



The Mechanics of I-9 Forms and Documentation

The I-9 form is a critical piece of documentation for new hires. HR Cloud explains the mechanics of I-9 documentation so you can achieve I-9 compliance.

Understanding the I-9 Form

Successfully completing the [I-9 form](#) is a critical step in onboarding new employees, both to verify their right to work as well as to avoid fines and penalties that can result in non-compliance.

Yet, many HR professionals may still have questions related to the I-9 form. To help you avoid any missteps, we've created this document to walk through all of the mechanics of the I-9 form.

What is the I-9, and Why is it Important?

The I-9 form is an essential form to confirm that a person has the right to work in the United States. For many years, it was a routine form used by HR to complete the [onboarding process](#). Yet recently, increased concerns related to immigration and terrorism have brought the I-9 into the spotlight, and made it a top priority for HR and even the business as a whole.

At this point, it's probably safe to assume that most HR professionals know that the I-9 must be completed as soon as possible in the onboarding process, and that failure to comply could lead to fines and penalties.

Yet often there's more to it than that. We developed this document to take a closer look at the I-9 form, what is required to complete it correctly, and specific best practices to follow to make sure you're in full compliance.

The Essentials of the I-9

When it comes to completing the I-9 form correctly, Section 2 is the most important part of the document. This section focuses on establishing and verifying a prospective employee's identity and right to work in the United States.

To do this, a new hire must present proof of their identity, which uses different documents found in three different lists within the I-9: A, B, and C.

List A

Documents from this list will establish a prospective employee's identity and serve as employment authorization. Anyone who presents proof from a List A document is not required to provide any more proof of identity. Documents from List A include:

- A United States passport
- A Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- An Employment Authorization Document Card (Form I-766)
- A foreign passport with Form I-94 or Form I-94A with an Arrival/Departure Record and containing an endorsement to work
- A passport from the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and Palau with Form I-94 or Form I-94A
- Foreign passport containing a Form I-551 stamp or Form I-551 printed notation

List B

Documents that are used from this list will only establish the person's identity. It means that anyone using proof of identity from List B must also present a document from List C.

The proof of identity from this I-9 list includes:

- A valid driver's license issued by a state or outlying territory of the United States, which must include a photograph as well as name, date of birth, gender, height, eye color, and address
- A school ID card with a photograph
- A United States military card or draft record
- A military dependents identification card
- A United States Coast Guard Merchant Marine document
- A Native American Tribal document
- A driver's license issued by a Canadian government authority

List C

Documents from this list only establish employment authorization. If individuals do not have proof of identity and employment authorization from List A, they must include a document from List B and C.

Documents that satisfy requirements to be considered List C proof include:

- An unrestricted United States Social Security card
- A consular Report of Birth Abroad (Form FS-240)
- Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)
- Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)
- Original or certified copy of a birth certificate bearing an official seal issued by a state, county, municipal authority, or outlying territory of the United States
- A Native American Tribal document
- A U.S. Citizen ID Card (Form I-197)
- An Identification Card for Use of Resident Citizen in the United States (Form I-179)
- Employment Authorization Document issued by the Department of Homeland Security (DHS).

Critical Reminders

Even with the best intentions, some HR professionals may overlook important steps. Keep these tips in mind to make sure you complete the I-9 successfully.

1

The Social Security card must be valid. A restricted Social Security card, one that is either not valid for work purposes or valid for work only with DHS approval, are not acceptable.

2

Employment Authorization Card (EAC) details. Important verification information is on the back of the Employment Authorization Card and usually begins with the letters "EAC."

3

I-94 stamp dates. This is a stamp on a foreign passport. The I-94 expiration date is the "ADMIT UNTIL" date, and that date must be valid.

4

I-797 information. The I-9 needs important I-94 information, which is listed at the bottom of the form. It can then be processed like an I-94 identity.

5

Permanent Resident (Green Card) document number. The Permanent Resident card document number required for verification is on the card's back and will have three letters before it. The card document number is not the USCIS number found on the front.

Avoiding an I-9 Compliance Audit

An employer cannot underestimate how serious the [I-9 form](#) is when it comes to employment verification. The U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) are empowered to inspect an organization's records at any time. Failure to comply with established rules and regulations can result in fines that, at the extreme end, can be in the hundreds of thousands of dollars.

A compliance audit will focus on Sections 1 and 2 of the I-9 document. (Section 3 is only reviewed if it appears that changes were made.) This means that it is critical that Sections 1 and 2 are filled out properly. Additionally, an organization must keep an accurate roster of employees hired on or after November 6, 1986. If they don't have an I-9 form for any current employee, they could be at risk noncompliance.

[Document accuracy](#) is also essential. Any audit is going to look at the documents from any of the three lists. A reasonableness standard is used in judging whether there has been a good faith effort to comply with statutory requirements. Fines and penalties can be assessed if an organization has not maintained that standard. In addition to any penalties or fines, the organization will be held responsible for correcting the errors identified in the audit.

It is an easy mistake to forget to have the forms signed. However, that is an omission that has consequences. Those mistakes of omission, including the wrong documents or lack of signatures, are all points marked against the organization. Employees working in remote areas are going to be included in any compliance audit. Failure to gather and store their information could lead to severe consequences.

There are some other issues which will cause major headaches if ICE conducts an audit, including:

Violation of the Three-Day Rule. The I-9 form must be completed within three business days of an employee's first day of work.

Failure to re-verify documents. Depending on the citizenship status of an employee, the organization will have to update employee-supporting I-9 documentation. Expiration dates on supporting documentation need to be noted to be sure that the verification is complete.

Poor document maintenance. I-9 documentation must be on file for one year after the date the employee leaves the organization or three years after the date of hire, whichever is greater. Believe it or not, failing to destroy the I-9 form after the timeframe can subject an employer to fines.

E-Verify Photo Matching. Photo matching came into use in 2010, and it can prevent employees from using false information. A copy of the employee's photo identification is supporting I-9 documentation. It is important to keep a copy of photo identification to avoid being assessed a fine.

HR staff must be alerted to carefully review any I-9 form completed by an employee. Those who are tasked with [I-9 compliance](#) must be adequately trained to look out for documents that are not on any of the lists or contain restrictions that would make the document not applicable to I-9 compliance. A prudent administrative duty is an internal audit of the I-9 papers. This may seem tedious based on the amount of paperwork that has to be reviewed, but it is better to perform that internal assessment and be ready for an unexpected audit.



HR Cloud Improves the I-9 Process

When it comes to I-9 compliance, mistakes can be expensive. Even seemingly minor mistakes such as an unsigned I-9 form could lead to headaches down the road. Clearly it's important to get it right, while completing the process within a very short timeframe. Small or mid-sized HR departments may have a hard time keeping up.

HR Cloud has a proven track record in automating and improving the onboarding experience. Our solutions are used by leading organizations to successfully onboard hundreds of employees each and every day. Our checklists and workflows build [I-9 compliance](#) into your onboarding processes.

Our [onboarding solution](#) can even be accessed from a mobile device. This means a new employee can complete an I-9 form virtually anywhere and at any time—even before they show up on day one. Once complete, all details can be processed and saved, streamlining past manual processes and helping ensure compliance.

For more information on HR Cloud—and how our onboarding solutions can help you improve the way you manage your I-9 forms—[request a demo](#) with a consultant.

About HR Cloud

HR Cloud is a leading developer of HR software and HRMS solutions for business with a focus on effective employee engagement. HR Cloud empowers teams to easily onboard new hires, manage employee data, create a company social network and support employee development. HR Cloud is a modern and powerful cloud-based HRMS solution with a complete suite of HR functionality, including core, performance, onboarding, recruitment, absence management, and time and attendance. For more information, please visit www.hrcloud.com or contact info@hrcloud.com.



Unleashing Human Resourcefulness

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