



I-9 Compliance Tool Kit

A Comprehensive Toolkit for
HR Professionals to Navigate
Form I-9 Requirements

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Introduction

Form I-9 compliance is a fundamental aspect of employment eligibility verification in the United States. Every employer is required by law to verify the identity and work authorization of each employee, and HR professionals play a vital role in ensuring that this process is conducted accurately and in compliance with federal regulations.

This I-9 Compliance Toolkit for HR Professionals: Best Practices, Templates, and Checklists for Confident I-9 Compliance is designed to help you understand and navigate the I-9 process step by step.

Through clear explanations, practical examples, and ready-to-use tools, this resource will deepen your understanding of your responsibilities and guide you toward building compliant, efficient practices.

In this toolkit, you will learn:

- The legal requirements of Form I-9 and key deadlines to follow
- How to properly complete, store, and retain I-9 forms
- Common errors to avoid and how to correct them
- Best practices for internal audits and preparing for external inspections
- Strategies for managing I-9 compliance in remote and hybrid work environments

Use this toolkit as a learning resource and a reference guide as you develop and maintain your organization's I-9 procedures. With knowledge and preparation, you can confidently meet compliance obligations while supporting a smooth onboarding experience for your employees.

Form I-9 Employment Eligibility Verification Process



Step 1: Timing Requirements

Section 1 (Employee) must be completed no later than the employee's first day of work for pay.

Section 2 (Employer) must be completed within 3 business days of the employee's start date.

If the employee works fewer than 3 days, the employer must complete Section 2 on the first day.

Step 2: Employee Completes Section 1

What the Employee Must Do (on or before Day 1):

Fill Out Personal Information:

- Full legal name
- Address (no P.O. boxes)
- Date of birth
- Social Security Number (mandatory for E-Verify users)
- Email and phone (optional)

Attest to Work Authorization Status:

- U.S. citizen
- Noncitizen national
- Lawful permanent resident (provide Alien Registration Number)
- Alien authorized to work (include expiration date and document numbers)

Sign and Date the Form:

- The employee certifies the information is true and correct.

Preparer/Translator Section (if applicable):

- Must be filled out if someone assisted the employee with the form.

Tip: Employers may assist with completion, but cannot fill out Section 1 on behalf of the employee (unless authorized).

Step 3: Employee Presents Original Documentation

By Day 3, the employee must provide original and unexpired documents that establish:

- Identity AND
- Employment Authorization

The employee can choose from:

- 1 document from List A (proves both identity & employment authorization)
- e.g., U.S. Passport, Permanent Resident Card, Employment Authorization Document

OR

- 1 document from List B (proves identity)
- e.g., driver's license, state ID

AND

- 1 document from List C (proves employment authorization)
- e.g., Social Security card (not marked "not valid for employment"), birth certificate.

Note: Photocopies are not allowed. Originals must be viewed in person (or via authorized remote verification process if applicable).

Step 4: Employer Completes Section 2

What the Employer Must Do (within 3 business days of start date):

Physically Inspect the Documents:

- Ensure documents appear genuine and relate to the employee.
- Must be done in person or via approved remote I-9 process (e.g., if using E-Verify with virtual review protocols).

Record Document Information:

- Enter title of document(s), issuing authority, document number, and expiration date.
- Use appropriate fields for List A or Lists B and C.

Complete Certification Section:

- Enter:
 - Employee's first day of employment
 - Title of employer/representative
 - Employer's business name and address
- Sign and date Section 2

Tip: Employers must retain copies of documents only if required by internal policy or E-Verify participation rules.

Step 5: Re-verification (if applicable)

Use Section 3 of the I-9 when:

- An employee's work authorization document has expired
 - The employee is rehired within 3 years of the original I-9 date
 - A name change occurs (optional to note)
-

Step 6: Storage & Retention

- Keep Form I-9 for 3 years after the date of hire or 1 year after termination, whichever is later.
- Store forms securely—either electronically or physically.
- **Must be available for inspection by:**
 - Department of Homeland Security (DHS)
 - U.S. Immigration and Customs Enforcement (ICE)
 - Department of Labor (DOL)

Remote I-9 Verification Procedure Template



This is an outline of the process for remotely completing Form I-9 for employees who work in remote or hybrid environments, in compliance with U.S. Citizenship and Immigration Services (USCIS) and DHS guidelines.

Eligibility for Remote Verification

This procedure applies to:

- Employees hired to work remotely
- Employers enrolled in E-Verify

Situations where DHS has authorized virtual review of documents (e.g., COVID-era flexibility or alternative procedures allowed post-August 1, 2023)

Process Overview

Step 1: Section 1 Completion by Employee

- Employee completes Section 1 of Form I-9 on or before the first day of work.
- The employee may complete the form electronically via a secure platform (e.g., DocuSign, Adobe Sign, E-Verify-compliant software).

Step 2: Document Submission

- Employee provides clear, legible copies (front and back) of the identity and work authorization documents from List A or List B + List C.
- Acceptable delivery methods:
 - Secure email
 - Upload via secure HR portal
 - Encrypted document sharing link

Step 3: Virtual Document Inspection

- HR or an authorized representative schedules a live video call with the employee (Zoom, Teams, etc.).
- **During the call:**
 - Employee displays the original documents on camera.
 - HR verifies the documents appear genuine and relate to the employee.
 - Copies already submitted are matched to what is shown on video.

Step 4: Section 2 Completion by HR

- HR completes Section 2 using the provided copies and virtual inspection.
- Employer enters “Alternative Procedure” or “Remote Examination completed via live video” in the Additional Information field.
- Record the date of video inspection.

Recordkeeping

- Store all I-9 forms securely (physical or electronic).
- Retain document copies (if participating in E-Verify or following internal policy).
- Note the use of remote verification procedure in audit files.

Follow-Up Requirements

If DHS requires physical document inspection in the future:

- Employee must present the original documents in person within 3 business days of notification.
- HR updates Section 2 with the date of physical inspection.

Compliance

- Ensure all I-9 forms are completed within the required timelines.
- Conduct internal audits at least annually.
- Train HR team members on updates to DHS remote flexibility rules.

Common I-9 Compliance Mistakes to Avoid



Even well-intentioned HR professionals can make errors during the I-9 process, which may expose the organization to fines, penalties, or failed audits.

Awareness of these common mistakes is the first step toward building strong, compliant practices. Below are key pitfalls to watch for — and tips on how to prevent them.



Incomplete or Incorrect Forms

- One of the most frequent errors is failing to fill out all required sections correctly.
- Missing signatures, dates, or information (such as employee attestation or document details) can render the form non-compliant.
- **How to avoid:** Use a checklist and review each form carefully. Provide clear instructions to employees for their portion and double-check Section 2 before filing.



Improper Timing

- By law, employees must complete Section 1 no later than their first day of employment, and employers must complete Section 2 within three business days of the start date.
- Completing the form too early (before the job offer is accepted) or too late is a violation.
- **How to avoid:** Integrate the I-9 process into your standard onboarding timeline and track deadlines closely.



Accepting Invalid or Expired Documents

- Employers sometimes accept expired documents or those that do not establish both identity and work authorization.
- **How to avoid:** Familiarize yourself with the lists of acceptable documents on the I-9 instructions and verify that they are unexpired at the time of completion.



Over-Documentation or Discrimination

- Requesting more documents than required, or specifying which documents an employee must present, can lead to discrimination claims and violations of anti-discrimination provisions of the Immigration and Nationality Act.
- **How to avoid:** Allow employees to choose which documents to present from the approved lists and never ask for more than necessary.



Failure to Reverify When Required

- Some employees have temporary work authorization.
- Failing to reverify their work eligibility before their authorization expires can result in non-compliance.
- **How to avoid:** Track expiration dates and send reminders well in advance to complete reverification.



Improper Storage or Retention

- Forms must be retained for at least three years after the date of hire or one year after the date employment ends, whichever is later.
- Employers sometimes discard forms too early or fail to maintain them securely.
- **How to avoid:** Establish a clear filing and retention policy and secure all forms to protect employee privacy.



Neglecting Internal Audits

- Without periodic internal reviews, errors may accumulate unnoticed and only surface during an external audit or inspection.
- **How to avoid:** Conduct regular internal audits to identify and correct mistakes proactively.

Understanding these common mistakes — and taking deliberate steps to prevent them — will strengthen your compliance efforts and prepare your organization for any future audit.

New Form I-9 (August 1, 2023)

Updated version of Form I-9 (Rev. 08/01/23) became mandatory on November 1, 2023.

Key changes:

- Condensed to one page.
- Clarified instructions.
- Added checkbox for remote verification using E-Verify (see next).

Alternative Procedure for Remote Verification (Effective August 1, 2023)

- E-Verify employers in good standing may now examine documents remotely via live video.
- Must retain copies of documents and conduct verification within 3 business days of hire.

COVID-19 Flexibilities Ended (July 31, 2023)

- Temporary policy allowing remote document inspection ended.
- Employers were required to physically inspect documents by August 30, 2023, for employees hired remotely under the temporary policy (unless they now use the new remote option above).



Form I-9 Completion Checklist

For HR & Hiring Managers

SECTION 1 – Completed by Employee

(By or Before Day 1)

Employee Personal Information

- ☐ Full Legal Name
- ☐ Address (no P.O. Boxes)
- ☐ Date of Birth
- ☐ Social Security Number (required for E-Verify)
- ☐ Email Address and Phone Number (optional)

Employment Authorization Status (Check One):

- ☐ U.S. Citizen
- ☐ Noncitizen National
- ☐ Lawful Permanent Resident (A# provided)
- ☐ Alien Authorized to Work (expiration date & document numbers provided)

Signature & Date

- ☐ Employee signed and dated Section 1
- ☐ If a preparer/translator was used:
 - Preparer/Translator section completed and signed

SECTION 2 – Completed by Employer

(Within 3 Business Days of Start Date)

Verify Start Date

- ☐ First day of employment entered accurately

Document Review – Originals Only

- ☐ One document from List A **OR**
- ☐ One document from List B and one from List C

Record Document Information

- ☐ Issuing authority, document number, and expiration date recorded
- ☐ Appropriate List (A, B, or C) checked
- ☐ Documents appear genuine and relate to the employee

Employer Certification

- ☐ Employer name and address entered
- ☐ Signature and title of person completing Section 2
- ☐ Date Section 2 completed (within 3 days of start)

SECTION 3 – Reverification or Rehire (If Applicable)

Use only when:

- ☐ Rehiring within 3 years of the original I-9
- ☐ Reverification required (work authorization expired)
- ☐ Name change (optional to record)

Retention & Storage

- ☐ I-9 form stored securely (electronic or physical)
- ☐ Keep for 3 years after hire date OR 1 year after termination—whichever is later
- ☐ Access control in place (HR only)
- ☐ I-9 forms are available for inspection if requested by DHS, DOL, or ICE

Optional Internal Controls

- Create a reminder system for reverification (expiration tracking)
- Conduct periodic internal audits (at least annually)
- Use E-Verify (if required or voluntary for your organization)
- Train HR/onboarding staff annually on I-9 procedures

Compliance Requirements

- Employers must retain I-9s for:
 - 3 years after hire or
 - 1 year after termination, whichever is later.
- Must make I-9s available for inspection by DHS, DOJ, or DOL.
- Non-compliance can result in civil fines, criminal penalties, and bar from federal contracts.

Forms and Documents

- [Form I-9 \(Please see the Download Instructions tab on how to download this version.\) \(PDF, 511.81 KB\)](#)
- [Instructions for Form I-9 \(PDF, 290.06 KB\)](#)
- [Form I-9 in Spanish \(Please see the Special Instructions tab on how to use this version.\) \(PDF, 592.8 KB\)](#)
- [Instructions for Form I-9 in Spanish \(PDF, 404.55 KB\)](#)

**Click link to view information
on USCIS website**





Relevant Immigration and Employment Laws

The Immigration and Nationality Act - INA

Definition

The Immigration and Nationality Act of 1952 (INA) is the foundational law governing U.S. immigration and nationality.

Applies To

- Foreign nationals seeking to enter or remain in the United States for purposes such as tourism, work, study, or permanent residency.
- Current U.S. residents applying for citizenship.
- Employers hiring foreign nationals.
- Individuals or entities involved in immigration-related violations or matters, including enforcement.

Provisions

- Establishes visa classifications (immigrant and nonimmigrant) for temporary and permanent entry into the U.S.
- Sets quotas and preference systems for family-sponsored and employment-based immigration.
- Lists grounds for exclusion, including criminal activity, health conditions, security risks, and likelihood of becoming a public charge.
- Provides grounds for deportation, such as overstaying visas, criminal offenses, or violating visa terms.
- Defines eligibility criteria and procedures for becoming a U.S. citizen.
- Includes provisions for admitting refugees and granting asylum to those fleeing persecution.
- Regulates the employment of foreign workers, including work permits and the prohibition of unauthorized employment.
- Facilitates immigration for close family members of U.S. citizens and lawful permanent residents.
- Establishes rules for border enforcement, immigration inspections, and penalties for violations.

Federal Agency

- U.S. Citizenship and Immigration Services (USCIS)
- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Customs and Border Protection (CBP)
- Executive Office for Immigration Review (EOIR) - Operates under the DOJ and handles immigration court proceedings.
- Department of State (DOS)

Source

- <https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act>

The Immigration Reform and Control Act (IRCA)

Definition

The Immigration Reform and Control Act (IRCA) of 1986 is a U.S. law aimed at addressing issues related to unauthorized immigration.

Applies To

- IRCA applies to all employers in the United States, regardless of size, and requires compliance from both public and private sector organizations.
- It also applies to all employees and job applicants, regardless of their citizenship or immigration status.

Provisions

- Employment Verification (Form I-9) - Employers must verify the identity and employment authorization of all new hires (citizens and non-citizens) by completing and retaining Form I-9.
- Prohibits employers from discriminating based on citizenship status or national origin during the hiring, firing, or recruitment process.
- Employers face civil and criminal penalties for knowingly hiring unauthorized workers or failing to comply with Form I-9 requirements.

Federal Agency

- The U.S. Department of Homeland Security (DHS)
- U.S. Citizenship and Immigration Services (USCIS)
- Immigration and Customs Enforcement (ICE)
- The Department of Justice's Immigrant and Employee Rights Section (IER).

Source

- <https://www.congress.gov/bill/99th-congress/senate-bill/1200>

The Civil Rights Act - Title VII

Definition

Title VII is a foundational federal law in the United States that addresses workplace discrimination.

Applies To

- Employers with 15 or more employees, including federal, state, and local governments.
- Labor Organizations and employment agencies.
- Private sector employers, public employers, and educational institutions.

Provisions

- Title VII prohibits employment discrimination based on:
Race, Color, Religion, National Origin
- Sex (includes gender, pregnancy, sexual orientation, and gender identity as interpreted by the courts and EEOC)

Specifically, it bars discrimination in:

- Hiring and firing
- Compensation, terms, conditions, or privileges of employment
- Segregation or classification of employees in a way that affects their opportunities
- Harassment on the basis of the protected categories
- Retaliation against individuals who file a discrimination complaint, participate in an investigation, or oppose discriminatory practices.

It also requires reasonable accommodation for an employee's religious practices unless it poses an undue hardship to the employer.

Federal Agency

- The Equal Employment Opportunity Commission (EEOC) enforces Title VII.
- Investigating complaints of discrimination. Mediating and settling disputes. Filing lawsuits against employers on behalf of individuals or groups. Providing guidance and education to employers about compliance with Title VII.
- Employers are also required to post EEOC notices in the workplace and may need to maintain detailed records to demonstrate compliance.

Source

- <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

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