

FORM I-9

EMPLOYMENT ELIGIBILITY VERIFICATION
PROCESSING PROCEDURES

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FORM I-9

OVERVIEW

U.S. employers are required by law to verify the employment authorization of all employees they hire on or after November 6, 1986, for employment in the United States, regardless of the employees' immigration status.

Form I-9, Employment Eligibility Verification, must be completed for each newly hired employee, including U.S. citizens, permanent residents, and temporary foreign workers, to demonstrate the employer's compliance with the law and the employee's work authorization.

Through the Form I-9 verification process, the College ensures that employees possess proper authorization to work in the United States and that hiring practices do not unlawfully discriminate based on immigration status.

These procedures provide guidance on how to properly complete the Form I-9.

PRIVACY ACT NOTICE

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual must complete the form within 3 business days from hire date, since employers are subject to civil and criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

SECTION 1 – EMPLOYEE INFORMATION AND VERIFICATION

Palm Beach State College will provide the employee a blank I-9 form along with the instruction sheet and the list of acceptable documents.

- ✓ Have the employee complete and sign Section 1. Employee Information and Verification on or before the first day of employment.
- ✓ **Remember not to ask for any specific documents.**
- ✓ If the employee is temporary, with an assignment lasting less than 3 days, all sections of the I-9 form must be completed the day employment begins.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)					
1	Print Name: Last Doe	First John	Middle Initial A	Maiden Name 1	
2	Address (Street Name and Number) 123 Main Street		Apt. # 1	Date of Birth (month/day/year) 01/01/1952	2
3	City Washington	State DC	Zip Code 20011	Social Security # 000-00-0000	3
4	I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.		I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen of the United States <input type="checkbox"/> A noncitizen national of the United States (see instructions) <input type="checkbox"/> A lawful permanent resident (Alien #) <input checked="" type="checkbox"/> An alien authorized to work (Alien # or Admission #) 0000000000 until (expiration date, if applicable - month/day/year) 02/28/2011		4
5	Employee's Signature <i>John Doe</i>		Date (month/day/year) 02/20/2009		
Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.					
6	Preparer's/Translator's Signature <i>Jane Doe</i>		Print Name Jane Doe	6	
Address (Street Name and Number, City, State, Zip Code) 123 Main Street, Apt. 2, Washington, DC 20011			Date (month/day/year) 02/20/2009		

1. Employee enters full name and maiden name, if applicable.
2. Employee enters current address and date of birth.
3. Employee enters his or her zip code, and Social Security number. Entering the Social Security number is optional unless the employee is providing it as one of the acceptable documents in Section 2.
4. Employee reads warning and attests to his or her citizenship or immigration status.
5. Employee signs and dates the form.
6. If the employee uses a translator to complete the form, the translator must certify that he or she assisted the employee by completing the Preparer and/or Translator Certification section. This section should only be filled out by the translator.

As the authorized representative of Palm Beach State College, you are responsible for reviewing and ensuring that Section 1 is properly completed.

SECTION 2 - EMPLOYER REVIEW AND VERIFICATION

The employee must present original documents that establish identity and employment authorization within 3 business days of the date employment begins. Employee can choose which document(s) he or she wants to present from the List of Acceptable Documents - see last page of Form I-9.

Examine the original document(s) the employee presents and fully complete Section 2 of Form I-9. You must examine one document from List A (to establish both identity and employment authorization), **OR** examine one document from List B (to establish identity only) **AND** one document from List C (to establish employment authorization only).

Each field must be completed, where applicable. Do not write in “see attached.”

If document presented is from List A, then

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: <u>Permanent Resident Card</u>				
Issuing authority: <u>DHS</u>				
Document #: <u>A123456789</u>				
Expiration Date (if any): <u>06/30/09</u>				
Document #:				
Expiration Date (if any):				

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) 03/01/06 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative <i>Lota Example</i>	Print Name Lota Example	Title Admin. Analyst
	Business or Organization Name UCSF Payroll Dept.	Address (Street Name and Number, City, State, Zip Code) 1855 Folsom St., Ste.546, San Francisco, CA 94143-0812
	Date (month/day/year) 03/02/06	

- Record document title(s), issuing authority, document number, and the expiration date from original documents supplied by the employee. See last page of Form I-9 for Lists of Acceptable Documents.
- If known, enter date employment begins.
- Attest to examining the **original** documents provided by the employee by filling out the signature block. Your signature, print name, title, organization as Palm Beach State College, and enter date.

Make a copy of the original document(s) provided and attach it to the completed Form I-9.

Do not fill out section List B and List C if you have received documents from List A.

If documents presented are from List B **AND** C, then

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	1 List B	AND	List C
Document title: _____		CA DRIVER LICENSE		_____
Issuing authority: _____		DMV		_____
Document #: _____		A#####		_____
Expiration Date (if any): _____		05/17/07		_____
Document #: _____				_____
Expiration Date (if any): _____				_____

1. List B - record document title(s), issuing authority, document number, and the expiration date from original documents supplied by the employee. See last page of Form I-9 for Lists of Acceptable Documents.

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	2 List C
Document title: _____		_____		SOCIAL SECURITY CARD
Issuing authority: _____		_____		SOCIAL SECURITY ADM.
Document #: _____		_____		###-##-####
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

2. List C - record document title(s), issuing authority, document number, and the expiration date from original documents supplied by the employee. See last page of Form I-9 for Lists of Acceptable Documents.

CERTIFICATION - latest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) 03/01/06 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

4 Signature of Employer or Authorized Representative <i>Lota Example</i>	Print Name Lota Example	Title Admin. Analyst
	Business or Organization Name UCSF Payroll Dept.	Address (Street Name and Number, City, State, Zip Code) 1855 Folsom St., Ste.546, San Francisco, CA 94143-0812

3. If known, enter date employment begins.
4. Attest to examining the **original** documents provided by the employee by filling out the signature block. Your signature, print name, title, organization as Palm Beach State College, and enter date.

Make a copy of the original documents provided and attach it to the completed Form I-9.

Employees at off-site locations must submit to the Office of Human Resources the signed Form I-9 and copies of the original document(s) within 3 business days for processing.

Receipts in lieu of a document from List A, List B, or List C, refer to Addendum A – Questions about Form I-9.

SECTION 3 – UPDATING AND REVERIFICATION

Occasionally, the Form I-9 must be updated and reverified by completing Section 3 only.

- ✓ When an extension of work authorization has been granted.
- ✓ New type of work authorization has been granted.
- ✓ Employee has had a name change as evidenced in an updated Social Security Card.

Reverifying Employment Authorization for Current Employees

When an employee's employment authorization expires, you must reverify his or her employment authorization. Use Section 3 of Form I-9, or use a new form if Section 3 has already been used for a previous reverification or update. If you use a new form, write the employee's name in Section 1, complete Section 3, and retain the new form with the original. The employee must present a document that shows either an extension of their initial employment authorization or new employment authorization.

Reverifying or Updating Employment Authorization for Rehired Employees

When you rehire an employee, you must ensure that he or she is still authorized to work. The employee may complete a new Form I-9 or the employer may reverify or update the original form by completing Section 3 if:

1. Employee is rehired within 3 years of initial date of hire; and
2. Employee's previous grant of employment authorization has expired, but he or she is now eligible to work under a new grant of employment authorization; or
3. Employee is still eligible to work on the same basis as when the Form I-9 was completed.

Section 3. Updating and Reverification (To be completed and signed by employer.)	
1 A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.	
2 Document Title: EAD	Document #: LIN1234567892 Expiration Date (if any): 02/28/2013
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 document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
3 Signature of Employer or Authorized Representative <i>Jane Smith</i>	Date (month/day/year) 02/28/2011

1. Record employee's new name, if applicable, and date of rehire, if applicable.
2. Record the document title, number, and expiration date (if any) of document(s) presented.
3. Sign and date.

Note: You may also fill out a new Form I-9 in lieu of filling out this section.

PHOTOCOPYING AND RETAINING FORM I-9

The College must retain completed Forms I-9 and accompanying documentation for all employees for 3 years after the date of hire, or 1 year after the date employment is terminated, whichever is later.

All forms and accompanying documents must be kept in a separate file from the personnel file and/or other personnel documents even after the employee separates from the College.

DOCUMENTS FOR VERIFYING EMPLOYMENT AUTHORIZATION AND IDENTITY

To establish both identity and employment authorization, a person must present a document from List A. The following shows the most recent versions and/or representative images of some of the various acceptable documents on the list.

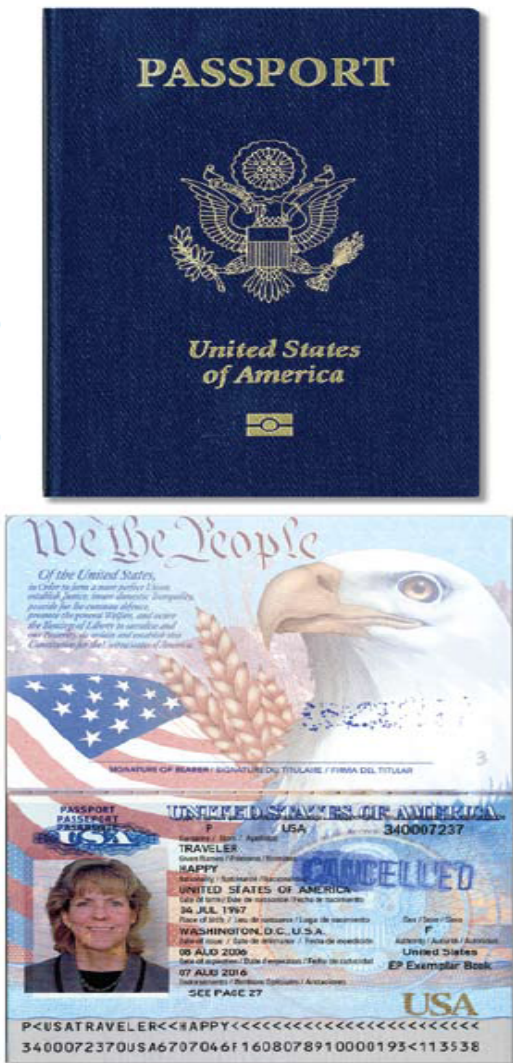
List A—Documents That Establish Both Identity and Employment Authorization

U.S. Passport

The U.S. Department of State issues the U.S. Passport to U.S. citizens and nationals. There are a small number of versions still in circulation that vary from the main versions shown here.

The following illustrations in this Handbook do not necessarily reflect the actual size of the documents.

Current U.S. Passport cover and open



Older U.S. Passport cover and open



U.S. Passports must be signed in order to be used as an acceptable document under List A documents to establish both identity and employment authorization.

Employment Authorization Document (Form I-766)

USCIS issues the Employment Authorization Document to aliens granted temporary employment authorization in the United States. The card contains the bearer's photograph, fingerprint, card number, Alien number, birthdate,

and signature, along with a holographic film and the DHS seal. The expiration date is located at the bottom of the card.



Employment Authorization Document (Form I-766) front and back

Form I-94/I-94A Arrival/Departure Record

CBP issues an arrival-departure record to nonimmigrant aliens and other alien categories. This document indicates the bearer's immigration status, the date that the status was granted, and when the status expires. The immigration status notation within the stamp on the card varies according to the status granted, e.g., L-1, F-1, J-1. The Form I-94 has a handwritten date and status, and the Form I-94A has a computer-generated date and status.

Both may be presented with documents that Form I-9 specifies are valid only when Form I-94 or I-94A also is presented, such as the foreign passport, Form DS-2019, or Form I-20.

Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94 or I-94A.

Departure Number OMB No. 1651-0111

626633123 12

I-94
Departure Record

14. Family Name SAMPLE	
15. First (Given) Name JANE	16. Birth Date (Day/Mo/Yr) 23 03 68
17. Country of Citizenship NEW ZEALAND	

CBP Form I-94 (10/04)
STAPLE HERE

See Other Side

Form I-94 Arrival/Departure Record

Departure Number

813106636 11

Department of Homeland Security

CBP I-94A (11/04)
Departure Record

Family Name SAMPLE	
First (Given) Name AHMET	Birth Date (Day Mo Yr) 22 12 50
Country of Citizenship PAKISTAN	

20041122 US-VISIT 20050207 MULTIPLE

STAPLE HERE

See Other Side

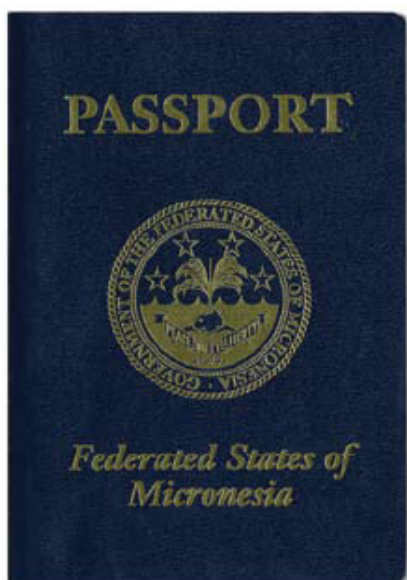
Form I-94A Arrival/Departure Record

Passports of the Federated States of Micronesia and the Republic of the Marshall Islands

In 2003, Compacts of Free Association (CFA) between the United States and the Federated States of Micronesia (FSM) and Republic of the Marshall Islands (RMI) were amended to allow citizens of these countries to work in the United States without obtaining an Employment Authorization Document (Form I-766).

For Form I-9 purposes, citizens of these countries may present their passports accompanied by a Form I-94 or

I-94A indicating nonimmigrant admission under the CFA. The exact notation on the Form I-94 or I-94A may vary and is subject to change, but as of early 2009 typically states "CFA/MIS" for an RMI citizen, and "CFA/FSM" for an FSM citizen.



Passport from the Federated States of Micronesia

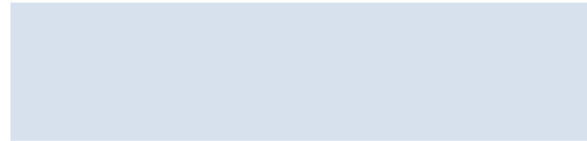
DOCUMENTS FOR VERIFYING IDENTITY ONLY

To establish identity, a person must present a document from List B. The following shows the most recent versions and/or representative images of some of the various acceptable documents on the list.

List B—Documents That Establish Identity Only

State-Issued Driver's License

A driver's license can be issued by any State or territory of the United States (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands) or by a Canadian government authority, and is acceptable if it



contains a photograph or other identifying information such as name, date of birth, gender, height, color of eyes, and address.



Driver's License front and back



State-Issued ID Card

An ID card can be issued by any State (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands) or by a local government, and is acceptable if it

contains a photograph or other identifying information such as name, date of birth, gender, height, color of eyes, and address.



Identification Card front and back



DOCUMENTS FOR VERIFYING EMPLOYMENT AUTHORIZATION ONLY

To establish employment authorization, a person must present a document from List C. The following shows the most recent versions and/or representative images of some of the various acceptable documents on the list.

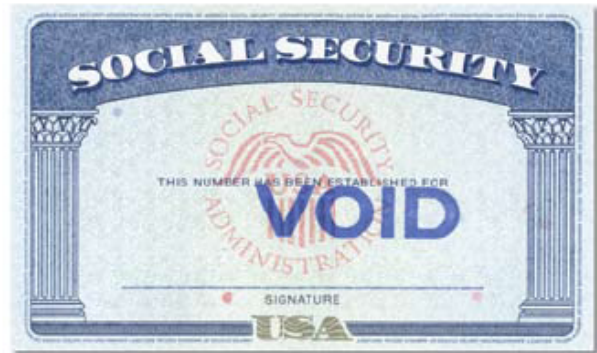
List C—Documents That Establish Employment Authorization Only

Social Security Cards must be signed in order to be used as an acceptable document under List C documents to establish employment authorization.

U.S. Social Security Account Number Card

The U.S. Social Security account number card is issued by the Social Security Administration (older versions were issued by the U.S. Department of Health and Human Services), and can be presented as a List C document unless the card specifies that it does not authorize employment in the United States. Metal or plastic reproductions are not acceptable.

U.S. Social Security Card



Certification of Birth Abroad Issued by the U.S. Department of State

These documents may vary in color and paper used. All will include a raised seal of the office that issued the document, and may contain a watermark and raised printing.

Certification of Birth Abroad Issued by the U.S. Department of State (FS-545)

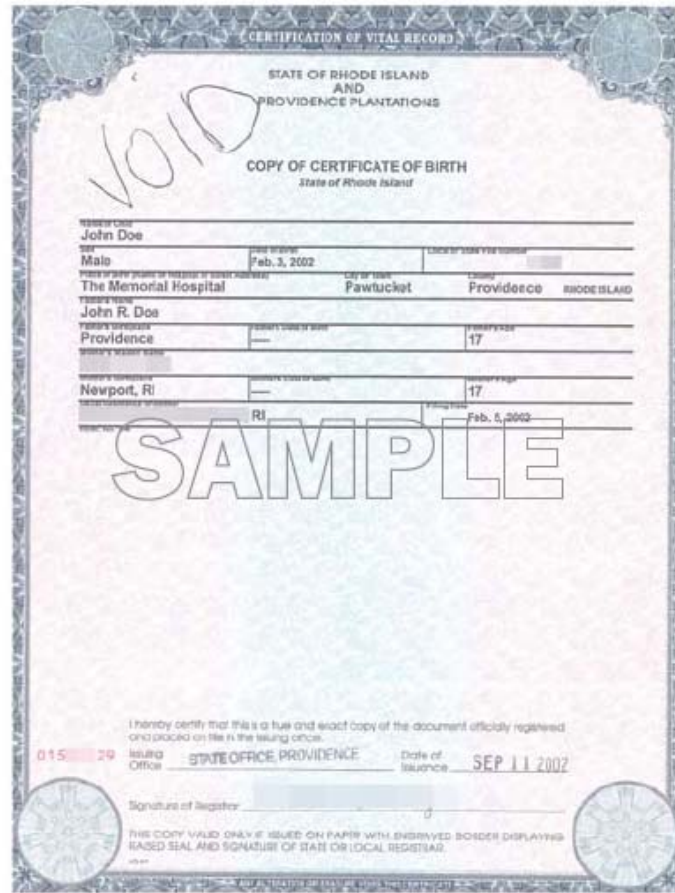




Certification of Report of Birth Issued by the U.S. Department of State (DS-1350)

Birth Certificate

Only an original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States that bears an official seal. Versions will vary by state and year of birth.

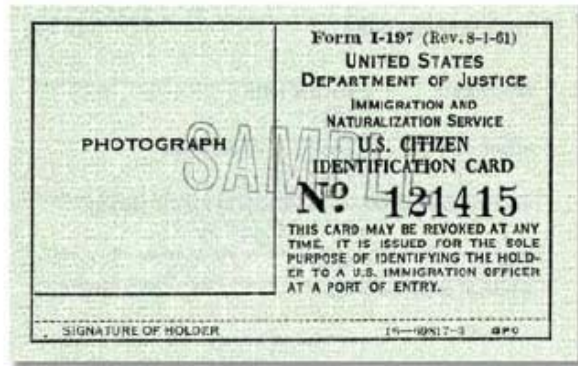


Birth Certificate

U.S. Citizen Identification Card (Form I-197)

Form I-197 was issued by the former Immigration and Naturalization Service (INS) to naturalized U.S. citizens. Although this card is no longer issued, it is valid indefinitely.

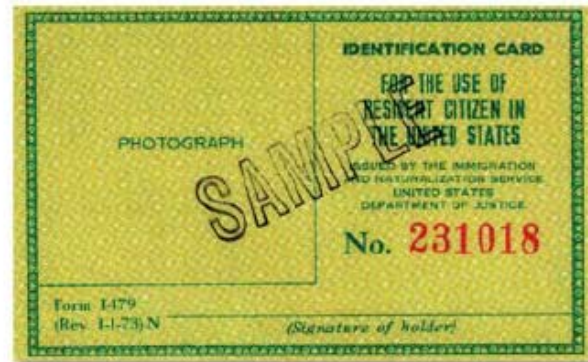
U.S. Citizen Identification Card
(Form I-197)



Identification Card for Use of Resident Citizen in the United States (Form I-179)

Form I-179 was issued by INS to U.S. citizens who are residents of the United States. Although this card is no longer issued, it is valid indefinitely.

Identification Card for Use of Resident
Citizen in the United States (Form I-179)



Form I-20 Certificate Accompanied by Form I-94 or I-94A

Form I-94 or I-94A for F-1 nonimmigrant students must be accompanied by a Form I-20 Student ID endorsed with employment authorization by the Designated School Official for off-campus employment or curricular practical training. USCIS will issue an Employment Authorization Document (Form I-766) to all students (F-1 and M-1) authorized for a post-completion practical training period. (See page 48 for Form I-94/I-94A)

Form I-20 Certificate Accompanied
by Form I-94 or I-94A

Attachment A
U.S. Department of Justice
Immigration and Naturalization Service
Certificate of Eligibility for Nonimmigrant (F-1) Student
Status - For Academic and Language Studies (DSO) (I-20) (11-1-01)

Form I-20 (Rev. 08-14-01)

Page 1

There are instructions on Page 2
This form must be completed and signed in the U.S. by a designated school official.

1. Provide basic information:

First (given) Name	Adult Name	For Foreign-born Citizens Only	Student's Image
Country of Birth	Date of Birth (month/year)		
Country of Citizenship	Admission Number		

2. Enter pertinent contact information:

Address (Street or P.O. Box)	City	State	Zip
Home Address (Include zip code)			
Home Telephone (Include zip code)			
Home Fax (Include zip code)			
Home E-mail (Include zip code)			
Home E-mail (Include zip code)			

3. This certificate is issued to the student named above for:

4. Level of education the student is pursuing or will pursue in the United States:

5. The school named above has been accepted for a full course of study at this school, requiring in _____ months. The student is required to report to the school no later than _____ months after arrival in the United States. This certificate is issued for a period of _____ months. The student is required to report to the school no later than _____ months after arrival in the United States.

6. The school named above has been accepted for a full course of study at this school, requiring in _____ months. The student is required to report to the school no later than _____ months after arrival in the United States. This certificate is issued for a period of _____ months. The student is required to report to the school no later than _____ months after arrival in the United States.

7. This certificate is issued to the student named above for the purpose of:

a. Pursuing a full course of study	b. Pursuing a full course of study
c. Pursuing a full course of study	d. Pursuing a full course of study
e. Pursuing a full course of study	f. Pursuing a full course of study
g. Pursuing a full course of study	h. Pursuing a full course of study
i. Pursuing a full course of study	j. Pursuing a full course of study
k. Pursuing a full course of study	l. Pursuing a full course of study
m. Pursuing a full course of study	n. Pursuing a full course of study
o. Pursuing a full course of study	p. Pursuing a full course of study
q. Pursuing a full course of study	r. Pursuing a full course of study
s. Pursuing a full course of study	t. Pursuing a full course of study
u. Pursuing a full course of study	v. Pursuing a full course of study
w. Pursuing a full course of study	x. Pursuing a full course of study
y. Pursuing a full course of study	z. Pursuing a full course of study
aa. Pursuing a full course of study	ab. Pursuing a full course of study
ac. Pursuing a full course of study	ad. Pursuing a full course of study
ae. Pursuing a full course of study	af. Pursuing a full course of study
ag. Pursuing a full course of study	ah. Pursuing a full course of study
ai. Pursuing a full course of study	aj. Pursuing a full course of study
ak. Pursuing a full course of study	al. Pursuing a full course of study
am. Pursuing a full course of study	an. Pursuing a full course of study
ao. Pursuing a full course of study	ap. Pursuing a full course of study
aq. Pursuing a full course of study	ar. Pursuing a full course of study
as. Pursuing a full course of study	at. Pursuing a full course of study
aw. Pursuing a full course of study	ax. Pursuing a full course of study
ay. Pursuing a full course of study	az. Pursuing a full course of study
ba. Pursuing a full course of study	bb. Pursuing a full course of study
bc. Pursuing a full course of study	bd. Pursuing a full course of study
be. Pursuing a full course of study	bf. Pursuing a full course of study
bg. Pursuing a full course of study	bh. Pursuing a full course of study
bi. Pursuing a full course of study	bj. Pursuing a full course of study
bk. Pursuing a full course of study	bl. Pursuing a full course of study
bm. Pursuing a full course of study	bn. Pursuing a full course of study
bo. Pursuing a full course of study	bp. Pursuing a full course of study
bq. Pursuing a full course of study	br. Pursuing a full course of study
bs. Pursuing a full course of study	bt. Pursuing a full course of study
bw. Pursuing a full course of study	bx. Pursuing a full course of study
by. Pursuing a full course of study	bz. Pursuing a full course of study
ca. Pursuing a full course of study	cb. Pursuing a full course of study
cc. Pursuing a full course of study	cd. Pursuing a full course of study
ce. Pursuing a full course of study	cf. Pursuing a full course of study
cg. Pursuing a full course of study	ch. Pursuing a full course of study
ci. Pursuing a full course of study	cj. Pursuing a full course of study
ck. Pursuing a full course of study	cl. Pursuing a full course of study
cm. Pursuing a full course of study	cn. Pursuing a full course of study
co. Pursuing a full course of study	cp. Pursuing a full course of study
cq. Pursuing a full course of study	cr. Pursuing a full course of study
cs. Pursuing a full course of study	ct. Pursuing a full course of study
cw. Pursuing a full course of study	cx. Pursuing a full course of study
cy. Pursuing a full course of study	cz. Pursuing a full course of study
da. Pursuing a full course of study	db. Pursuing a full course of study
dc. Pursuing a full course of study	dd. Pursuing a full course of study
de. Pursuing a full course of study	df. Pursuing a full course of study
dg. Pursuing a full course of study	dh. Pursuing a full course of study
di. Pursuing a full course of study	dj. Pursuing a full course of study
dk. Pursuing a full course of study	dl. Pursuing a full course of study
dm. Pursuing a full course of study	dn. Pursuing a full course of study
do. Pursuing a full course of study	dp. Pursuing a full course of study
dq. Pursuing a full course of study	dr. Pursuing a full course of study
ds. Pursuing a full course of study	dt. Pursuing a full course of study
dw. Pursuing a full course of study	dx. Pursuing a full course of study
dy. Pursuing a full course of study	dz. Pursuing a full course of study
ea. Pursuing a full course of study	eb. Pursuing a full course of study
ec. Pursuing a full course of study	ed. Pursuing a full course of study
ee. Pursuing a full course of study	ef. Pursuing a full course of study
eg. Pursuing a full course of study	eh. Pursuing a full course of study
ei. Pursuing a full course of study	ej. Pursuing a full course of study
ek. Pursuing a full course of study	el. Pursuing a full course of study
em. Pursuing a full course of study	en. Pursuing a full course of study
eo. Pursuing a full course of study	ep. Pursuing a full course of study
eq. Pursuing a full course of study	er. Pursuing a full course of study
es. Pursuing a full course of study	et. Pursuing a full course of study
ew. Pursuing a full course of study	ex. Pursuing a full course of study
ey. Pursuing a full course of study	ez. Pursuing a full course of study
fa. Pursuing a full course of study	fb. Pursuing a full course of study
fc. Pursuing a full course of study	fd. Pursuing a full course of study
fe. Pursuing a full course of study	ff. Pursuing a full course of study
fg. Pursuing a full course of study	fh. Pursuing a full course of study
fi. Pursuing a full course of study	fj. Pursuing a full course of study
fk. Pursuing a full course of study	fl. Pursuing a full course of study
fm. Pursuing a full course of study	fn. Pursuing a full course of study
fo. Pursuing a full course of study	fp. Pursuing a full course of study
fq. Pursuing a full course of study	fr. Pursuing a full course of study
fs. Pursuing a full course of study	ft. Pursuing a full course of study
fw. Pursuing a full course of study	fx. Pursuing a full course of study
fy. Pursuing a full course of study	yz. Pursuing a full course of study

8. School Classification: I certify under penalty of perjury that all information provided above is true to the best of my knowledge and belief. I signed this form and it was not altered. I received this form in the United States after review and evaluation in the United States by one or more officials of the school of the student's application, transcripts, or other records of course work and proof of financial responsibility, which were reviewed at the school prior to the issuance of this form; the school has determined that the above named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(b)(5); I am a designated official of the above named school and am authorized to issue this form.

9. Student Certification: I have read and agreed to comply with the terms and conditions of an admission and thereof any extension of stay as specified in page 2. I certify that all information provided on this form when qualified to do so and correct and complete to the best of my knowledge. I certify that I will not attend outside of the United States, and will stay in the United States for the purpose of pursuing a full course of study as defined in page 1 of this form. I understand that the school will release any information from its records which is needed by the DHS pursuant to 8 CFR 214.2(g) to determine my nonimmigrant status.

10. School Official: _____ Signature of Designated School Official Date _____ Date Issued First Issuance (or most)

11. Student Certification: I have read and agreed to comply with the terms and conditions of an admission and thereof any extension of stay as specified in page 2. I certify that all information provided on this form when qualified to do so and correct and complete to the best of my knowledge. I certify that I will not attend outside of the United States, and will stay in the United States for the purpose of pursuing a full course of study as defined in page 1 of this form. I understand that the school will release any information from its records which is needed by the DHS pursuant to 8 CFR 214.2(g) to determine my nonimmigrant status.

12. Student: _____ Signature of Student Date _____ Date Issued First Issuance (or most)

Name of parent or guardian Signature of parent or guardian Address (zip) (State or Province) (Country) (City)

Form I-20 (Rev. 08-14-01)

Printed Name Number

Form DS-2019 Accompanied by Form I-94 or I-94A

Nonimmigrant exchange visitors (J-1) must have a Form I-94 or I-94A accompanied by an unexpired Form DS-2019, issued by the U.S. Department of State, that specifies the sponsor. J-1 exchange visitors working outside the program indicated on the Form DS-2019 also need a letter from their responsible school officer. (See page 48 for Form I-94/I-94A)

U.S. Department of State
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS

FORM DS-2019 (REV. 03-2015)
COMBINED WITH FORM I-94 OR I-94A
Page 1

A. Applicant Name Last Name: BRILLIA First Name: FRANCE Middle Name: FRANCE	B. Date of Birth 01-11-1979	C. Country of Birth FRANCE	D. Exchange Visitor Category PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT	EXCHANGE VISITOR STATUS J-1
E. Program Dates Start Date: 01-11-2016 End Date: 06-30-2016				
F. Sponsor Name ACADEMIC EXCHANGE PROGRAM				
PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
G. Exchange Visitor Program Number 79-12784				
H. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
I. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
J. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
K. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
L. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
M. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
N. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
O. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
P. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
Q. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
R. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
S. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
T. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
U. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
V. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
W. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
X. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
Y. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				
Z. Exchange Visitor Status PROFESSIONALS AND ACADEMICS IN CRITICAL GOVERNMENT				

Sample

Form DS-2019 Accompanied by Form I-94 or I-94A

ADDENDUM A – QUESTIONS ABOUT FORM I-9

Handbook for Employers M-274 (Rev. 04/03/09) N
U.S. Citizenship and Immigration Services

Employers should read these questions and answers carefully. They contain valuable information that, in some cases, is not found elsewhere in this manual.

Questions About the Verification Process

1. **Q. Where can I obtain Form I-9 and the M-274, Handbook for Employers?**
 - A. Both Form I-9 and the Handbook for Employers are available as downloadable PDFs at www.uscis.gov. Employers with no computer access can order USCIS forms by calling our toll-free number at 1-800-870-3676. Individuals can also get USCIS forms and information on immigration laws, regulations, and procedures by calling our National Customer Service Center toll-free at 1-800-375-5283.
2. **Q. Do citizens and noncitizen nationals of the United States need to prove they are eligible to work?**
 - A. Yes. While citizens and noncitizen nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9. U.S. citizens include persons born in the United States, Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. U.S. noncitizen nationals are persons who owe permanent allegiance to the United States, which include those born in American Samoa, including Swains Island.
3. **Q. Do I need to complete a Form I-9 for everyone who applies for a job with my company?**
 - A. No. You should not complete Forms I-9 for job applicants. You only need to complete Form I-9 for individuals you actually hire. For purposes of this law, a person is “hired” when he or she begins to work for you.
4. **Q. If someone accepts a job with my company but will not start work for a month, can I complete Form I-9 when the employee accepts the job?**
 - A. Yes. The law requires that you complete Form I-9 only when the person actually begins working. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use Form I-9 process to screen job applicants.
5. **Q. I understand that I must complete a Form I-9 for anyone I hire to perform labor or services in return for wages or other remuneration. What is “remuneration”?**
 - A. Remuneration is anything of value given in exchange for labor or services rendered by an employee, including food and lodging.
6. **Q. Do I need to fill out Forms I-9 for independent contractors or their employees?**
 - A. No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company’s employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you must not knowingly use contract labor to circumvent the law against hiring unauthorized aliens.
7. **Q. What should I do if the person I hire is unable to provide the required documents within 3 business days of the date employment begins?**
 - A. If an employee is unable to present the required document or documents within 3 business days of the date employment begins, the employee must produce an acceptable receipt in lieu of a document listed on the last page of Form I-9. There are 3 types of acceptable receipts. See Question 25 below for a description of each receipt and the procedures required to fulfill Form I-9 requirements when an employee presents a receipt.

By having checked an appropriate box in Section 1, the employee must have indicated on or before the time employment began that he or she is already eligible to be employed in the United States.

NOTE: Employees hired for less than 3 business days cannot present a receipt, but instead must present the actual document(s) at the time employment begins.

8. Q. May I fire an employee who fails to produce the required documents within 3 business days?

- A.** Yes. You may terminate an employee who fails to produce the required document or docu-

ments, or a receipt for a document, within three business days of the date employment begins. However, you must apply these practices uniformly to all employees.

9. Q. What happens if I properly complete and retain a Form I-9 and DHS discovers that my employee is not actually authorized to work?

- A.** You cannot be charged with a verification violation. You will also have a good faith defense against the imposition of employer sanctions penalties for knowingly hiring an unauthorized alien, unless the government can show you had knowledge of the unauthorized status of the employee.

Questions About Documents

10. Q. May I specify which documents I will accept for verification?

- A.** No. The employee may choose which document(s) he or she wants to present from the lists of acceptable documents. You must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 and found in Part Eight of this Handbook that reasonably appear on their face to be genuine and to relate to the person presenting them. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision in the INA. Individuals who look and/or sound foreign must not be treated differently in the recruiting, hiring, or verification process. For more information relating to discrimination during Form I-9 process, contact OSC at 1-800-255-8155 (employers) or 1-800-237-2515 (TDD) or visit OSC's Web site at www.usdoj.gov/crt/osc.

NOTE: An employer participating in the E-Verify Electronic Employment Eligibility Verification Program can only accept a List B document with a photograph.

11. Q. If an employee writes down an Alien Number or Admission Number when completing Section 1 of Form I-9, may I ask to see a document with that number?

- A.** No. Although it is your responsibility as an employer to ensure that your employees fully complete Section 1 at the time employment begins, the employee is not required to present a document to complete this section.

When you complete Section 2, you may not ask to see a document with the employee's Alien Number or Admission Number or otherwise specify which document(s) an employee may present.

12. Q. What is my responsibility concerning the authenticity of document(s) presented to me?

- A.** You must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.

13. Q. My employee has presented a U.S. passport card. Is this an acceptable document?

- A.** Yes. The passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the passport card is considered

a “passport” for purposes of Form I-9 and has been included on List A of the Lists of Acceptable Documents on Form I-9.

14. Q. Why was documentation for citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) added to the List of Acceptable Documents on Form I-9?
- A. Under the Compacts of Free Association between the United States and FSM and RMI, most citizens of FSM and RMI are eligible to reside and work in the United States as nonimmigrants. The compact also eliminated the need for citizens of these two countries to obtain employment authorization cards to work in the United States. Now FSM and RMI citizens can show a valid passport with a Form I-94 or I-94A to satisfy Form I-9 requirements.
15. Q. There are 3 documents on Form I-9 that are listed on both List B and List C. Does this mean that my employee may present 1 of those documents to prove both identity and employment authorization?
- A. Three documents can be found in both List B and List C: a Native American tribal document, the U.S. Citizen Identification Card (Form I-197) and the Identification Card for the Use of Resident Citizen in the United States (Form I-179). If an employee presents any one of these documents, it establishes both identity and employment authorization on Form I-9, so you do not need any other documents from the employee to complete Section 2 of Form I-9.
16. Q. An employee has attested to being a U.S. citizen or U.S. noncitizen national on Section 1 of Form I-9, but has presented me with an I-551, Permanent Resident Card, or “green card.” Another employee has attested to being a lawful permanent resident but has presented a U.S. passport. Should I accept these documents?
- A. In these situations, you should first ensure that the employee understood and properly completed the Section 1 attestation of status. If the employee made a mistake and corrects the attestation, he or she should initial and date the correction, or complete a new Form I-9. If the

employee confirms the accuracy of his or her initial attestation, you should not accept a “green card” from a U.S. citizen or a U.S. passport from an alien. Although you are not expected to be an immigration law expert, both documents in question are inconsistent with the status attested to and are, therefore, not documents that reasonably relate to the person presenting them.

17. Q. May I accept an expired document?

- A. No. Expired documents are no longer acceptable for Form I-9. However, you may accept Employment Authorization Documents (I-766) and Permanent Resident Cards (Form I-551) that appear to be expired on their face, but have been extended under the limited circumstances, described in Part 2, Section 2, Table 2.

Individuals under the Temporary Protected Status (TPS) Program whose Employment Authorization Documents appear to be expired but were actually automatically extended via Federal Register notice may continue to work based on their Employment Authorization Documents during the automatic extension period specified in the Federal Register notice announcing the extension.

NOTE: Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired.

18. Q. How can I tell if a DHS-issued document has expired? If it has expired, should I reverify the employee?

- A. Some DHS-issued documents, such as older versions of the Alien Registration Receipt Card (Form I-551), do not have expiration dates, but are still acceptable for Form I-9 purposes. However, all subsequent Permanent Resident Cards (I-551s) contain 2-year or 10-year expiration dates. You should not reverify an expired Alien Registration Receipt Card/ Permanent Resident Card (Form I-551). Other DHS-issued documents, such as the Employment Authorization Document (Form I-766) also have expiration dates. These dates can be found either on the face of the document or on a sticker attached to the back of the document. All Employment Authorization Documents must be reverified upon expiration.

19. Q. Some employees are presenting me with Social Security cards that have been laminated. May I accept such cards as evidence of employment authorization?

A. It depends. You may not accept a laminated Social Security card as evidence of employment authorization if the card states on the back “not valid if laminated.” Lamination of such cards renders them invalid. Metal or plastic reproductions of Social Security cards are not acceptable.

20. Q. Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth and their parents’ names as proof of employment authorization. May I accept such printouts in place of a Social Security card as evidence of employment authorization?

A. No. Only a person’s official Social Security card is acceptable.

21. Q. What should I do if an employee presents a Social Security card marked “NOT VALID FOR EMPLOYMENT,” but states that he or she is now authorized to work?

A. You should ask the employee to provide another document to establish his or her employment authorization, since such Social Security cards do not establish this and are not acceptable documents for Form I-9. Such an employee should go to the local SSA office with proof of his or her lawful employment status to be issued a Social Security card without employment restrictions.

22. Q. May I accept a photocopy of a document presented by an employee?

A. No. Employees must present original documents. The only exception is that an employee may present a certified copy of a birth certificate.

23. Q. I noticed on Form I-9 that under List A there are two spaces for document numbers and expiration dates. Does this mean I have to see two List A documents?

A. No. One of the documents found in List A is a foreign passport with an attached Form I-94 or I-94A, bearing the same name as the passport and containing endorsement of the alien’s nonimmigrant status, if that status authorizes

the alien to work for the employer. Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94 or I-94A.

24. Q. When I review an employee’s identity and employment authorization documents, should I make copies of them?

A. If you participate in E-Verify and the employee presents a document used as part of the Photo Screening Tool (currently the Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766)), you must retain a photocopy of the document he or she presents. If you do not participate in E-Verify, you are not required to make photocopies of documents. However, if you wish to make photocopies of documents other than those used in E-Verify, you should do so for all employees, and you should retain each photocopy with Form I-9. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of Form I-9, nor is it an acceptable substitute for proper completion of Form I-9 in general.

25. Q. When can employees present receipts for documents in lieu of actual documents establishing employment authorization?

A. The “receipt rule” is designed to cover situations in which an employee is employment authorized at the time of initial hire or reverification, but he or she is not in possession of a document listed on page 5 of Form I-9. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.

An individual may present a receipt in lieu of a document listed on Form I-9 to complete Section 2 of Form I-9. The receipt is valid for a temporary period. There are three different documents that qualify as receipts under the rule:

1. A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days, after which the individual must present the

replacement document to complete Form I-9.

NOTE: This rule does not apply to individuals who present receipts for new documents following the expiration of their previously held document.

2. A Form I-94 or Form I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp; or within one year from the date of issuance of Form I-94 or I-94A if the I-551 stamp does not contain an expiration date.
3. A Form I-94 or I-94A containing an unexpired refugee admission stamp. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. The employee must present acceptable documentation to complete Form I-9 within 90 days after the date of hire or, in the case of reverification, the date employment authorization expires. For more information on receipts, see Table 1 in Part 2, Section 2.

26. Q. My employee has applied for a new Employment Authorization Document. When my employee's current Employment Authorization Document expires, how can I satisfy Form I-9 reverification requirement while the application is pending with USCIS? Is the USCIS receipt notice (Form I-797) covered by Form I-9 receipt rule?

- A.** An employee with temporary employment authorization and holding an Employment Authorization Document (I-766) should apply for a new card at least 90 days prior to the expiration of his or her current document. DHS regulations provide that if it does not adjudicate the application for employment authorization within 90 days, it will grant an interim Employment Authorization Document valid for a period not to exceed 240 days. If your employee applied for a new card at least 90 days prior to the expiration of his or her current card but is nearing the end of the 90-day processing

period without a decision from USCIS, instruct your employee to inquire about an interim Employment Authorization Document with the local USCIS office or by calling the National Customer Service Center at (800) 375-5283 or (800) 767-1833 (TTY). Upon expiration of your employee's current Employment Authorization Document, he or she should be able to present either a new or interim card, or a List C document, to satisfy Form I-9 reverification requirements. In this case, the USCIS receipt notice (Form I-797) is not an acceptable receipt for Form I-9 purposes.

27. Q. My employee has presented a foreign passport with a Form I-94 or I-94A (List A, Item 5) indicating an employment-authorized nonimmigrant status. How do I know if this nonimmigrant status authorizes the employee to work?

- A.** You, as the employer, likely have submitted a petition to USCIS on a nonimmigrant worker's behalf. However, there are some exceptions to this rule:
1. You made an offer of employment to a Canadian passport holder who entered the United States under NAFTA with an offer letter from your company. This nonimmigrant worker will have a Form I-94 or Form I-94A indicating TN status, and may present either a passport or a valid Canadian driver's license in combination with Form I-94 or Form I-94A.
 2. A student working in on-campus employment or participating in curricular practical training. (See questions 28 and 29.)
 3. A J-1 exchange visitor. (See question 34.)

Most employees who present a foreign passport in combination with a Form I-94 or I-94A (List A, Item 5) are restricted to work for their petitioning employer. If you did not submit a petition for an employee who presents such documentation, then that nonimmigrant worker is not usually authorized to work for you.

The table below lists the nonimmigrant classifications that indicate that an employee is authorized to work incident to status. Such

classifications will be indicated on Form I-94 or I-94A.

A-1, A-2	Foreign Government Officials or employees of A-1 or A-2
A-3	Employee of an A-1, A-2
E-1, E-2, E-3	Treaty Trader/Investors
G-1, G-2, G-3, G-4	Foreign representatives or officers of an international organization
G-5	Employee of a G-1, G-2, G-3, or G-4
H-1B	Specialty Occupations, DOD workers
H-1C	Nurses in health professional shortage areas
H-2A	Temporary agricultural workers
H-2B	Temporary workers: skilled and unskilled
H-3	Trainees
J-1	Exchange visitors
L-1	Intra-company transfers
NATO-1 to NATO-6	Representatives to NATO
NATO-7	Employee of NATO representative
P-1	Individual or team athletes, entertainment groups, or artists
Q-1	International cultural exchange visitors
R-1	Religious workers
TN	NAFTA Trade visas for Canadians or Mexicans

28. Q. What document(s) can I accept from an employee who has applied for an extension of Optional Practical Training as a STEM student?

- A. The expired Employment Authorization Document (Form I-766), the USCIS receipt notice showing a timely filing of the STEM extension application (Form I-797, Notice of Action) and a Form I-20 updated to show that the Designated School Official (DSO) has recommended the extension. This combination of documents satisfies Form I-9 requirements for 180 days (or less if the application for extension is denied beforehand). If the 17-month STEM extension is approved, the student should receive a new card reflecting the extension within the 180-day period.

29. Q. My employee is an F-1 student who was working for me as part of her Optional Practical Training. I have now submitted a petition on her behalf for an H-1B visa. Her Employment

Authorization Document has expired and I must reverify her employment authorization. What documents may she present?

- A. The expired Employment Authorization Document (Form I-766), combined with a Form I-20 endorsed to show that the student's employment authorization is still valid, and the USCIS receipt notice (Form I-797, Notice of Action), showing receipt of the H-1B petition. This combination of documents satisfies Form I-9 requirements until September 30 of each year, or until the date the petition is rejected, denied, or withdrawn. If the receipt notice has not yet been issued, the expired card and Form I-20 are sufficient. This combination of documents satisfies Form I-9 until the expiration date noted on the Form I-20, but not later than September 30. If the student presents Form I-20 without a receipt notice, the employer must reverify upon the expiration date noted on the Form I-20. The student may present another Form I-20 indicating continued employment authorization to satisfy the reverification requirement.

30. Q. My employee's Employment Authorization Document (Form I-766), expired and the employee now wants to show me a Social Security card. Do I need to see a current DHS document?

- A. No. During both initial verification and reverification, an employee must be allowed to choose what documentation to present from Form I-9 lists of acceptable documents. **If an employee presents an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document. However, if an employee presents a restricted Social Security card upon reverification, you must reject the restricted Social Security card, since it is not an acceptable Form I-9 document, and ask the employee to choose different documentation from List A or List C of Form I-9.**

31. Q. Can DHS double-check the status of an alien I hired, or "run" his or her number (typically an Alien Number or Social Security number) and tell me whether it's good?

- A. DHS cannot double-check a number for you, unless you participate in E-Verify, which con-

firms the employment authorization of your newly hired employees. For more information about this program, see Part Six. You may also call DHS at 1-888-464-4218 or visit www.dhs.gov/E-Verify. You also may contact DHS if you have a strong and articulable reason to believe documentation may not be valid, in which case ICE may investigate the possible violation of law.

32. Q. My employee presented me with a document issued by INS rather than DHS. Can I accept it?

- A.** Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: USCIS, CBP and ICE. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.

33. Q. What should I do if an employee presents a Form I-20 and says the document authorizes her to work?

- A.** Form I-20 is evidence of employment authorization in two specific situations:
1. The employee works on the campus of the school where he or she is an F-1 student for an employer that provides direct student services, or at an off-campus location that is educationally affiliated with the school's

established curriculum or related to contractually funded research projects at the post-graduate level where the employment is an integral part of the student's educational program.

2. The employee is an F-1 student who has been authorized by the Designated School Official (DSO) to participate in a curricular practical training program that is an integral part of an established curriculum (e.g., alternative work/study, internship, cooperative education, or other required internship offered by sponsoring employers through cooperative agreements with the school). Form I-20 must be endorsed by the DSO for curricular practical training, and list the employer offering the practical training, and the dates the student will be employed.

In both situations, Form I-20 must accompany a valid Form I-94 or I-94A indicating F-1 status. When combined with a foreign passport, the documentation is acceptable for List A of Form I-9.

34. Q. May I accept Form DS-2019 as proof of employment authorization?

- A.** Form DS-2019 can be used only by a J-1 exchange visitor for employment when such employment is part of his or her program. For J-1 students, the Responsible Officer of the school may authorize employment in writing. Form DS-2019 must accompany a valid Form I-94 or I-94A. When combined with a foreign passport, the documentation is acceptable for List A of Form I-9.

Questions About Completing and Retaining Form I-9

35. Q. When do I fill out Form I-9 if I hire someone for less than 3 business days?

- A.** Both you and the employee must complete Sections 1 and 2 of Form I-9 at the time of hire. This means Form I-9 must be fully completed when the person starts to work.

36. Q. What should I do if I rehire a person who previously filled out a Form I-9?

- A.** If the employee's Form I-9 is a version that is currently acceptable, you rehire the person within 3 years of the date that Form I-9 was originally completed, and the employee is still authorized to work, you may reverify the employee in Section 3 of the original Form I-9.

If the version of Form I-9 that you used for the employee's original verification is no longer

valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the employee's original Form I-9.

37. Q. What should I do if I need to reverify a Form I-9 for an employee who filled out an earlier version of the form?

- A.** The current version of Form I-9 can be found at www.uscis.gov. To reverify an employee who filled out an earlier version of the form, you may line through any outdated information on the form and initial and date any updated information. You may also choose, instead, to complete a new Form I-9.

If you used a version of Form I-9 when you originally verified the employee that is no longer valid, the employee must provide any document(s) he or she chooses from the current Lists of Acceptable Documents, which you must enter in Section 3 of the current version of Form I-9.

38. Q. Do I need to complete a new Form I-9 when one of my employees is promoted within my company or transfers to another company office at a different location?

- A.** No. You do not need to complete a new Form I-9 for employees who have been promoted or transferred.

39. Q. What do I do when an employee's employment authorization expires?

- A.** You will need to reverify on Form I-9 to continue to employ the person. Reverification must occur no later than the date that employment authorization (or evidence thereof) expires. The employee must present a document from either List A or List C that shows either an extension of his or her initial employment authorization or new employment authorization. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, record the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space.

If the version of Form I-9 that you used for the employee's original verification is no longer valid, you must complete Section 3 of the cur-

rent Form I-9 upon reverification and attach it to the original Form I-9.

You may want to establish a calendar call-up system for employees whose employment authorization (or evidence of employment authorization) will expire in the future.

You may not reverify an expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.

NOTE: You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on Form I-9 that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

If an employee's employment authorization document expires before the employee receives a new one, the employee may take the application receipt to a local USCIS office to receive temporary employment authorization if it has been more than 90 days since the employee applied for the new card.

40. Q. Can I avoid reverifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?

- A.** You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an alien is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

41. Q. As an employer, do I have to fill out all the Forms I-9 myself?

- A.** No. You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent or anyone else acting in your interest, such as a notary public. Please note that if someone else fills out Form I-9 on your behalf, they must

carry out full Form I-9 responsibilities. For example, it is not acceptable for a notary public to view employment authorization and identity documents, but leave Section 2 for you to complete. The person who views an employee's employment authorization documents should also complete and sign Section 2 on your behalf. However, you are still liable for any violations of the employer sanctions laws.

42. Q. Can I contract with someone to complete Forms I-9 for my business?

- A.** Yes. You can contract with another person or business to verify employees' identities and employment authorization and to complete Forms I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employer sanctions laws.

43. Q. I use a professional employer organization (PEO) that "co-employs" my employees. Am I responsible for Form I-9 compliance for these employees or is the PEO?

- A.** "Co-employment" arrangements can take many forms. As an employer, you continue to be responsible for compliance with Form I-9 requirements.

If the arrangement into which you have entered is one where an employer-employee relationship also exists between the PEO and the employee (e.g., the employee performs labor or services for the PEO), the PEO would be considered an employer for Form I-9 purposes and:

1. The PEO may rely upon the previously completed Form I-9 at the time of initial hire for each employee continuing employment as a co-employee of you and the PEO, or
2. The PEO may choose to complete new Forms I-9 at the time of co-employment.

If more co-employees are subsequently hired, only one Form I-9 must be completed by either the PEO or the client. However, both you and your PEO are responsible for complying with Form I-9 requirements, and DHS may impose penalties on either party for failure to do so. Penalties for verification violations, if any, may vary depending on:

1. A party's control or lack of control over Form I-9 process,
2. Size of the business,
3. Good faith in complying with Form I-9 requirements,
4. The seriousness of the party's violation,
5. Whether or not the employee was an unauthorized alien,
6. The history of the party's previous violations and
7. Other relevant factors.

44. Q. As an employer, can I negotiate my responsibility to complete Forms I-9 in a collective bargaining agreement with a union?

- A.** Yes. However, you are still liable for any violations of the employer sanctions laws. If the agreement is for a multi-employer bargaining unit, certain rules apply. The association must track the employee's hire and termination dates each time the employee is hired or terminated by an employer in the multi-employer association.

45. Q. What are the requirements for retaining Forms I-9?

- A.** If you are an employer, you must retain Forms I-9 for 3 years after the date employment begins or 1 year after the date the person's employment is terminated, whichever is later. If you are an agricultural association, agricultural employer, or farm labor contractor, you must retain Forms I-9 for 3 years after the date employment begins for persons you recruit or refer for a fee.

46. Q. Will I get any advance notice if a DHS or DOL officer wishes to inspect my Forms I-9?

- A.** Yes. The officer will give you at least 3 days' (72 hours) advance notice before the inspection. If it is more convenient for you, you may waive the 3-day notice. You may also request an extension of time to produce the Forms I-9. The DHS or DOL officer will not need to show you a subpoena or a warrant at the time of the inspection.

NOTE: This does not preclude DHS or DOL from obtaining warrants based on probable cause for entry onto the premises of suspected violators without advance notice.

Failure to provide Forms I-9 for inspection is a violation of the employer sanctions laws and could result in the imposition of civil money penalties.

47. Q. How does OSC obtain information necessary to determine whether an employer has committed an unfair immigration-related employment practice under the anti-discrimination provision of the INA?

A. OSC will notify you in writing to initiate an investigation, request information and documents, and interview your employees. If you refuse to cooperate, OSC can obtain a subpoena to compel you to produce the information requested or to appear for an investigative interview.

48. Q. Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?

A. Yes. You must complete Forms I-9 for all employees. NAFTA entrants must show identity and employment authorization documents just like all other employees.

49. Q. If I acquire a business, can I rely on Forms I-9 completed by the previous owner/employer?

A. Yes. However, you also accept full responsibility and liability for all Forms I-9 completed by the previous employer relating to individuals who are continuing in their employment.

50. Q. If I am a recruiter or referrer for a fee, do I have to fill out Forms I-9 on persons whom I recruit or refer?

A. No, with 3 exceptions: Agricultural associations, agricultural employers, and farm labor contractors are still required to complete Forms I-9 on all individuals who are recruited or referred for a fee. However, all recruiters and referrers for a fee must still complete Forms I-9 for their own employees hired after November 6, 1986. Also, all recruiters and referrers for a fee are still liable for knowingly recruiting or referring for a fee aliens

not authorized to work in the United States and must comply with federal anti-discrimination laws.

51. Q. Can I complete Section 1 of Form I-9 for an employee?

A. Yes. You may help an employee who needs assistance in completing Section 1 of Form I-9. However, you must also complete the "Preparer/Translator Certification" block. The employee must still sign the certification block in Section 1.

52. Q. If I am self-employed, do I have to fill out a Form I-9 on myself?

A. A self-employed person does not need to complete a Form I-9 on his or her own behalf unless the person is an employee of a business entity, such as a corporation or partnership. If the person is a business entity, he or she, and any authorized employees, will have to complete Form I-9.

53. Q. I have heard that some state employment agencies can certify that people they refer are authorized to work. Is that true?

A. Yes. State employment agencies may choose to verify the employment authorization and identity of individuals they refer for employment on Form I-9. In such cases, they must issue a certificate to the employer within 21 business days of the date that the referred individual is hired. If one of these agencies refers potential employees to you with a job order or other appropriate referral form, and the agency sends you a certification within 21 business days of the referral, you do not have to check documents or complete a Form I-9 if you hire that person. However, you must review the certification to ensure that it relates to the person hired and observe the person sign the certification. You must also retain the certification as you would a Form I-9 and make it available for inspection, if requested. You should check with your state employment agency to see if it provides this service and become familiar with its certification document.

Questions About Avoiding Discrimination

54. Q. How can I avoid discriminating against certain employees while still complying with this law?

A. You should:

1. Treat employees equally when recruiting, hiring, and terminating them, and when verifying their employment authorization and completing Form I-9.
2. Allow all employees, regardless of national origin or immigration status, to choose which document or combination of documents they want to present from the Lists of Acceptable Documents on the back of Form I-9. For example, you may not require an employee to present an employment authorization document issued by DHS if he or she chooses to present a driver's license and unrestricted Social Security card.

You should not:

1. Set different employment eligibility verification standards or require that different documents be presented by employees because of their national origin or citizenship status. For example, you cannot demand that non-U.S. citizens present DHS-issued documents such as "green cards."
2. Ask to see a document with an employee's Alien or Admission Number when completing Section 1 of Form I-9.
3. Request to see employment authorization verification documents before hire or completion of Form I-9 because someone looks or sounds "foreign," or because someone states that he or she is not a U.S. citizen.
4. Refuse to accept a valid employment authorization document, or refuse to hire an individual, because the document has a future expiration date.
5. Reverify the employment authorization of a lawful permanent resident (LPR) whose "green card" has expired after the LPR is hired.
6. Request that, during reverification, an employee present a specific employment au-

thorization document. Employees are free to choose any document either from List A or from List C of Form I-9.

7. Limit jobs to U.S. citizens unless U.S. citizenship is required for the specific position by law; regulation; executive order; or federal, state or local government contract.

NOTE: On an individual basis, you may legally prefer a U.S. citizen over an equally qualified alien to fill a specific position, but you may not adopt a blanket policy of always preferring citizens over noncitizens.

55. Q. Who is protected from discrimination on the basis of citizenship status or national origin under the anti-discrimination provision of the INA?

- #### A.
- All U.S. citizens, lawful permanent residents, temporary residents, asylees, and refugees are protected from citizenship status discrimination, except for those lawful permanent residents who have failed to make a timely application for naturalization after they become eligible.

You cannot discriminate against any employment authorized individual in hiring, firing, or recruitment because of his or her national origin.

Similarly, all employment-authorized individuals are protected from document abuse.

56. Q. Can I be charged with discrimination if I contact DHS about a document presented to me that does not reasonably appear to be genuine and relate to the person presenting it?

- #### A.
- No. If you are presented with documentation that does not reasonably appear to be genuine or to relate to the employee, you cannot accept that documentation. While you are not legally required to inform DHS of such situations, you may do so if you choose. However, DHS is unable to provide employment eligibility verification services other than through its E-Verify program. If you treat all employees equally and do not single out employees who look or sound foreign for closer scrutiny, you cannot be charged with discrimination.

57. Q. I recently hired someone who checked the fourth box in the immigration status attestation section on Section 1 of Form I-9, indicat-

ing that he is an alien. However, he informed me that he does not have an employment authorization expiration date, which appears to be required by the form. What should I do?

- A. Refugees and asylees, as well as some other classes of alien such as certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau, are authorized to work because of status. Such aliens may not possess an Employment Authorization Document (I-766), yet can still establish employment authorization and identity by presenting other documentation, including a driver's license and an unrestricted Social Security card, or a Form I-94 or I-94A indicating their work-authorized status. Such individuals should write "N/A" in Section 1 next to the alien box. The refusal to hire work-authorized aliens because of their immigration status, or because they are unable to provide an expiration date on Form I-9, is a violation of the anti-discrimination provision in the INA.

58. Q. What should I do if I have further questions regarding the INA's anti-discrimination provision and Form I-9 verification process?

- A. Call the OSC employer hotline with questions:
1-800-255-8155
1-800-362-2735 (TDD); or
Visit the OSC Web site, <http://www.usdoj.gov/crt/osc/>, for more information.

59. Q. What if someone believes they have experienced discrimination under the INA's anti-discrimination provision?

- A. Call the OSC employee hotline:
1-800-255-7688
1-800-237-2515 (TDD); or
Visit the OSC Web site, <http://www.usdoj.gov/crt/osc/>, for more information and to download a charge form.

60. Q. What if someone believes he or she has experienced discrimination under Title VII of the Civil Rights Act of 1964?

- A. Call the EEOC:
1-800-USA-EEOC
1-800-669-6820 (TTY); or
Visit EEOC's Web site at <http://www.eeoc.gov>.

Questions About Employees Hired Before November 7, 1986

61. Q. Does this law apply to my employees if I hired them before November 7, 1986?

- A. No. You are not required to complete Forms I-9 for employees hired before November 7, 1986.

NOTE: This "grandfather" status does not apply to seasonal employees or to employees who change employers within a multi-employer association.

62. Q. Will I be subject to employer sanctions penalties if an employee I hired before November 7, 1986, is an illegal alien?

- A. No. You will not be subject to employer sanctions penalties for retaining an illegal alien in your workforce if the alien was hired before November 7, 1986. However, the fact that an illegal alien was on your payroll before November 7, 1986, does not give him or her any right to remain in the United States. Unless the alien obtains permission from DHS to remain in the United States, he or she is subject to apprehension and removal.

Questions About Different Versions of Form I-9

63. Q. Is Form I-9 available in different languages?

- A. Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may use

the Spanish version to meet the verification and retention requirements of the law. Employers in the United States and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but the English version must be completed and retained in the employer's records. Employees may also use or

ask for a preparer/translator to assist them in completing the form.

64. Q. Are employers in Puerto Rico required to use the Spanish version of Form I-9?

- A.** No. Employers in Puerto Rico may use either the Spanish or the English version of Form I-9 to verify new employees.

65. Q. May I continue to use earlier versions of Form I-9?

- A.** No, employers must use the current version of Form I-9. All previous editions of Form I-9, in English or Spanish, are no longer valid.

66. Q. Where do I get the Spanish version of Form I-9?

- A.** You may download the Spanish version of this form from the USCIS Web site at www.uscis.gov. Click on Immigration Forms and scroll down to Form I-9. For employers without internet access, you may call the USCIS Forms Center toll-free at 1-800-870-3636.

Questions about Military Installations

67. Q. I know that a valid unexpired military ID card is a valid List B identification document. Is a military ID card ever acceptable as List A evidence of both identity and employment authorization?

- A.** Yes, but only if the employer is the U.S. military and the Form I-9 is completed in the context of military enlistment itself. In the case of an individual lawfully enlisted in the U.S. Armed Forces, a valid, unexpired military ID card may be accepted as a List A document by the Armed Forces only. No other employer may accept a military ID card as a List A document.