

# Sample I-9 Employment Eligibility Compliance Training

## Your Presenters and Trainers:



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## PART 1 I-9 Laws and Regulations



- **Review of the Immigration Reform & Control Act (IRCA) 1986 and I-9 requirements**
- **The employer bears the burden of hiring a legal workforce**
  - Why do employers have to verify the employment eligibility of new employees
  - The balancing act between anti-discrimination provisions and the need to hire only authorized workers
- **What are the consequences for the employer who fails to comply?**

## **PART 1 Laws and Regulations (contd.)**

- **Discrimination and Employment Verification Procedures**

### **Types of employment discrimination**

#### **Document Abuse**

1. Improperly requesting that employees produce more documents than are required by Form I-9
2. Improperly requesting that employees present a particular document, such as a “green card,” to establish identity and/or employment authorization
3. Improperly rejecting documents that reasonably appear to be genuine and to relate to the employee presenting them; and
4. Improperly treating groups of applicants differently when completing Form I-9, such as requiring certain groups of employees who look or sound “foreign” to present particular documents the employer does not require other employees to present



## PART 1 Laws and Regulations (contd.)



- **The Office of Special Counsel (OSC)** investigates charges of discrimination arising out of employment eligibility verification practices. The OSC investigates the following types of discrimination:
  - **Citizenship or immigration status discrimination**
  - **National origin discrimination**
  - **Unfair documentary practices**
  - **Retaliation**

## PART 2 What is the I-9 Form?



- The I-9 Form is an employment verification tool brought about by IRCA
- The I-9 Form is a form that all employers and employees are required to fill out to verify an employee's identity and his/her legal authorization to accept employment in the United States
- All U.S. employers must complete and retain a Form I-9 for all employees hired after November 6, 1986. This includes citizens and non-citizens
- The I-9 form is the very best tool a company can use to protect their business against employer sanctions
- Correct, accurate completion of the form offers the employer a “good faith” defense against hiring undocumented workers
- All documents presented must be unexpired. If a document does not contain an expiration date, it is considered “unexpired”

## PART 3 Completing and Reviewing the I-9 Form

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### **Form I-9, Employment Eligibility Verification**

#### ● Section 1: The Employee's obligations

- When does the employee fill out Section 1
- Employee Attestation Status Boxes
- The Preparer/Translator Box

#### ● Section 2: The Employer's Obligations

- When does the employer fill out Section 2
- If an employee is hired less than 3 days
- **Standards of Review:** The employer must review and accept documents that reasonably appear to be genuine and relate to the individual presenting them (e.g., the name on the Social Security card should be compared to the name on the driver's license and the photo on the driver's license should be compared to the appearance of the person who presents the documents). Employers may reject documents on these grounds and ask employees who present questionable documentation for other documentation that **satisfies the Form I-9 requirements**. Employees who are unable to present acceptable documents should not be hired. If you choose to retain such employees you may be subject to penalties for improper completion of the form or for "**knowingly continuing to employ**" unauthorized workers if the worker(s) are in fact unauthorized.

## PART 3 Completing and Reviewing the I-9 Form (cont.)

- **The Receipt Rule**

1. Receipts may be used as temporary proof of employment eligibility when a List, A, B or C document has been lost, stolen or destroyed
2. The receipt must be issued by the originating agency
3. The employee must present a replacement document within 90 days of the hire date
4. A receipt from an individual who has applied for an original Employment Authorization Document (EAD card, Form I-766) or for an extension of an expiring Employment Authorization Document, **is not** acceptable for Form I-9
5. Receipts are never acceptable if employment will last **less** than 3 days

- **Section 3: Re-verification**