



PREPARING FOR IMMIGRATION ENFORCEMENT

By: Roberta Gruber – Oregon Farm Bureau, FEELDS



WHAT IS FEELDS?

FEELDS = Farm Employer Education & Legal Defense Service

An **Oregon Farm Bureau** membership service program.

Created in 2001 to help agricultural employers receive and understand changes in employment law, assistance with employment law compliance (i.e., HR consulting), and legal help to defend a claim of violation of employment law through our attorney. FEELDS pays \$18,750 to our attorney to defend you.

FEELDS is an employer advocate. We proactively work to strengthen and protect Oregon farms, standing shoulder-to-shoulder with growers to nurture resilient, thriving operations.

IMMIGRATION ENFORCEMENT STRATEGY

Immigration enforcement is again a hot topic under Trump2.

The Trump Administration's strategy is to **remove specific undocumented individuals** (gang members, violent criminals, public safety threats, and others).

The Enforcement strategy is **three-fold**:

- **Active ICE Capture** (gang members, violent criminals, public safety threats).
Incurs high governmental cost
- **Dis-incentivize Workplaces** (Form I-9 audits, E-Verify+) Generates government revenue through employer fines.
- **Voluntary Self-Deportation** (mandatory registry/tracking) “no alien will have an excuse for failure to comply.” Some cost, some potential revenue.

FEELDS' FOCUS

FEELDS focus for today's meeting is the Workplace Disincentivizing measures:

- Form I-9 Audits
- Mandatory E-Verify+

HISTORICAL CONTEXT

In 2024, **33.2 million private businesses** <500 employees in USA.

~2 million are farmers (a decline of 7% from 2017; loss of 140,000 farms (6% of the total private business sector) ☹️)

I-9 Audits during Trump1 (2017-2020):

2017	1,360	
2018	6,000	
2019	6,450	= 0.02

Expect development of AI software to perform audits swiftly and in higher volume.

Oregon restaurants seem to be currently targeted.



LET'S BEGIN!

Important (but dry) tool for Form I-9 compliance is the **M-274 Handbook**.

The **M-274, Handbook for Employers: Guidance for Completing Form I-9**, provides instructions on properly completing and retaining the Form I-9.

The **Form I-9 website** at the USCIS is also helpful.

Lastly, but *not* least important, the **process of completing the Form I-9** must be done in a nondiscriminatory manner to **protect all individual civil rights**.
<https://www.justice.gov/crt/settlements-and-lawsuits>



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						
<p>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.</p> <p>Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):</p> <p><input type="checkbox"/> 1. A citizen of the United States</p> <p><input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)</p> <p><input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)</p> <p><input type="checkbox"/> 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any)</p> <p>If you check Item Number 4., enter one of these:</p> <table><tr><td>USCIS A-Number</td><td>OR</td><td>Form I-94 Admission Number</td><td>OR</td><td>Foreign Passport Number and Country of Issuance</td></tr></table>							USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
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 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.

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.

This is the current I-9 Form.
(There have been 14 updates
or revised versions issued
since 1987).

No other version may be used.

Spanish version may be
available to employee only for
reference.

Section 1

SSN, Email, and Telephone number blanks are **optional** (SSN is required if your company participates in E-Verify)

Employer may assist in the completion of the I-9 Form if the employer also completes the Preparer/Translator Supplement A and attaches it to the Form I-9.

Employee chooses attestation Box.

Employee signs and dates the bottom of Section 1.



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Form I-9

OMB No.1615-0047
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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)

Common Section 1 Questions

- If the Preparer is different from the Translator, do both individuals complete Supplement A for the same form? Yes.
- If the new employee selects the “Citizen” box but then presents a Permanent Resident Card in Section 2, do I change it? No, you may ask the employee what the employee’s intent was. Don’t question the employee’s immigration status but question the box that was checked. If the employee doesn’t want to change it, then leave it. See the “under penalty of perjury” declaration the employee signs.

List of Acceptable Documents

Required to establish **individual identity AND work authorization**.

List A provides Employee Identity AND work authorization.

List B provides only employee Identity

List C provides only work authorization.

Accept any documents that **reasonably appear to be genuine** and that **relate to the individual** presenting it.

LISTS OF ACCEPTABLE DOCUMENTS

All documents containing an expiration date must be unexpired.
* Documents extended by the issuing authority are considered unexpired.
Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

Examples of many of these documents appear in the Handbook for Employers (M-274).

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<div>1. U.S. Passport or U.S. Passport Card</div> <div>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</div> <div>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</div> <div>4. Employment Authorization Document that contains a photograph (Form I-766)</div> <div>5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole:<div><div>a. Foreign passport; and</div><div>b. Form I-94 or Form I-94A that has the following:<div><div>(1) The same name as the passport; and</div><div>(2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</div></div></div></div><div>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</div></div>		<div>1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</div> <div>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</div> <div>3. School ID card with a photograph</div> <div>4. Voter's registration card</div> <div>5. U.S. Military card or draft record</div> <div>6. Military dependent's ID card</div> <div>7. U.S. Coast Guard Merchant Mariner Card</div> <div>8. Native American tribal document</div> <div>9. Driver's license issued by a Canadian government authority</div> <div>For persons under age 18 who are unable to present a document listed above:</div> <div>10. School record or report card</div> <div>11. Clinic, doctor, or hospital record</div> <div>12. Day-care or nursery school record</div>		<div>A Social Security Account Number card, unless the card includes one of the following restrictions:<div><div>(1) NOT VALID FOR EMPLOYMENT</div><div>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</div><div>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</div></div></div> <div>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</div> <div>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</div> <div>4. Native American tribal document</div> <div>5. U.S. Citizen ID Card (Form I-197)</div> <div>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</div> <div>7. Employment authorization document issued by the Department of Homeland Security</div> <div>For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central.</div> <div>The Form I-766, Employment Authorization Document, is a List A, Item Number 4, document, not a List C document.</div>
Acceptable Receipts May be presented in lieu of a document listed above for a temporary period. For receipt validity dates, see the M-274.				
<div>• Receipt for a replacement of a lost, stolen, or damaged List A document.</div> <div>• Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual.</div> <div>• Form I-94 with "RE" notation or refugee stamp issued to a refugee.</div>	OR	<div>Receipt for a replacement of a lost, stolen, or damaged List B document.</div>		<div>Receipt for a replacement of a lost, stolen, or damaged List C document.</div>

*Refer to the Employment Authorization Extensions page on [I-9 Central](#) for more information.

Section 2

Employee must present document(s) from the *List of Acceptable Documents* for this Section.

Documents must be current and reasonably relate to the individual presenting them.

1 Document for List A, **OR**

1 Document each for List B & List C (no other combination: No A&C)

If you're using a remote verification method, check this box.

Enter date of employment

Employer rep signs/dates the form.

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)					
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.					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		

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

COMMON QUESTIONS ABOUT SECTION 2

- Can I accept a photocopy of a document or a digital copy on the employee's personal phone? *No.*
- Can I abbreviate the agency names? *Yes.*
- I'm signing under penalty of perjury that the employee is work authorized, but I don't know with certainty. Can I not sign? *You must sign, but the test is: "does the document reasonably appear to be genuine, and does it relate to the individual presenting it?"*
- What if I'm really unsure about the document(s) presented? *Glad you asked, let's look at some...*

UNITED STATES OF AMERICA
PERMANENT RESIDENT

SPECIMEN TEST 00 000-1234

Surname
SPECIMEN
Given Name
TEST V
Country of Birth
Mexico
USCIS#
123-456-789
Date of Birth
20 OCT 2002
F
Category
IR1
Sex
F
Valid Expires
10/26/32
Resident Since
10/25/20

PERMANENT RESIDENT CARD

NAME VOID, VOID V

A# 000-000-039

Birthdate 01/01/80 Category F Sex F

Country of origin El Salvador

CARD # 01/02/80

Resident Since 01/01/80

C1USA0000000392SRC0000000039<<
2001010F8001022SLV<<<<<<<<<<<0
VOID<<VOID<<<<<<<<<<<<<<<<<

UNITED STATES OF AMERICA
PERMANENT RESIDENT

Surname
SPECIMEN

Given Name
TEST V

U.S.C.I.#
000-000-318

Category
IR1

Country of Birth
Democratic Republic of Congo

Date of Birth
17 AUG 1958

Sex
M

Card Expires
05/10/11

Resident Since
01/01/10

UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

SPECIMEN TEST 25 OCT 2002

TEST V

USCIS#
123-456-789

Category **A02** **Card#** **ISC0000000002**

Terms and Conditions
None

Date of Birth **25 OCT 2002** **Sex** **M**

Country of Birth
Mexico

Valid From **10/25/22**

Card Expires **10/26/24**

VALID FOR REENTRY TO U.S.

UNITED STATES OF AMERICA

PERMANENT RESIDENT

SPECIMEN

TEST V 01 JAN 1990

Surname
SPECIMEN

Given Name
TEST W

USCIS#
000-001-001

Country of Birth
Utopia

Date of Birth
01 JAN 1990

Card Expires:
08/21/17

Resident Since:
08/21/07

Category
RE8

Sex
F

Test W. Specimen

****Some employees may also have older Resident Alien cards, issued by the U.S. Department of Justice, Immigration and Naturalization Service, which do not have expiration dates and are valid indefinitely.** These cards are **peach** in color and contain the bearer's fingerprint and photograph. See www.citizenpath.com/history-green-card.

Document Inspection:



Does it *reasonably* appear to be **genuine** and **relate to the individual** presenting it?



Supplement A,
Preparer and/or Translator Certification for Section 1

Department of Homeland Security
U.S. Citizenship and Immigration Services

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

Last Name (Family Name) from Section 1.	First Name (Given Name) from Section 1.	Middle Initial (if any) from Section 1.
-----------------------------------------	-----------------------------------------	-----------------------------------------

Instructions: This supplement must be completed by any preparer and/or translator who assists an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided above. Each preparer or translator must complete, sign, and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (mm/dd/yyyy)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	
Address (Street Number and Name)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (mm/dd/yyyy)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	
Address (Street Number and Name)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (mm/dd/yyyy)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	
Address (Street Number and Name)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (mm/dd/yyyy)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	
Address (Street Number and Name)	City or Town	State	ZIP Code

Supplement A Preparer/Translator

Supplement A is an optional part of Form I-9 used when an employee requires assistance to complete Section 1 due to language or literacy barriers. It must be filled out by any preparer or translator who helps the employee, providing their name, address, signature, and date, with a separate certification block for each individual involved (Preparer and/or Translator).

Employers are responsible for ensuring its accuracy, retaining it with the employee's Form I-9 and presenting it during government audits.



Supplement B,
Reverification and Rehire (formerly Section 3)
Department of Homeland Security
U.S. Citizenship and Immigration Services

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

Last Name (Family Name) from Section 1.	First Name (Given Name) from Section 1.	Middle initial (if any) from Section 1.
-----------------------------------------	-----------------------------------------	-----------------------------------------

Instructions: This supplement replaces Section 3 on the previous version of Form I-9. Only use this page if your employee requires reverification, is rehired within three years of the date the original Form I-9 was completed, or provides proof of a legal name change. Enter the employee's name in the fields above. Use a new section for each reverification or rehire. Review the Form I-9 instructions before completing this page. Keep this page as part of the employee's Form I-9 record. Additional guidance can be found in the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#)

Date of Rehire (if applicable) Date (mm/dd/yyyy)	New Name (if applicable) Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	
Additional Information (Initial and date each notation.) <input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.			

Date of Rehire (if applicable) Date (mm/dd/yyyy)	New Name (if applicable) Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	
Additional Information (Initial and date each notation.) <input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.			

Date of Rehire (if applicable) Date (mm/dd/yyyy)	New Name (if applicable) Last Name (Family Name)	First Name (Given Name)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (mm/dd/yyyy)	
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 documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	
Additional Information (Initial and date each notation.) <input type="checkbox"/> Check here if you used an alternative procedure authorized by DHS to examine documents.			

Supplement B – Rehire/Reverification

Supplement B is used by employers to document updates to an employee's work authorization or rehire status. It is required when reverifying employment eligibility for employees whose original authorization has expired, or when rehiring an individual within three years of their initial Form I-9 completion.

Employers must record the employee's name, updated document details (title, number, and expiration date), and their own signature and date, retaining Supplement B with the original Form I-9.

Employers may use Supplement B only for 3 years from the original hire date. After that, a new I-9 Form is required.

COMMON DISCRIMINATORY PRACTICES TO AVOID:

Requesting Specific Documents – Employees have the right to present any valid combination of documents from the I-9 List A, or Lists B and C.

✗ Example of a violation: Requiring a permanent resident to show a green card instead of allowing them to present a driver's license (List B) and a Social Security card (List C).

Requiring More or Different Documents Than Necessary – Employers cannot ask for additional documentation beyond what is legally required.

✗ Example of a violation: An employer asking a non-citizen to provide the green card that is identified in Section 1 when the employee presents a driver's license and SSA card in Section 2.

Treating Employees Differently Based on Citizenship or National Origin – All employees must be treated equally in the I-9 process.

✗ Example of a violation: Only requiring non-U.S. citizens to complete Form I-9 on their first day of employment but allowing U.S. citizens more time.

To Copy Documents or Not?

You're allowed to but they must be stapled to the I-9 Form.

If you have a change of policy and change the practice, have a written, dated, formal change of policy. Maintain all previous documents that were kept prior to changing to a no-copy policy.



For E-Verify Users



You must keep copies of List A Documents.



List B documents must have a photograph



Employee must provide SSN in Section 1.



I-9 Form Retention

Proper record-keeping and retention of **Form I-9** is essential for compliance with federal laws and to prepare for potential audits by immigration enforcement agencies.

Employers must understand how long to retain I-9 forms and the correct methods for storing them to **protect employee privacy, prevent discrimination claims, and avoid penalties.**

Rules for Retaining the I-9 Form

Retention Period Formula:

Employers must **keep an employee's I-9 form for the later of:**

- **Three years from the date of hire, or**
- **One year after the employee's termination**

Examples:

- ✓ **Employee hired on January 1, 2020, and still employed:**

The employer must keep the I-9 indefinitely until the employee leaves.

- ✓ **Employee hired on January 1, 2020, and terminated on December 31, 2023:**

Three years from hire date: **January 1, 2023**

One year from termination: **December 31, 2024**

Retention deadline: December 31, 2024 (the later of the two dates).

- ✓ **Employee hired on June 1, 2019, and terminated on July 1, 2020:**

Three years from hire date: **June 1, 2022**

One year from termination: **July 1, 2021**

Retention deadline: June 1, 2022 (the later of the two dates).

Best Practices for Storage

Keep I-9 Forms Separate from Personnel Files

Store I-9 forms **in a separate folder or system** from standard HR personnel records. This prevents unauthorized access and ensures compliance in case of an audit.

Organize I-9 Forms into Two Categories:

Active Employee I-9s – Keep current employees' I-9s in an "Active" file.

Terminated Employee I-9s – Maintain separate files for former employees and track retention deadlines.

Electronic vs. Paper Storage:

Paper Forms: Store in a **locked, fireproof file cabinet** or secure office.

Electronic Forms:

- ✓ Must comply with **DHS electronic retention guidelines**
- ✓ Ensure secure **access controls** and **data encryption**
- ✓ Keep an **audit trail** of any modifications

Continued,

Access Restrictions:

Limit access to **authorized personnel only** to protect employee privacy. Avoid allowing managers or supervisors access to prevent discrimination risk.

Backups & Disaster Preparedness:

If storing electronically, implement **regular backups** and protect against cyber threats. Paper files should be **protected from fire, water damage, or theft.**

Auditing Internal I-9 Records

- Importance of internal audits:
 - Allows identification of missing I-9 Forms
 - Allows proper correction of errors
 - Demonstrates “good faith” compliance
 - Reduces fines and penalties

Correcting Errors on an I-9 Form

Employers must:


Initial and date each correction made.

Never use white-out, Sharpie marker, or erase errors—always strike through incorrect information.

Ensure corrections are legible and do not obscure original information.

♦ The **employer (or authorized representative)** must correct errors they made in Sections 2 or 3.

♦ The **employee** must correct errors made in Section 1.



If there are **major errors** (such as missing entire sections, using an outdated version of the form, the Spanish form, or widespread errors), the employer should:

1. Complete a new Form I-9 with correct information.
2. Attach the new I-9 to the incorrect one with a written explanation on it.
3. Do not backdate—always use the actual correction date, except when indicating the original hire date.

Employee Identity Changes

Update the I-9 Form using **Supplement B** if the employee changes his/her name, or List A or List C document used in the original I-9 Form.

If the employee changes his/her SSN and the SSN was **not** used in List C of the original I-9 Form, then update only the W-4 form.

Employee Work Authorization Extension

- Keep a record of employee EAD expiration dates. Do not track: Permanent Resident/Resident Alien Cards, passports, or driver's licenses for the I-9 Form.
- Look at the employee's Category Code on the front of the EAD. Does it qualify for an automatic extension?
<https://www.uscis.gov/eadautoextend>
- Automatic extensions typically apply if:
 - The employee applied for renewal before their current EAD expired.
 - Their EAD falls under a category that USCIS has authorized for an automatic extension (e.g., refugees, asylees, Temporary Protected Status (TPS) holders, etc.).
 - **The employee has received a Form I-797C, Notice of Action, confirming their timely filed renewal.**



Auto Extensions

Does the Category Code (Eligibility Category) on the I-797 match the Category Code on the EAD? If not, no automatic extension is granted. If no, update the I-9 Form

If so, update Section 2 of the I-9:

For a current employee whose employment authorization and/or EAD has been automatically extended **and** who presents a Form I-797C, you must update Form I-9 by entering the appropriate automatic extension expiration date in the Section 2 Additional Information field. Employers **should also enter** “EAD EXT” in the Additional Information field and may keep a copy of the [USCIS webpage](#) describing the extension of up to 540 days with the employee’s Form I-9, if applicable.

If the employee’s original Form I-9 was completed on a Form I-9 that is no longer valid, enter EAD EXT and the new expiration date in the Additional Information field in Section 2 **of the latest version of Form I-9 and retain it with the employee’s original Form I-9.**

Inspection- Ready Records

Best practice: Conduct periodic self-audits to ensure all I-9s are compliant and properly stored.

✓ Maintain an I-9 Retention Log to track purge dates for terminated employees.

✓ Review I-9 files periodically to ensure correct record retention and identify expired work authorizations that may require reverification.

✓ Prepare for audits by ensuring records are organized and easy to retrieve within the required 3-day timeframe if requested by ICE.

Notice of Inspection

Typically, Notices of Inspection (NOIs) are delivered via U.S. Mail with a 3-day response window. The NOI will specify whether digital submission of the documents is permitted. This must be posted:

- **Form I-9**, Employment Eligibility Verification Forms – ICE primarily reviews these forms to ensure compliance with employment verification requirements.
- **Payroll Records** – These can include pay stubs, payroll ledgers, and tax documents (e.g., IRS Form W-2 and W-4) to verify employee identities and work authorization.
- **Employee Roster** – A list of current and past employees, including their names, Social Security numbers, and job titles.
- **Business Entity Documents** – Such as business licenses, incorporation documents, or partnership agreements.
- **E-Verify Records (if applicable)** – If the company participates in E-Verify, ICE may request related documentation. E-Verify employers are to keep a copy of List A Documents presented by new hires.
- **Tax Records** – This may include IRS filings, unemployment insurance filings, and workers' compensation records.
- **Contracts with Staffing Agencies** – If the company uses third-party staffing services, ICE may request agreements to examine hiring practices.
- **Supporting Documents for Employees with Work Authorization** – This could include copies of employment authorization documents (EADs), visas, or other relevant immigration-related paperwork.
- **Company Policies on Hiring and Employment Verification** – Any company policies or internal procedures related to immigration compliance and hiring.

E-VERIFY+

There is no current effort to make E-Verify+ mandatory.

In June 2024, Senator Joe Manchin introduced the *Mandatory E-Verify Act of 2024*, a bipartisan bill aiming to require all employers to use E-Verify to confirm workforce eligibility, with increased penalties for non-compliance. It hasn't moved.

Concerns are raised about data accuracy, privacy, and the impact on industries like agriculture, that rely heavily on migrant labor. Critics have also questioned the feasibility of a nationwide mandate, citing potential burdens on small businesses and rural areas with limited internet access.

The end.

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