



NEWS RELEASE

Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776
Internet: www.ins.usdoj.gov

January 30, 1998

INS Seeks Public Comment on Proposed Rule to Simplify Employment Verification Process for Employers

WASHINGTON, D.C. — The Immigration and Naturalization Service today announced the publication of a proposed rule in the *Federal Register* on Monday, February 2, which would reduce from 25 to 13 the number of documents that employers may accept when verifying the employment eligibility of new hires. The proposed changes would affect all employers nationwide and all newly hired employees.

"The proposed rule reflects a comprehensive effort to simplify the Form I-9 verification process by reducing the number of documents acceptable for employment verification," said INS Commissioner Meissner. "Since these improvements will have an impact on all of our nation's employers and the people they hire, we welcome their feedback on our proposal. We will assess all public comments before we finalize and implement an improved I-9 process."

The proliferation of counterfeit documents has undermined the effectiveness of the Form I-9 employment verification process required by the 1986 Immigration Reform and Control Act. For the past several years, INS has been combating document fraud by developing new counterfeit-resistant documents which utilize the latest technological advances.

The rule proposes a reduction in the number of acceptable documents for the Form I-9 employment verification process to simplify the process for employers and to eliminate certain documents that are easily counterfeited. The rule also implements the document reduction provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

This proposed rule begins the regulatory process by providing a 60-day public comment period. It does not immediately change the Employment Eligibility Verification Form I-9, or the list of 25 acceptable documents specified by regulation. Therefore, employers should continue to verify employment eligibility by completing the current version of the Form I-9 (dated November 21, 1991) and accepting the documents permitted by regulation. [On September 30, 1997, an interim rule was published in the *Federal Register* that removed four "List A" documents from the list of 29

(more)

Immigration and Naturalization Service's Instructions and Forms For Employment Verification and Reverification

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. xxxxx-xx

Employment Eligibility Verification

INSTRUCTION SHEET- FORM I-9 AND FORM I-9A PLEASE READ CAREFULLY BEFORE COMPLETING THIS FORM.

THIS INSTRUCTION SHEET MUST BE AVAILABLE TO PERSONS COMPLETING THIS FORM.

Employers are responsible for ensuring that the Employment Eligibility Verification form, Form I-9, is properly completed for all employees, citizens and noncitizens, hired after November 6, 1986. Federal law prohibits employers from knowingly hiring or continuing to employ aliens who are not authorized to work in the United States. Federal law provides for civil money penalties for failure to properly complete or maintain this form.

This version of the Form I-9 replaces earlier versions of the form. Starting xx-xx-xx, this is the only version of the form that may be used. The documents listed in Section 2 of the form are the only documents that employers may accept as evidence of identity and eligibility to work. Either Form I-9 or I-9A may be used if an employee's eligibility to work expires and must be reverified.

Discrimination prohibited: It is illegal to discriminate against any individual, other than an alien not authorized to work in the U.S., in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. Employers cannot specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Form I-9

Section 1 must be completed at the time employment begins. Section 2 must be completed within three business days of the date employment begins. If the person is being hired for less than three business days, both Section 1 and Section 2 must be completed at the time employment begins. After making the commitment to hire, an employer may require employees to complete the Form I-9 at or before the time employment begins, provided that the employer applies this requirement uniformly.

Employee Instructions

(1) Read all the instructions and information on this page and on the Form I-9. (2) Complete the information block in Section 1. (3) Read the attestation. Initial the block indicating the status that makes you eligible to work in the United States.

I attest, under penalty of perjury, that I am (initial one of the following):

USA A citizen or national of the United States

If you are a Lawful Permanent Resident or other work-authorized alien, provide your A number or admission number in the space indicated.

TRP A Lawful Permanent Resident (A# A00001111)

If you are not a U.S. citizen or national, or a Lawful Permanent Resident, and your work authorization has an expiration date, put that date in the space indicated. (Some aliens, such as refugees, are not permanent residents but have work authorization that does not expire.) (4) Sign and date the Employee signature block. (5) Show your employer one document from List A or one document each from List B and List C in Section 2. You may choose which documents you wish to present from the lists of acceptable documents in Section 2. Also see the "receipts for documents" section on the second page of these instructions. An employer cannot prefer one document over others. If an employer refuses to accept the documents you choose to show, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-7688 to ask about your rights.

Warning: Federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form. In addition, aliens who are found to have committed such acts may be subject to removal proceedings.

Preparer/Translator Instructions

If the employee needs assistance in completing Section 1, or needs the form translated, someone may assist him or her. The employee must still initial and sign Section 1 personally. If the employee is a minor under age 18 or a

person with a disability who is unable to produce one of the identity documents listed, a parent or responsible person may attest to the person's identity. After providing the needed assistance, the preparer or translator must read the attestation, sign and date the Preparer/Translator signature block, and fill in the requested information. See pub. M-274 for detailed information.

Employer Instructions

(1) Read all the instructions and information on this page and on the Form I-9. (2) Review Section 1 to ensure that it is properly completed. If the date of hire (first day of work) is not known when the form is being completed, that date should be entered on the form when it is known, and the change initiated and dated. State employment agencies completing the form may omit the date of hire. (3) Examine the document(s) presented by the employee. The employee may choose which documents to present from the lists of acceptable documents in Section 2. You must accept any document or combination of documents from Section 2 which reasonably appear on their face to be genuine and to relate to the person presenting them. Also see the "receipts for documents" section on the second page of these instructions. You may not prefer one document over others or ask to see a specific document. To do so could constitute discrimination. For more information on how to comply with employment eligibility verification without discriminating, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-8155. Employers may, but are not required to, photocopy the document(s) presented. If they do this, they must still complete the Form I-9. The photocopies must be attached to and retained with the form. The copies may be used only for the verification process. (4) Complete Section 2. Fill in the information requested for the document(s) presented. (Two information blocks are provided on the form for List A for use if the employee presents a foreign passport with a stamp or Form I-94.) The example below shows how the blocks would be completed for a driver's license. Other examples are shown in pub. M-274.

- Driver's License Issued by a State or outlying possession

State: Virginia
Document # 123-45-6789
Expiration date 12/31/99

(5) Read the attestation. (6) Sign and date the Employer or Authorized Representative signature block, and fill in the requested information.
Note: For the purpose of completing this form, the term "employer" includes those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors.

For more information see pub. M-274, Handbook for Employers. This publication contains detailed instructions, examples of properly completed forms, and pictures of the documents that may be presented when completing the Form I-9.

Form I-9 and Form I-9A (xx-xx-xx)

Employment Eligibility Verification

The instruction sheet must be available to persons completing this form. Please read it carefully before you begin.
For detailed information, see Pub. M-274, Handbook for Employers.
Anti-discrimination notice: It is illegal to discriminate against work eligible individuals. Employers cannot specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Date of hire:
(first day of work)

(month/day/year)

Section 1. To be completed at the time employment begins. Employee must provide the information requested, initial the space showing the status that makes him or her eligible to work in the US, and sign and date the attestation.
Employer must review to ensure Section 1 is properly completed.

Federal law provides for imprisonment and/or fines for false statements or use of false documents when completing the Form I-9.

Print Name (Last, First, Middle Initial)		Maiden Name		
Address	Street Number and Name, Apt. #	City	State	ZIP Code
Date of Birth (month/day/year)		Social Security # (optional)		

I attest, under penalty of perjury, that I am (initial one of the following):

- _____ A citizen or national of the United States
- _____ A Lawful Permanent Resident (A# _____)
- _____ An alien authorized to work (A# or Admission # _____)
until (expiration date, if applicable - month/day/year) ____/____/____

X

Employee's Signature _____ Date (month/day/year) _____

Preparer/Translator: Complete and sign this section if you assisted in the completion of Section 1.

I attest, under penalty of perjury, that I have assisted in the completion of this form and that, to the best of my knowledge, the information is true and correct.

Preparer/Translator's Signature _____ Date (month/day/year) _____

Print Name	Address (Street Name and Number, City, State, Zip Code)
------------	---

Section 2. To be completed within three business days of the time employment begins. Employee must choose one document from List A or one document from List B and one from List C and present the document(s) to the employer. Documents must be unexpired. Employer must check the block next to the document(s), fill in the requested information, including the document number and expiration date (if any), and sign and date the attestation.

List A	OR	List B	AND	List C
<input type="checkbox"/> United States Passport <input type="checkbox"/> Permanent Resident Card or Resident alien card (I-551) <input type="checkbox"/> Foreign Passport with temporary I-551 stamp Country: _____ <input type="checkbox"/> Temporary resident card (I-688) Employment authorization document <input type="checkbox"/> I-766 <input type="checkbox"/> I-688B <input type="checkbox"/> I-688A <input type="checkbox"/> (For aliens authorized to work only for a specific employer) Foreign Passport with Form I-94 authorizing employment with this employer Country: _____ Document # _____ Expiration date _____ Doc. # _____ Exp. _____	<input type="checkbox"/> Driver's License issued by a State or outlying possession State: _____ <input type="checkbox"/> ID card issued by a State or outlying possession State: _____ <input type="checkbox"/> Native American Tribal Document Issued by: _____ <input type="checkbox"/> (For Canadian aliens authorized to work only for a specific employer) Canadian Driver's License or ID card with a photograph Document # _____ Expiration date _____	<input type="checkbox"/> Social Security Account number card without employment restrictions <input type="checkbox"/> Native American Tribal Document Issued by: _____ <input type="checkbox"/> (For aliens authorized to work only for a specific employer) Form I-94 authorizing employment with this employer Document # _____ Expiration date _____		

I attest, under penalty of perjury, that I have examined the document(s) presented by the employee, that the document(s) appear to be genuine and to relate to the employee named, and that, to the best of my knowledge, the employee is eligible to work in the United States.

X

Signature of Employer or Authorized Representative _____ Date (month/day/year) _____

Print Name	Company Name and Address (Street Name and Number, City, State, ZIP code)
------------	--

Employment Eligibility Reverification

This form is for reverification only.

Do not use if the employee has not previously completed a Form I-9. Do not use if the employee previously completed a Form I-9 and was verified as a US citizen or national or a Lawful Permanent Resident (except for a Lawful Permanent Resident who presented an unexpired foreign passport with a temporary I-551 stamp). The instruction sheet and lists A and C must be available to persons completing this form. For details, see Pub. M-274, Handbook for Employers.

Anti-discrimination notice: It is illegal to discriminate against work eligible individuals. Employers cannot specify which document(s) they will accept from an employee. The refusal to continue to employ an individual because of a future expiration date may also constitute illegal discrimination.

Federal law provides for imprisonment and/or fines for false statements or use of false documents when completing the Form I-9A.

Reverification Dated _____ (month/day/year)

Section 1. Employee must complete and sign no later than the date employment authorization expires. Employer must review to ensure Section 1 is properly completed.

Print Name (Last, First, Middle Initial)	Maiden Name
--	-------------

I attest, under penalty of perjury, that I am (initial one of the following):

- A Lawful Permanent Resident (A# _____)
- An alien authorized to work (A# or Admission # _____)
until (expiration date, if applicable - month/day/year) ____/____/____

Employee's Signature _____ Date (month/day/year) _____

Preparer/Translator: Complete and sign this section if you assisted in the completion of Section 1. I attest, under penalty of perjury, that I have assisted in the completion of this form and that, to the best of my knowledge, the information is true and correct.

Preparer's/Translator's Signature _____ Date (month/day/year) _____

Print Name	Address (Street Name and Number, City, State, Zip Code)
------------	---

Section 2. To be completed and signed no later than the expiration date indicated for the employee's employment authorization on either Section 1 or Section 2 (List A or C) of the Form I-9. Employee must present one document from List A or List C on the Form I-9. Employer must fill in the requested information and sign and date the attestation.

Document Title: _____ Document #: _____ Expiration Date (if any): ____/____/____

I attest, under penalty of perjury, that I have examined the document presented by the employee, that the document appears to be genuine and to relate to the employee named, and that, to the best of my knowledge, the employee is eligible to work in the United States.

Signature of Employer or Authorized Representative _____ Date (month/day/year) _____

Print Name	Company Name and Address (Street Name and Number, City, State, ZIP code)
------------	--

Section 1. Reverification Dated _____ (month/day/year)

I attest, under penalty of perjury, that I am (initial one of the following):

- A Lawful Permanent Resident (A# _____)
- An alien authorized to work (A# or Admission # _____)
until (expiration date, if applicable - month/day/year) ____/____/____

Employee's Signature _____ Date (month/day/year) _____

Preparer/Translator: I attest, under penalty of perjury, that I have assisted in the completion of this form and that, to the best of my knowledge, the information is true and correct.

Preparer's/Translator's Signature _____ Date (month/day/year) _____

Print Name	Address (Street Name and Number, City, State, Zip Code)
------------	---

Section 2. Document Title: _____ Document #: _____ Expiration Date (if any): ____/____/____

I attest, under penalty of perjury, that I have examined the document presented by the employee, that the document appears to be genuine and to relate to the employee named, and that, to the best of my knowledge, the employee is eligible to work in the United States.

Signature of Employer or Authorized Representative _____ Date (month/day/year) _____

Print Name

Form I-9A (Rev. 9/98)

LISTS OF ACCEPTABLE DOCUMENTS

LIST A

Documents that Establish Both Identity and Employment Eligibility

1. U.S. Passport (unexpired or expired)
- ~~2. Certificate of U.S. Citizenship (INS Form N-560 or N-561)~~
- ~~3. Certificate of Naturalization (INS Form N-550 or N-570)~~
4. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
5. Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
6. Unexpired Temporary Resident Card (INS Form I-688)
7. Unexpired Employment Authorization Card (INS Form I-688A)
- ~~8. Unexpired Reentry Permit (INS Form I-327)~~
- ~~9. Unexpired Refugee Travel Document (INS Form I-571)~~
10. Unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)

OR

LIST B

Documents that Establish Identity

1. 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, sex, height, eye color, and address
 - ~~2. 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, sex, height, eye color, and address~~
 - ~~3. School ID card with a photograph~~
 - ~~4. Voter's registration card~~
 - ~~5. U.S. Military card or draft record~~
 - ~~6. Military dependent's ID card~~
 - ~~7. U.S. Coast Guard Merchant Mariner Card~~
 8. Native American tribal document
 9. Driver's license issued by a Canadian government authority
- For persons under age 18 who are unable to present a document listed above:**
- ~~10. School record or report card~~
 - ~~11. Clinic, doctor or hospital record~~
 - ~~12. Day-care or nursery school record~~

AND

LIST C

Documents that Establish Employment Eligibility

1. U.S. social security card issued by the Social Security Administration (*other than a card stating it is not valid for employment*)
- ~~2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1850)~~
- ~~3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal~~
4. Native American tribal document
- ~~5. U.S. Citizen ID Card (INS Form I-197)~~
- ~~6. ID Card for use of Resident Citizen in the United States (INS Form I-179)~~
- ~~7. Unexpired employment authorization document issued by the INS (*other than those listed under List A*)~~

Add: Form I-94 with appropriate endorsement of alien's nonimmigrant status.

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)