Communication sent via DHRM and HCM list serve 05/11

Department Human Resources Managers,

The U.S. Citizenship and Immigration Services (USCIS) has recently launched I-9 Central, a new online resource center dedicated to the Form I-9, Employee Eligibility Verification.

Visit I-9 Central at http://www.uscis.gov/i-9central

I-9 Central includes the following resources for completing the form:
- Employer and employee rights and responsibilities
- Step-by-step instructions
- Common mistakes to avoid
- Guidance on how to correct errors
- Answers to employers' recent questions
- Free on-line training.

Important Changes - Additional Documents Requirements

Foreign Students in F-1 Status Participating in Curricular Practical Training
For Form I-9 purposes, the combination of the following documents is considered a List A document, showing both identity and employment authorization:
- The student's unexpired foreign passport
- Form I-20 with the Designated School Official's endorsement for employment on page 3
- A valid Form I-94 or I-94A, Arrival/Departure Report indicating F-1 nonimmigrant status

IMPORTANT: The employer should record the foreign passport and I-94 numbers in Section 2 under List A of Form I-9. Write the SEVIS number and the program expiration date from Form I-20 in the margin of Form I-9 near Section 2.

J-1 Exchange Visitors
The J-1 exchange visitor receives several documents in connection with his/her program. For Form I-9 purposes, the combination of the following documents is considered a List A document, showing both identity and employment authorization:
- The exchange visitor's unexpired foreign passport
- Form DS-2019 (J-1 exchange visitors cannot work after the program end date listed on this form)
- A valid Form I-94 or I-94A indicating J-1 nonimmigrant status
- A letter or other documentation from the Responsible Officer in the case of a J-1 nonimmigrant student

IMPORTANT: The employer should record the foreign passport and I-94 numbers in Section 2 under List A of Form I-9. Write the SEVIS number and the program expiration date from Form DS-2019 in the margin of Form I-9 near Section 2. For J-1 nonimmigrant students, also note the documentation from the Responsible Officer in the margin near Section 2.

By law, U.S. employers must verify the identity and employment authorization for every worker they hire after Nov. 6, 1986, regardless of the employee's immigration status. To comply with the law, employers must complete Form I-9.

Please share this information with staff in your departments who process I-9 forms.
# Lists of Acceptable Documents

<table>
<thead>
<tr>
<th>List A</th>
<th>List B</th>
<th>List C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Documents that Establish Both Identity and Employment Authorization</strong></td>
<td><strong>Documents that Establish Identity</strong></td>
<td><strong>Documents that Establish Employment Authorization</strong></td>
</tr>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td>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</td>
<td>1. Social Security Account Number Card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States</td>
</tr>
<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>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</td>
<td>2. Certification of Birth Abroad issued by the Department of State (Form FS-545)</td>
</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 visa or notation on a machine-readable immigrant visa</td>
<td>3. School ID Card with a photograph</td>
<td>3. Certification of Report of Birth issued by the Department of State (Form DS-1350)</td>
</tr>
<tr>
<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td>4. Voter's registration card</td>
<td>4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</td>
</tr>
<tr>
<td>5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</td>
<td>5. U.S. Military card or draft record</td>
<td>5. Native American tribal document</td>
</tr>
<tr>
<td>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</td>
<td>6. Military dependent's ID card</td>
<td>6. U.S. Citizen ID Card (Form I-197)</td>
</tr>
</tbody>
</table>

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

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**Key Points:**

- **List A** – Establishes both identity and employment authorization.
- Employee chooses which documents to present. Employee must present one **original unexpired** document from List A or a combination: one **original unexpired** document from List B and one **original unexpired** document from List C.
- Employer **CANNOT** specify which documents employee is to provide.
Section 1. Employee Information and Verification

![Form Image]

Figure 1: Instructions for Completing Section 1: Employee Information and Verification

1. Employee enters full name and maiden name, if applicable.
2. Employee enters current address and date of birth.
3. Employee enters his or her city, state, ZIP Code, and Social Security number. Entering the Social Security number is optional unless the employer also confirms employment authorization using E-Verify.
4. Employee reads warning and attests to his or her citizenship or immigration status by checking the appropriate box.
5. Employee signs and dates the form.
6. If the employee uses a preparer or translator to fill out the form, that person must certify that he or she assisted the employee by completing the Preparer and/or Translator Certification block.

Key Points:

- Employee must complete Section 1 on or before date of hire.
- Address cannot be P.O. Box or campus office address.
- Ensure attestation section is fully completed.
- Ensure employee signs and dates section 1. It is the employer responsibility for ensuring that Section 1 is timely and properly completed.
Section 2. Employer Review and Verification

Key Points:

- Employee must present original non-expired documents within three business days of the date employment begins unless the employee is employed for less than three business day, section 2 then must be completed by date of hire.

- Employer must complete Section 2 by reviewing original non-expired documents with the exception of a certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal.

- Documents should be recorded in the appropriate list (ie: DL should be recorded in Section B). Record either one document from List A or one document from List B and List C. Employer must enter the beginning date of employment in Certification box, sign, print name, title, business or organization name, address, and signature date in certification box.
Section 3 – Updating and Reverification (To be completed by employer)

Section 3. Updating and Reverification (To be completed and signed by employe.)

A. New Name (if applicable)  
B. Date of Relinqu (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 authorization.

Document Title: Employment Auth Card  
Document #: 000-000-002  
Expiration Date (if any): 01/01/2050

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 document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative  
Jos. Jane Doe  
Date (month/day/year): 06/24/2011

Key Points:

- Reverify an employees’ employment authorization on Form I-9 no later than the expiration date of the employees current work authorization. If the employee is unable to present work authorization, contact Employee Relations for guidance.

- Do not reverify a U.S. Passport or Passport Card, Permanent Resident Card (Form I-551) or List B documents.

- Exceptions to Permanent Resident reverification: Reverify only if employee presents a Form I-94 with a temporary I-551 stamp or a foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa – MRIV)

- On a new Form I-9, write the employee’s name in Section 1.

- Employer must review original unexpired document that establishes work authorization.

- Record the document title, document # and expiration date (if any) in Section 3, line C.

- Employer signs and dates Section 3.

- Update HCM record.

- Send original Form I-9 to:

  HR Records Management

  2150 Shattuck Ave, STE 750 MC 3540
Section 1 – Attestation Box

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☒ A lawful permanent resident (Alien #) 000-000-000
☐ An alien authorized to work (Alien # or Admission #)
until (expiration date, if applicable - month/day/year)

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☒ A lawful permanent resident (Alien #) 000-000-000
☐ An alien authorized to work (Alien # or Admission #)
until (expiration date, if applicable - month/day/year)

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☐ A lawful permanent resident (Alien #)
☒ An alien authorized to work (Alien # or Admission #) 000-000-002
until (expiration date, if applicable - month/day/year) 01/01/50
I attest, under penalty of perjury, that I am (check one of the following):

- A citizen of the United States
- A noncitizen national of the United States (see instructions)
- A lawful permanent resident (Alien #)

☑ An alien authorized to work (Alien # or Admission #) 0000000000
 until (expiration date, if applicable - month/day/year) 12/31/2011

F-1 Form I-20

Revised 06/23/11
Section 2 – List A, #5 Example – J-1 Visa Status

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.

[Signature]

Employee's Signature

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☐ A lawful permanent resident (Alien #) ______
☒ An alien authorized to work (Alien # or Admission #) 0000000000 00 until (expiration date, if applicable - month/day/year) 05/31/2012

Preparer's Translator's Signature

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 assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

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

Document title: Passport

Issuing authority: UKPA

Document #: 1234567

Expiration Date (if any): 12/31/2012

Document #: 0000000000 00

Expiration Date (if any): D/S

-- OR --

List B

AND

List C

-- OR --

Exp Date

Sevis #

CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR(S) STATUS

U.S. Department of State

Certificate of Eligibility for Exchange Visitor Status

Issuer: Consulate, Visa, and Immigration Office

Primary Exchange Visitor: [Name]

Secondary Exchange Visitor: [Name]

Primary Sponsor: [Name]

Secondary Sponsor: [Name]

Primary Sponsor Office: [Office]

Secondary Sponsor Office: [Office]

Department of State

Page 1

8

Revised 06/23/11
Penalties for Prohibited Practices

Unlawful Employment

Hiring or continuing to employ unauthorized aliens

- **First Offense**
  - $375 - $3,200
  - For each unauthorized alien

- **Second Offense**
  - $3,200 - $6,500
  - For each unauthorized alien

- **Subsequent Offense**
  - $4,300 - $16,000
  - For each unauthorized alien

Failing to Comply with Form I-9 Requirements
- Not properly completed, retained, and/or made available for inspection.

- $110 - $1,100
  - For each individual

Penalties for Prohibited Practices

UNLAWFUL DISCRIMINATION

Employer has engaged in unfair immigration-related employment practice under the INA.

- **First Offense**
  - $375 - $3,200
  - For each unauthorized alien

- **Second Offense**
  - $3,200 - $6,500
  - For each unauthorized alien

- **Subsequent Offense**
  - $4,300 - $16,000
  - For each unauthorized alien

CRIMINAL PENALTIES

- Engaging in a pattern of knowingly hiring unauthorized aliens
  - $3,000 per employee and/or 6 months of imprisonment

- Engaging in fraud or false statements, or otherwise misusing visa, immigration permits, and identity documents

CIVIL DOCUMENT FRAUD

- **First Offense**
  - $375 - $3,200
  - For each Unauthorized alien

- **Subsequent Offense**
  - $3,200 - $6,500
Avoiding Common Errors

Common Mistakes Every Employer Needs to Avoid

Employers should review Forms I-9 carefully immediately after completion to make sure they don’t make these common mistakes.

In Section 1, common mistakes made by the employee include:

- No employee printed name, maiden name (if applicable), address or date of birth.
- No “A” number for an employee who selects “A Lawful Permanent Resident.”
- No “A” number or admission number for an employee who selects “An alien authorized to work until.”
- No employee signature or attestation date.
- Not completing Section 1 by the time the employee began work for pay.
- Not checking a box to indicate whether the employee is attesting to be a citizen or national of the United States, a lawful permanent resident, or an alien authorized to work until a specified date—or checking multiple boxes attesting to more than one of the above.
- No preparer and/or translator name, address or signature (if applicable).
- No date in the preparer and/or translator certification box (if applicable).

In Section 2, common mistakes made by the employer include:

- No acceptable List A document or acceptable List B and List C documents recorded on the form.
- No document title, issuing authority, number(s) or expiration date for the documentation presented.
- No business title, name or address.
- No date for when employment began.
- No employer signature, printed name or attestation date.
- Not completing Section 2 by the third business day after the date the employee started work for pay, or, if the employee is hired for three business days or less, at the time the employee started work for pay.

In Section 3, common mistakes made by the employer include:

- No document title, number or expiration date for the acceptable documentation presented.
- No date of rehire, if applicable.
- No new name, if applicable.
- No employer signature or date.
- Completing section 3 after the employee’s work authorization expired.

General Tips for Completing Forms I-9
When completing Form I-9, employers should ensure that:

- The information on the form is clear and can be read.
- The date entered in Section 2 as the date the employee began work for pay matches the date in the payroll records.
- Highlighting marks, hole punches and staples do not interfere with an authorized official’s ability to read the information on the form.
• Copies of the documentation retained with Form I-9 are legible, if copies of documentation are made.
• Abbreviations will be understood if the forms are inspected. Unless an abbreviation is widely known, don’t use it.
• All applicable sections of the form are completed.
• The current version of the Form I-9 is used.
• The English version of the form is completed, unless the form is being filled in Puerto Rico. (They can complete the Spanish version.)

E-Verify improves the integrity and accuracy of the employment eligibility verification process and may help employers recognize some common mistakes when completing the employment verification process.

Last updated: 05/13/2011
Which Form I-9 Should I Use?

Form I-9 in English

Form I-9 has been revised several times since it was first introduced in 1986. Currently, forms showing the following revision dates are valid:

- Rev. 08/07/09 Y
- Rev. 02/02/09 N.

To determine whether you are using the correct version of Form I-9, look at the revision date printed on the bottom right corner of the form, and NOT the expiration date printed at the top of the form.

Listed below are the dates the Form I-9 was revised. An “N” next to the revision date means that I-9 forms with earlier revision dates can no longer be used to verify employment eligibility. A “Y” next to the revision date means the form is valid until USCIS issues a new form with a revision date containing an “N.”

REVISION DATE

Rev. 08/07/09 Y*
Rev. 02/02/09 N*
Rev. 06/16/08 N**
Rev. 06/05/07 N
Rev. 03/26/07 N
Rev. 05/31/05 Y
Rev. 11/21/91 N
Rev. 05/21/90
Rev. 05/07/87
Rev. 03/20/87

* Currently valid version.

** USCIS mistakenly posted a Form I-9 on its website whose revision and expiration dates were updated but to which no changes were made. This incorrect form was posted to the website June 16, 2008, and removed on June 26, 2008.

Form I-9 in Spanish
Employers in Puerto Rico may fill out and keep either the Spanish version or the English version of the Form I-9 for their records. The Spanish version of Form I-9 can only be completed for official purposes by employers in Puerto Rico. Employers in the rest of the United States may use the Spanish version as a translation guide for Spanish-speaking employees, but must fill out and keep the English version for their records.

The Spanish Form I-9 has the same revision dates as the English form. Follow the guidelines above to determine if you are using the correct form.

Last updated: 05/13/2011
Resources

Form I-9

USCIS I-9 Central
www.uscis.gov/I-9Central

USCIS I-9 Employers Handbook
http://www.uscis.gov/files/form/m-274.pdf

Rehire/Hire Required Forms Checklist
http://hrweb.berkeley.edu/resources/records/hire-rehire-checklist

Page Center Information
http://controller.berkeley.edu/payroll/PageCenter/index.htm