



The Future of I-9 Compliance



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The New Form I-9

Must use as of 11/01/2023



Employment Eligibility Verification Department of Homeland Security U.S. Citizenship and Immigration Services

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

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the Instructions.

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)				
Address (Street Number and Name)			Apt. Number (if any)	City or Town		State	ZIP Code		
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number			
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.				Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):					
				<input type="checkbox"/> 1. A citizen of the United States					
				<input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)					
				<input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)					
				<input type="checkbox"/> 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any) _____					
				If you check Item Number 4., enter one of these:					
		USCIS A-Number		OR	Form I-94 Admission Number		OR	Foreign Passport Number and Country of Issuance	
Signature of Employee						Today's Date (mm/dd/yyyy)			

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine through an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.

Document Title 1	List A	OR	List B	AND	List C		
Issuing Authority							
Document Number (if any)							
Expiration Date (if any)							
Document Title 2 (if any)	Additional Information						
Issuing Authority							
Document Number (if any)							
Expiration Date (if any)							
Document Title 3 (if any)							
Issuing Authority							
Document Number (if any)							
Expiration Date (if any)							
<input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.							
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.							
Last Name, First Name and Title of Employer or Authorized Representative				Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	
Employer's Business or Organization Name			Employer's Business or Organization Address, City or Town, State, ZIP Code				

For reverification or rehire, complete Supplement B, Reverification and Rehire on Page 4.

Section 1: Employee

- **Required fields:** Full Legal Name, Other Last Names Used, Address, Date of Birth, Citizenship or Immigration Status.
- **Optional:** SSN, E-mail address and telephone number.
- **Alien Authorized to work until...**
- A Number or USCIS Number (e.g. Asylees, Refugees).
- Form I-94 Number (e.g. H-1B or L-1 workers).
- Foreign Passport Number and Country of Issuance (e.g. Micronesia, Marshall Islands).
- **“N/A” or “Unknown”** must be entered in blank, required fields, or if a telephone/email contact is not available.

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 Department of Homeland Security
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ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number (if any)	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

1. A citizen of the United States

2. A noncitizen national of the United States (See Instructions.)

3. A lawful permanent resident (Enter USCIS or A-Number.)

4. A noncitizen (other than **Item Numbers 2.** and **3.** above) authorized to work until (exp. date, if any)

If you check **Item Number 4.**, enter one of these:

USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
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Signature of Employee _____ Today's Date (mm/dd/yyyy) _____

If a preparer and/or translator assisted you in completing Section 1, that person **MUST** complete the [Preparer and/or Translator Certification](#) on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign **Section 2** within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					

Section 2: Employer

- **Employer or *Authorized Representative*** completes Section 2 with Employee present, no later than end of **third business day** from employment start date.
- Examine and review the documents that satisfy ***List A*** OR ***List B and C***.
- **DO NOT** ask for specific document(s). This is **solely the Employee's choice**.
- **Must see original, unexpired documents** (physically touch the documents and be in presence of employee) - **Exceptions under Alternative Procedure** referred below.
- Enter date on "***First day of Employment***" section
- Signed **under penalty of perjury** that signor examined documents.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)	Additional Information				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)	<input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.				
Expiration Date (if any)					
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.					First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative			Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name			Employer's Business or Organization Address, City or Town, State, ZIP Code		

Acceptable Documents

- Must review the original documents presented
- Determine if they are
 - » “valid”
 - » “genuine” and
 - » “relate” to the person presenting them



Form I-9: Original Document Review

- **Generally, in-person I-9 document review is again mandatory:** COVID flexibilities have ended, as of July 31, 2023.
- **“Authorized Representative” for document review:** Employers hiring remote employees with no nearby physical office or employees must secure an “Authorized Representative” to conduct in-person review in the employer’s stead.
- **The Authorized Representative process can be questionable:** The likelihood of substantive, uncorrectable error occurring due to lack of experience or expertise. Employers are fully liable for errors. To mitigate, employers can choose to remotely oversee the Authorized Representative, using tools like Zoom or Facetime.
- **Potentially better approach:** The new “Alternative Procedure” for electronic document review, for employers who are enrolled in E-Verify.

New I-9 Alternative Procedures

Implemented as of 08/01/2023



Electronic Document Review is Again an Option

- **New Form I-9**: Published and available August 1, 2023, and includes data fields which allow for electronic review of documents, in a manner similar to the prior COVID flexibilities, but on a broader and permanent basis.
- **“Alternative Procedure”**: This optional “process allows a qualifying employer to properly comply with the new I-9 rules, provided they take the following actions:
 - » Within three (3) days of an employee’s first date of employment, examine copies of the identification and work authorization documents to ensure that these appear to be reasonably genuine.
 - » Conduct a “live video interaction” (i.e. an MS Teams or Zoom call) with the employee. The employee must first transmit copies of their documents to the employer, and also have the originals with them to show, during the video call.
 - » Indicate on the new version of Form I-9, by completing a corresponding data field, that the alternative procedure was used to examine documents in completing Section 2 of the Form.

Electronic Document Review (Cont.)

- **Retain a clear and legible copy of the documentation**, for the usual I-9 retention period as otherwise required by existing law.
- **Be ready to present copies of documents** in the event of an audit by ICE, or another government agency.
- **E-Verify enrollment is a prerequisite, for an employer to use the Alternative Procedure**: Employers will only qualify to use the above, Alternative Procedure, if they are enrolled in the government's E-Verify program. Moreover, the alternative procedure cannot be used unless an employer also actually creates a case in E-Verify, during the associated I-9 process.

General I-9 Requirements Summary

- Section 2 Document Inspection
- Physical Review
 - » In-person by onsite employee or *Authorized Representative*
 - » *Authorized Representative*
 - Can be any person including Notary
 - California exception: Immigration Consultant
 - Have HR manage the *Authorized Representative*
 - Video conference call like *Alternative Procedure*
- Alternative Procedure – Virtual Verification via Video Conference

Section 1: New hire must complete on or before first day of employment.



Section 2: Employer or Authorized Representative must complete within three business days of Employee's first day of employment.

Note: Employment lasts less than 3 days?
Complete on first day.

Calendar work authorization expiration dates (Does NOT include List B documents, green card, or U.S. passport).

Alternative Procedure

Requirements

- Must be enrolled in E-Verify and in good standing
- If offered to one, then must be offered to all employees at that company site
- May offer only to offsite employees
- Must attach copies front and back

Process

- Send Employee I-9 to complete before video conference
- Employee scans to Employer the document(s) chosen to verify
- Employee completes Section 1 and sends I-9 back to Employer
- Employer schedules video conference but no later than 3 business days after start date
- Employer reviews original documents by video and compares to scanned copies
- Employer completes Section 2, marks alternative procedure box and attaches scanned copies
- Employer safely stores completed I-9

E-Verify NextGen / E-Verify+



Combining I-9 & E-Verify

- Will integrate the Form I-9 process with E-Verify
- New hires will take on a more active role by electronically entering their biographic information, citizenship or immigration status, and identity documents directly into the E-Verify system via their secure myE-Verify accounts
- Intended to enhance efficiency and reduce the occurrence of data entry errors often associated with manual input
- Trial being incrementally released as of May 29, 2024 and will continue through the year



Employee-led Resolution and Portability of Verification Status



- Employees will gain the ability to independently manage their verification status, reducing the reliance on employers in case of discrepancies
- Will enable employees to carry their verification status seamlessly between employers

E-Verify+ and the Tennessee Lawful Employment Act

- E-Verify+ may have some impact on the TLEA
- Given the changes in the verification system, the documentation and procedural requirements of the TLEA may need to be modified
- As it is expected to eventually replace the current I-9 and E-Verify processes altogether, E-Verify+ will likely make the TLEA moot



QUESTIONS?

THANK YOU!



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