

A few things that your company should know about I-9's.

I-9 Do's



- Only ask employees to complete the Form I-9 following a formal job offer. Requiring applicants to complete the form prior to a job offer is a discriminatory practice.
- Have the employee complete Section One of the form by the end of the first day of employment. Ensure that the employee prints the information clearly.
- Make certain that employees are provided the I-9 instructions when completing the I-9 Form. Instructions **MUST** be available during completion of the form.
- The employee **MUST** fill out Section One unless they are unable to do so. If an employer representative must assist the employee in filling out Section One, they must also fill out the preparer and/or translator certification in Section One. The employer representative must complete this section if they assist the employee.
- Make sure that the entire form is completed. An incomplete form may be considered constructive knowledge of hiring an illegal alien.
- Check the format of birth dates. It should be month/day/year. Employees from other countries may write their birth dates in a different order.
- Set up a suspense for the expiration of temporary work permits when an employee is working under a temporary work permit.
- Have parent or legal guardian complete Section One if the minor cannot present a List A document or a List B document.
- Accept documents that reasonably appear on their face to be genuine and relate to the person presenting them. To do otherwise could be an unfair immigration-related employment practice.
- File the I-9 forms in a separate file, or possibly a separate binder for all I-9 forms, not the employee's personnel file. Access should be limited.
- Develop a document destruction policy and procedure so that I-9 forms are destroyed at the appropriate time. Employers are required to retain I-9 forms for 3 years after the date that the person begins work or 1 year after the person's employment is terminated, whichever is later.

For more information on these or other Compliance issues, contact your **Dexter & Company** Compliance Check specialist at 214-526-5646 or visit our website at www.dextercompany.com



I-9 Don'ts

- Do not specify which documents an employee must provide (i.e. an employer may not ask them to provide their Driver's License and Social Security card for I-9 purposes if they choose different documents from the list of acceptable documents).
- Do not refuse to hire an individual because their documents have a future expiration date. To do so may be a discriminatory practice.
- Do not require the employee to fill in their Social Security Number on the I-9 Form, unless the company participates in the E-Verify program.
- Do not ask an employee to provide a document with a Social Security Number, other than a Social Security Card, as documentation in Section Two. To do so, may constitute unlawful discrimination.
- Never back date a form or change the date of hire, even if the Section Two attestation has not been completed within three days of employment. The employer representative signs this form under the penalty of perjury.
- Do not require more documents than required by law. If documents for columns A, B and C are accepted, it implies that the employer required all 3. This may be a discriminatory practice.
- Do not accept photocopies, faxed or scanned documents. The employer representative must review original documents that establish identity and employment authorization. These must be processed within 3 business days of the date employment begins.
- Do not treat groups of employees differently when completing Form I-9, such as requiring certain groups of employees who look or sound "foreign" to produce particular documents that the employer does not require other employees to produce.
- Do not request that during re-verification an employee present a new unexpired Employment Authorization Document if he or she presented one during initial verification. For re-verification, each employee must be free to choose to present any document either from List A or from List C.
- Do not limit jobs to U.S. citizens, unless U.S. citizenship is required for the specific position by law, regulation, executive order, or federal, state, or local government contract.
- Do not request a document from column A or B with a photograph unless you are participating in E-Verify. To do so may be a discriminatory practice.



Our agency believes in proactive risk management which is why we provide Compliance Check services.