

OFFICE OF BUSINESS LIAISON

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Employer Information Bulletin 101

General Information about the Form I-9

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Order Forms: (800) 870-3676

Website: www.uscis.gov

The following is not intended to be legal advice pertaining to your situation and should not be construed as such. The information provided is intended merely as a general overview with regard to the subject matter covered.

GENERAL INFORMATION ABOUT THE FORM I-9

What is Form I-9?

Form I-9 is the Employment Eligibility Verification Form issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services. By law all U.S. employers are responsible for completion and retention of Forms I-9 for **all** U.S. citizen as well as non-U.S. citizen employees hired for employment in the U.S. after November 6, 1986. This process, which includes an employee's attestation of work authorization and an employer's review of the documents presented by that employee to demonstrate identity and work authorization, is the means by which U.S. employers document that they have verified whether a newly hired employee is eligible to work in the U.S. The employee and employer both must provide information and signatures as indicated on the form.

How do I obtain the Form I-9?

Copies of the Form I-9 can be ordered by calling (800) 870-3676. The Form I-9 may also be downloaded from the U.S. Citizenship and Immigration Services Internet website at <http://www.uscis.gov>.

How do I administer the Form I-9 process?

Instructions accompany the Form I-9. Additionally, the "Handbook for Employers," Form M-274, is another resource available. Detailed information about the employment eligibility verification process also appears in the Employer Information Bulletins (EIB 101-112).

Can I confirm an employee's work authorization by contacting the government?

ONLY officially registered participants in the Department of Homeland Security's automated verification system pilot projects can receive confirmation of work authorization of a newly hired employee by contacting the government. Questions regarding participation in the Department of Homeland Security verification pilot programs may be directed to the Department of Homeland Security, SAVE Program at (202) 514-2317 or (888) 464-4218. For more information see Employer Information Bulletin 103.

What do I do with the Form I-9 after it is completed?

The employer must retain the Form I-9 for each employee either for three years after the date of hire or for one year after employment is terminated, whichever is later. (See Employer Information Bulletin 102).

Can I reproduce Form I-9?

Employers are permitted to electronically generate the Form I-9, provided that the resulting form is legible, the content and sequence of the data elements and instructions match those on the official Department of Homeland Security document (Form I-9, revision dates 11/21/91 and 05/31/05, OMB Nos. 1115-0136 and 1615-0047) and the paper is of retention quality. Copies of the Form I-9 may be reproduced in either double-sided or single-sided format.

Can I store Forms I-9 electronically?

On April 28, 2005, Public Law 108-390 went into effect thereby allowing employers to sign and store Forms I-9 electronically, in addition to the prior choices of paper, microfilm or microfiche. Currently, guidelines for the electronic signature and storage of the Form I-9 can be found on the U.S. Immigration and Customs Enforcement (ICE) website at www.ice.gov/graphics/news/factsheets/i-9employment.htm.

Are changes anticipated to the Form I-9?

Changes to the Form I-9 are expected in 2006, including a reduction in the number of documents that can be submitted by new employees to demonstrate their employment eligibility. (The interim rules published in the Federal Register at 62 FR 51001 (September 30, 1997) and 64 FR 6187 (February 9, 1999) reduced the number of documents that are acceptable for the Form I-9; however these changes are not reflected on the Form I-9. See 8 C.F.R. 274a.2(b)(1)(v) for the most up to date list of acceptable documents.)