

Now more than ever employers need to make sure that the people who work for them are who they say they are in order to work legally. In addition to making sure that the Form I-9 is completed correctly and within the specified time frame, employers should conduct annual audits in order to prepare for possible inspections coming from groups such as the Immigration and Customs Enforcement (ICE) group. Your employment strategy should consider a clear alignment with immigration employment laws in order to avoid penalties and the negative impact it can create on the operations of the business.

This quick reference guide provides guidance on how to correctly complete the Form I-9 and key information on matters pertaining to re-hires, reverification, expiration dates and retention requirements.

For detailed information about the Form I-9, please refer to your Personnel Procedures Manual (PPM). The Personnel Procedures Manual provides the latest employment policies and procedures information. You may purchase the PPM by contacting Western Growers Legal department.

Please note, the job aid is designed as a resource for HR Professionals or anyone responsible for the HR function. It is not meant to be a comprehensive guide or a replacement for experienced legal counsel. If you are looking for specifics to a particular situation, please contact Western Growers. Each situation is unique and therefore may require assistance from general counsel.

Western Growers is committed to providing Members with the most current and valuable information. We welcome any suggestions. If you have any questions, or comments regarding the information provided or are aware of information that should be included, please call us at (949) 863-1000 or email Osiris Garcia at [ogarcia@wga.com](mailto:ogarcia@wga.com).

### **Form I-9 Fact Sheet**

The Immigration Reform and Control Act (IRCA) requires employers to examine specified documents of new employees to make sure that they are authorized to work in the U.S. The employee's eligibility to work must then be verified by completing the Employment Eligibility Verification Form I-9. Employers are required to complete a Form I-9 for every person hired after November 6, 1986.

## VERIFYING YOUR FORM I-9 IS IN COMPLIANCE

### Know the Good Faith Standard

#### Do documents, e.g., IDs appear reasonably:

1. Authentic on their face
2. Related to the individual presenting them; AND
3. Sufficient for meeting verification requirements

#### Use your Discretion

1. If 1, 2 and 3 above are met, look no further
2. Do NOT ask for additional documents if those already presented appear authentic and sufficient for verification purpose.
3. NEVER make photocopies of employee documents.

If it is NOT required under the law it can't help you but it can hurt you!

## AUDITING THE FORM I-9 FOR COMPLETION

### Section 1. Employee Information and Verification

EMPLOYEE must complete on the first day of work.

- Name
- Address
- Date of birth

**Note:** Employees are not required to include social security number in Section 1 but they must still provide it for the W-4.

EMPLOYEE must sign and date Section 1

### Section 2. Employer Review and Verification

Complete within three (3) business days.

- Write the document number and expiration date (if applicable)
- Reference page four of job aid "Lists of Acceptable Documents",
- Examine one from List A **or** one from List B and C

EMPLOYER signs and dates section 2

### Section 3. Updating and Reverification

Complete if there is a change in the employee status

- For change of name
- For rehire
- For expired documents

EMPLOYER signs and dates section 3

### Documents with Expiration Dates

- Never refuse to employ someone merely because his/her employment authorization expires at some point in the future.
- If the employee's employment authorization document (List A or List C) bears an expiration date, then you should have a process in place to notify the employee prior to the expiration date of the document(s) to present new document.
- Record the new document information in Section 3 of the Form I-9 (see below)

**Exception to the reverification rule:**

- U.S. passports and permanent resident alien cards, expired or with an expiration date
- List B documents

## Receipt Rule

### Receipt Rule

- Employer may accept a receipt for an application to replace an employment authorization document.
- The receipt authorizes employment for 90 calendar days, at which point the employee must produce the original document.
- Record the receipt number in Section 2 and the expiration date 90 days from the date the receipt is presented to you.
- Remember to re-verify employment eligibility and Section 3 of the form at the end of the 90-day grace period.

**If you receive an I-94 as a form of identification, you should notify your attorney or Western Growers for assistance.**

## Did you know?

- Laminated social security cards are invalid.
- Employers do not need to complete a Form I-9 for an Independent Contractor or its employees.
- You should not place the Form I-9 in personnel files (keep them in a separate binder/file).
- Employers should NEVER use whiteout, correction tape or black marker to correct mistakes.
- The person making the corrections (additions or corrections) should always initial and date.

## Form I-9 Retention Requirements:

- Three (3) years after hire **or**
- One (1) year after termination
- **Whichever is later**
- ALWAYS retain Form I-9s of **current** employees

## REMINDER

### Employee's document about to expire?

- Create a tickler file or reminder on your calendar to periodically check the status.

Current version of Form I-9  
Expiration Date

OMB No. 1615-0047; Expires 08/31/12

# Form I-9, Employment Eligibility Verification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

## Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)			Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

Employee completes Section 1

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

A citizen of the United States (see instructions)

A lawful permanent resident (Alien #) \_\_\_\_\_

An alien authorized to work (Alien # or Admission #) \_\_\_\_\_ until (expiration date, if applicable - month/day/year) \_\_\_\_\_

Don't forget to have Employee sign and date

Employee's Signature \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_

## Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

## Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	AND	List C
Document title: _____			
Issuing authority: _____			
Document #: _____			
Expiration Date (if any): _____			
Document #: _____			
Expiration Date (if any): _____			

Employer completes Section 2

Employer writes the Employee hire date

**CERTIFICATION:** I attest, under penalty of perjury, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Don't forget to sign and date

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

## Section 3. Updating and Reverification (To be completed and signed by employer)

A. New Name (if applicable) \_\_\_\_\_ Date of Rehire (month/day/year) (if applicable) \_\_\_\_\_

C. If employee's previous grant of work authorization has expired, the employer must re-verify the employee's current employment authorization.

Document Title: \_\_\_\_\_ Document #: \_\_\_\_\_ Expiration Date (if any): \_\_\_\_\_

Employer completes Section 3

If re-verifying or re-hiring, don't forget to sign and date

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 document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_

## LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

### LIST A

Documents that Establish Both  
Identity and Employment  
Authorization

### LIST B

Documents that Establish  
Identity

### LIST C

Documents that Establish  
Employment Authorization

OR

AND

1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
	4. Voter's registration card	
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	5. U.S. Military card or draft record	5. Native American tribal document
	6. Military dependent's ID card	
	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	6. U.S. Citizen ID Card (Form I-197)
	9. Driver's license issued by a Canadian government authority	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	<b>For persons under age 18 who are unable to present a document listed above:</b>	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

**Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)**

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1. Expired documents are not acceptable.
2. Employee must submit one document from List A **OR** one from List B and C
3. #4 on List A: Only acceptable when individual is authorized to work for specific employer