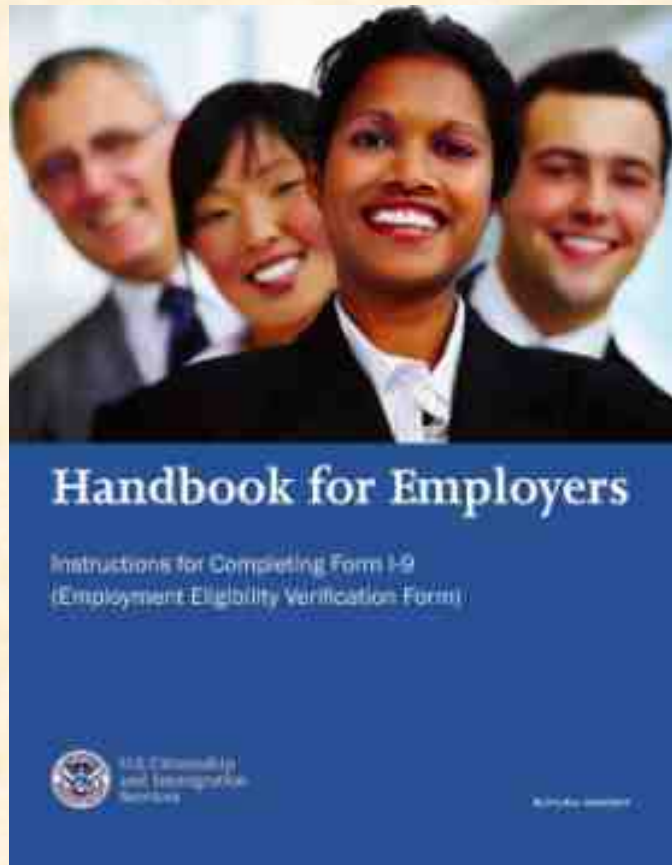


ICE, I-9s, and Employment Eligibility Compliance



I-9 Handbook



- Re-issued with a June 1, 2011 revision date

Rehiring an Employee

- If an employer is re-hiring an employee within 3 years of the original hire date, it may be possible to use the previous I-9 Form.
- Reverification must be on valid I-9 Form.



EVerify



- Register with MOU between employer, SSA and DHS
- Employer who verifies this way is presumed to have not knowingly hired an unauthorized alien, participation does not provide a safe harbor from enforcement
- No protection for past hires

Electronic I-9 Compliance

- Many systems have a link to EVerify
- Carefully read terms of service agreement to ensure possession and ownership and access to information is maintained
- Better systems are ones that focus on I-9 process as legal compliance.

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1515-0046
Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

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):

A citizen or national of the United States
 A Lawful Permanent Resident (Alien # A_____
 An alien authorized to work until ___/___/___
 (Alien # or Admission #) _____

Employee's Signature _____ Date (month/day/year) _____

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 examined the information in use and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature _____ Print Name _____
 Address (Street Name and Number, City, State, Zip Code) _____ Date (month/day/year) _____

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: _____		_____	_____	_____
Issuing authority: _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): ___/___/___		___/___/___	___/___/___	___/___/___
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) ___/___/___ 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	Print Name	Title
Business or Organization Name	Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

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 eligibility.

Document Title: _____ Document #: _____ Expiration Date (if any): ___/___/___

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible 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.

Signature of Employer or Authorized Representative	Date (month/day/year)
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Form I-9 (Rev. 04-06-00) Page 2

The logo for E-Verify Self Check. It features the text "E-Verify" in a blue, sans-serif font with a small American flag icon to the left of the "E". Below this, the words "Self Check" are written in a larger, bold, black, sans-serif font.

E-Verify Self Check

- Allows individuals in particular states to check on their own whether there is a mismatch.
- If there is a mismatch between DHS and SSA, the Self Check will tell you how to fix it.
- This is not a guarantee that a worker will not have any problems when hired and put thru EVerify by the employer.

Office of Special Counsel for Immigration Related Unfair Employment Practices

- Unfair documentary practices related to verifying the employment eligibility of employees.



OSC (con' t)

- Employers may not request more or different documents than are required to verify employment eligibility, reject reasonably genuine-looking documents, or specify certain documents over others with the purpose or intent of discriminating on the basis of citizenship status or national origin. U.S. citizens and all work authorized individuals are protected from document abuse.
- USC Only policy is discriminatory except if “only if required to do so by federal, state, or local law or regulation, or by government contract.”

Common Mistake to Avoid

- Lawful permanent residents who produce an unexpired Permanent Resident Card (Form I-551 or "green card") should not be reverified, even if the Form I-551 lists a future expiration date.

No Match Letters

- A no match does not mean that an individual is undocumented.
- SSA informs you that the name and SSN you reported for an employee do not match SSA's records.
- The letter explains the reasons for keeping accurate records and lists the SSNs that do not match SSA's records.
- No Match letter also cautions you not to take any adverse employment action based on the letter against employees whose names and SSNs do not match with information in SSA's records.
- Employer should document follow up with employee and re-verify I-9 once corrected

OCAHO

- Administrative agency where Complaints are filed alleging violations
- Government has the burden to prove penalties and liability
- Backdating and failure to complete are aggravating factors
- Factors to consider in Penalties
- Professed ignorance is not good faith

Questions?

