

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator
Sarah Melancon, Human Resources Director

DATE: April 22, 2024

SUBJECT: MEMORANDUM OF UNDERSTANDING US Department of Homeland Security (DHS)
re: E-Verify for Employers

STATEMENT OF ISSUE:

As an employer, Jefferson County is required to verify an employee's eligibility to work in the United States. This Memorandum of Understanding will enable Jefferson County to utilize the US Department of Homeland Security's E-Verify program to electronically verify eligibility.

ANALYSIS:

Jefferson County Human Resources is responsible for verifying an employee's eligibility to work in the United States in accordance with Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform Control Act of 1986, making employment of unauthorized people unlawful. Currently, Human Resources completes the documentation process by using a paper form-Form I-9 Employment Eligibility Verification. The E-Verify Program provides an electronic platform for this process, which would increase efficiency and accuracy, and provide immediate results.

RECOMMENDATION:

Approve and sign the Memorandum of Understanding between Jefferson County, WA and the US Department of Homeland Security.

REVIEWED BY:


Mark McCauley, County Administrator


Date

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator
Sarah Melancon, Human Resources Director

DATE: May 6, 2024

SUBJECT: MEMORANDUM OF UNDERSTANDING US Department of Homeland Security (DHS)
re: E-Verify for Employers

STATEMENT OF ISSUE:

As an employer, Jefferson County is required to verify an employee's eligibility to work in the United States. This Memorandum of Understanding will enable Jefferson County to utilize the US Department of Homeland Security's E-Verify program to electronically verify eligibility.

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RECOMMENDATION:

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REVIEWED BY:



Mark McCauley, County Administrator



Date

CONTRACT REVIEW FORM
(INSTRUCTIONS ARE ON THE NEXT PAGE)

Clear Form

CONTRACT WITH: US Department of Homeland Security

Contract No: E-Verify DHS

Contract For: E-Verify for Employers

Term: _____

COUNTY DEPARTMENT: Human Resources

Contact Person: Sarah Melancon

Contact Phone: 133

Contact email: semelancon@co.jefferson.wa.us

AMOUNT: _____

Revenue: _____

Expenditure: _____

Matching Funds Required: _____

Sources(s) of Matching Funds: _____

Fund # _____

Munis Org/Obj _____

PROCESS:

- ☐ Exempt from Bid Process
- ☐ Cooperative Purchase
- ☐ Competitive Sealed Bid
- ☐ Small Works Roster
- ☐ Vendor List Bid
- ☐ RFP or RFQ
- ☒ Other: MOU

APPROVAL STEPS:

STEP 1: DEPARTMENT CERTIFIES COMPLIANCE WITH JCC 3.55.080 AND CHAPTER 42.23 RCW.

CERTIFIED: ☐ N/A: ☒

[Signature]
Signature

4-8-24
Date

STEP 2: DEPARTMENT CERTIFIES THE PERSON PROPOSED FOR CONTRACTING WITH THE COUNTY (CONTRACTOR) HAS NOT BEEN DEBARRED BY ANY FEDERAL, STATE, OR LOCAL AGENCY.

CERTIFIED: ☐ N/A: ☒

[Signature]
Signature

4-8-24
Date

STEP 3: RISK MANAGEMENT REVIEW (will be added electronically through Laserfiche):

Electronically approved by Risk Management on 4/10/2024.
Federal government agreement - cannot change.

STEP 4: PROSECUTING ATTORNEY REVIEW (will be added electronically through Laserfiche):

Electronically approved as to form by PAO on 4/11/2024.
Federal language -- cannot change. Next time--please add PAO signature per County policy.

STEP 5: DEPARTMENT MAKES REVISIONS & RESUBMITS TO RISK MANAGEMENT AND PROSECUTING ATTORNEY(IF REQUIRED).

STEP 6: CONTRACTOR SIGNS

STEP 7: SUBMIT TO BOCC FOR APPROVAL



Company ID Number: _____

THE E-VERIFY MEMORANDUM OF UNDERSTANDING FOR EMPLOYERS

ARTICLE I PURPOSE AND AUTHORITY

The parties to this agreement are the Department of Homeland Security (DHS) and the Jefferson County, WA (Employer). The purpose of this agreement is to set forth terms and conditions which the Employer will follow while participating in E-Verify.

E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of Form I-9, Employment Eligibility Verification (Form I-9). This Memorandum of Understanding (MOU) explains certain features of the E-Verify program and describes specific responsibilities of the Employer, the Social Security Administration (SSA), and DHS.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). The Federal Acquisition Regulation (FAR) Subpart 22.18, "Employment Eligibility Verification" and Executive Order 12989, as amended, provide authority for Federal contractors and subcontractors (Federal contractor) to use E-Verify to verify the employment eligibility of certain employees working on Federal contracts.

ARTICLE II RESPONSIBILITIES

A. RESPONSIBILITIES OF THE EMPLOYER

1. The Employer agrees to display the following notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system:
 - a. Notice of E-Verify Participation
 - b. Notice of Right to Work
2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted about E-Verify. The Employer also agrees to keep such information current by providing updated information to SSA and DHS whenever the representatives' contact information changes.
3. The Employer agrees to grant E-Verify access only to current employees who need E-Verify access. Employers must promptly terminate an employee's E-Verify access if the employee is separated from the company or no longer needs access to E-Verify.

4. The Employer agrees to become familiar with and comply with the most recent version of the E-Verify User Manual.
5. The Employer agrees that any Employer Representative who will create E-Verify cases will complete the E-Verify Tutorial before that individual creates any cases.
 - a. The Employer agrees that all Employer representatives will take the refresher tutorials when prompted by E-Verify in order to continue using E-Verify. Failure to complete a refresher tutorial will prevent the Employer Representative from continued use of E-Verify.
6. The Employer agrees to comply with current Form I-9 procedures, with two exceptions:
 - a. If an employee presents a "List B" identity document, the Employer agrees to only accept "List B" documents that contain a photo. (List B documents identified in 8 C.F.R. § 274a.2(b)(1)(B)) can be presented during the Form I-9 process to establish identity.) If an employee objects to the photo requirement for religious reasons, the Employer should contact E-Verify at 888-464-4218.
 - b. If an employee presents a DHS Form I-551 (Permanent Resident Card), Form I-766 (Employment Authorization Document), or U.S. Passport or Passport Card to complete Form I-9, the Employer agrees to make a photocopy of the document and to retain the photocopy with the employee's Form I-9. The Employer will use the photocopy to verify the photo and to assist DHS with its review of photo mismatches that employees contest. DHS may in the future designate other documents that activate the photo screening tool.

Note: Subject only to the exceptions noted previously in this paragraph, employees still retain the right to present any List A, or List B and List C, document(s) to complete the Form I-9.

7. The Employer agrees to record the case verification number on the employee's Form I-9 or to print the screen containing the case verification number and attach it to the employee's Form I-9.
8. The Employer agrees that, although it participates in E-Verify, the Employer has a responsibility to complete, retain, and make available for inspection Forms I-9 that relate to its employees, or from other requirements of applicable regulations or laws, including the obligation to comply with the antidiscrimination requirements of section 274B of the INA with respect to Form I-9 procedures.
 - a. The following modified requirements are the only exceptions to an Employer's obligation to not employ unauthorized workers and comply with the anti-discrimination provision of the INA: (1) List B identity documents must have photos, as described in paragraph 6 above; (2) When an Employer confirms the identity and employment eligibility of newly hired employee using E-Verify procedures, the Employer establishes a rebuttable presumption that it has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of that employee; (3) If the Employer receives a final nonconfirmation for an employee, but continues to employ that person, the Employer must notify DHS and the Employer is subject to a civil money penalty between \$550 and \$1,100 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) If the Employer continues to employ an employee after receiving a final nonconfirmation, then the Employer is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien in

violation of section 274A(a)(1)(A); and (5) no E-Verify participant is civilly or criminally liable under any law for any action taken in good faith based on information provided through the E-Verify.

b. DHS reserves the right to conduct Form I-9 compliance inspections, as well as any other enforcement or compliance activity authorized by law, including site visits, to ensure proper use of E-Verify.

9. The Employer is strictly prohibited from creating an E-Verify case before the employee has been hired, meaning that a firm offer of employment was extended and accepted and Form I-9 was completed. The Employer agrees to create an E-Verify case for new employees within three Employer business days after each employee has been hired (after both Sections 1 and 2 of Form I-9 have been completed), and to complete as many steps of the E-Verify process as are necessary according to the E-Verify User Manual. If E-Verify is temporarily unavailable, the three-day time period will be extended until it is again operational in order to accommodate the Employer's attempting, in good faith, to make inquiries during the period of unavailability.

10. The Employer agrees not to use E-Verify for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use that this MOU or the E-Verify User Manual does not authorize.

11. The Employer must use E-Verify for all new employees. The Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. Employers who are Federal contractors may qualify for exceptions to this requirement as described in Article II.B of this MOU.

12. The Employer agrees to follow appropriate procedures (see Article III below) regarding tentative nonconfirmations. The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case. The Employer agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending. Further, when employees contest a tentative nonconfirmation based upon a photo mismatch, the Employer must take additional steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

13. The Employer agrees not to take any adverse action against an employee based upon the employee's perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo mismatch, does not establish, and should not be interpreted as, evidence that the employee is not work authorized. In any of such cases, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee's perceived employment eligibility status (including denying, reducing, or extending work hours, delaying or preventing training, requiring an employee to work in poorer conditions, withholding pay, refusing to assign the employee to a Federal contract or other assignment, or otherwise assuming that he or she is unauthorized to work) until

and unless secondary verification by SSA or DHS has been completed and a final nonconfirmation has been issued. If the employee does not choose to contest a tentative nonconfirmation or a photo mismatch or if a secondary verification is completed and a final nonconfirmation is issued, then the Employer can find the employee is not work authorized and terminate the employee's employment. Employers or employees with questions about a final nonconfirmation may call E-Verify at 1-888-464-4218 (customer service) or 1-888-897-7781 (worker hotline).

14. The Employer agrees to comply with Title VII of the Civil Rights Act of 1964 and section 274B of the INA as applicable by not discriminating unlawfully against any individual in hiring, firing, employment eligibility verification, or recruitment or referral practices because of his or her national origin or citizenship status, or by committing discriminatory documentary practices. The Employer understands that such illegal practices can include selective verification or use of E-Verify except as provided in part D below, or discharging or refusing to hire employees because they appear or sound "foreign" or have received tentative nonconfirmations. The Employer further understands that any violation of the immigration-related unfair employment practices provisions in section 274B of the INA could subject the Employer to civil penalties, back pay awards, and other sanctions, and violations of Title VII could subject the Employer to back pay awards, compensatory and punitive damages. Violations of either section 274B of the INA or Title VII may also lead to the termination of its participation in E-Verify. If the Employer has any questions relating to the anti-discrimination provision, it should contact OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

15. The Employer agrees that it will use the information it receives from E-Verify only to confirm the employment eligibility of employees as authorized by this MOU. The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords), to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer's responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

16. The Employer agrees to notify DHS immediately in the event of a breach of personal information. Breaches are defined as loss of control or unauthorized access to E-Verify personal data. All suspected or confirmed breaches should be reported by calling 1-888-464-4218 or via email at E-Verify@dhs.gov. Please use "Privacy Incident – Password" in the subject line of your email when sending a breach report to E-Verify.

17. The Employer acknowledges that the information it receives from SSA is governed by the Privacy Act (5 U.S.C. § 552a(i)(1) and (3)) and the Social Security Act (42 U.S.C. 1306(a)). Any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOU may be subject to criminal penalties.

18. The Employer agrees to cooperate with DHS and SSA in their compliance monitoring and evaluation of E-Verify, which includes permitting DHS, SSA, their contractors and other agents, upon reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer's use of E-Verify, and to respond in a prompt and accurate manner to DHS requests for information relating to their participation in E-Verify.

19. The Employer shall not make any false or unauthorized claims or references about its participation in E-Verify on its website, in advertising materials, or other media. The Employer shall not describe its services as federally-approved, federally-certified, or federally-recognized, or use language with a similar intent on its website or other

materials provided to the public. Entering into this MOU does not mean that E-Verify endorses or authorizes your E-Verify services and any claim to that effect is false.

20. The Employer shall not state in its website or other public documents that any language used therein has been provided or approved by DHS, USCIS or the Verification Division, without first obtaining the prior written consent of DHS.

21. The Employer agrees that E-Verify trademarks and logos may be used only under license by DHS/USCIS (see [M-795 \(Web\)](#)) and, other than pursuant to the specific terms of such license, may not be used in any manner that might imply that the Employer's services, products, websites, or publications are sponsored by, endorsed by, licensed by, or affiliated with DHS, USCIS, or E-Verify.

22. The Employer understands that if it uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its participation in E-Verify according to this MOU.

B. RESPONSIBILITIES OF FEDERAL CONTRACTORS

1. If the Employer is a Federal contractor with the FAR E-Verify clause subject to the employment verification terms in Subpart 22.18 of the FAR, it will become familiar with and comply with the most current version of the E-Verify User Manual for Federal Contractors as well as the E-Verify Supplemental Guide for Federal Contractors.

2. In addition to the responsibilities of every employer outlined in this MOU, the Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any "employee assigned to the contract" (as defined in FAR 22.1801). Once an employee has been verified through E-Verify by the Employer, the Employer may not create a second case for the employee through E-Verify.

a. An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to verify employment eligibility of new hires using E-Verify. The Employer must verify those employees who are working in the United States, whether or not they are assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within three business days after the hire date. Once enrolled in E-Verify as a Federal contractor, the Employer must begin verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

b. Employers enrolled in E-Verify as a Federal contractor for 90 days or more at the time of a contract award must use E-Verify to begin verification of employment eligibility for new hires of the Employer who are working in the United States, whether or not assigned to the contract, within three business days after the date of hire. If the Employer is enrolled in E-Verify as a Federal contractor for 90 calendar days or less at the time of contract award, the Employer must, within 90 days of enrollment, begin to use E-Verify to initiate verification of new hires of the contractor who are working in the United States, whether or not assigned to the contract. Such verification of new hires must be initiated within three business days after the date of hire. An Employer enrolled as a Federal contractor in E-Verify must begin verification of each employee assigned to the contract within 90 calendar days after date of contract award or within 30 days after assignment to

the contract, whichever is later.

c. Federal contractors that are institutions of higher education (as defined at 20 U.S.C. 1001(a)), state or local governments, governments of Federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a Federal agency under a performance bond may choose to only verify new and existing employees assigned to the Federal contract. Such Federal contractors may, however, elect to verify all new hires, and/or all existing employees hired after November 6, 1986. Employers in this category must begin verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

d. Upon enrollment, Employers who are Federal contractors may elect to verify employment eligibility of all existing employees working in the United States who were hired after November 6, 1986, instead of verifying only those employees assigned to a covered Federal contract. After enrollment, Employers must elect to verify existing staff following DHS procedures and begin E-Verify verification of all existing employees within 180 days after the election.

e. The Employer may use a previously completed Form I-9 as the basis for creating an E-Verify case for an employee assigned to a contract as long as:

- i. That Form I-9 is complete (including the SSN) and complies with Article II.A.6,
- ii. The employee's work authorization has not expired, and
- iii. The Employer has reviewed the Form I-9 information either in person or in communications with the employee to ensure that the employee's Section 1, Form I-9 attestation has not changed (including, but not limited to, a lawful permanent resident alien having become a naturalized U.S. citizen).

f. The Employer shall complete a new Form I-9 consistent with Article II.A.6 or update the previous Form I-9 to provide the necessary information if:

- i. The Employer cannot determine that Form I-9 complies with Article II.A.6,
- ii. The employee's basis for work authorization as attested in Section 1 has expired or changed, or
- iii. The Form I-9 contains no SSN or is otherwise incomplete.

Note: If Section 1 of Form I-9 is otherwise valid and up-to-date and the form otherwise complies with Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired after completing Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.A.5, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual.

g. The Employer agrees not to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU or to authorize verification of any existing employee by any Employer that is not a Federal contractor based on this Article.

3. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or

other officials authorized to review the Employer's compliance with Federal contracting requirements.

C. RESPONSIBILITIES OF SSA

1. SSA agrees to allow DHS to compare data provided by the Employer against SSA's database. SSA sends DHS confirmation that the data sent either matches or does not match the information in SSA's database.
2. SSA agrees to safeguard the information the Employer provides through E-Verify procedures. SSA also agrees to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security numbers or responsible for evaluation of E-Verify or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).
3. SSA agrees to provide case results from its database within three Federal Government work days of the initial inquiry. E-Verify provides the information to the Employer.
4. SSA agrees to update SSA records as necessary if the employee who contests the SSA tentative nonconfirmation visits an SSA field office and provides the required evidence. If the employee visits an SSA field office within the eight Federal Government work days from the date of referral to SSA, SSA agrees to update SSA records, if appropriate, within the eight-day period unless SSA determines that more than eight days may be necessary. In such cases, SSA will provide additional instructions to the employee. If the employee does not visit SSA in the time allowed, E-Verify may provide a final nonconfirmation to the employer.

Note: If an Employer experiences technical problems, or has a policy question, the employer should contact E-Verify at 1-888-464-4218.

D. RESPONSIBILITIES OF DHS

1. DHS agrees to provide the Employer with selected data from DHS databases to enable the Employer to conduct, to the extent authorized by this MOU:
 - a. Automated verification checks on alien employees by electronic means, and
 - b. Photo verification checks (when available) on employees.
2. DHS agrees to assist the Employer with operational problems associated with the Employer's participation in E-Verify. DHS agrees to provide the Employer names, titles, addresses, and telephone numbers of DHS representatives to be contacted during the E-Verify process.
3. DHS agrees to provide to the Employer with access to E-Verify training materials as well as an E-Verify User Manual that contain instructions on E-Verify policies, procedures, and requirements for both SSA and DHS, including restrictions on the use of E-Verify.
4. DHS agrees to train Employers on all important changes made to E-Verify through the use of mandatory refresher tutorials and updates to the E-Verify User Manual. Even without changes to E-Verify, DHS reserves the right to require employers to take mandatory refresher tutorials.
5. DHS agrees to provide to the Employer a notice, which indicates the Employer's participation in E-Verify. DHS also agrees to provide to the Employer anti-discrimination

notices issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice.

6. DHS agrees to issue each of the Employer's E-Verify users a unique user identification number and password that permits them to log in to E-Verify.

7. DHS agrees to safeguard the information the Employer provides, and to limit access to such information to individuals responsible for the verification process, for evaluation of E-Verify, or to such other persons or entities as may be authorized by applicable law. Information will be used only to verify the accuracy of Social Security numbers and employment eligibility, to enforce the INA and Federal criminal laws, and to administer Federal contracting requirements.

8. DHS agrees to provide a means of automated verification that provides (in conjunction with SSA verification procedures) confirmation or tentative nonconfirmation of employees' employment eligibility within three Federal Government work days of the initial inquiry.

9. DHS agrees to provide a means of secondary verification (including updating DHS records) for employees who contest DHS tentative nonconfirmations and photo mismatch tentative nonconfirmations. This provides final confirmation or nonconfirmation of the employees' employment eligibility within 10 Federal Government work days of the date of referral to DHS, unless DHS determines that more than 10 days may be necessary. In such cases, DHS will provide additional verification instructions.

ARTICLE III REFERRAL OF INDIVIDUALS TO SSA AND DHS

A. REFERRAL TO SSA

1. If the Employer receives a tentative nonconfirmation issued by SSA, the Employer must print the notice as directed by E-Verify. The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee's response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. After a tentative nonconfirmation, the Employer will refer employees to SSA field offices only as directed by E-Verify. The Employer must record the case verification number, review the employee information submitted to E-Verify to identify any errors, and find out whether the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security number, or any other corrected employee information that SSA requests, to SSA for verification again if this review indicates a need to do so.

4. The Employer will instruct the employee to visit an SSA office within eight Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines

that more than 10 days is necessary.

5. While waiting for case results, the Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees not to ask the employee to obtain a printout from the Social Security Administration number database (the Numident) or other written verification of the SSN from the SSA.

B. REFERRAL TO DHS

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee's response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will instruct the employee to contact DHS through its toll-free hotline (as found on the referral letter) within eight Federal Government work days.

5. If the Employer finds a photo mismatch, the Employer must provide the photo mismatch tentative nonconfirmation notice and follow the instructions outlined in paragraph 1 of this section for tentative nonconfirmations, generally.

6. The Employer agrees that if an employee contests a tentative nonconfirmation based upon a photo mismatch, the Employer will send a copy of the employee's Form I-551, Form I-766, U.S. Passport, or passport card to DHS for review by:

a. Scanning and uploading the document, or

b. Sending a photocopy of the document by express mail (furnished and paid for by the employer).

7. The Employer understands that if it cannot determine whether there is a photo match/mismatch, the Employer must forward the employee's documentation to DHS as described in the preceding paragraph. The Employer agrees to resolve the case as specified by the DHS representative who will determine the photo match or mismatch.

8. DHS will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary.

9. While waiting for case results, the Employer agrees to check the E-Verify system regularly for case updates.

ARTICLE IV SERVICE PROVISIONS

A. NO SERVICE FEES

1. SSA and DHS will not charge the Employer for verification services performed under this MOU. The Employer is responsible for providing equipment needed to make inquiries. To access E-Verify, an Employer will need a personal computer with Internet access.

ARTICLE V MODIFICATION AND TERMINATION

A. MODIFICATION

1. This MOU is effective upon the signature of all parties and shall continue in effect for as long as the SSA and DHS operates the E-Verify program unless modified in writing by the mutual consent of all parties.

2. Any and all E-Verify system enhancements by DHS or SSA, including but not limited to E-Verify checking against additional data sources and instituting new verification policies or procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes.

B. TERMINATION

1. The Employer may terminate this MOU and its participation in E-Verify at any time upon 30 days prior written notice to the other parties.

2. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU, and thereby the Employer's participation in E-Verify, with or without notice at any time if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established E-Verify procedures and/or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect the performance of its contractual responsibilities. Similarly, the Employer understands that if it is in a state where E-Verify is mandatory, termination of this by any party MOU may negatively affect the Employer's business.

3. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such cases, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, then that Employer will remain an E-Verify participant, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

4. The Employer agrees that E-Verify is not liable for any losses, financial or otherwise, if the Employer is terminated from E-Verify.

ARTICLE VI PARTIES

A. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each

other as necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

B. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

C. The Employer may not assign, directly or indirectly, whether by operation of law, change of control or merger, all or any part of its rights or obligations under this MOU without the prior written consent of DHS, which consent shall not be unreasonably withheld or delayed. Any attempt to sublicense, assign, or transfer any of the rights, duties, or obligations herein is void.

D. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

E. The Employer understands that its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to, Congressional oversight, E-Verify publicity and media inquiries, determinations of compliance with Federal contractual requirements, and responses to inquiries under the Freedom of Information Act (FOIA).

F. The individuals whose signatures appear below represent that they are authorized to enter into this MOU on behalf of the Employer and DHS respectively. The Employer understands that any inaccurate statement, representation, data or other information provided to DHS may subject the Employer, its subcontractors, its employees, or its representatives to: (1) prosecution for false statements pursuant to 18 U.S.C. 1001 and/or; (2) immediate termination of its MOU and/or; (3) possible debarment or suspension.

G. The foregoing constitutes the full agreement on this subject between DHS and the Employer.

To be accepted as an E-Verify participant, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 1-888-464-4218.

Approved by:

E-Verify Employer	
Name (Please Type or Print)	Title
Kate Dean	District 1 County Commissioners, Chair
Signature	Date

Approved as to form only:



April 11, 2024

Philip C. Hunsucker,
Chief Civil Deputy Prosecuting Attorney

Date

Department of Homeland Security – Verification Division	
Name (Please Type or Print)	Title
Signature	Date

Information Required for E-Verify	
Information relating to your Company:	
Company Name:	Jefferson County
Company Facility Address:	P.O. Box 1220, Port Townsend, WA 98368
Company Alternate Address:	1820 Jefferson Street, Port Townsend, WA 98368
County or Parish:	Jefferson County
Employer Identification Number:	91-6001322
North American Industry Classification Systems Code:	9231
Parent Company:	N/A
Number of Employees:	360
Number of Sites Verified for:	1

Are you verifying for more than one site?

If yes, please provide the number of sites verified for in each State:

State	Number of sites	Site(s)
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Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:

Name:	Kristen Bennett
Telephone Number:	360-385-9140
Fax Number:	360-385-9382
E-mail Address:	humanresources@co.jefferson.wa.us

Name:	Sarah Melancon
Telephone Number:	360-385-9140
Fax Number:	360-385-9382
E-mail Address:	humanresources@co.jefferson.wa.us



U.S. Citizenship
and Immigration
Services

Handbook for Employers M-274

Employers should check this online version of the handbook periodically for updates. Printing does not allow access to helpful links or updates to this handbook.

Guidance for Completing Form I-9 (Employment Eligibility Verification Form) | Current as of July 2023

How to Download Our Manuals in PDF (PDF)

Last Reviewed/Updated Date 07/28/2023

1.0 Why Employers Must Verify Employment Authorization and Identity of New Employees

In 1986, Congress reformed U.S. immigration laws to preserve the tradition of legal immigration while seeking to close the door to unlawful entry. The employer sanctions provisions, found in section 274A of the Immigration and Nationality Act (INA), were added by the Immigration Reform and Control Act of 1986 (IRCA). These provisions further changed with the passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

Employment is often the magnet that attracts people to reside in the United States unlawfully. The purpose of the employer sanctions law is to remove this magnet by requiring employers to hire only individuals who may legally work here: U.S. citizens, noncitizen nationals, lawful permanent residents, and other noncitizens who are authorized to work. To comply with the law, employers must:

- Verify the identity and employment authorization of each person they hire;
- Complete and retain a Form I-9, Employment Eligibility Verification, for each employee; and
- Refrain from discriminating against individuals on the basis of national origin, citizenship or immigration status.

At the same time that it created employer sanctions, Congress also prohibited employment discrimination based on citizenship, immigration status, and national origin. This part of the law is referred to as the anti-

discrimination provisions. See Section 11.0, Unlawful Discrimination and Penalties for Prohibited Practices, for more information on unlawful discrimination.

The guidance in this handbook, in tandem with the Form I-9 instructions, helps employers properly complete Form I-9, which assists in verifying that your employees are authorized to work in the United States. You must complete a Form I-9 for every new employee you hire after Nov. 6, 1986, as well as new employees hired in the Commonwealth of the Northern Mariana Islands (CNMI) on or after Nov. 28, 2009. This includes U.S. citizens and noncitizen nationals who are automatically eligible for employment in the United States.

You must use the current version of Form I-9, which you can download along with the instructions from the USCIS website at uscis.gov/i-9-central. You may also order paper forms at uscis.gov/forms/forms-by-mail or by calling the USCIS Contact Center at 800-375-5283 (TTY: 800-767-1833).

The form consists of five parts:

- Section 1: Employee Information and Attestation: Employees must complete and sign this section. See Section 3.0 of this handbook for more information.
- Section 2: Employer Review and Verification: Employers or their authorized representative(s) must complete this section. See Section 4.0 of this handbook for more information.
- Lists of Acceptable Documents: Employers must ensure every employee completing Form I-9 has access to this list. Employers are not required to store this page.
- Supplement A, Preparer and/or Translator Certification for Section 1: Any person who helps the employee complete Form I-9 must complete the blocks in this supplement. See Section 3.0 of this handbook for more information. If the employee does not require assistance, employers need not print this page.
- Supplement B, Reverification and Rehire (formerly Section 3): Employers or their authorized representative(s) complete the blocks of this supplement when an employee requires reverification, or is rehired and the employer chooses not to complete a new Form I-9. Employers only need to print this page for an employee when reverification or rehire applies. See Section 6.0 of this handbook for more information.

Form I-9 is available in English and Spanish. Employers in the United States, except Puerto Rico, must complete the English-language version of Form I-9. Only employers located in Puerto Rico may complete the Spanish-language version of Form I-9 instead of the English-language version. Any employer may use the Spanish-language form and instructions as a translation tool for Spanish-speaking employees, when completing the English-language version.

1.1 The Homeland Security Act

The Homeland Security Act of 2002 created an executive department combining numerous federal agencies with a mission dedicated to homeland security. On March 1, 2003, the authorities of the former Immigration

and Naturalization Service (INS) were transferred to three new agencies in the U.S. Department of Homeland Security (DHS):

- U.S. Citizenship and Immigration Services (USCIS);
- U.S. Customs and Border Protection (CBP); and
- U.S. Immigration and Customs Enforcement (ICE).

The two DHS immigration components most involved with the matters discussed in this handbook are USCIS and ICE. USCIS issues most employment authorization documentation for noncitizens and administers Form I-9 and E-Verify, which electronically confirms employment eligibility. ICE enforces the penalty provisions of section 274A of the INA as well as other immigration requirements within the United States.

Under the Homeland Security Act, the U.S. Department of Justice (DOJ) retained certain responsibilities related to Form I-9 as well. In particular, the Immigrant and Employee Rights Section (IER) in the DOJ's Civil Rights Division enforces the anti-discrimination provision in section 274B of the INA, while the Executive Office for Immigration Review (EOIR) administratively adjudicates cases under sections 274A, 274B, and 274C (civil document fraud) of the INA.

1.2 E-Verify: The Web-Based Verification Companion to Form I-9

Form I-9 has been the foundation of the employment eligibility verification process since 1986, when employers began verifying the employment authorization and identity of new hires under IRCA. To improve the accuracy and integrity of this process, USCIS operates an electronic employment eligibility confirmation system called E-Verify.

E-Verify is a web-based system that allows employers and other participants to confirm the eligibility of their newly hired employees to work in the U.S. by electronically matching information on the employee's Form I-9 against records available to the Social Security Administration (SSA) and DHS. E-Verify is free and is available to participants in all 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Employers who participate in E-Verify must still complete a Form I-9 for each newly hired employee in the United States. E-Verify participants may accept any document or combination of documents from the Lists of Acceptable Documents on Form I-9, but if the employee chooses to present a List B and C combination, the List B (identity only) document must have a photograph. Employees must also provide their Social Security number in Section 1 of the Form I-9 if their employer is enrolled in E-Verify.

If you participate in E-Verify, after completing a Form I-9 for your new employee, you must create a case in E-Verify that includes information from Sections 1 and 2 of the employee's Form I-9. After creating the case, you will receive a response from E-Verify regarding the employment authorization of the employee. In some cases, E-Verify will provide a response indicating a Tentative Nonconfirmation (mismatch). This does not necessarily mean the employee is unauthorized to work in the United States. Rather, it means that E-Verify is

unable to immediately confirm the employee's authorization to work in the United States. In the case of a mismatch, you must notify the employee. If the employee wishes to take action to resolve a mismatch, the employee should contact the appropriate agency (DHS and/or the SSA) within the prescribed time period stated in the Referral Date Confirmation that you will provide to the employee, and as described in the E-Verify User Manual.

When using E-Verify, participating employers must also follow certain procedures that were designed to protect employees from unfair employment actions:

- You must use E-Verify for all new hires, both U.S. citizens and noncitizens, and may not use the system selectively.
- You may not use E-Verify to prescreen applicants for employment, check employees hired before you became a participant in E-Verify (except contractors with a federal contract that requires use of E-Verify), or reverify employees who have temporary employment authorization.
- You may not terminate or take other adverse action against an employee based on a mismatch.

E-Verify strengthens the Form I-9 employment eligibility verification process that all employers, by law, must follow. By adding E-Verify to the existing Form I-9 process, participants can benefit from knowing that they have taken an additional step toward maintaining a legal workforce.

For more information about E-Verify, including enrollment, visit e-verify.gov or contact E-Verify at 888-464-4218.

Federal Contractors

On Nov. 14, 2008, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council issued a final rule amending the Federal Acquisition Regulation (FAR) (FAR case 2007-013, Employment Eligibility Verification). The regulation requires contractors with a federal contract that contains the FAR E-Verify clause to use E-Verify for their new hires and all employees (existing and new) assigned to the contract (48 C.F.R., Subpart 22.18). Federal contracts issued on or after Sept. 8, 2009, as well as older contracts that have been modified may contain the FAR E-Verify clause.

Federal contractors who have a federal contract that contains the FAR E-Verify clause must follow special rules when completing and updating Form I-9. For more information, please see the E-Verify Supplemental Guide for Federal Contractors available at e-verify.gov.

Employers Who Use Alternative Procedures to Examine Form I-9 Documentation

The Department of Homeland Security issued a final rule, effective August 1, 2023, which allows the Secretary to authorize alternative procedures for examining the documents employees must present to complete Form I-9. On the same date through a Federal Register Notice, the Secretary made effective Optional Alternative 1 to the Physical Document Examination Associated with Employment Eligibility Verification (Form I-9). This alternative procedure allows employers who are enrolled in E-Verify and

Last Name (Family Name) from Section 1. Ride	First Name (Given Name) from Section 1. Sally	Middle Initial (if any) from Section 1. K
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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 <i>Albert Einstein</i>		Date (mm/dd/yyyy) 01/10/2023	
Last Name (Family Name) Einstein	First Name (Given Name) Albert	Middle Initial (if any)	
Address (Street Number and Name) 112 Mercer St.	City or Town Princeton	State NJ	ZIP Code 08540

- Preparers and/or translators may not enter a P.O. box in place of a physical address.
- Employees who use a preparer and/or translator to complete the form must still sign or make their mark in the Signature Field in Section 1.
- Employers may provide the employee additional supplement pages as needed and attach them to the employee's completed form.
- The certification must also be completed for certain minors and employees in special placement who require a representative, parent, or legal guardian to complete Section 1 for them. See Sections 4.2 and 4.3 for more information.

You must ensure that all parts of Form I-9 are properly completed; or you may be subject to penalties under federal law. The employee must complete Section 1 no later than the employee's first day of employment. You may not ask an individual who has not accepted a job offer to complete Section 1. Before completing Section 2, you should review Section 1 to ensure the employee completed it properly. You may review the employee's document(s) and fully complete Section 2 at any time between the date the employee accepts the job offer and completes Section 1 to within three business days of the hire. Review any possible errors with the employee. The employee must correct any confirmed errors, add their initials, and the date they made the correction. Employers may not ask for documentation to verify the information entered in Section 1.

4.0 Completing Section 2: Employer Review and Verification

Within three business days of the date employment begins, you or your authorized representative must complete Section 2 by examining original, acceptable, and unexpired documentation, or an acceptable receipt, the employee presents (see Table 1: Special Form I-9 Situations) to determine if it reasonably appears to be genuine and relates to the person presenting it. For example, if an employee begins employment on Monday, you must review the employee's documentation and complete Section 2 on or before Thursday of that week. However, if you hire someone for less than three business days, you must complete Section 2 no later than the first day of employment.

In general, you or your authorized representative must review the employee's documentation in their physical presence. However, if you participate in E-Verify, you may also be eligible to remotely examine the employee's documents under the alternative procedure authorized by the secretary of homeland security. To see if you are eligible and for further guidance, please see Section 4.5, Remote Document Examination (Optional Alternative Procedure to Physical Document Examination), as well as I-9 Central and E-Verify.gov.

You must allow the employee to choose which documentation they will present from the Form I-9 Lists of Acceptable Documents and must accept documentation that reasonably appears to be genuine and relates to the person presenting it. You cannot specify which documentation an employee will present from the Form I-9 Lists of Acceptable Documents. When physically examining documents, copies, except for certified copies of birth certificates, are not acceptable. See Section 4.5, Remote Document Examination (Optional Alternative Procedure to Physical Document Examination) requirements.

You may terminate an employee who fails to present acceptable documentation (or an acceptable receipt for a document) within three business days after the date employment begins. If you fail to properly complete Form I-9, you risk violating section 274A of the INA and may be subject to civil money penalties.

Employees may choose to present either: 1) one document selected from List A or 2.) a combination of one selection from List B and one selection from List C.

- List A documentation shows both identity and employment authorization. Some documentation must be presented together to be considered acceptable List A documentation. If an employee presents acceptable List A documentation, do not ask them to present List B or List C documentation.
 - Under certain circumstances, USCIS may automatically extend an employee's employment authorization and/or employment authorization document beyond the expiration date on the document. An automatically extended document is considered unexpired for Form I-9. See Section 5.0, Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances.

List B documentation shows identity only and List C documentation shows employment authorization only. If an employee presents acceptable List B and List C documentation, do not ask them to present List A documentation.

- If you participate in E-Verify, and the employee presents a combination of List B and List C documentation, then the List B document must contain a photograph. For more information, visit e-verify.gov.

Table 1 Special Form I-9 Situations

Special Situation	Solution	Additional M-274 Guidance
Employee presents a Social Security Card containing one of the following restrictions: • VALID FOR WORK ONLY WITH DHS AUTHORIZATION • NOT VALID FOR EMPLOYMENT • VALID FOR WORK ONLY WITH INS AUTHORIZATION	Because the restricted Social Security Card is not an acceptable List C document, ask the employee to provide a different document from List C or List A.	Section 13
Employee is a minor (individuals under age 18) and is unable to present an identity document from List B.	Minor's parent or legal guardian establishes identity for the minor by completing Section 1 on minor's behalf and completing a Preparer and/or Translator Certification block in Supplement A. Minor must then only present an employment authorization document from List C.	Section 4.2 Minors (Individuals under Age 18)
Employee who has a physical or mental impairment is placed in a job by a nonprofit organization, association, or as part of a rehabilitation program (special placement) and is unable to present an identity document for List B.	Representative of the nonprofit organization, association, or rehabilitation program; parent; or legal guardian establishes identity for this employee by completing Section 1 on the employee's behalf and completing a Preparer and/or Translator Certification. Employee must then only present an employment authorization document from List C.	Section 4.3 Employees with Disabilities (Special Placement)
Employee has an expired EAD and/or employment authorization but qualifies	An EAD automatically extended by FRN or notice is an unexpired List A	Section 5 Automatic Extensions of

for an automatic extension of employment authorization and/or Employment Authorization Document (EAD) by a Federal Register notice (FRN), a regulation, a Form I-797 or I-797C receipt notice, an individual letter/notice or a website notice.

document for Form I-9. For more information on what the employee must present along with their EAD to complete Form I-9, please see Section 5.

Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances

Employee presents an acceptable receipt in place of an unexpired List A, B, or C document.

See Table 2 to determine how long each receipt is valid and what documents the employee must show once the receipt expires.

Section 4.4 Acceptable Receipts

Figure 2: Section 2: Employer or Authorized Representative Review and Verification

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 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	U.S. Passport		
Issuing Authority	Department of State		
Document Number (if any)	000000000		
Expiration Date (if any)	03/15/2025		
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)			
		☒ 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): 01/10/2023
Last Name, First Name and Title of Employer or Authorized Representative Nelson, Bill - Administrator		Signature of Employer or Authorized Representative <i>Bill Nelson</i>	Today's Date (mm/dd/yyyy) 01/10/2023
Employer's Business or Organization Name NASA		Employer's Business or Organization Address, City or Town, State, ZIP Code 300 Hidden Figures Way SW Washington, DC 20024	

When completing Section 2, use information from the documentation the employee presented to enter the document title, issuing authority, document number, and expiration date (if any) in Section 2:

- Enter List A documents in the column on the left. If the employee presents List A documentation that consists of multiple documents, use the second and third List A areas, as well as the Additional Information area, if necessary, to enter those other documents. If you enter documents in the List A columns, you should leave the List B and C columns blank.

- Enter List B documents in the center column. If you enter a document in this column, you must also enter a document in the List C column. Leave the List A column blank.
- Enter List C documents in the column on the right. If the employee presents a List C document that consists of multiple documents, use the Additional Information area to enter those other documents. If you enter a document in this column, you must also enter a document in the List B column. Leave the List A column blank.

You may use either common abbreviations for states, document titles or issuing authorities, such as “DL” for driver’s license and “SSA” for Social Security Administration. Appendix A provides more abbreviation suggestions.

The “Additional Information” space is for Form I-9 notes, such as:

- Notations that describe extensions of employment authorization or a document’s expiration date for individuals in certain nonimmigrant categories or granted Temporary Protected Status (TPS). For more information, see Section 5.0, Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances, and Section 7, Evidence of Employment Authorization for Certain Categories.
- Information from additional documents that F-1 or J-1 nonimmigrant employees may present including the Student and Exchange Visitor (SEVIS) number and the program end date from Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, or DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, as required.
- Replacement document information if a receipt was previously presented.
- Discrepancies that E-Verify participants must notate when participating in the IMAGE program.
- Any other optional comments or notations necessary for your business process, such as employee termination dates, form retention dates, and E-Verify case verification numbers.

Enter the first day of employment for wages or other remuneration in the space for “The employee’s first day of employment (mm/dd/yyyy).” Recruiters and referrers for a fee do not enter the employee’s first day of employment.

Staffing agencies may choose to use either the date an employee is assigned to the employee’s first job or the date the new employee is entered into the assignment pool as the first day of employment.

The same person who examined the employee’s documents must also complete the fields in the certification block, then sign and date Section 2, as shown in Figure 2 above. The employer or authorized representative signs and dates Section 2 in the spaces provided to attest to examining the documents the employee presented. Also enter title, last name, first name, and the employer’s business or organization name.

Enter the business’s physical street address, city or town, state, and ZIP code. If the location is not a city or town you may enter the name of the village, county, township, reservation, etc. that applies. Employers may

not enter a P.O. box as their address. If your company has multiple locations, use the most appropriate address that identifies the location of the employer.

4.1 Retaining Copies of Documents Your Employee Presents

You may make copies (or electronic images) of the documentation you reviewed, but must return original documentation to the employee. If you make copies, they should be made consistently for all new hires and reverified employees, regardless of national origin, citizenship, or immigration status, or you may violate anti-discrimination laws.

Employers participating in E-Verify are required to retain a copy of certain documents if the employee chooses to present them. These documents include the U.S. Passport, passport card, Permanent Resident Card (also called a Green Card), or Employment Authorization Document (EAD). If you are an E-Verify employer who chooses to copy documentation other than those you are required to copy for E-Verify, you should apply this policy consistently with respect to Form I-9 completion for all employees.

If you choose to remotely examine employees' documents, you must retain clear and legible copies of the front and back (if two-sided) of ALL Form I-9 documentation an employee presents remotely with the employee's Form I-9. For further guidance on remotely examining documents, please see Section 4.5, Remote Document Examination (Optional Alternative Procedure to Physical Document Examination), I-9 Central and E-Verify.gov.

You must always complete Section 2 by reviewing original documentation, even if you copy an employee's document(s) after reviewing the documentation. You are still responsible for completing and retaining Form I-9.

You must retain copies and present them with Forms I-9 in case of an inspection by DHS, the Department of Labor or the Department of Justice.

4.2 Minors (Individuals under Age 18)

Minors can complete Form I-9 as described in Section 4.0, Completing Section 2 of Form I-9, by presenting a List A document or a combination of List B and C documents. If a minor is unable to present an identity document from List B, a parent or legal guardian may establish identity for the minor by completing Form I-9 as shown in Figures 3a and 3b.

If you participate in E-Verify, parents or legal guardians cannot establish identity for a minor as described above. The minor must present either a List A document, or a combination of a List B document that contains a photograph and a List C document.

Figure 3a: Completing Section 1 of Form I-9 for Minors without List B Documents

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) Parks		First Name (Given Name) Rosa		Middle Initial (if any) L
Other Last Names Used (if any) McCauley				
Address (Street Number and Name) 600 W. Martin Luther King Highway		Apt. Number (if any)	City or Town Tuskegee	State AL ZIP Code 36083
Date of Birth (mm/dd/yyyy) 02/04/2012	U.S. Social Security Number 1 2 3 4 5 6 7 8 9	Employee's Email Address rosaparks@email.com		Employee's Telephone Number (555) 555-5555
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.):		
		☒ 1. A citizen of the United States		
		☐ 2. A noncitizen national of the United States (See Instructions.)		
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)		
		☐ 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 Individual Under Age 18		Today's Date (mm/dd/yyyy) 01/10/2023		
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the <u>Preparer and/or Translator Certification</u> on Page 3.				

The minor's parent or legal guardian completes Section 1 and enters "Individual under age 18" in the signature block. The parent or legal guardian completes a Preparer and/or Translator Certification block on Supplement A: Preparer and/or Translator Certification for Section 1.

Figure 3b: Completing Supplement A: Preparer and/or Translator Certification for Minors without List B Documents

Last Name (<i>Family Name</i>) from Section 1.	First Name (<i>Given Name</i>) from Section 1.	Middle initial (if any) from Section 1.
Parks	Rosa	L

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 <i>Albert Einstein</i>		Date (mm/dd/yyyy) 01/10/2023	
Last Name (<i>Family Name</i>) Einstein	First Name (<i>Given Name</i>) Albert		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>) 112 Mercer St.	City or Town Princeton	State NJ	ZIP Code 08540

Figure 4: Completing Section 2 of Form I-9 for Minors without List B documents

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 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			Individual Under Age 18		Social Security Card
Issuing Authority					Social Security Administration
Document Number (if any)					123-45-6789
Expiration Date (if any)					N/A
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)					

☒ 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):

01/10/2023

Last Name, First Name and Title of Employer or Authorized Representative

Parker, Mabel - Supervisor

Signature of Employer or Authorized Representative

Mabel Parker

Today's Date (mm/dd/yyyy)

01/10/2023

Employer's Business or Organization Name

Montgomery Fair Department Store

Employer's Business or Organization Address, City or Town, State, ZIP Code

29 Dexter Ave., Montgomery, AL 36104

1. Enter "Individual under age 18" under List B and under List C, enter the document title, issuing authority, document number, and expiration date (if any) using information from the List C document the minor presented.
2. Enter the date employment began.
3. You or your authorized representative signs and dates Section 2 in the spaces provided to attest to examining the documents the employee presented. Also enter your title, last name and first name, as well as the employer's business or organization name.
4. Enter the business's street address, city or town, state and ZIP code.

4.3 Employees with Disabilities (Special Placement)

Certain employees may have a physical or mental impairment which substantially limits one or more of their major life activities and are placed in jobs by a nonprofit organization, association, or as part of a rehabilitation program. Employees in this category who present List A documentation, or a combination of List B and C documentation, must complete Form I-9 as described in Section 4.0, Completing Section 2: Employer Review and Verification. If these employees are unable to present a List B document, they may establish identity under List B similar to minors, as shown in Figures 5a and 5b. These employees must still present a List C document.

If you participate in E-Verify, representatives of a nonprofit organization, association, or rehabilitation program; parents; and legal guardians cannot establish identity for an employee with disabilities as described above. This employee must present either List A documentation, or a combination of a List B document that contains a photograph and a List C document.

Figure 5a: Completing Section 1 of Form I-9 for Employees with Disabilities (Special Placement)

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) Einstein		First Name (Given Name) Albert		Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name) 112 Mercer St.		Apt. Number (if any)	City or Town Princeton		State NJ	ZIP Code 08540
Date of Birth (mm/dd/yyyy) 03/14/1955	U.S. Social Security Number 1 2 3 4 5 6 7 8 9	Employee's Email Address alberteinstein@email.com			Employee's Telephone Number (555) 555-5555	
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.):				
		☒ 1. A citizen of the United States				
		☐ 2. A noncitizen national of the United States (See Instructions.)				
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)				
		☐ 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 SPECIAL PLACEMENT		Today's Date (mm/dd/yyyy) 01/10/2023				
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the <u>Preparer and/or Translator Certification</u> on Page 3.						

The representative of the nonprofit organization, association, or rehabilitation program; or the parent or legal guardian of the employee with a disability completes Section 1 and enters "Special Placement" in the Signature of Employee field and dates the form.

Figure 5b: Completing Supplement A for Employees with Disabilities (Special Placement)

Last Name (Family Name) from Section 1. Einstein	First Name (Given Name) from Section 1. Albert	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 Abraham Flexner		Date (mm/dd/yyyy) 01/10/2023	
Last Name (Family Name) Flexner	First Name (Given Name) Abraham		Middle Initial (if any)
Address (Street Number and Name) 1 Einstein Drive	City or Town Princeton	State NJ	ZIP Code 08540

The same representative, parent, or legal guardian completes a Preparer and/or Translator Certification block on Supplement A: Preparer and/or Translator Certification for Section 1.

Figure 6: Completing Section 2 of Form I-9 for Employees with Disabilities (Special Placement)

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 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			Special Placement		Social Security Card
Issuing Authority					Social Security Administration
Document Number (if any)					123-45-6789
Expiration Date (if any)					N/A
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)					

☐ 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):

01/10/2023

Last Name, First Name and Title of Employer or Authorized Representative

Flexner, Abraham - Founder

Signature of Employer or Authorized Representative

Abraham Flexner

Today's Date (mm/dd/yyyy)

01/10/2023

Employer's Business or Organization Name

Institute for Advanced Study

Employer's Business or Organization Address, City or Town, State, ZIP Code

1 Einstein Drive, Princeton, NJ 08540

1. Enter “Special Placement” under List B and under List C, enter the document title, issuing authority, document number, and expiration date (if any) using information from the List C document the employee presented.
2. Enter the date employment began.
3. You or your authorized representative signs and dates Section 2 in the spaces provided to attest to examining the documents the employee presented. Whoever signs should also enter their title, last name, and first name, as well as the employer’s business or organization name.
4. Enter the business’s street address, city or town, state, and ZIP code.

4.4 Acceptable Receipts

You must accept a receipt in place of List A, B, or C documentation if the employee presents one, unless employment will last less than three business days. New employees who choose to present a receipt must do so within three business days after their first day of employment, or for reverification or existing employees, by the date that their employment authorization expires.

Table 2 provides a list of acceptable receipts an employee can show. Enter the word “Receipt” followed by the title of the document in Section 2 under the list that relates to the receipt.

When your employee presents the original replacement document, cross out the word “Receipt,” then enter the information from the new documentation into the Additional Information field in Section 2, and initial and date the change.

Accepting a second receipt at the end of the initial receipt validity period is not permissible.

Table 2 Acceptable Receipts

Description of Receipt	Who may present this receipt?	Is this a List A, B, or C document?	How long is this receipt valid for Form I-9 purposes?	What document must the employee show at the end of the receipt validity period?
The departure portion of a Form I-94, Arrival/Departure Record, with an unexpired refugee admission stamp or admission code of “RE.”	Refugees	List A	90 days from date of hire or, for reverification, 90 days from the date employment	An unexpired Employment Authorization Document (Form I-766), or a combination of a valid List B document and an unrestricted Social Security card.

Description of Receipt	Who may present this receipt?	Is this a List A, B, or C document?	How long is this receipt valid for Form I-9 purposes?	What document must the employee show at the end of the receipt validity period?
			authorization expires.	
The arrival portion of a Form I-94, Arrival/Departure Record, containing a temporary I-551 (otherwise known as the Alien Documentation, Identification and Telecommunication (ADIT)) stamp and photograph.	Lawful permanent residents	List A	Until the expiration date of the temporary I-551 (ADIT) stamp, or if there is no expiration date, one year from date of admission.	The actual Form I-551, Permanent Resident Card, also known as a "Green Card."
A document that shows an employee applied to replace a lost, stolen, or damaged document.	All employees	Can be List A, B, or C, depending on which document the receipt relates to.	90 days from date of hire or, for reverification, 90 days from the date employment authorization expires.	The actual replacement document. You may also accept other Form I-9 documentation from the Lists of Acceptable Documents. If you accept documentation other than the actual replacement document, record the document information on Section 2 of a new Form I-9 and attach it to the original Form I-9. You should also note in the Additional Information box on the new Form I-9 the reason that documentation other than the replacement document was presented –

Description of Receipt	Who may present this receipt?	Is this a List A, B, or C document?	How long is this receipt valid for Form I-9 purposes?	What document must the employee show at the end of the receipt validity period?
				for example, document delays, changes in status, or other factors – and sign and date the note. • If the receipt is for a List A document but the employee cannot present the actual replacement List A document for which the receipt was issued by the end of the 90-day receipt period, then the employee may choose to present a different document from List A, or one document each from List B and List C to satisfy the Form I-9 requirements. • If the receipt is for a List B document but the employee cannot present the actual document by the end of the 90-day receipt period, then the employee may choose to present a document from List A instead, or a different List B document to satisfy

Description of Receipt	Who may present this receipt?	Is this a List A, B, or C document?	How long is this receipt valid for Form I-9 purposes?	What document must the employee show at the end of the receipt validity period?
				the Form I-9 requirements. If the receipt is for a List C document, and the employee does not provide the actual document, the employee can present a List A document or another List C document instead.
Unexpired Form I-94, Arrival/Departure Record, containing a class of admission of UHP or OAR on the document or unexpired Form I-94 containing a class of admission of PAR and indicates Afghanistan as country of citizenship on the document	Certain Parolees	List A	90 days (or when the I-94 expires, if less) from date of hire or, for reverification, the date employment authorization expires.	An unexpired Employment Authorization Document (EAD), or an unrestricted Social Security card and a List B identity document from the Form I-9 Lists of Acceptable Documents.
An unexpired Form I-94, Arrival/Departure Record that contains a class of admission of DT issued between Feb. 24, 2022, and Sept. 30, 2023, and	Ukrainian citizen parolees	List A	90 days (or when the I-94 expires, if less) from date of hire or, for reverification, the date	An unexpired Employment Authorization Document (EAD), or an unrestricted Social Security card and a List B identity document

Description of Receipt	Who may present this receipt?	Is this a List A, B, or C document?	How long is this receipt valid for Form I-9 purposes?	What document must the employee show at the end of the receipt validity period?
indicates Ukraine as the country of citizenship on the document			employment authorization expires.	from the Form I-9 Lists of Acceptable Documents.

4.5 Remote Document Examination (Optional Alternative Procedure to Physical Document Examination)

Employers who participate in E-Verify in good standing are qualified to remotely examine their employee’s documentation using a DHS-authorized alternative procedure at their E-Verify hiring sites. This includes the use of an authorized representative acting on your behalf, such as a third-party vendor. If you choose to offer the alternative procedure to new employees at an E-Verify hiring site, you must do so consistently for all employees at that site. However, you may choose to offer the alternative procedure for remote hires only but continue to apply physical examination procedures to all employees who work onsite or in a hybrid capacity, so long as you do not adopt such a practice for a discriminatory purpose or treat employees differently based on their citizenship, immigration status, or national origin, such as by deciding that certain employees are not eligible for remote examination of their documentation. To examine your employee’s documentation remotely, you must be enrolled in good standing in E-Verify, and complete the following steps:

1. Examine copies (front and back, if the document is two-sided) of Form I-9 documents or an acceptable receipt to ensure that the documentation presented reasonably appears to be genuine;
2. Conduct a live video interaction with the individual presenting the document(s) to ensure that the documentation reasonably appears to be genuine and related to the individual. The employee must

- first transmit a copy of the document(s) to the employer (per Step 1 above) and then present the same document(s) during the live video interaction;
3. Indicate on the Form I-9, by completing the corresponding box, that an alternative procedure was used to examine documentation to complete Section 2 or for reverification in Supplement B, as applicable; and
 4. Retain a clear and legible copy of the documentation (front and back if the documentation is two-sided).

In the event of a Form I-9 audit by a federal government official, make available the clear and legible copies of the identity and employment authorization documentation presented by the employee for document examination in connection with the employment eligibility verification process.

Figure 7: Checkbox in Section 2 to Indicate Remote Documentation Examination

Additional Information
☒ Check here if you used an alternative procedure authorized by DHS to examine documents.

Continue to complete the Form I-9 according to Form I-9 instructions and related guidance on I-9 Central and in the M-274, Handbook for Employers.

5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances

On May 4, 2022, DHS published a temporary final rule (87 FR 26614) in the Federal Register increasing the extension period for employment authorization and/or Employment Authorization Document (EAD) for

applicants within certain employment eligible categories who have a pending Form I-765, Application for Employment Authorization, requesting a renewal of their employment authorization and/or EAD. This rule provides a temporary increases of the automatic extension period from up to 180 days to up to 540 days to qualifying EAD renewal applicants whose Forms I-797C, Notices of Action, have a “Received Date” on or before Oct. 26, 2023. Beginning Oct. 27, 2023, the automatic extension returns to 180 days for eligible applicants who timely file Form I-765 renewal applications. To determine the length of your employee’s automatic extension, see below.

If the I-797C “Received Date” is:	Then the extension is:
Oct. 26, 2023, or earlier	Up to 540 days
Oct. 27, 2023, or later	Up to 180 days

In general, employees with EADs that contain certain category codes are eligible for an automatic extension of

their employment authorization and/or EADs as described in the following scenarios. See Figure 8 for an example that shows how to locate the category code and expiration date on an employee’s EAD.

Figure 8: Finding the Category Code and Expiration Date on an EAD (Form I-766)

The eligibility category appears on the EAD under “Category.” The expiration date appears to the right of “Card Expires,” see Figure 8 below:

UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

SPECIMEN TEST 25 OCT 2002

Surname
SPECIMEN

Given Name
TEST V

USCIS#
123-456-789

Category Card#
A02 USC00000000002

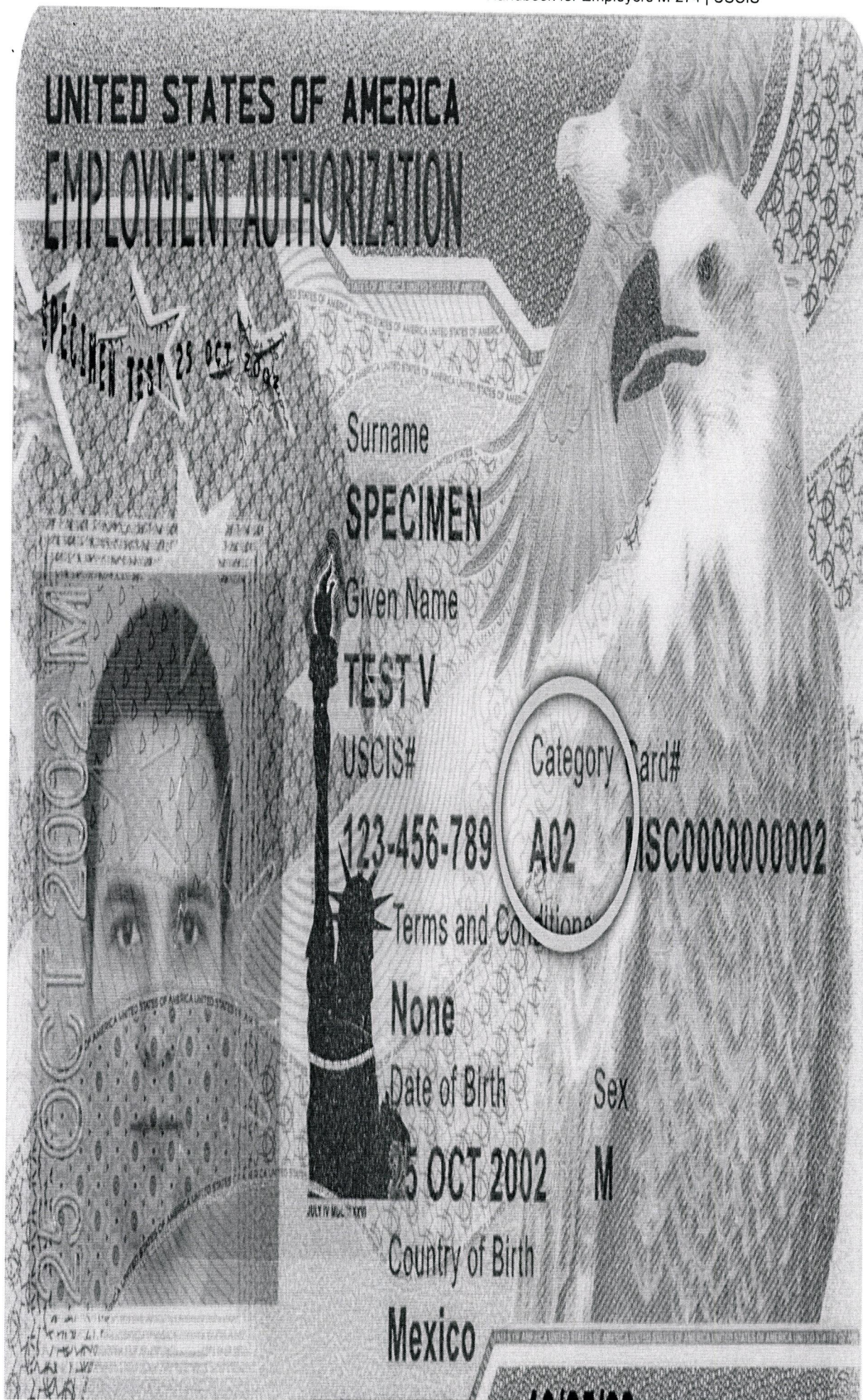
Terms and Conditions
None

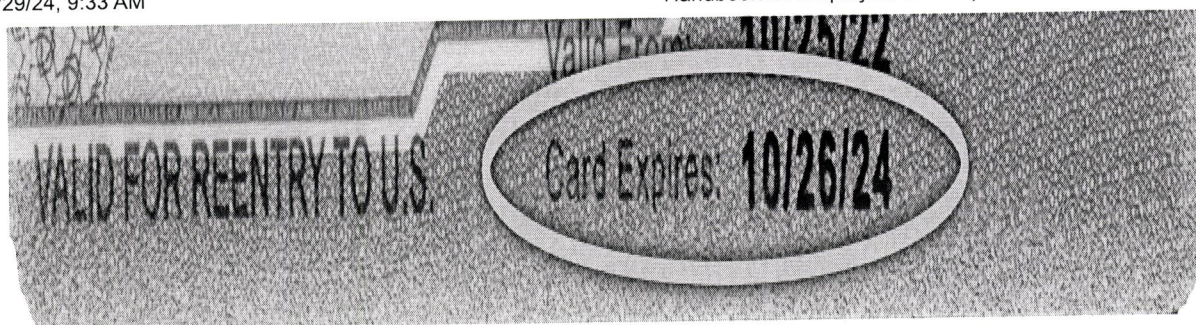
Date of Birth
25 OCT 2002

Sex
M

Country of Birth
Mexico

25 OCT 2002





5.1 Automatic Extensions Based on a Timely Filed Application to Renew Employment Authorization and/or Employment Authorization Document

Noncitizens in certain employment eligibility categories who file Form I-765, Application for Employment Authorization, to renew their employment authorization and/or EADs may receive automatic extensions of their employment authorization and/or EAD while their renewal applications remain pending. Those who file(d) their applications on or before Oct. 26, 2023, receive an extension of up to 540 days. Those who file their application after Oct. 26, 2023, receive an extension of up to 180 days. The extension begins on the date the EAD expires and generally continues for up to 540 days or up to 180 days as applicable, unless USCIS denies the renewal application. An automatic extension of employment authorization and/or EAD validity depends on these eligibility requirements:

- Employees must have properly filed an application to renew their employment authorization and/or EAD on Form I-765, Application for Employment Authorization, before the EAD expires (except certain employees with Temporary Protected Status (TPS)), and the Form I-765 renewal application remains pending.
- The eligibility category on the front of the employee's EAD must have the same eligibility category as on the employee's Form I-797C, Notice of Action issued for the corresponding EAD renewal application.
Exceptions:
 - In the case of an EAD and I-797C, Notice of Action, that each contains either an A12 or C19 TPS category code, the category codes do not have to match.
 - For H-4 (C26), E (A17) and L-2 (A18) dependent spouses, an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status, including E-1S, E-2S, E-3S and L-2S class of admission codes, must accompany Form I-797C.
- Employees must have one of these qualifying eligibility categories to receive an automatic extension of their employment authorization and/or EAD validity: A03, A05, A07, A08, A10, A17*, A18*, C08, C09, C10, C16, C20, C22, C24, C26*, C31, and A12 or C19. The eligibility categories are published on the USCIS Automatic EAD Extension page. Some category codes on the EAD may include the letter 'P' such as C09P. Employers should disregard the letter 'P' when comparing the category code on the EAD with the category code on the Form I-797C, Notice of Action. *There are limitations on employees who file a

Form I-765 renewal application within categories A17, A18, and C26 for an automatic extension. See A17, A18, and C26 guidance below.

If an employee is eligible for the automatic extension, acceptable proof of employment authorization and/or EAD validity during the automatic extension period includes: an EAD that appears expired on the face of the card presented with a Form I-797C, Notice of Action, that shows a timely filed EAD renewal application in the same employment eligibility category as the EAD. See Automatic EAD Extensions for Temporary Protected Status (TPS) Beneficiaries below for information on TPS-based EAD automatic extensions that may not require a Form I-797C, Notice of Action, and Guidance for Employees under Category Codes A17, A18, and C26 for information about the additional unexpired Form I-94 documentation that H-4, E, and L-2 dependent spouses need to present with a Form I-797C, Notice of Action.

Finding Information on Form I-797C: Sample A

I-797 RECEIPT NOTICE EXEMPLAR

①	RECEIPT NUMBER EAC-	CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION
②	RECEIVED DATE April 1, 2020	PRIORITY DATE APPLICANT A
	NOTICE DATE April 1, 2020	PAGE 1 of 1
	③ Notice Type: Receipt Notice Amount received: \$380.00 U.S. Class requested: A12	

The receipt number appears on Form I-797C, Notice of Action, in the Receipt Number field, as noted in number 1.

The filing date (the date USCIS received the application) appears in the Received Date field, as noted in number 2. Except as explained below for TPS beneficiaries, this date should be on or before the “Card Expires” date on the EAD. Also, if the “Received Date” is on or before Oct. 26, 2023, the automatic extension period is up to 540 days from the expiration date on the EAD. Certain TPS beneficiaries are eligible for this extension if they have timely and properly filed to renew their EAD as directed by the Federal Register Notice for their designated country. Therefore, the filing date on a TPS beneficiary’s Form I-797C might be after the “Card Expires” date on their TPS-based EAD. For more information, go to <https://www.uscis.gov/humanitarian/temporary-protected-status>.

If the “Received Date” is after Oct. 26, 2023, the automatic extension period is up to 180 days from the expiration date on the EAD.

The category may appear on Form I-797C in the Class Requested field, as noted in number 3. If you do not see this field, see Sample B below.

Finding Information on Form I-797C: Sample B

I-797 RECEIPT NOTICE EXEMPLAR

NOTICE TYPE Receipt		NOTICE DATE April 1, 2020
CASE TYPE I-765, Application for Employment Authorization		USCIS ALIEN NUMBER A
① RECEIPT NUMBER	② RECEIVED DATE April 1, 2020	PAGE 1 of 1
		DATE OF BIRTH
PAYMENT INFORMATION: Application/Petition Fee: \$410.00 Biometrics Fee: \$0.00 Total Amount Received: \$410.00 Total Balance Due: \$0.00  NAME AND MAILING ADDRESS		
③ Eligibility Category: C31		

The receipt number appears on Form I-797C in the Receipt Number field, as noted in number 1.

The filing date (the date USCIS received the application) appears in the Received Date field, as noted in number 2. This date should be on or before the “Card Expires” date on the EAD. The category may appear on Form I-797C in the Eligible Category field, as noted in number 3.

How to Complete Form I-9 for EADs Automatically Extended Based on a Pending Form I-765 Renewal Application

New Employees

New employees presenting an EAD that has been automatically extended must complete Section 1 as follows:

- Select “A noncitizen authorized to work until;” and
- Depending on the “Received Date” on Form I-797C, enter the appropriate date (either 540 days or 180 days from the “Card Expires” date on the EAD) as the expiration date of employment authorization. Employees whose status does not expire, such as refugees or asylees, should enter “N/A” as the expiration date.

In Section 2, in the List A column, the employer must:

- Enter “EAD” in the Document Title field.
- Enter the receipt number from Form I-797C, Notice of Action, in the Document Number field.
- In the Expiration Date field, enter the date 540 days from the “Card Expires” date on the EAD if the “Received Date” on Form I-797C is on or before Oct. 26, 2023 or enter the date 180 days from the “Card Expires” date on the EAD if the “Received Date” on Form I-797C is after Oct. 26, 2023.

For automatic extensions the employer should enter “EAD EXT” in the Additional Information field. Additionally, if your employee’s extension is for up to 540 days you may keep a copy of the USCIS webpage describing the temporary extension of up to 540 days with the employee’s Form I-9.

You may use the Employment Authorization Document (EAD) Automatic Extension Calculator to determine extended expiration dates.

Rehired Employees

For employees rehired within three years from the date you completed the employee’s previous Form I-9 and who qualify for this extension, you must complete Form I-9 following the process described above. If the employee’s original Form I-9 was completed on a Form I-9 that is no longer valid, you must either complete the latest version of Form I-9 or Supplement B, Reverification and Rehire, and attach it for this employee.

Current Employees

For a current employee whose employment authorization and/or EAD has been automatically extended and who presents a Form I-797C, Notice of Action, you must enter the appropriate automatic extension expiration date in the Section 2 Additional Information field.

If the I-797C “Received Date” is:	Then the extension is:	Employers should also enter “EAD EXT” in the Additional Information field and may keep a copy of the USCIS
Oct. 26, 2023, or earlier	Up to 540 days	
Oct. 27, 2023, or later	Up to 180 days	

webpage describing the temporary 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.

Guidance for Employees under Category Codes A17, A18, and C26

Employees with EADs with category codes A17, A18, and C26 require additional documentation supplementing the Form I-797C, Notice of Action, to show that the EAD has been automatically extended. These employees must present a Form I-94, Arrival/Departure record indicating unexpired nonimmigrant status (E-1, E-1S, E- 2, E-2S, E-3, E-3S, H-4, L-2 or L-2S), along with a Form I-797C, Notice of Action, that shows a timely-filed EAD renewal application stating the “Class requested” as “(A17),” “(A18),” or “(C26),” and the

EAD that appears expired on the face of the card as having been issued under the same category (that is, Category A17, A18, or C26).

For a new employee, in Section 2, in the List A column, the employer must:

- Enter “EAD” in the Document Title field.
- Enter the receipt number from Form I-797C, Notice of Action, in the Document Number field.
- In the Expiration Date field, enter the date that is 540 days from the “Card Expires” date on the EAD if the “Received Date” on Form I-797C is on or before Oct. 26, 2023, or the end date of the Form I-94, whichever is earlier. If the “Received Date” on Form I-797C is after Oct. 26, 2023, enter the date that is 180 days from the “Card Expires” date on the EAD or the end date of the Form I-94, whichever is earlier.
- Enter the Form I-94 document information in the second set of List A Document entry fields.

To calculate the new expiration date:

- Add 540 or 180 days to the EAD “Card Expires” date, whichever time period is applicable depending on the “Received Date” on Form I-797C.
- Compare the 540-day or 180-day auto-extended date to the Form I-94 end date.
- Whichever date is earlier is the new EAD expiration date.

The employer should enter “EAD EXT” in the Additional Information field in Section 2. If applicable, you may keep a copy of the USCIS webpage describing the temporary EAD extension of up to 540 days with the employee’s Form I-9. Employers must reverifiy employment authorization at the end of the automatic extension period.

Reverification

You must reverifiy employees’ employment authorization when their automatic extension of their employment authorization ends, and no later than the date their employment authorization expires. You can reverifiy temporary employment authorization before the automatic extension ends if an employee presents any acceptable, unexpired document that shows employment authorization, such as any acceptable document from List A or C.

5.2 Temporary Increase of Automatic Extension of EADs from 180 Days to 540 Days

(This guidance no longer applies to newly hired employees.) The temporary rule applied to individuals with a pending Form I-765 renewal application and employment authorization and/or an EAD who were eligible for the original 180-day automatic extension, and:

- The automatic extension lapsed prior to May 4, 2022. Such individuals received an automatic resumption of their employment authorization and/or EAD validity for an additional period beginning

from May 4, 2022, and up to 540 days from the expiration of their employment authorization or the “Card Expires” date on their current EAD.

- The “Card Expires” date on the EAD has passed but they were still covered under the automatic extension of up to 180 days. They had an additional extension of up to 360 days, for a total of up to 540 days past the expiration of their employment authorization and/or “Card Expires” date stated on their current EAD.
- Employment authorization and/or the EAD’s expiration date had not passed and their Form I-765 renewal applications remained pending. Such individuals received an automatic extension of employment authorization and/or EAD validity of up to 540 days if their employment authorization and/or the “Card Expires” date on their current EAD expired before the Form I-765 renewal application is adjudicated.
- The EAD renewal application was filed while the temporary automatic extension increase was applicable. Such employment authorization and/or EADs were automatically extended for up to 540 days if employment authorization and/or the “Card Expires” date on the EAD expired before the Form I-765 renewal application was adjudicated.

The criteria for receiving this increased automatic extension did change from the criteria applicable for an extension of up to 180 days. Qualifying individuals must:

- Have properly filed an application to renew their employment authorization and/or EAD on Form I-765, Application for Employment Authorization, before the EAD expired (except certain employees with Temporary Protected Status (TPS)), and the Form I-765 EAD renewal application remained pending.
- Have been issued a Form I-797C, Notice of Action, issued for the corresponding Form I-765 EAD renewal application, that stated an eligibility category that was the same as the eligibility category stated on the front of the EAD except:
 - In the case of an EAD and I-797C, Notice of Action, each may have contained either an A12 or C19 TPS category code; the category codes did not have to match.
 - For H-4 (C26), E (A17) and L-2 (A18) dependent spouses, whose Form I-797C must have been accompanied by an unexpired Form I-94 indicating H-4, E, or L-2 nonimmigrant status.
- Have been within one of these eligibility categories that qualified for the automatic extension: A03, A05, A07, A08, A10, A17*, A18*, C08, C09, C10, C16, C20, C22, C24, C26*, C31, and A12 or C19. The eligible categories were published on the USCIS Automatic EAD Extension page. Some category codes on the EAD may have included the letter ‘P’ such as C09P. Employers should have disregarded the letter ‘P’ when they compared the category code on the EAD with the category code on the Form I-797C, Notice of Action. *Only certain employees who filed a Form I-765 renewal application within categories A17, A18, and C26 were eligible for an automatic extension. See A17, A18, and C26 guidance below.

Employees who presented employers with a Form I-797C, Notice of Action, referring to an automatic EAD extension of up to 180 days were eligible for the extension of up to 540 days when the above eligibility requirements were met.

Updating Form I-9 for an Employee with An Existing 180-Day Automatic Extension

If your employee's Form I-9 was completed on or after May 4, 2022, showed an EAD that was automatically extended by 180 days, the employee was eligible to receive an additional extension of 360 days as provided in the temporary final rule (87 FR 26614), for a total of 540 days counted from the "Card Expires" date stated on the face of the EAD. Employees whose EAD Category Codes are A17, A18 and C26 may not necessarily receive the full 360-day extension, and this is explained below in the For Category Codes A17, A18, and C26 guidance.

You must have updated the Additional Information field in Section 2 of the employee's Form I-9 to include the new expiration date no later than the date the employee's 180-day automatic extension ended. Employers were not required to re-examine documents; however, your employee may have presented a Form I-797C, Notice of Action, EAD and, if applicable, Form I-94 again if you needed to re-examine the "Card Expires" date and the category code(s) to determine eligibility and/or accurately calculate the increased automatic extension.

Your employee's Form I-797C, Notice of Action, may have referred to an automatic EAD extension of up to 180 days and was acceptable evidence of the extension of up to 540 days, provided the above-described eligibility requirements are satisfied.

You should have updated the employee's original Form I-9 to add 360 days to the employee's EAD 180-day automatic extension date located in Section 2. You could have also determined the automatic extension date by adding 540 days to the "Card Expires" date shown on the EAD. Note that if the employee's original Form I-9 was completed on a Form I-9 version that was no longer valid, you should have entered the new EAD expiration date in the Additional Information field in Section 2 of a new Form I-9 and retained it with the employee's original Form I-9.

Employers may keep a copy of the USCIS webpage describing the temporary EAD extension of up to 540 days with the employee's Form I-9.

For Category Codes A17, A18, and C26

This guidance applied to employees who fell within category codes A17, A18, or C26 and therefore were either H-4, E, or L-2 dependent spouses, including E-1S, E-2S, E-3S and L-2S class of admission codes on Form I-94. Your employee's automatic extension period could not exceed the Form I-94 end date. Under this circumstance, your employee could have had an extension that was greater than 180 days but less than the additional 360 days.

Your employee's Form I-797C, Notice of Action, may have referred to an automatic EAD extension of up to 180 days but was acceptable evidence of the extension of up to 540 days, but could not exceed the Form I-94 end date, provided the above-described eligibility requirements were satisfied.

In the Additional Information field of Section 2, you should have entered either the Form I-94 end date or the EAD “Card Expires” date plus up to 360 days, whichever date was earlier. Note that if the employee’s original Form I-9 was completed on a Form I-9 version that is no longer valid, you should have entered the new expiration date in the Additional Information field in Section 2 of a new Form I-9, initialed and dated the notation, and retained it with the employee’s original Form I-9.

Employment Authorization Resumption for Certain Categories Whose 180-Day Extension Had Expired as of May 4, 2022

(This guidance no longer applies to newly hired employees.) At its inception, the temporary final rule sought to reinstate expired EADs for certain categories who had a 180-day automatic extension that had passed without having received a new EAD. Beginning May 4, 2022, employment eligibility and/or EAD validity resumed for a period not to exceed 540 days from the “Card Expires” date on the EAD for qualifying noncitizens with a pending renewal Form I-765, Application for Employment Authorization, who experienced a gap in employment authorization and/or the validity of their EAD because their 180-day automatic extension ended prior to May 4, 2022.

The rule did not cure any unauthorized employment that may have accrued prior to issuance of the rule. To calculate whether there was any automatic extension time remaining, employers counted 540 days from the expiration date stated on the front of the EAD. If an employee fell within category codes A17, A18, or C26 and therefore were either H-4, E, or L-2 dependent spouses, including E-1S, E-2S, E-3S and L-2S class of admission codes on Form I-94, employers counted up to either 540 days or the expiration date on Form I-94, whichever was earlier. The last possible automatic extension based on this resumption of employment authorization was valid through April 28, 2023.

Your employee’s Form I-797C, Notice of Action, may have referred to an automatic EAD extension of up to 180 days and when combined with their EAD, was acceptable evidence of the extension of up to 540 days, provided that the above-described eligibility requirements were satisfied.

Reverification

You should have reverified employees’ employment authorization when their automatic extension ended, and no later than the date their employment authorization expired.

5.3 Automatic EAD Extensions for Temporary Protected Status (TPS) Beneficiaries

DHS may extend the expiration date of a TPS beneficiary’s EAD either by Federal Register notice or an individual notice mailed to the beneficiary. Certain TPS beneficiaries are eligible for an EAD extension based on the timely and proper filing to renew their EAD (for more information, see Section 5.1 Automatic Extensions Based on a Timely Filed Application to Renew Employment Authorization and/or Employment

Authorization Document). You may not ask employees to prove they are nationals of a country that DHS has designated for TPS.

Automatic Extensions by Federal Register Notice (FRN)

FRNs announcing TPS actions generally include an automatic extension of the expiration date of all associated TPS EADs that contain a specific “Card Expires” date and a category code of A12 or C19. The FRNs provide detailed instructions for completing or updating Form I-9. For TPS EAD automatic extension information, check the USCIS TPS webpage.

How to Complete Form I-9 for EADs Extended by FRN

In Section 1, new employees presenting an EAD automatically extended by FRN must:

- Select “A noncitizen authorized to work;” and
- Enter the EAD automatic extension date provided in the appropriate FRN as the expiration date. Employees can find a link to their TPS country’s FRN on the USCIS TPS webpage.

In Section 2, in the List A column, the employer must:

- Enter “EAD” in the Document Title field.
- Enter the document number from the EAD with Category A12 or C19, as applicable.
- Enter the automatic extension date provided in the FRN as the document expiration date.

For a current employee whose EAD has been automatically extended by FRN, employers must provide updated information on Form I-9. They should enter “EAD EXT” and the EAD automatic extension date from the FRN in the Additional Information field in Section 2. For example, EAD EXT mm/dd/yyyy. If the employee’s original Form I-9 was completed on a Form I-9 version that is no longer valid, complete the latest version of Form I-9 as described above and retain it with the employee’s original Form I-9.

Automatic Extensions by Individual Notice

DHS may extend the EAD expiration date for some or all TPS beneficiaries of a certain country by issuing an individual notice that contains the new EAD expiration date. Check the USCIS TPS webpage for the latest information on TPS countries whose beneficiaries may have been issued individual notices.

New employees who are TPS beneficiaries may present the individual notice, along with their EAD with a Category Code of A12 or C19, to complete Form I-9. Employers should ensure the employee’s name and A-Number or USCIS Number on the EAD matches the name and A-Number or USCIS Number, provided in the individual notice.

How to Complete Form I-9 for EADs Extended by Individual Notices

In Section 1, new employees presenting an EAD automatically extended by an individual notice must:

- Select “A noncitizen authorized to work until;” and
- Enter the EAD automatic extension date provided in the individual notice as the expiration date.

In Section 2, in the List A column, the employer must:

- Enter EAD in the Document Title field.
- Enter the document number from the EAD with Category A12 or C19, as applicable.
- Enter the automatic extension date provided in the individual notice as the document expiration date.

For a current employee whose EAD has been automatically extended by individual notice, you must provide updated information on Form I-9. You should enter “EAD EXT” and the EAD automatic extension date from the individual notice in the Additional Information field in Section 2. For example, EAD EXT mm/dd/yyyy. Note that if the employee’s original Form I-9 was completed on a Form I-9 version 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.

Reverification

You must reverify employees’ employment authorization when their automatic extension ends, and no later than the date their employment authorization expires. You can reverify temporary employment authorization before the automatic extension ends if an employee presents any unexpired document that shows employment authorization, such as any acceptable document from List A or C.

6.0 Completing Supplement B, Reverification and Rehire of Form I-9

Reverification is never required for U.S. citizens or noncitizen nationals. Reverification is also never required when the following documents expire: U.S. passports, U.S. passport cards, Permanent Resident Cards (also known as Green Cards), and List B documents. Other noncitizens may require reverification

6.1 Reverifying Employment Authorization for Current Employees

You must reverify an employee’s employment authorization no later than the date employment authorization expires. The employee must present a document that shows current employment authorization, such as any documentation from List A or C, including an unrestricted Social Security card. You must reject a restricted Social Security card and ask the employee to provide a different document from List A or C. You can also accept certain receipts for reverification; see the Acceptable Receipts table in Section 4.4, Acceptable Receipts, for more information. You cannot continue employing a person who does not provide proof of current employment authorization.

When you must reverify an employee, you will complete one block of Supplement B, Reverification and Rehire (formerly Section 3) and attach it to the employee's original Form I-9. You may use additional blocks on this supplement for subsequent reverifications or updates, attaching additional supplement sheets as needed. If the employee's previous update or reverification was completed on a Form I-9 version that is no longer valid, you must also complete Supplement B, Reverification and Rehire and attach it to the employee's original Form I-9. Please check uscis.gov/i-9 for the current Form I-9.

To reverify your employee using Supplement B, Reverification and Rehire:

- Enter the employee's full name from the original Form I-9 at the top of the supplement.
- If the employee's name has changed, enter the new name in the appropriate New Name fields in one block of the supplement. Enter only the part of the name that has changed. For example, for employees who changed only their last name, enter the last name in the Last Name field and leave the First Name and Middle initial fields blank.
- Enter the document title, number and expiration date in that block of the supplement.
- You must sign, date and enter your name in the appropriate fields in that block. Keep this supplement page with the original Form I-9.

Some employees may have entered N/A in the expiration date field in Section 1 if they are noncitizens whose employment authorization does not expire, such as asylees, refugees, or certain citizens of the Federated State of Micronesia, the Republic of the Marshall Islands, or Palau. Reverification does not apply for such individuals unless they choose to present evidence of employment authorization in Section 2 that contains an expiration date and requires reverification, such as Form I-766, Employment Authorization Document. Employees with expiring immigration status, employment authorization, or employment authorization documents should have the necessary application or petition filed well in advance to ensure they maintain continuous employment authorization and/or valid documents. USCIS provides employment authorization extensions under certain conditions. See Section 7.0, Evidence of Employment Authorization for Certain Categories, for more information.

6.2 Reverifying or Updating Employment Authorization for Rehired Employees

If you rehire employees within three years from the date you completed their previous Form I-9, you may complete a block on Supplement B, Reverification and Rehire, or you instead complete a new Form I-9.

Figure 9: Completing Supplement B, Reverification and Rehires

Last Name (Family Name) from Section 1. Pei	First Name (Given Name) from Section 1. leoh	Middle initial (if any) from Section 1. M
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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)	New Name (if applicable)		
Date (mm/dd/yyyy) 01/10/2023	Last Name (Family Name) Pei	First Name (Given Name) I.M.	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 EAD	Document Number (if any) 123456789	Expiration Date (if any) (mm/dd/yyyy) 03/10/2023
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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 Smithsonian Institution	Signature of Employer or Authorized Representative John David	Today's Date (mm/dd/yyyy) 01/10/2023
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Additional Information (Initial and date each notation.)

Check here if you used an
☒ alternative procedure authorized
by DHS to examine documents.

Date of Rehire (if applicable)	New Name (if applicable)		
Date (mm/dd/yyyy)	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 Permanent Resident Card	Document Number (if any) 123456789	Expiration Date (if any) (mm/dd/yyyy) 11/11/2020
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Permanent Resident Card		123456789	11/11/2030
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 Smithsonian Institution		Signature of Employer or Authorized Representative John David	Today's Date (mm/dd/yyyy) 03/11/2023
Additional Information (Initial and date each notation.)			☒ Check here if you used an alternative procedure authorized by DHS to examine documents.

If completing a Supplement B block for a rehired employee, follow these guidelines:

- If they are still authorized to work, they do not need to provide any additional documents. This includes U.S. citizens, noncitizen nationals, and lawful permanent residents who presented a Form I-551. For these employees, you must:
 - Enter the employee's full name from the original Form I-9 at the top of the supplement. Enter any name change in the New Name fields. Enter only the part of the name that has changed. For example, for employees who changed only their last name, enter the last name in the Last Name field and leave the First Name and Middle Initial fields blank.
 - Enter their rehire date in the Date of Rehire field.
 - Enter your name and sign and date the supplement block.
- If their employment authorization has expired, you must:
 - Enter the employee's full name from the original Form I-9 at the top of the supplement.
 - Enter any name change in the New Name fields.
 - Enter the rehire date in the Date of Rehire field.
 - Reverify their employment authorization in the Expiration Date fields.
 - Enter your name and sign and date the supplement block.
- If the previous Form I-9 is an old version of the form, you must complete a new block in Supplement B on the current version of the form. Please check uscis.gov/i-9 for the current Form I-9.
- If you already used a block in Supplement B of the employee's previous Form I-9, but are rehiring them within three years of the date the original Form I-9 was completed, complete a subsequent block on the supplement. Employees rehired three years after you originally completed their Form I-9 must complete a new Form I-9.
- Enter the employee's new name, if applicable.
- Enter the employee's date of rehire, if applicable
- Enter the List A or C document title, number, and expiration date (if any)
- Sign and date the block of the supplement you completed.

Note: *If you need to reverify the employment authorization of an existing employee who completed an earlier version of Form I-9, the employee may choose any List A or C document(s) from the Lists of Acceptable Documents for the most current version of Form I-9. Enter the information from the new document(s) in Supplement B, Reverification and Rehire of the current version of Form I-9 and keep it with the previously completed Form I-9. Visit uscis.gov/i-9 for the most current version of Form I-9.*

6.3 Recording Changes of Name and Other Identity Information for Current Employees

During reverification or rehire, if an employee has had a legal name change (such as by getting married), you must enter their new legal name in the New Name fields of a block of Supplement B, Reverification and Rehire, as described in Sections 6.1 and 6.2. If they legally changed their name at any other time, we recommend you update the New Name fields in a subsequent block on the original supplement page or a new supplement page as needed, as soon as you learn of the change, so that you maintain correct information on the form.

To enter a legal name change in Supplement B, Reverification and Rehire without reverification or rehire:

- Enter the employee's new name in the New Name fields.
- Enter your name and sign and date the block you completed on Supplement B, Reverification and Rehire.

In either situation, you should take steps to ensure the employee's name change is accurate. This may include asking them to provide legal documentation showing the name change, such as a marriage certificate. Make a copy of that document to keep with Form I-9 in the event of an inspection.

You may encounter situations other than a legal name change where an employee informs you (or you have reason to believe) that their identity is different from what they used to complete their Form I-9. For example, an employee may have been working under a false identity, has subsequently obtained work authorization in their true identity, and wishes to regularize their employment records. In that case, you should complete a new Form I-9. Write the original hire date in Section 2 and attach the new Form I-9 to the previously completed Form I-9 and include a written explanation.

In cases where an employee has worked for you using a false identity but demonstrates current authorization to work in the United States, Form I-9 rules do not require termination of employment.

In addition, there may be other laws, contractual obligations, or company policies that you should consider before taking action. For example, the INA prohibits discrimination based on citizenship, immigration status, and national origin. See Section 11.0, Unlawful Discrimination and Penalties for Prohibited Practices, for more information.

For E-Verify employers:

- Your employees should record their legal name change with the SSA to avoid mismatches in E-Verify. For more information, visit www.e-verify.gov.
- If you complete a new Form I-9 based on a non-legal name change, you should confirm the new Form I-9 information through E-Verify. If you do not complete a new Form I-9, you should not create a new E-Verify case.
- Federal contractors who are subject to the Federal Acquisition Regulation (FAR) E-Verify clause and who choose to verify existing employees by updating an already-completed Form I-9 are subject to special rules regarding when they must complete a new Form I-9. If you choose to update Form I-9 for existing employees, you must complete a new Form I-9 when an employee changes their name. For more information, see the E-Verify Supplemental Guide for Federal Contractors, at e-verify.gov.

7.0 Evidence of Employment Authorization for Certain Categories

This section includes multiple subsections that provide guidance on the evidence of employment authorization that certain categories of immigrants and non-immigrants can present when completing Form I-9, including lawful permanent residents, Native Americans, refugees and asylees, exchange visitors and students, H-1B and H-2A workers, extensions of stay for other nonimmigrant categories, T and U nonimmigrants, and other temporary workers.

7.1 Lawful Permanent Residents (LPR)

You must allow employees to choose which document(s) they will present from the Lists of Acceptable Documents. In Section 2, an LPR may choose to present a List A document (such as Form I-551, Permanent Resident Card, commonly referred to as a Green Card) or a List B and C document combination (such as a state-issued driver's license and unrestricted Social Security card). You are not required to reverify the employment eligibility of a lawful permanent resident who presented these documents and you should not reverify their employment authorization.

Forms I-551 may have:

- No expiration date. We issued these cards from January 1977 to August 1989.
- A 10-year expiration date.
- A two-year expiration date.

LPRs may also present an expired or expiring PRC in combination with either of these receipt notices as a List A document:

- Form I-797, Notice of Action, receipt notice for Form I-90, Application to Replace Permanent Resident Card.

- Form I-797C, Notice of Action, receipt notice for Form N-400, Application for Naturalization, that contains an automatic extension of the Permanent Resident Card.

The receipt notice extends the Permanent Resident Card's validity beyond the date on the front of the card. The receipt notice will specify the length of the automatic extension.

Reverification is never required when any of the documents listed above in this section expire.

Temporary Form I-551 Requires Reverification

If an LPR or conditional resident presents one of the temporary Forms I-551 listed below, you must reverify their employment authorization using Supplement B, Reverification and Rehire:

- **List A receipt:** The arrival portion of Form I-94, Arrival/Departure Record, containing an unexpired temporary I-551 (ADIT) stamp and a photograph of the employee. The employee must present their Form I-551 to you no later than when the stamp expires, or one year after U.S. Customs and Border Protection issues the Form I-94 if the stamp does not contain an expiration date.
- **List A document:** A foreign passport with either a temporary I-551 (ADIT) stamp or I-551 printed notation on a machine-readable immigrant visa (MRIV). The employee must present a List A or List C document to you when the stamp expires, or one year after the admission date if the stamp does not contain an expiration date.
 - **Most MRIVs contain the following language on the visa:** "UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR." The one-year time period begins on the date of admission. If the employee receives an MRIV without the statement "FOR 1 YEAR," you should treat the MRIV as evidence of permanent residence status for one year from the date of admission.
 - If the stamp in the passport is endorsed "CR-1" and is near but not on the MRIV, it is still a valid endorsement.
 - Enter the number in red font under the MRIV "Expires On" date as the document number.
- **List C document:** An expired PRC with a Form I-797, Notice of Action, receipt notice for either a Form I-751, Petition to Remove Conditions or a Form I-829, Petition by Investor to Remove Conditions on Permanent Resident Status, that indicates USCIS has extended the card's validity. You must reverify the employee's employment authorization before their extension ends.

7.2 Native Americans

Native Americans may present a List A document or List B and C document for Form I-9.

A Native American tribal document is an official tribal or community membership document issued by a Native American Indian tribe, or an Alaska Eskimo or Aleut community, that is recognized by the U.S. federal government. A tribal or community membership document that is issued by a tribe or community that is not

recognized by the U.S. federal government is not an acceptable Native American tribal document for Form I-9 purposes. Because federal recognition of tribes and communities can change over time, you should check the Department of Interior’s Bureau of Indian Affairs website to determine if the tribe or community that issued the tribal or community membership document is federally recognized. Use the following guidance to determine if the document is acceptable as evidence of both identity and employment authorization, or only for identity purposes.

Table 3 Native American Tribal Documents

If your employee presents a Native American tribal document and in Section 1 selects:	The document is acceptable as:
Citizen of the United States	List B and List C
Lawful permanent resident	List B and List C
Noncitizen authorized to work	List B only

The following documents are not considered Native American tribal documents for Form I-9 purposes and are not acceptable as a List A, List B or List C document:

- A tribal membership document issued by a Canadian First Nation; and
- A Certificate of Indian Status (commonly referred to as an "INAC card") issued by Indigenous and Northern Affairs Canada.

While individuals who have these documents might qualify for employment authorization under INA section 289 (and, if applicable, 8 CFR 289.2), a tribal membership card issued by a Canadian First Nation, or INAC card issued by the Government of Canada cannot, by itself, establish employment authorization.

If you participate in E-Verify, all List B documents presented by employees, including Native American tribal documents, must contain a photograph. This includes Native American tribal documents presented as a List B document. If the employee's Native American tribal document does not contain a photograph, you should request the employee provide a different List B document with a photograph. The Native American tribal document may be acceptable as the employee's List C document, see table above. Your employee may also choose to provide a List A document instead of a List B and List C document.

7.3 Refugees and Asylees

Refugees and asylees are employment eligible incident to their status and are authorized to work indefinitely because their immigration status does not expire. They may present any List A document or a combination of List B and List C documents from the Form I-9 Lists of Acceptable Documents to demonstrate identity and employment authorization. Employees may also present an acceptable receipt instead of the List A, B or C document. For more information about receipts, including the receipts refugees and asylees may present, see the information below in this section or Section 4.4, Acceptable Receipts.

Refugees

Upon admission to the United States, DHS provides refugees with a Form I-94, Arrival/Departure Record, which does not expire.

When completing Form I-9, refugees should check “A noncitizen authorized to work” and enter “N/A” on the Expiration Date field in Section 1, even if they have an EAD with an expiration date.

The departure portion that contains an unexpired refugee admission stamp or an electronic Form I-94 with an admission class of “RE” is an acceptable receipt establishing both employment authorization and identity for 90 days. If the refugee presents this receipt, at the end of the 90-day receipt period, the refugee must present either an EAD or a document from List B, such as a state-issued driver’s license, with a document from List C, such as an unrestricted Social Security card.

Refugees may also present an expired EAD with a Form I-797C, Notice of Action, if the notice lists the same employment authorization category as the expired EAD. This combination is considered an unexpired List A document and is valid for up to 540 days after the “Card Expires” date on the EAD. For more information, see Section 5.0, Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances.

Table 4: Documentation Refugees May Present

This table provides examples of documentation refugees may present to complete Form I-9 and whether the reverification of employment authorization is required.

Document	Additional Guidance	Is Reverification Required?
Form I-766, Employment Authorization Document (EAD) (List A)	Yes, employee may present a List A or List C document or receipt for reverification.	
Form I-766, Employment Authorization Document (EAD) that appears expired on the face of the card with a Form I-797C issued for a Form I-765 renewal application (List A)	Section 5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances for eligibility requirements and extension period.	Yes, employee may present a List A or List C document or receipt for reverification.

Document	Additional Guidance	Is Reverification Required?
Form I-94 with: - An unexpired refugee admission stamp; or - An admission class of "RE" (List A receipt) Note: Form I-94 does not expire.	No passport is needed. While the I-94 does not expire, this document is an acceptable receipt that is valid for 90 days. At the end of the 90-day receipt period, the employee must present an unexpired Form I-766, Employment Authorization Document (EAD) or a valid List B document and an unrestricted Social Security card.	If the employee presents an EAD at the end of the receipt period, you must reverify the employee's employment authorization when that EAD expires. If the employee presents an unrestricted Social Security card and List B document, you may not reverify this employee's employment authorization.
Receipt for a lost, stolen or damaged Form I-766, Employment Authorization Document (EAD) (List A)	Acceptable receipt for 90 days. At the end of the receipt period the employee should show the replacement document. Alternatively, you may accept other Form I-9 documentation from the Lists of Acceptable Documents.	If the employee presents an EAD at the end of the receipt period, you must reverify the employee's employment authorization when that EAD expires. If the employee presents an unrestricted Social Security card and List B document, you may not reverify this employee's employment authorization.
Form I-571, Refugee Travel Document (List C)	Can be presented with any List B identity Document	Yes, employee may present a List A or List C document or a receipt for reverification.

Asylees

After being granted asylum in the United States, DHS issues a Form I-94, Arrival/Departure Record, to asylees. Form I-94 will contain a stamp or notation, such as “asylum granted indefinitely” or the appropriate provision of law (8 CFR 274a.12(a)(5) or INA 208) to show their employment authorization. The asylee does not need to present a foreign passport with this Form I-94. An asylee can also present an electronic Form I-94 with an admission class of “AY.” Form I-94 is an acceptable List C document and does not expire or require reverification. Asylees who choose to present this document must also present a List B identity document, such as a state-issued driver’s license or identification card.

When completing Form I-9, asylees should indicate “a noncitizen authorized to work” and enter “N/A” on the expiration date line in Section 1, even if they have an EAD with an expiration date.

USCIS issues EADs to asylees. These are acceptable List A documents; however, decisions from immigration judges or the Board of Immigration Appeals granting asylum are not acceptable List C documents because they are not issued by DHS.

Table 5: Documentation Asylees May Present

This table provides examples of documentation asylees may present to complete Form I-9 and whether reverification of employment authorization is required.

Document	Additional Guidance	Is Reverification Required?
Unexpired Form I-766, Employment Authorization Document (EAD) (List A)	Yes, employee may present a List A or List C document or receipt for reverification.	
Form I-766, Employment Authorization Document (EAD) that appears expired on the face of the card with a Form I-797C issued for a Form I-765 renewal application (List A)	See Section 5.0 Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs) in Certain Circumstances for eligibility requirements and extension period.	Yes, employee may present a List A or List C document or receipt for reverification.
Receipt for a lost, stolen or damaged Form I-766, Employment Authorization Document (EAD) (List A)	Acceptable receipt for 90 days. At the end of the receipt period, the employee should show the replacement document. Alternatively, you may accept other Form I-9 documentation from the Lists of Acceptable Documents.	If the employee presents an EAD at the end of the receipt period, you must reverify the employee’s employment authorization when that EAD expires. If the employee presents an unrestricted Social Security

Document	Additional Guidance	Is Reverification Required?
		card and List B document, you may not reverify this employee's employment authorization.
Form I-94 (List C) that contains either: • Admission class of "AY"; or • Stamp or notation, such as "asylum granted indefinitely" or the appropriate provision of law (8 CFR 274a.12(a)(5) or INA 208)	No passport is needed. Can be presented with any List B identity Document Note: Form I-94 does not expire.	

7.4 Exchange Visitors and Students

Each year, thousands of exchange visitors, international students, and their dependents come to the United States to study and work.

7.4.1 Exchange Visitors (J-1)

Exchange visitors may work in the United States if the work is part of the participants' approved program (for example, J-1 teachers, professors, summer camp counselors, summer work travel, au pairs) or when the official program sponsor approves their employment (for example, J-1 students). Employers may not employ a J-1 participant knowing that the exchange visitor is performing work outside of their approved program.

The Department of State (DOS) administers exchange visitor programs and designates the sponsors. Program sponsors issue Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status to participants. Exchange visitors come to the United States for a specific period of time to participate in a particular program or activity, as described on their Form DS-2019. Only J-1 exchange visitors with employment authorized under the terms of their program may use Form DS-2019 as documentation when completing Form I-9.

Currently, DOS designates public and private entities to act as exchange sponsors for the following programs.

Exchange Visitor Programs

- Professors and research scholar
- Short-term scholars
- Trainees and interns
- College and university students
- Teachers
- Secondary school students
- Specialists
- Physicians
- International visitors
- Government visitors
- Camp counselors
- Au pairs
- Summer work travel

Memorandum of Understanding (MOU) Programs

- Summer work/travel: Australia and New Zealand
- WEST (Work/English Study/Travel): South Korea
- Intern work/travel: Republic of Ireland
- Intern/trainee (Innovative Programs): Portugal
- Intern program (Sciences, engineering, architecture, mathematics, and industrial occupations) Mexico

High school or secondary school students and international visitors are not authorized to work.

Responsible officers may authorize other J-1 students for part-time on-campus employment according to the terms of a scholarship, fellowship, assistantship, or off-campus employment based on serious, urgent, or unforeseen economic circumstances. Responsible officers may also authorize J-1 students for a maximum of 18 months (or, for Ph.D. students, a maximum of 36 months) of practical training during or immediately after their studies. J-1 practical training includes paid off-campus employment and/or unpaid internships that are part of the student's program of study. Their responsible officer must authorize employment in writing for practical training. Special rules apply to student interns.

Employment for other J-1 exchange visitors is sometimes job- and site-specific or limited to a few months.

For more information about these categories and their employment authorization, contact the responsible officer whose name and telephone number are on the employee's Form DS-2019 or go to the DOS website at j1visa.state.gov.

DHS issues exchange visitors Forms I-94 indicating J-1 nonimmigrant status. DOS-designated program sponsors issue Form DS-2019 endorsed by a responsible officer, which indicates the type of work an exchange visitor is authorized to perform. For J-1 students, the responsible officer prepares additional informal documentation (a letter) that verifies employment authorization.

The J-1 exchange visitor must enter the DS-2019 Program End Date in Section 1 as the date employment authorization expires. A J-1 student must enter in Section 1 the end date from their responsible officer letter authorizing employment or the program end date on the DS-2019 if issued for academic training.

In Section 2, you may enter:

- A List A document, including the combination of: A foreign passport;
- Form I-94 indicating J-1 nonimmigrant status; and
- Form DS-2019 with the responsible officer's endorsement.
 - Enter the Student and Exchange Visitor Information System (SEVIS) number as the document number and the program end date as the document expiration date.
- A J-1 student must also provide a letter from the responsible officer. Enter the document information in the Additional Information field.

or

List B and C documents:

- For example, a state driver's license (List B) and a Form I-94 indicating J-1 nonimmigrant status with a properly endorsed Form DS-2019 (List C #7).
 - Enter the SEVIS number as the document number and the program end date as the expiration date.
- A J-1 student must also provide a letter from the responsible officer. Enter the information in the Additional Information field.

If the J-1 exchange visitor transfers to a different program or changes their sponsor, their Form DS-2019 must indicate the new program or sponsor.

Some exchange visitors may extend their status. If you have questions about any exchange visitor's continued employment authorization, contact the responsible officer whose name and telephone number are listed on the employee's Form DS-2019.

Dependents of a J-1 exchange visitor are classified as J-2 nonimmigrants and are only authorized to work if USCIS issued an EAD to them. A J-2 nonimmigrant's foreign passport and Form I-94 are not evidence of identity and employment authorization for Form I-9 purposes.

7.4.2 F-1 and M-1 Nonimmigrant Students

Foreign students pursuing academic studies and/or language training programs are classified as F-1 nonimmigrants, while foreign students pursuing nonacademic or vocational studies are classified as M-1 nonimmigrants. Designated school officials (DSO) at certified schools issue Form I-20, Certificate of Eligibility for Nonimmigrant (F-1)/(M-1) Students. Foreign academic or vocational students may work in the United

complete certain steps to remotely examine Form I-9 documents. For more information, please see Section 4.0: Completing Section 2 of Form I-9, I-9 Central and E-Verify.gov

2.0 Who Must Complete Form I-9

You must complete Form I-9 each time you hire any person to perform labor or services in the United States in return for wages or other remuneration. Remuneration is anything of value given in exchange for labor or services, including food and lodging. The requirement to complete Form I-9 applies to new employees hired in the United States after Nov. 6, 1986, as well as new employees hired in the Commonwealth of the Northern Mariana Islands (CNMI) on or after Nov. 28, 2009.

Ensure the employee receives the instructions electronically or in print and completes Section 1 of Form I-9 at the time of hire. "Hire" means the beginning of employment in exchange for wages or other remuneration. The time of hire is noted on the form as the first day of employment. Employees may complete Section 1 before the time of hire, but not before the employer extends the job offer and the employee accepts it. You may review the employee's document(s) and fully complete Section 2 at any time from the date the employee accepts the job offer and completes Section 1 to within three business days from the date of hire. For example, if the employee begins employment on Monday, you must complete Section 2 by Thursday.

You may designate, hire, or contract with any person you choose to complete, update or make corrections to Section 2 or Supplement B, Reverification and Rehire, on your behalf, such as a member of the general public, personnel officers, foremen, agents, or notaries public. This person is known as your authorized representative. The authorized representative must perform all the employer duties described in the instructions and this handbook, and complete, sign and date Section 2 or Supplement B, Reverification and Rehire, on your behalf. You are liable for any violations in connection with the form or the verification process, including any violations committed by the authorized representative acting on your behalf.

USCIS does not require you to have a contract or other specific agreement with your authorized representative for Form I-9 purposes. If the employer chooses to use a notary public as an authorized representative, that person is not acting in the capacity of a notary. This person must perform the same required actions as an authorized representative, including signatures. When acting as an authorized representative, a notary public should not provide a notary seal on Form I-9.

Employees cannot act as authorized representatives for their own Form I-9. Therefore, employees cannot complete, update, or make corrections to Section 2 or Supplement B, Reverification and Rehire for themselves or attest to the authenticity of the documentation they present.

If an employee will work for less than three business days, Sections 1 and 2 must be fully completed at the time of hire (in other words, by the first day of employment).

Do not complete Form I-9 for employees who are:

- Hired on or before Nov. 6, 1986 (or on or before Nov. 27, 2009, in the CNMI), continuing in their employment, and have a reasonable expectation of employment at all times;
- Employed for casual domestic work in a private home on a sporadic, irregular, or intermittent basis;
- Independent contractors;
- Employed by a contractor providing contract services (such as employee leasing or temporary agencies) and are providing labor to you; or
- Not physically working on U.S. soil.

If you are self-employed, you do not need to complete Form I-9 on your own behalf unless you are an employee of a separate business entity, such as a corporation or partnership. In that case, you and any other employees must complete Form I-9.

Note: You cannot hire an individual who you know is not authorized to work in the United States.

3.0 Completing Section 1: Employee Information and Attestation

Have the employee complete Section 1 at the time of hire (by the first day the employee starts work for pay or other remuneration) by entering the correct information and signing and dating the form. If the employee enters the information by hand, ensure the employee prints clearly.

A preparer and/or translator may help the employee complete Section 1. Employers must review the information and ensure employees (and their preparer/translators, if applicable) fully and properly completed Section 1.

Figure 1a: Completing Section 1: Employee Information and Attestation

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) Ride		First Name (Given Name) Sally		Middle Initial (if any) K	Other Last Names Used (if any)
Address (Street Number and Name) 7555 Draper Ave.		Apt. Number (if any)	City or Town La Jolla		State CA ZIP Code 92037
Date of Birth (mm/dd/yyyy) 05/26/1951	U.S. Social Security Number 1 2 3 4 5 6 7 8 9		Employee's Email Address sallyride@email.com		Employee's Telephone Number (555) 555-5555
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.):			
		☒ 1. A citizen of the United States			
		☐ 2. A noncitizen national of the United States (See instructions.)			
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)			
		☐ 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 <i>Sally Ride</i>		Today's Date (mm/dd/yyyy) 01/10/2023			
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.					

Employees must enter their current legal name and other last names that they have used in the past or present (such as a maiden name), if any.

- Employees with two last names (family names) must include both names in the Last Name field.
- Employees with only one name should enter it in the Last Name field and enter “Unknown” in the First Name field.
- Employees with two first names (given names) should include both in the First Name field.
- Employees whose first or last name includes a hyphen or apostrophe should include it.
 - Examples of correctly entered last names include De La Cruz, O’Neill, Garcia Lopez, and Smith-Johnson.
 - Examples of correctly entered first names include Mary Jo, John-Paul, Tae Young, and D’Shaun.
- Employees must enter their middle initial in the Middle Initial field. Employees who do not have a middle initial may leave this field blank.
- Employees must enter their maiden name or any other legal last name they may have used in the Other Last Names Used field. Employees who have not used other last names may leave this field blank.

Employees must enter their current address, apartment number (if any), city or town, state and ZIP code. If the residence is not located in a city or town, enter the village, county, township, reservation, etc. in the City or Town Field. Employees who do not have a street address should enter a description of the location of their residence, such as “Two miles south of I-81, near the water tower.” Employees who have no apartment number may leave this field blank. Border commuters from Canada or Mexico may enter their city; province or state; postal code; and their country abbreviation.

Employees must enter their date of birth as a two-digit month, two-digit day, and four-digit year (mm/dd/yyyy) in this field. For example, Jan. 8, 1980, should be entered as 01/08/1980.

Employees may voluntarily provide their Social Security number or leave this field blank. However, if you are enrolled in E-Verify, your employees must provide their Social Security number.

Employees who have not yet received their Social Security number and who can satisfy all other Form I-9 requirements may work while awaiting their Social Security number. Have them enter their Social Security number in Section 1 as soon as they receive it.

You cannot ask employees to provide a specific document with their Social Security number on it. To do so may constitute unlawful discrimination. For more information on E-Verify, see Section 1.2, E-Verify: The Web-Based Verification Companion to Form I-9. For more information on unlawful discrimination, see Section 11.0, Unlawful Discrimination and Penalties for Prohibited Practices.

Employees are not required to provide an email address or telephone number in Section 1. If they do not wish to enter an e-mail address or telephone number, they may leave these fields blank.

Employees must read the warning about penalties under federal law and attest to their citizenship or immigration status by checking one of the following boxes on the form:

1. **A citizen of the United States.**
2. **A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
3. **A lawful permanent resident:** This specific immigration status describes an individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. This term includes conditional residents, who should select this status. Employees who select this box should enter their seven- to nine-digit Alien Registration Number (A-Number) or USCIS Number in the space provided. The USCIS Number is the same as the A-Number without the “A” prefix. Asylees and refugees should NOT select this status, but should instead select “A noncitizen authorized to work.”
4. **A noncitizen (other than Item Numbers 2 or 3 above) authorized to work:** An individual who is permitted to work in the United States, but is not a citizen or national of the United States, or a lawful permanent resident. For example, asylees, refugees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau should select this status. Employees who select box 4 must also enter the date their employment authorization expires. If it does not expire, the employee should enter N/A. If the employee’s employment authorization has been automatically extended, they should enter the expiration date of the automatic extension. Employees must also enter one of the following: Alien Registration Number (A-Number)/USCIS Number; Form I-94 Admission Number; or Foreign Passport Number and the Country of Issuance.

Employees must sign and date the form. Employees who cannot sign their name may place a mark in this field to indicate their signature.

If the employee uses a preparer and/or translator to help them complete and/or translate the form, each preparer and/or translator must complete a separate Preparer and/or Translator Certification block in Supplement A, Preparer and/or Translator Certification for Section 1.

Figure 1b: Completing Supplement A: Preparer and/or Translator Certification for Section 1