

Quick Reference Desk Aid for Form I-9

The following information is provided as a quick reference for completing Form I-9. (For more comprehensive instructions, see the *Handbook for Employers* at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.)

- When processing temporary H-2A and H-2B labor certification job postings—and *prior* to making a referral to an employer for an H-2A or H-2B job posting—verify the employment eligibility of any worker.
- Use only the Form I-9 that is dated 02/02/09 in the bottom right-hand corner.
- Submit all forms in English. The Spanish version of a form may be used as a guide for completing the English version.
- Only original documents that appear genuine are acceptable to establish a job seeker's identity and employment eligibility.
- Job seekers must be allowed to present any approved documents included on Form I-9—do not specify which documents from the lists are acceptable.
- Do not accept laminated Social Security cards marked on the back with the statement “not valid if laminated.”
- Do not accept Social Security cards marked with the statement “NOT VALID FOR EMPLOYMENT.”
- Birth certificates must be authorized by a governmental entity. Birth certificates issued by hospitals are not valid.
- Section 2 of Form I-9 must be signed and dated by Texas Workforce Center staff.
- The date in the certification statement indicating the date employment began must *not* be completed by Texas Workforce Center staff.

Completion of Form I-9

Section 1 (to be completed by the job seeker being referred)

A job seeker must complete this part of the form before a referral to an employer can be made for H-2A or H-2B job postings.

Note: Job seekers are not required to provide their Social Security number, but may do so voluntarily.

Preparer and/or Translator Certification

This section is required only if Section 1 is completed by someone other than the job seeker. A preparer/translator may be used only when the job seeker is unable to complete Section 1.

Section 2 (to be completed by Texas Workforce Center staff)

Staff must complete Section 2 by examining documents that establish identity and employment eligibility.

Form I-9 contains the following lists of documents, which may be used to verify identity and employment eligibility:

- List A: documents that establish both identity and employment eligibility;
- List B: documents that establish identity only; and
- List C: documents that establish employment eligibility only.

A job seeker may provide:

- one document from List A; or
- one document each from List B and List C.

In Section 2, record the:

- document title;
- issuing authority;
- document number; and
- expiration date.

Frequently Asked Questions

When should I begin using the revised version of Form I-9?

The revised Form I-9 (Rev. 02/02/09) should be used beginning April 3, 2009.

Where can I get the revised Form I-9 and the Handbook for Employers (M-274)?

Form I-9 (Rev. 02/02/09) is available at <http://www.uscis.gov/i-9> and is included as Attachment 1 to WD Letter 70-07, Change 2. The *Handbook for Employers* (M-274) is available at <http://www.uscis.gov/files/nativedocuments/m-274.pdf> and is being updated to reflect the revision to Form I-9.

What is the difference between the revised Form I-9 and the old one?

The biggest difference in Form I-9 (Rev. 02/02/09) is that expired documents are no longer acceptable for verifying employment eligibility.

Why can't workers present an expired document to verify employment eligibility?

The U.S. Department of Homeland Security wants to ensure that documents presented during the Form I-9 process are valid and reliably establish both identity and employment eligibility. Expired documents may not portray a valid status and are prone to tampering and fraudulent use. This change takes into account the limits placed on these documents by their issuing authorities. If a document does not contain an expiration date, such as a Social Security card, it is considered unexpired.

Can I accept documents that were on previous versions of Form I-9 but are not on Form I-9 (Rev. 02/02/09)?

No. Beginning April 3, 2009, the only acceptable documents for verifying employment eligibility are the documents listed on the List of Acceptable Documents on Form I-9 (Rev. 02/02/09).

Are there changes to the way Form I-9 (Rev. 02/02/09) is completed?

No. Form I-9 (Rev. 02/02/09) should be completed exactly as the previous one was. However, staff needs to be mindful of changes to the type of documents that are acceptable for verifying employment eligibility.

What is my responsibility concerning the authenticity of documents presented to me?

You must examine the documents, and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the documents do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.

What happens if I complete a Form I-9 properly and the U.S. Department of Homeland Security discovers that the job seeker is not actually authorized to work?

You cannot be charged with a verification violation. There is a *good faith defense* against the imposition of sanctions or penalties if you:

- ensure that the job seeker fully and properly completes Section 1 of Form I-9 at the time the referral is made;
- review the required documents, which should reasonably appear to be genuine and to relate to the person presenting them;
- fully and properly complete Section 2 of Form I-9, and sign and date the employer or authorized representative certification;
- retain Form I-9 for the required period of time; and
- make Form I-9 available upon request to a Texas Workforce Commission, U.S. Department of Homeland Security, U.S. Department of Labor, or U.S. Office of Special Counsel officer.

Is an employer also required to complete a Form I-9?

No. An employer for whom a state workforce agency has completed a Form I-9 must be deemed to have complied with the employment verification requirements.