

## Employees must provide proper documentation to work in U.S.

All U.S. employers are responsible for filling out and retaining an I-9 Employment Eligibility Verification form for each person hired for employment in the United States after November 6, 1986. The employer must verify the employment eligibility and identity documents presented by the employee and record the document information on the I-9 form. The form is available online at <http://uscis.gov/graphics/formsfee/forms/files/i-9.pdf>

Most of the acceptable identity documents are listed on page 3 of the I-9 form. However, the I-9 form was created in 1991 and is currently out of date. The following documents are no longer acceptable forms of identification:

- Certificate of U.S. Citizenship (List A #2)
- Certificate of Naturalization (List A #3)
- Alien Registration Receipt Card (Form I-151) (List A #5)
- Unexpired Reentry Permit (List A #8)
- Unexpired Refugee Travel Document (List A #9)

Furthermore, the Employment Authorization Document (Form I-766), which is not listed on the form, is an acceptable List A document.

The I-9 form is not filed with the government. Instead, the employer must retain it for either three years after the date of hire or for one year after employment is terminated, whichever is later. The form must be available for inspection by authorized U.S. government officials within three days of an official request for inspection.

According to the U.S. Citizenship and Immigration Services, employers can fire an employee who fails to produce the required documentation, or a receipt for a replacement document, within three business days of the date employment begins. If an employee presents a receipt for a replacement document, he or she must

produce the actual document within 90 days of the date employment begins.

Counties should take care to maintain accurate I-9 forms. Penalties for poor documentation can cost an employer \$1,000 per worker, and knowingly hiring an illegal alien can cost \$10,000 per worker. Also, improper requests for information can lead to claims of discrimination. CTSI suggests the following tips to avoid penalties and potential discrimination claims:

- Create a consistent procedure for completing I-9 forms and educate your managers about your procedure.
- Do not ask an applicant to complete an I-9 form before extending a job offer. You may, however, ask applicants if they have the documentation necessary to work in the U.S.
- Require all new hires to complete and sign Section 1 of the I-9 form on their first day of work. Employers should not allow new hires to start working until proper documentation is provided.
- Verify each new hire's documents to make sure they are on the list of acceptable documents. Make copies of all I-9 documents provided.
- Create a separate filing system to store all I-9 documentation. Keep I-9 documents separate from employees' personnel files. Retain I-9 documentation for the required length of time.
- Create a reminder file listing expiration dates for those I-9 documents that limit the length of time employees are authorized to work (like green cards). Request new documentation when documents expire.
- Do not consider the expiration date of I-9 documents when making hiring and firing decisions.

For more information, contact CTSI at 303-861-0507.

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