



**KNOW
THE
GUIDELINES.**

I-9 RULES IN A NUTSHELL

A LOOKOUT SERVICES WHITE PAPER

STAY IN THE KNOW REGARDING I-9 REGULATIONS.

From staggered deadlines, to document retention, allowable paperwork and other concerns, the employment verification process can be a confusing one. Still, small missteps now can culminate in hefty penalties for your business later on. It pays to follow proper rules. Here are some key guidelines to keep in mind regarding your company's Form I-9 practices.

Discrimination

- Only employees hired after November 6, 1986 require a Form I-9.
- Begin processing the Form I-9 only after acceptance of employment.
- Asking an employee to provide a specific document with their Social Security number is prohibited.
- Refusing to hire someone because their eligibility document will expire is discrimination.

E-Verify

- You may only accept List B documents that bear a photograph.
- The employee's Social Security number is required in Form I-9, Section 1.
- Keep E-Verify case summaries in addition to Forms I-9 and make them available for inspection.
- E-Verify is required in Alabama, Arizona, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

Documents

- You may use abbreviations for commonly used documents, such as DL, SSA, etc.
- You may use only unexpired documents.
- Documents issued by the former INS should be dated prior to March 1, 2003.
- A certified copy of a birth certificate is equivalent to an original.
- Only Native American tribal documents issued by a recognized tribe are acceptable.
 - **NOTE:** Check the Bureau of Indian Affairs at bia.gov at the time of hire, as the recognition of tribes may change over time.

Receipts

- Receipts are only acceptable for the replacement of a lost, stolen or damaged document.
- If the above criteria are met, a receipt may be accepted in place of the document for 90 days.
- Receipts must be re-verified after 90 days.
- A receipt for an initial or renewal Employment Authorization document is NOT acceptable.

Retention

- Employers must retain the completed I-9 Form for as long as the individual works for the employer.
- Forms I-9 must be kept for 3 years following the date of hire or 1 year after termination, whichever is later.
- Only the pages of the Form I-9 on which data is entered must be retained.
- You must be able to present Forms I-9 within 3 days of an inspection request.

Re-Hire

- Despite an interruption in employment, certain situations may not be considered re-hires. These include:
 - Paid or unpaid leave
 - Temporary layoff
 - Reinstatement after disciplinary suspension
 - Transfer
 - Continuing employment with a related, successor or reorganized employer where the prior Forms I-9 are retained.
- If an employee is re-hired within 3 years of the original date of hire, and the prior Form I-9 indicates continued employment eligibility, update the date of hire in Section 3.
- If an employee is re-hired within 3 years of the original date of hire, and you find that the prior employment authorization has expired, follow re-verification procedures and update the date of hire in Section 3.
- Keep in mind, you may choose to re-hire using a new Form I-9 Section 1 and Section 2 at any time.

Corrections

- To correct a Form I-9, line through the errors, initial and date your corrections.
- You may use Wite-Out, but attach a signed, dated note of explanation.
- Corrections to Section 1 should be made by the employee.

Re-Verification

- When employment authorization expires, re-verify in Section 3.
- Re-verification must occur no later than the expiration date.
- To re-verify, use the current version of Form I-9, Section 3 and keep it within the previously completed I-9.
- You cannot continue to employ an employee without proof of current employment authorization.
- U.S. citizens and non-citizen nations never need re-verification.
- Do NOT re-verify U.S. passports, passport cards, Alien Registration Receipt Cards, Permanent Resident Cards or List B documents that expire.
- You are NOT required to update a Form I-9 when an employee changes his or her name.

**ARE YOU PREPARED TO TAKE CONTROL
OF YOUR COMPANY'S I-9 PRACTICES?**

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