspections by **August 30, 2023**

Certain employers may also use the new virtual process to conduct the inspection

Source: <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>



# Poll #1

Do you still have COVID virtual I-9s that require a follow-up inspection?

- Yes, we still have a sizeable amount
- Yes, but we only have a few remaining
- No, we completed all of our inspections
- N/A (we did not use the COVID-19 virtual process)
- Not sure (and afraid to look)



# Conducting follow-up inspections *after* the deadline



**It's not too late to show "good faith"**

Although the August 30th deadline has passed, an uncorrected I-9 error or omission may still be treated as a "continuing violation" until it's cured.<sup>1</sup>

ICE has stated they will take into consideration employers who have taken timely measures to complete their inspections within a reasonable period of time, even if they failed to meet the August 30th deadline.<sup>2</sup>

The most important factor in assessing an employer's good faith is the steps they took before ICE showed up



# Virtual I-9 Process (Alternative Procedure for Inspecting Documents)





Effective August 1, 2023, qualifying employers may use an **alternative procedure** for examining documents remotely in lieu of a physical in-person inspection



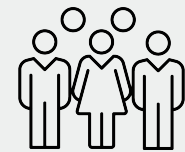
# Virtual I-9 Completion: Process & Requirements



**1**

## E-Verify

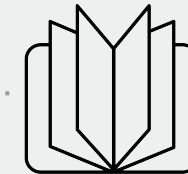
Employers must be enrolled in E-Verify and remain in good standing



**2**

## Non-Discrimination

Employers must use consistently at participating hiring sites



**3**

## Training

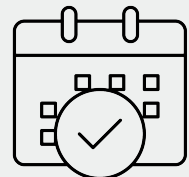
Users must complete fraud awareness and anti-discrimination training



**4**

## Document Upload

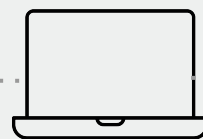
Employee sends document copies to employer for review and examination



**5**

## Schedule Meeting

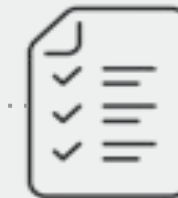
Employer coordinates with employee to schedule live video review



**6**

## Live Video Interaction

Employee must present same documents on screen to employer for review



**7**

## Complete the Form I-9

Employer completes the I-9 and indicates the alternative procedure was used



**8**

## Document Retention

Employers must retain copy of documentation





## May a qualified employer offer the alternative procedure to only some employees?

Employers must offer the new virtual process consistently for all employees at an E-Verify hiring site. However, qualifying employers may choose to offer for remote hires only and continue physical in-person inspections for those onsite and hybrid employees.

Source: <https://www.uscis.gov/i-9-central/remote-examination-of-documents>

## How do we access the fraud awareness training?

Direct (web) users of E-Verify may access the training through the E-Verify tutorial. The training is now also available through the following public website:

<https://www.e-verify.gov/fraudulent-documents-awareness>

## Do we need to record the live video interaction?

No, DHS rules do not require that employers record the live video interaction. Recording the interactions may also raise other issues for employers relating to data privacy and security, which ultimately increase the burden on HR departments choosing to use this new option.

Source: <https://www.uscis.gov/i-9-central/remote-examination-of-documents>

## What if an employee objects to the use of the new virtual process?

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

*Source: [Optional Alternative 1 to the Physical Document Examination Associated With Employment Eligibility Verification \(Form I-9\), 88 FR 47749](#)*

## What does E-Verify consider to be “in good standing”?

### “In good standing” defined:

- Enrolled in E-Verify with respect to all hiring sites in the US that use the alternative procedure
- In compliance with all requirements of the E-Verify program, including but not limited to verifying the employment eligibility of newly hired employees in the US
- Continues to be enrolled and a participant in good standing in E-Verify at any time during which the employer uses the alternative procedure

Source: <https://www.uscis.gov/i-9-central/remote-examination-of-documents>

## Can we use the new virtual process for our COVID-19 I-9 cleanups?

Yes, but only if all 4 conditions are met:

- (1) Performed the initial remote examination between March 20, 2020 and July 31, 2023
- (2) Enrolled in E-Verify at the time the I-9 was initially completed
- (3) Created a case in E-Verify for that employee (except for reverification)
- (4) Currently enrolled in and continuing to participate in E-Verify

Source: <https://www.e-verify.gov/about-e-verify/whats-new/new-e-verify-employers-may-use-alternative-procedure-for-form-i-9>

# Poll #2

What is your intention regarding this new virtual option?  
(can select more than one)

- We intend to use this option for all our hiring
- We intend to use this option for remote hiring only
- We intend to use this option at one or more hiring sites
- We're considering it but need to evaluate the potential costs
- We're unlikely to use this option and will stick with in-person



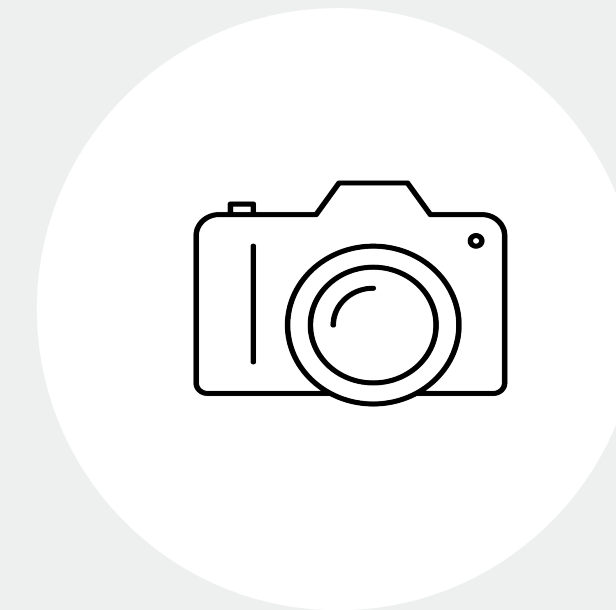
# New E-Verify Florida Provisions in Effect as of July 1, 2023



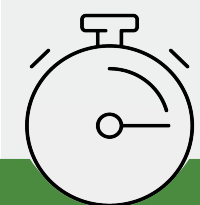
Private employers with 25 or more employees performing services in the state must use E-Verify



Must retain a copy of ALL I-9 documents and official verification results for 3 years



If E-Verify is down, must retain screenshot or other proof of unavailability



## Beginning July 1, 2024

Failure to use E-Verify 3 times in any 24-month period may result in a fine of \$1,000 per day. Non-compliance also constitutes grounds for the suspension of all licenses.





# Sneak Peek: Proposed E-Verify NextGen

## What it could entail:

- New E-Verify platform which integrates the I-9 and E-Verify process
- Employees use myE-Verify portal to provide information and documents
- E-Verify interacts with employees directly to resolve mismatches (TNCs)
- Employee can re-use verification when changing jobs
- Does not store the I-9 or integrate with other systems

Source: <https://www.e-verify.gov/about-e-verify/whats-new/coming-soon-e-verify-nextgen>  
 See also: <https://www.shrm.org/hr-today/news/hr-news/pages/next-version-of-e-verify-will-bring-big-changes.aspx>

## Who benefits?

Small employers currently using a paper-based I-9 process that involves manual entry into the E-Verify website

## Next steps

- USCIS is scheduled to release a pilot program in April 2024 for subset of employers
- Additional releases planned in 2024
- Web services integration on the horizon



# How We Can Help

Local network to support employees with completion of Section 2 and 3

## We support a more frictionless process:

Help improve accuracy with a solution built to minimize errors

Broad and highly trained provider network

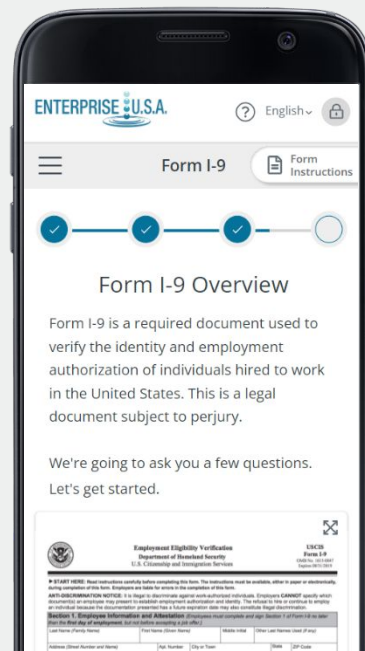
Helps remove roadblocks through a more employee-driven approach



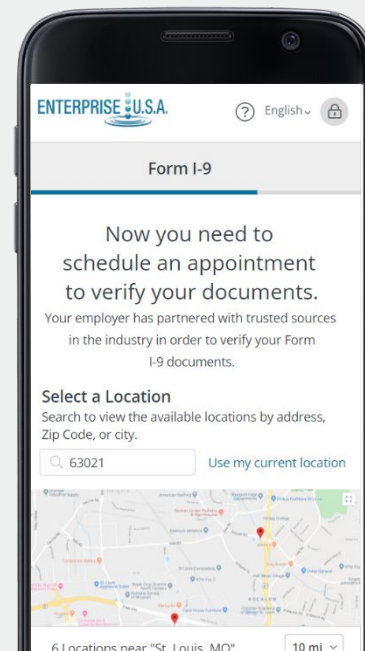
# How It Works For Your Employees

I-9 Anywhere is as easy as 1,2,3...

**1** Complete Section 1 from any device



**2** Schedule a convenient time to complete Section 2 or 3



**3** Meet the completer



# E-Verify and Equifax Workforce Solutions

Equifax Workforce Solutions has an integration with E-Verify that processes millions of E-Verify transactions each year on behalf of our employer customers.

## Automating through this integration helps you:

Capture required E-Verify information

Streamline your processes

Know when to take action

## What to know if E-Verify is down:

This is outside of the control of Equifax Workforce Solutions

Cases are automatically submitted once E-Verify is back online

We're also monitoring for unannounced outages



# Q&A

# Next Steps



## 1 SURVEY

Complete the survey through the webinar console



## 2 CONTACT

Want to talk to someone about your I-9s or onboarding 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)



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