

REVERIFYING FORM I-9s



All employees hired in the United States must fill out Form I-9 to prove they can legally work here.

The United States Citizen and Immigration Services (USCIS) has provided a list of documents that will acceptably establish an employee's identity and employment authorization, either alone or when presented with other documents. Some of these forms expire and will need to be reverified. This guide has been created by the HR Support Center Pros with tips on the Form I-9 and what to do when an employee's forms need to be reverified.

GENERAL GUIDANCE

Employees may present either one selection from List A OR a combination of one selection from List B and List C. Employers may not require specific documents and must allow employees to choose from the lists below. Also, employers may not accept or require more or fewer documents than necessary for completion of the I-9.

BY DAY 1

Employee completes Section 1 of Form I-9.

BY BUSINESS DAY 3

Employee presents unexpired, valid documents to complete Section 2.

Some documents provide permanent work authorization. ***That means once the employee completes the I-9 at the time of their hire, they do not need to provide updated documents when the documents expire and an employer cannot require them to do so.*** Other documents only establish temporary work authorization and must be reverified on or before the date an employee's work authorization expires.

ACCEPTABLE DOCUMENTS

Employees only need to provide one document from List A to complete Form I-9. The list is based on the current version of the form, which expires 8/31/2019. Items in blue boxes do not need to be reverified. Items in red boxes must be reverified.

LIST A

Documents that establish both identity and employment authorization.

US Passport or Passport Card

Permanent Resident Card or Alien Registration Receipt Card (Form I-551)*

Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa.

Employment Authorization Document that contains a photograph (Form I-766)**

For a nonimmigrant alien authorized to work for a specific employer because of their status:

1. Foreign passport; and
2. Form I-94 or Form I-94A that has the following:
 1. The same name as the passport; and
 2. An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form

Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 for Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI.



LIST B

These documents establish identity. Employees need to present both one form from List B and one form from List C to complete Form I-9 (list C is on the next page). The list is based on the current version of the form, which expires 8/31/2019.

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.

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.

School ID card with a photograph

Voter registration card

U.S. Military card or draft record

Military dependent's ID card

U.S. Coast Guard Merchant Mariner Card

Native American tribal document

Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

School record or report card

Clinic, doctor, or hospital record

Day-care or nursery school record



LIST C

These documents establish employment authorization. Employees need to present both one form from List B and one form from List C to complete Form I-9 (list B is on the previous page). The list is based on the current version of the form, which expires 8/31/2019.

Social Security Account Number card, unless the card includes one of the following restrictions:

1. Not valid for employment
2. Valid for work only with INS authorization
3. Valid for work only with DHS authorization

Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)

Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing 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**

*FINE PRINT

*Employers must never reverify U.S. citizens. In most cases, lawful permanent residents (“Green Card” Holders) do not need to be reverified. However, if a lawful permanent resident presents their employer with temporary evidence of lawful permanent resident status for Section 2 (vs. an unexpired permanent resident card), then reverification may be necessary. Temporary evidence of lawful permanent resident status includes:

1. A foreign passport with a temporary Form I-551 stamp or I-551-printed notation on a machine-readable immigrant visa (MRIV) (acceptable as a List A document);
2. An expired Permanent Resident Card with Form I-797, Notice of Action, indicating that the card is valid for an additional year (acceptable as a List C document); and
3. A Form I-94 with a temporary Form I-551 stamp, which is a receipt for the Permanent Resident Card (Form I-551). At the end of the receipt validity period, which is the expiration date of the stamp, the employee must present their Permanent Resident Card (Form I-551).

**When in doubt about another type of document that would fall into this category, it’s recommended that you look for an authorization date. If unsure, call and speak to an HR Pro or Call the USCIS Hotline at 1-888-464-4218



HOW TO REVERIFY AN EMPLOYEE'S WORK AUTHORIZATION

If an employee chooses to provide a document highlighted in red, this document will ultimately need to be reverified. We recommend setting a calendar reminder for 90 days prior to the expiration of the document or the expiration date listed by the employee in Section 1 of the I-9, whichever is sooner, and providing the employee written notice of the need to reverify and the deadline to do so along with the list of applicable documents they may use (the same list included with Form I-9).

NOTE:

Employees may present the same type of document used for the initial I-9 or a new document of their choice that satisfies this requirement.

To establish reverification, an employee must submit either one document from List A or one document from List C. Once the employee has presented an acceptable document, the employer should review the document and complete Section 3 of Form I-9 for the purpose of reverification. Section 3 of the employee's original I-9 may be used, unless Form I-9 has been updated since the initial I-9 was completed.

In the event that Form I-9 has been revised since the employee originally completed their I-9, Section 3 of the updated form should be used and attached to the employee's original I-9. If the updated version of the I-9 (expiration date 08/31/2019) was not completed at the time of hire, Section 3 of this version must be used to reverify employment authorization. In order to do this, an employer should:

1. Enter the employee's Last Name, First Name, and Middle Initial on the first line of Section 2. Leave the Citizenship/Immigration Status field blank, as well as the rest of Section 2.
2. Complete Section 3.
3. Keep only the page containing Section 3 of the new Form I-9 with the original.



If you have any questions or would like further guidance on reverification of an employee's I-9, don't hesitate to reach out to an HR Pro in HR Support Center.

You can also reference the M-274 I-9 Handbook for employers on the HR Support Center.

