

Form I-9

Frequently Asked Questions



What is the Form I-9?

The Form I-9 is used to verify the identity and employment authorization of individuals hired for employment in the United States.

All U.S. employers must properly complete Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens.

What are the completion requirements for the Form I-9?

Section 1 must be completed by the employee on or before their first day of employment, up to a year in advance of the start date. Section 2 must be completed within three business days of the date of hire. (Date of hire means the employee's first day for pay).

Section 2 documents must be reviewed in person when completing Section 2.

When does an employer have to reverify an employee's work authorization document?

Employers are required to reverify an employee's documentation only when the employee's employment authorization document (EAD) or receipt has expired. Reverification should occur no later than the actual expiration date of the work authorization.

What is the List of Acceptable Documents?

The list of Acceptable documents are the documents employees use to prove identity and work authorization in the United States.

List A documents provide both proof of identity and work authorization and satisfy both of these requirements. List B documents prove identity and must contain a picture of the employee. List C establish work authorization within the United States.

- › If a list B document is presented, a List C document must also be presented.
- › Employers may NOT tell an employee which document to provide for the Form I-9.

All documents must be genuine, unexpired documents.

- › The following link provides a detailed list of Acceptable Documents:

[I-9 Acceptable Documents](#)

Are there different versions of the Form I-9?

The Form I-9 is updated periodically. Employers must use the most current version of the Form once the new version is released.

What are the retention guidelines for the Form I-9?

- › The entirety of employment for an employee
- › After termination the form needs to be retained if the employee worked for: less than two years, retain their form for three years after the date you entered in the First Day of Employment field.

OR

- › If the employee worked for more than two years, retain their form for one year after the date they stop working for you.

Does an employer need to keep copies of the Section 2 documents the employee presents?

No. An employer does not need to retain copies of the Section 2 documents. If an employer chooses to make copies and retain these documents, **copies must be**

made and retained for all employees, regardless of the employee's national origin or citizenship status, to avoid violating antidiscrimination laws.

(***If the employer participates in E-Verify, they must retain specific List A documents)

Who can complete Section 2 of the Form I-9?

An employer or an authorized representative of the employer completes Section 2. Employers or their authorized representatives must physically examine the documentation presented by the employee and sign the form.

Authorized verifiers can be determined at the employer's discretion. It is recommended that the verifier is not a family member, someone who is over 18 and **not** a convicted felon.

***The employer is still accountable for the correct completion of the Form I-9 and it is recommended that they review the Form I-9 for accuracy once completed.

Can a notary public or any authorized representative attach an attestation to the Form I-9 instead of providing a signature in the signature block of Section 2?

No. Section 2 is a review of the documents the employee presents and must be signed. If Section 2 is not signed by the individual who reviewed the documents, Form I-9 is not complete.

Can an employee provide a receipt for a Section 2 document?

Yes. Employees can provide a receipt for a **lost, damaged or stolen** document but must present the actual document once they receive it. The Section 2 needs to be updated with the original document within 90 days of the Section 2 completion.

If a company currently keeps Section 2 documents for the Form I-9, can they choose to stop retaining them?

Form I-9 regulations allow employers to choose whether to keep copies of documents employees submit to complete their Form I-9. You may choose to begin or end the practice of keeping copies of documents at any time, as long as you do so for all employees, regardless of national origin or citizenship status, or you may be in violation of anti-discrimination laws.

An employer may **NOT** shred previously retained copies of documents. Once you make copies of documents, you must retain them with the Forms I-9 or store them with the employee's records (DHS).

Additionally, if you participate in E-Verify, you must retain a copy of any document any employee presents that triggers photo matching. If an employee presents a U.S. passport card, Permanent Resident Card (Form I-551), or the Employment Authorization Document (Form I-766), you must copy the front and back of these cards. If the employee presents a U.S. passport, you must copy the front page and the back-barcode page.

Important links:

[Form I-9](#)

[USCIS](#)

[Acceptable Documents](#)

[Handbook for Employers](#)

For questions or more information, reach out to your Paradox Client Success Manager.