

Form I-9 Substantive Paperwork Violations

Each of the following is considered a substantive violation of Form I-9 requirements, including **but not limited to** the examples provided below. Additional specific violations related to each section of Form I-9 are outlined in the subsequent sections.

1. Failure to prepare the Form I-9.
2. Failure to present the Form I-9 for inspection upon request.
3. Failure to ensure the timely preparation of Section 1 of the Form I-9 and/or failure to prepare timely Section 2 of the Form I-9 (and/or Supplement B of the Form I-9, if applicable).
4. Completion of a Spanish-language version of the Form I-9 outside of its authorized area. The Spanish-language version of the Form I-9 can only be officially completed and retained by employers and employees in Puerto Rico.
5. Failure to meet the standards for the electronic completion, retention, documentation, security, reproduction, electronic signature(s) for the employee, and electronic signature(s) for the employer, recruiter, or referrer for a fee, or representative.

For **Section 1** of the Form I-9, failure to:

- a. Ensure that the employee completes his or her printed or typed legal name and date of birth.
- b. Ensure that the employee checks only one box attesting to whether the employee is a citizen of the United States, a noncitizen national of the United States, a Lawful Permanent Resident, or an alien authorized to work until a specified date.
- c. Ensure that the employee completes the Alien Registration Number/U.S. Citizenship and Immigration Services (USCIS) Number field next to the phrase "A lawful permanent resident (Alien #)."
- d. Ensure that the employee completes the Alien Registration Number/USCIS Number field or the Form I-94 Admission Number field or, if applicable, the foreign passport number and country of issuance and the employment authorization expiration date field required for aliens authorized to work in the United States until a specified date (Alien # or Admission #).
- e. Ensure that the employee signs the attestation portion of Section 1.
- f. Ensure that the employee dates Section 1.

For **Section 2** of the Form I-9, failure to:

- a. Verify a proper List A document or proper List B and List C documents within three business days following the date of hire, by physically examining an original and acceptable List A document or proper and acceptable List B and List C documents and determining that the document appears to be genuine on its face and reasonably related to the individual;
- b. Record the document title, issuing authority, document number(s), and/or expiration date(s) (if any) of an acceptable List A document or original and acceptable List B and List C documents
- c. Record the document title, issuing authority, document number(s), and/or expiration date of the replacement document required to have been presented. Verify within the 90-day period the replacement document, in the case of a document receipt issued in connection with an application to replace a lost, stolen, or damaged document, by physically examining the replacement document or any other valid List A or combination of List B and C documents presented by the employee in lieu of the replacement document. Determine that the document appears to be genuine on its face and reasonably related to the individual.
- d. Mark the alternative procedure box in Section 2 if the employer used an alternative procedure authorized by DHS to examine documents.
- e. Be an active E-Verify participant or registered in a DHS Non-E-Verify Remote Document Examination Form I-9 program when putting a check mark to notate that an alternative procedure was authorized by DHS to examine documents;
- f. Print the complete name and title of the employer or authorized representative.
- g. Provide the date of hire in the attestation portion of Section 2 of the Form I-9.
- h. Sign the Certification portion of Section 2.
- i. Date the Certification portion of Section 2.

For **Supplement A** of the Form I-9, Preparer and/or Translator Certification for Section 1, failure to ensure that the preparer and/or translator's complete name, address, signature, and date are provided on the Form I-9 at the time of completion, when either a preparer and/or translator was used to assist the employee in the completion of the form.

For **Supplement B** of the Form I-9, Reverification and Rehire (or alternate applicable section or supplement pertaining to a required reverification or rehire entry), failure to:

- a. Date Supplement B of the Form I-9 not later than the date on which an employee's temporary employment authorization expires, verify the individual's continued employment eligibility by physically examining an original and acceptable document and determining that the document appears to be genuine on its face and reasonably related to the individual.
- b. Provide the date of rehire in Supplement B, or in an alternate applicable section or supplement pertaining to a required reverification or rehire entry, of the Form I-9.
- c. Record the document title, document number(s), and/or expiration date(s) (if any) of an acceptable document.
- d. Record the document title, document number(s), and/or expiration date (if any) of the replacement document required to have been presented, and verify within the 90-day period the replacement document in the case of a document receipt issued in connection with an application to replace a lost, stolen, or damaged document, by physically examining the replacement document or any other valid List A or List C document presented by the employee in lieu of the replacement document and determining that the document appears to be genuine on its face and reasonably related to the individual.
- e. Print the complete name of the employer or authorized representative, sign and date the "Reverification and Rehires" portion of Supplement B, or an alternate applicable section or supplement pertaining to a required reverification or rehire entry, on or before the date the employee's previously presented temporary employment authorization expires.
- f. Mark in the alternative procedure box in Supplement B if the employer used an alternative procedure authorized by DHS to examine documents.
- g. Be an active E-Verify participant or registered in a DHS Non-E-Verify Remote Document Examination Form I-9 program when checking that it used an alternative procedure authorized by DHS to examine documents.

Form I-9 Technical or Procedural Failures and Potential Violations if Uncorrected

Section 1 Technical Failures

1. Failure to use a version of the Form I-9 that is current at the time any part of the form is initially completed.
2. Failure to ensure that an individual provides his or her other last names used (if any) or a physical address in Section 1 of the Form I-9. A missing email address or phone number in Section 1 will not constitute a violation.
3. Failure to, when enrolled and utilizing E-Verify for the employee, ensure that the employee's Social Security Number is correct.

Section 2 Technical Failures

1. Failure to record the employee's complete name at the top of page 2.
2. Failure to provide the business name, or physical business address in Section 2 of the Form I-9.

Supplement A Technical Failures

1. Failure to record the employee's full name at the top of Supplement A.

Supplement B Technical Failures

1. Failure to record the employee's full name at the top of Supplement B.
2. Failure to record the employee's new name (if applicable) in the applicable section.