

How to Fill Out An I-9 Form

The I-9 form is designed to obtain information from new employees that demonstrates their eligibility to work legally in the U.S. Every **employee** must complete this form.

The I-9 form is made up of three parts:

1. Part I: For the Employee, Establishing Identity

This part of the form must be fully completed by the employee. This part is used to attest – under penalty of perjury – that the person is legally eligible to work in the United States because he or she is:

- A citizen
- A nonresident national of the United States
- A lawful permanent resident
- An alien authorized to work in the U.S. The employee must enter the [expiration date](#) for this authorization, if applicable.

An employee who is an alien and authorized to work must enter the [alien registration number](#) (an “A-number” which is a unique 7-, 8-, or 9-digit number assigned to an alien) or [Form I-94](#) admission number. **The employee must sign the form and date it.** False statements can result in fines and/or imprisonment.

Some employees may need assistance to complete their portion of the form. If the employee is a minor or disabled (or needs translation), the person aiding in the completion of the form (preparer and/or translator) must also enter his/her name and address, as well as signing the form (also under penalty of perjury).

2. Part II: For the Employer, Reviewing the Employee’s Documents

This part of the form is completed by the employer. It describes the documents that the employer has reviewed to verify eligibility of employment.

The employer should complete this within three days of the first day of employment. The employer can — but is not required to — create a copy of the document(s) presented.

There are three lists of documents that can be used under each list:

List A: The documents in this list establish *both* the employee’s identity and employment authorization. An employee need only present one of the following forms to satisfy the document requirement:

- U.S. passport (or U.S. passport code)
- Permanent resident card ("[green card](#)") or [alien](#) registration receipt card (technically, the green card is Form I-551)
- Foreign passport with a temporary I-551 stamp
- Employment authorization document that contains a photograph ([Form I-766](#))
- For a non-immigrant alien authorized to work: a foreign passport and Form I-94 (or 94A) and an [endorsement](#) of the alien's non-immigrant status as long as it has not expired
- Passport from the Federated States of Micronesia, Republic of the Marshall Islands

List B: The documents in this list show the identity of the employee. If an employee does not have a document from [List A](#), he or she must produce one document from [List B](#), *plus* one document from List C (below).

- Driver's license or ID card issued by a state (as long as it contains a photo ID and other personal information)
- School ID with a photograph
- Voter's registration card
- U.S. military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Marine card
- Native American tribal document
- Driver's license issued by a Canadian government authority

For minors (under age 18) who cannot produce one of the documents in List B, alternative documents that are acceptable to prove the employee's identity include a school record or report card; client, doctor, or hospital record; or a day-care or nursery school record.

List C: This document establishes the employee's authorization to work in the United States. Again, if the employee cannot produce a document from List A, he or she must produce one from List B *and* one from [List C](#).

- [Social Security](#) account number card (unless the card says: not valid for employment, valid only for work with INS authorization, or valid for work only with DHS authorization)
- Certification of birth abroad issued by the Department of State (Form FS-545)
- Certification of report of birth issued by the Department of State (Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority, or territory of the U.S. that has an official seal
- Native American tribal document
- U.S. citizen ID card (Form I-197)
- Identification Card for use of resident citizen in the United States (Form I-179)

- Employment authorization document issued by the Department of Homeland Security

As in the case of the employee, employers must attest under penalty of perjury that they have reviewed the necessary documents, believe they are genuine and believe to the best of their knowledge that the employee is authorized to work in the U.S.

In addition to signing the certification section, the employer must note the employee's first day of employment as well as other employer information (the name of the business, the title of the person signing the form and the business's address).

3. Part III: For the Employer, When Rehiring

This part of the form is also completed only by the employer, but is used only in the case of re-verifying when re-hiring an employee. If an employee is re-hired within three years of the date of the original I-9, the employer can opt to complete this section or a new I-9.

If it is necessary to complete this part, then the employer merely lists the name of the employee (or new name if the employee has had a name change) and date of re-hire. If the previous authorization of employment expired but has now been extended, enter information about the document establishing such authorization (document title, number and new employment authorization expiration date).

As in the case of the other parts, the employee must sign under penalty of perjury that he/she believes the document presented is genuine and that the employee is authorized to work in the United States.

The Bottom Line

Employers must retain I-9s for the later of three years from the date of hire or one year after the date employment ends. From time to time, the federal government may examine your employment records. If you fail to produce I-9s, you can be subject to civil and/or criminal penalties. For any further questions about the I-9, you can also consult with your HR Manager