

The Latest on Form I-9 Guidance

What you need to know

August 9, 2023

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Thanks for joining our webinar



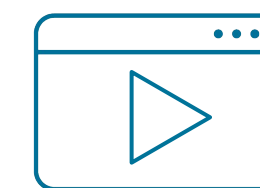
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Recording

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To keep our lawyers happy



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Today's Presenters



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Cute and
Cuddly

..... BUT

Lots of
Responsibility

Today's Agenda



New Virtual Option for Examining Documents

New Form I-9 Version Now Available

Physical Inspections of I-9s Completed Under the COVID-19 Flexibilities



The New Virtual Option for Examining Documents



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Background: I-9 Document Review

1987

Birth of the Form I-9

Employers must physically examine, **in the employee's physical presence**, the unexpired document(s) the individual presents which establish identity and employment authorization.

MARCH
2020

COVID Exemption Begins

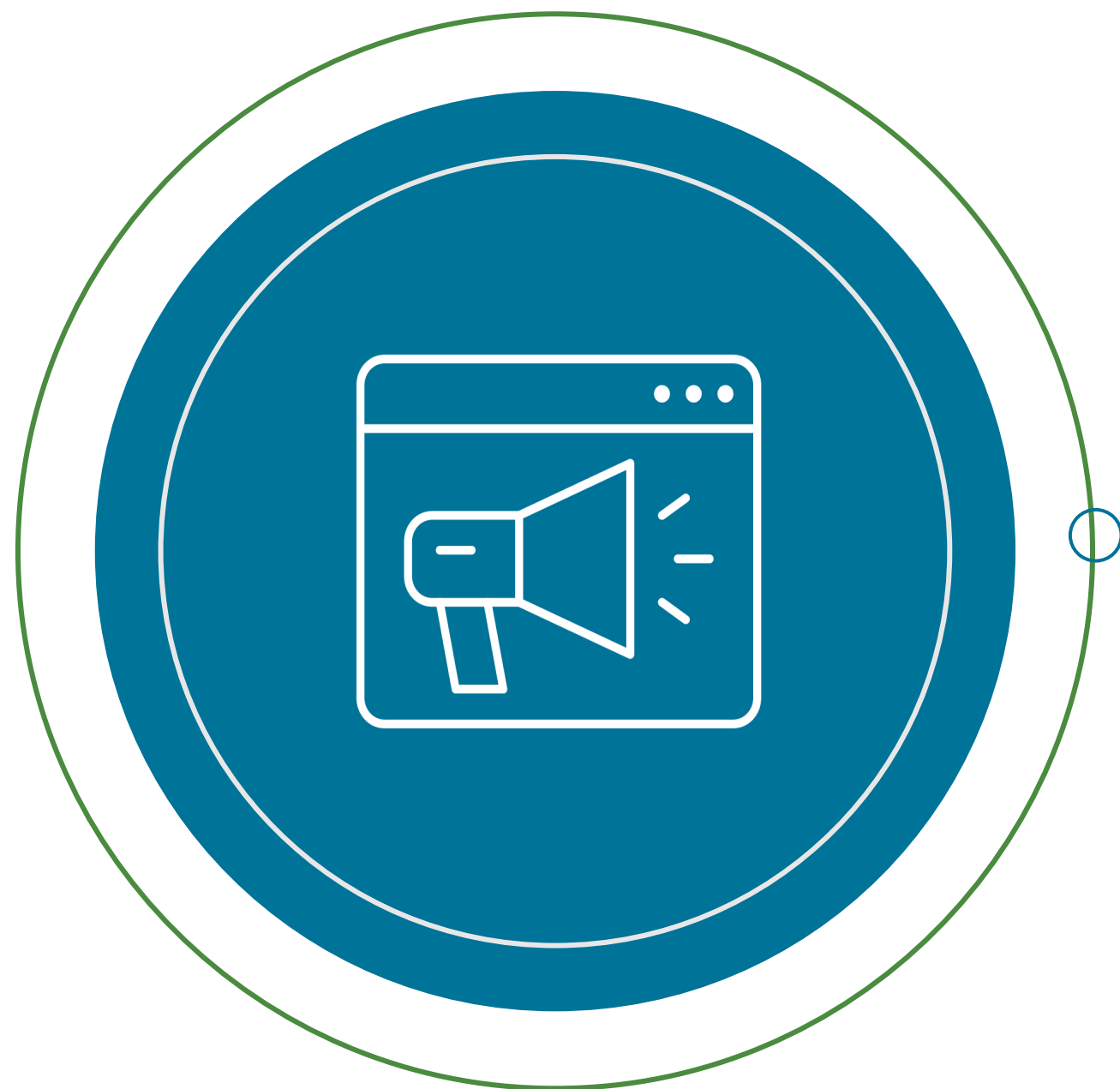
Employers taking physical proximity precautions due to COVID-19 may examine documents remotely followed by an in-person inspection when normal operations resume.

AUGUST
2023

COVID Exemption Ends

DHS amends regulations to provide for an optional alternative framework.





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



Poll #1

How does your organization manage I-9 document review?
(can select more than one)

- HR team member reviews documents
- Manager or other “non-HR” reviews documents
- Third party authorized representative reviews documents
- Someone else handles document review



Optional Alternative Procedure (New Virtual)

New Virtual Steps

- Employer examines document copies (front and back)
- Live video interaction with employee to ensure documents are genuine and relate to the individual
- Complete the I-9 and indicate virtual was used
- Retain the I-9 and document copies for inspection (front and back)

Requirements

- Must be enrolled in E-Verify and remain in good standing
- Must complete new fraud awareness and anti-discrimination training offered through E-Verify
- Must use the virtual process consistently for all employees at a given worksite or only for remote

Security & Integrity

Mandatory E-Verify
Live video interaction
Additional training



Qualifying Employers: E-Verify Requirement

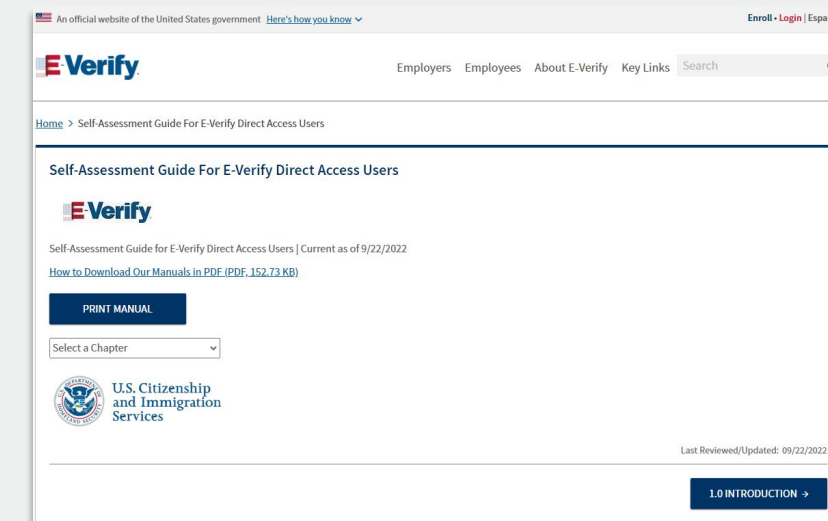
“In good standing” Defined

- 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

Employers not required to submit proof of good standing upfront but employers are ineligible to use new virtual if DHS later finds a lack of good standing

E-Verify Requirements

[See E-Verify Self-Assessment Guide](#)



Common Mistakes

- Late E-Verify cases
- Unresolved TNCs and FNCs
- Incorrect case closure



Qualifying Employers: Training Requirements

New E-Verify employers and any users who manage and create E-Verify cases must complete an E-Verify tutorial that includes **fraud awareness** and **anti-discrimination** training.

Fraud Awareness Training Excerpts

- Look for indicators of fraud
- Assess quality of document
- Alterations to design elements
- “Original, intact, and undisturbed”

Fraud Awareness Training Sample Image



Source: <https://www.regulations.gov/document/ICEB-2021-0010-0524>



New Virtual: 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 apply physical in-person examination procedures to all employees who work onsite or in a hybrid capacity

Employer must be careful to **avoid adopting a discriminatory practice** which treats employees differently based on their citizenship, immigration status, or national origin



Evaluating the New Virtual Option



Possible Pros

- Reduced employee travel
- Centralize the completion of the I-9
- E-Verify checks
- 100% coverage option



Potential Cons

- Implementation
- Verification time burden
- Process documentation
- E-Verify transactional costs
- Training obligations
- Secure document retention
- Audit scrutiny
- Discrimination concerns



Implementing New Virtual: Questions to Ask



E-Verify

- **New:** Enrollment & requirements
- **Existing:** E-Verify self-audit to assess “in good standing”



Logistics

- Method for sending doc copies
- Document retention and storage
- Video meeting tool
- Scheduling



Scope

- Hiring sites that will participate
- Remote hires?
- Reverification?



Training and Communication

- Required DHS training
- Internal “process” training
- SOP Updates



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



Introducing the New Form I-9

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

Key Facts

- **New version of Form I-9** with a version date of “(Rev. 08/01/23)” available for use from August 1, 2023
- Available for download at <https://www.uscis.gov/i-9>
- Employers provided **grace period until November 1, 2023**

The image shows the USCIS Form I-9, Employment Eligibility Verification form. The form is titled "Employment Eligibility Verification" and is issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services. It includes the USCIS logo and the text "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.

Fields in Section 1 include: 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, and a section for attesting to citizenship or immigration status with checkboxes for: 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.), and 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any). If checked, it requires USCIS A-Number, Form I-94 Admission Number, or Foreign Passport Number and Country of Issuance.

Signature of Employee and Today's Date (mm/dd/yyyy) are also required.

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.

Fields in Section 2 include: List A, List B, AND, List C, and Document Title 1.





Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires xx/xx/xxxx



Workforce Solutions

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
<p>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.</p> <p>Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):</p> <p><input type="checkbox"/> 1. A citizen of the United States</p> <p><input type="checkbox"/> 2. A noncitizen national of the United States (See instructions.)</p> <p><input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)</p> <p><input type="checkbox"/> 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any) _____</p> <p>If you check Item Number 4., enter one of these:</p> <p>USCIS/A-Number OR Form I-94 Admission Number OR Foreign Passport Number and Country of Issuance</p>					
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 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.

Document Title	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)					
<input type="checkbox"/> 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.					Signature of Employer or Authorized Representative (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.

Changes to the Form I-9

- Sections 1 and 2 are once again on one page (in a condensed format)
- Preparer/translator moves to a Supplement A
- Section 3 has been rebranded "Rehire and Reverification" and is attached as Supplement B



Supplement B, Reverification and Rehire (formerly Section 3)

**Department of Homeland Security
U.S. Citizenship and Immigration Services**

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

Last Name (<i>Family Name</i>) from Section 1 .	First Name (<i>Given Name</i>) from Section 1 .	Middle initial (if any) from Section 1 .
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Instructions: This supplement replaces Section 3 on the previous version of Form I-9. Only use this page if your employee requires reverification, is rehired within three years of the date the original Form I-9 was completed, or provides proof of a legal name change. Enter the employee's name in the fields above. Use a new section for each reverification or rehire. Review the Form I-9 instructions before completing this page. Keep this page as part of the employee's Form I-9 record. Additional guidance can be found in the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#)

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (Family Name)	First Name (Given Name)	Middle Initial

Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.

Document Title	Document Number (if any)	Expiration Date (if any) (<i>mm/dd/yyyy</i>)
----------------	--------------------------	--

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.

Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (<i>mm/dd/yyyy</i>)
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Additional Information (Initial and date each notation.)

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



LISTS OF ACCEPTABLE DOCUMENTS

All documents containing an expiration date must be unexpired.
 * Documents extended by the issuing authority are considered unexpired.
 Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

Examples of many of these documents appear in the Handbook for Employers (M-274).

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph		3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card		4. Native American tribal document
5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record		5. U.S. Citizen ID Card (Form I-197)
		6. Military dependent's ID card		6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		7. U.S. Coast Guard Merchant Mariner Card		7. Employment authorization document issued by the Department of Homeland Security For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central . The Form I-766, Employment Authorization Document, is a List A, Item Number 4, document, not a List C document.
		8. Native American tribal document		
		9. Driver's license issued by a Canadian government authority		
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		For persons under age 18 who are unable to present a document listed above:		
		10. School record or report card		
		11. Clinic, doctor, or hospital record		
Acceptable Receipts May be presented in lieu of a document listed above for a temporary period. For receipt validity dates, see the M-274.				
<ul style="list-style-type: none"> Receipt for a replacement of a lost, stolen, or damaged List A document. Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual. Form I-94 with "RE" notation or refugee stamp issued to a refugee. 	OR	Receipt for a replacement of a lost, stolen, or damaged List B document.		Receipt for a replacement of a lost, stolen, or damaged List C document.

*Refer to the Employment Authorization Extensions page on [I-9 Central](#) for more information.

Changes to the Lists of Acceptable Documents

- Clarifies that expired documents may be acceptable in some situations
- Acceptable receipts
- Links to online resources



Instructions for Form I-9, 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

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Anti-Discrimination Notice: Employers must allow all employees to choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information entered in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Employees do NOT need to prove their citizenship, immigration status, or national origin when establishing their employment authorization for Form I-9 or E-Verify. Requesting such proof or any specific document from employees based on their citizenship, immigration status, or national origin, may be illegal. Similarly, discriminating against employees in hiring, firing, recruitment, or referral for a fee, based on citizenship, immigration status, or national origin may be illegal. Employers should not reject acceptable documentation due to a future expiration date. For more information on how to avoid discrimination or how to report it, contact the Immigrant and Employee Rights Section in the Department of Justice's Civil Rights Division at www.justice.gov/ier.

Purpose of Form I-9

Employers and employees must complete their respective sections of Form I-9. The form is used to document verification of the identity and employment authorization of each new employee (both U.S. citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document the verification of the identity and employment authorization of each new employee (both U.S. citizen and noncitizen) hired after November 27, 2011.

Definitions

Employee: A person who performs labor or services in the United States for an employer in return for wages or other remuneration. The term "employee" does not include individuals who do not receive any form of remuneration (e.g., volunteers), independent contractors, or those engaged in certain casual domestic employment.

Employer: A person or entity, including an agent or anyone acting directly or indirectly in the interest thereof, who engages the services or labor of an employee to be performed in the United States for wages or other remuneration. This includes recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors.

Authorized Representative: Any person an employer designates to complete and sign Form I-9 on the employer's behalf. Employers are liable for any statutory and regulatory violations made in connection with the form or the verification process, including any violations committed by any individual designated to act on the employer's behalf.

Preparer and/or Translator: Any individual who helps the employee complete or translates Section 1 for the employee.

General Instructions

Form I-9 consists of:

- Section 1: Employee Information and Attestation
- Section 2: Employer Review and Verification
- Lists of Acceptable Documents
- Supplement A, Preparer and/or Translator Certification for Section 1
- Supplement B, Reverification and Rehire (formerly Section 3)

Key Changes to the Form I-9 Instructions

- Reduced from 15 pages to 8 pages in length
- Using the new "alternate procedure" checkbox
- Optional fields can be left blank

Physical Inspections of I-9s Completed Under the COVID-19 Flexibilities



COVID-19 Virtual Cleanup

Employers must complete the follow-up physical inspections by August 30

New option: Qualifying employers may use the new “alternative procedure” to conduct the required physical inspections

Qualifications:

- Enrolled in E-Verify during the COVID-19 flexibilities
- Must have created a case in E-Verify for the employee (except for reverifications)
- Remote inspection occurred between March 20, 2020 and July 31, 2023
- Be currently enrolled and continue to participate in E-Verify

Process:

- Follow the steps for new virtual, including new live video interaction
- Annotate the I-9 with the words, “Alternate Procedure” in Section 2 or 3
- Do not re-submit to E-Verify



How We Can Help

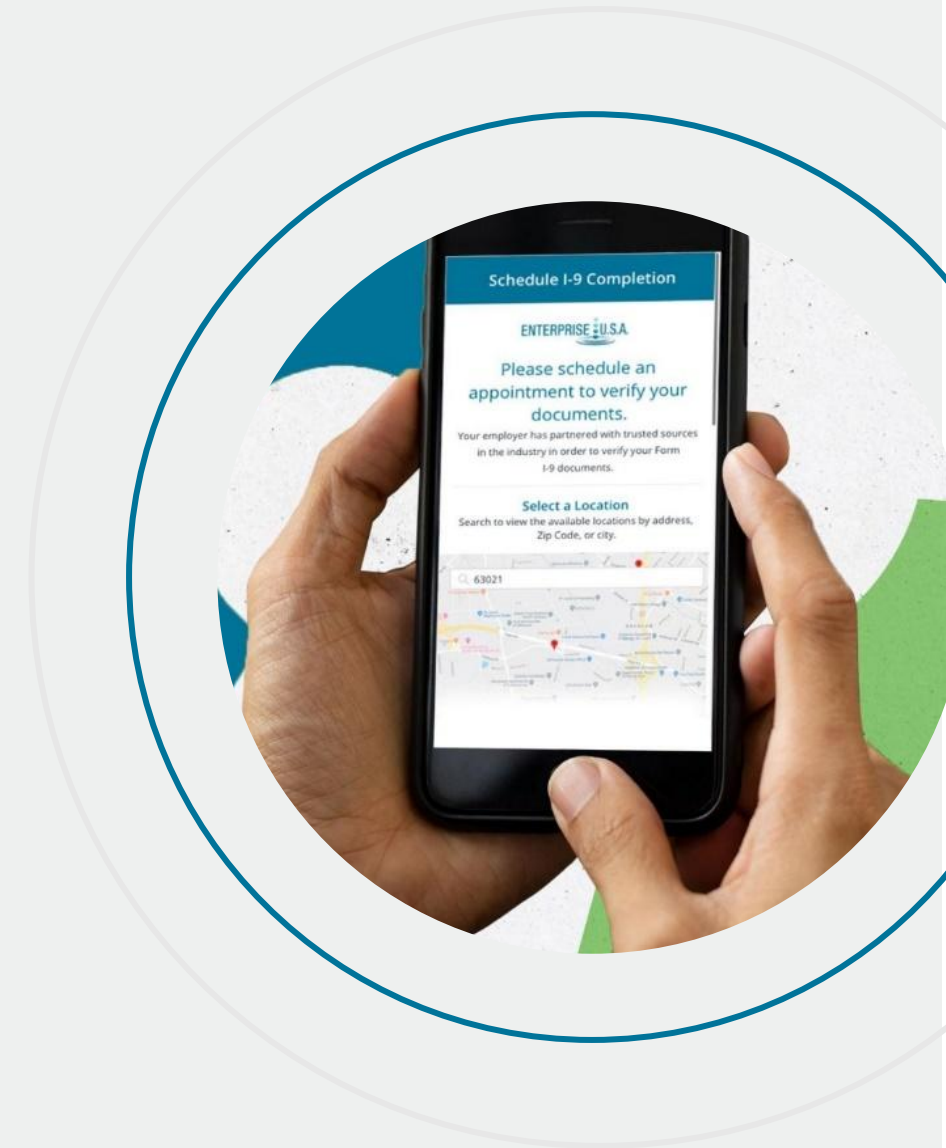
Local network to support employees with completion of Section 2 and 3

We support a more frictionless process:

Software that can help you with your in-person inspections prior to the August 30 deadline

Broad, exclusive and highly trained provider network

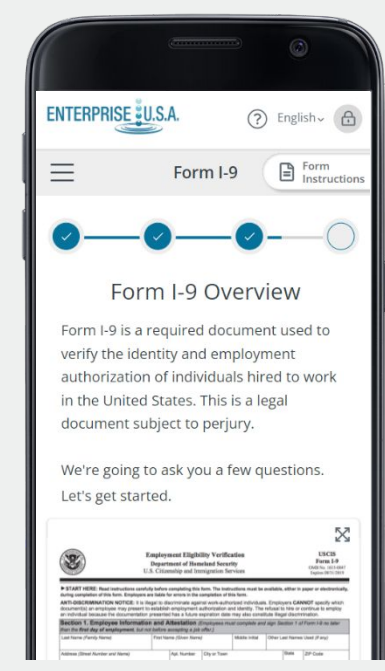
Helps remove roadblocks through a more employee-driven approach



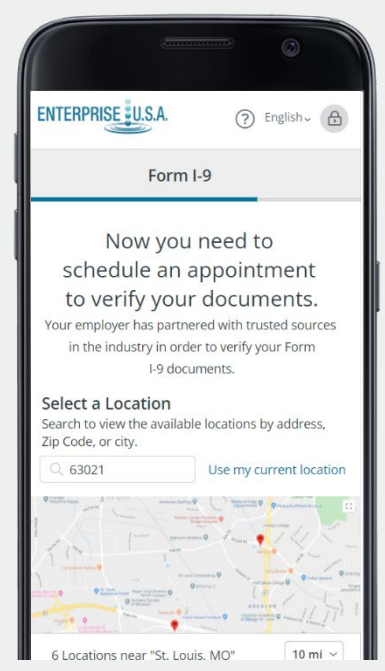
How It Works For Your Employees

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

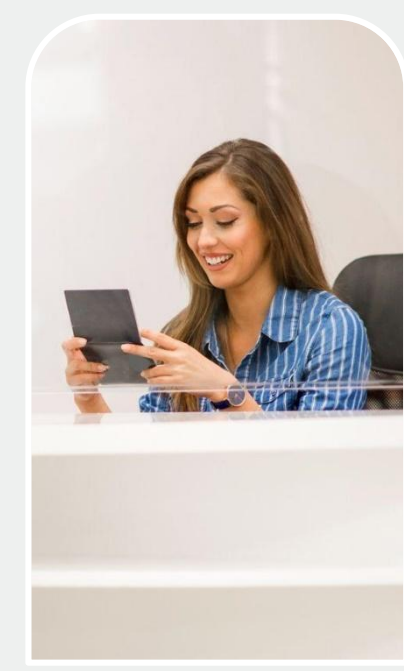
1 Complete Section 1 from any device



2 Schedule a convenient time to complete Section 2 or 3



3 Meet the completer



Q&A

Next Steps



1 SURVEY

Complete the survey through the webinar console



2 CONTACT

Want to talk to someone about your I-9s that were virtually verified? 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



Activity ID:
23-GRCC6

