# EQUIFAX® | Workforce Solutions

# HR checklist
## for I-9 enforcement

WORKFORCE SOLUTIONS

# No business is completely safe

## Taking good-faith measures is important.

Don't be caught off guard. Taking steps to better meet I-9 regulations can help reduce problems and have a more positive impact (like mitigating fines) if an investigation finds any I-9 errors.

## The three keys to helping establish good faith:

- ☐ Create a procedures manual for Forms I-9
- ☐ Hold yearly internal Forms I-9 training sessions
- ☐ Conduct regular self-audits of Forms I-9

**You could have as few as**

# 3 days

**to respond to an ICE audit**

*According to an industry expert at Jackson Lewis P.C.

# When ICE knocks, will you be ready?

When ICE audits a company, they typically only give 72 hours' notice, which isn't much. Is your organization prepared to respond that quickly?

**Remember:**
Your company is liable for every I-9 in its possession.

**An estimated 60-80% of all completed Forms I-9 contain at least one error.***

**This checklist can help you better accomplish these goals and help keep you better prepared if ICE (U.S. Immigration and Customs Enforcement) should come calling.**

**Let's get started**

# Step One: Creating the procedures manual

Giving Section 2 completers a thorough list of policies and procedures to follow for I-9s will go a long way toward helping to minimize errors and staying better organized. While it doesn't have to cover every potential situation, make sure it contains some of the following information:

## When to start the Form I-9 process

Employees can complete Section 1 as soon as they receive a job offer.
- Section 1 must be completed by an employee's first day.
- Section 2 must be completed within three business days of the employee's start date.

Demanding a specific type of document when verifying or reverifying an employee's Form I-9 could be considered discriminatory. U.S. Citizenship and Immigration Services (USCIS) offers other tips to help avoid discrimination during the Form I-9 process.

Not all notaries are familiar with Forms I-9 needs. Notaries should complete Section 2 as an authorized representative and not as a notary. Also, select states make notaries go through specific Forms I-9 training.

Thoroughly review the requirements for and potential hidden costs of virtual I-9 verifications before deciding what is right for your organization.

### Your internal policies regarding Forms I-9

☐ Describe all parties involved.

☐ Describe each party's responsibilities.

☐ Define your communications process with employees regarding Forms I-9.

### How to manage I-9 completion for remote employees or a dispersed workforce

☐ Include instructions for who can serve as a Section 2 completer.

☐ Consider using third-party agents or notaries public as options if no one from your company is local.

☐ Consider developing a network of completers in key cities.

☐ Determine if your organization qualifies for the alternative virtual completion and if that is a good option for your organization.

### How to manage special circumstances, such as when employees rely on a visa to be authorized to work in the U.S.

☐ Counsel employers to accept valid combinations of identification and employment authorization documents.

☐ Provide an escalation path for especially challenging instances.

## How to handle reverifications

Reverifications are necessary when employment verification documents have expired.

At least three months before their current documents expire, notify affected employees that they will need to present new List A or List C documents.

# Step Two: Training for Section 2 completers

Since I-9 regulations change periodically, it's important to keep Section 2 completers in the know to help ensure greater accuracy.

## Ideally, your Section 2 completer training should:

☐ Occur at least once per year to help educate new personnel and advise existing Section 2 completers about annual changes

☐ Require all Section 2 completers to attend

An option is to record the training and require Section 2 completers to provide proof of attendance.

☐ Review any updates to I-9 regulations or changes to enforcement positions

The Workforce Wise™ blog from Equifax Workforce Solutions is a good resource to find some of the latest I-9 information.

☐ Focus on situations known to be challengiing for your company, such as:

- Specific documentation
- In-person inspection of Section 2 documents
- Scheduling virtual inspections
- Late submissions
- Communication issues
- Starting the I-9 process earlier

# Step Three: Conducting a self-audit

A self-audit helps you identify and correct problems before they become penalties.

☐ **Gather Forms I-9 (both paper and electronic)**

Note how many, where they are stored and what format.

☐ **Purge the forms that no longer need to be retained**

After an employee has left the company, you only need to keep their forms for three years after their date of hire or one year after their departure (whichever is later).

You are liable for errors on any forms you retain, even if you weren't required to still have them on file.

☐ **Identify missing forms**

Make sure you have a Form I-9 for all current employees.

☐ **Identify issues with current forms**

HERE is a list of common mistakes from USCIS.

☐ **Make corrections**

USCIS directions for how to complete and correct I-9s can be found HERE.

Have employees make corrections to Section 1.

Have Section 2 completers make corrections to Sections 2 and 3. (Note: if the original completer isn't available, a new Section 2 completer can step in.)

Complete a new Form I-9 if multiple mistakes necessitate (keep the original I-9 alongside it).

☐ **Maintain a detailed audit trail noting what changes were made, by whom and, in some cases, why they were made.**

**For more details on how to conduct a self-audit, check out the Guidance for Employers Conducting Form I-9 Audits.**

# Automated Form I-9 HQ™ can help you simplify your I-9 process

Instead of getting knee deep in paper, using an automated management system can help take some of the stress out of you maintaining your Forms I-9.

**Other benefits include helping:**

- Give you more control over I-9 completion and management
- Free up time for your HR professionals
- Offer a better experience for new hires
- Provide guidance for more accurate form completion, helping to reduce or possibly prevent common errors
- Store I-9s electronically (no paperwork to be lost)
- Create an extensive audit trail
- Track forms and can purge those that don't need to be retained
- Keep you on top of expiring documents with alerts and automated reverification tools

**The I-9 HQ suite of services from Equifax Workforce Solutions helps you manage your Form I-9 at each stage to make your I-9 process even easier.**



**Click HERE to view a demo today! See how we can help you create a better I-9 process.**