

Form I-9 is required by the U.S. Department of Homeland Security for all employees. It establishes an employee's identity and proves that they are eligible to work in the United States. The rules relating to I-9 completion protect employers from immigration violations and protect employees from discrimination.

Do	have the employee complete Section 1 no later than the first day of services. The employer must complete Section 2 no later than the third day of services.
Don't	ask an applicant to complete an I-9 prior to making a job offer. If the applicant is not hired, they may claim national origin or race discrimination.
Do	examine either one original document from List A or one original document from both List B and List C for each employee.
Don't	ask new hires for any particular documents or for more documents than the I-9 requires. The employee chooses the documents, not you. The employee may provide any acceptable documentation in accordance with the provided list of Acceptable Documents.
Do	designate one or two people to handle the I-9 process. Establish uniform procedures for obtaining the I-9s, storing the I-9s, and reverifying eligibility when needed.
Don't	allow an employee to work until they have completed Section 1 OR allow an employee to work beyond the third day of services until they have provided the appropriate documentation and the employer has reviewed and signed Section 2.
Do	write the employee's first day of work in the Certification section.
Don't	forget to keep a tickler file to follow up on expiring documents that limit the employee's authorization to work. You don't have to reverify identity documents, such as driver's licenses.
Do	retain I-9s for all active employees indefinitely; retain I-9s for terminated employees for three years after the date of hire or for one year after employment is terminated, whichever is later. (See our Retention Calculator on Page 2.)
Don't	put the I-9 in an employee's personnel file. To protect against discrimination claims, keep the I-9 and supporting documents in a separate file.
Do	keep the I-9s in a separate file, not in the employee's personnel file.
Don't	accept photocopied documents for Section 2. An employee must provide the original documents.
Do	write down documents in the correct columns in Section 2. For example, a passport may only be documented on List A, a driver's license may only be documented on List B, and a social security card may only be documented on List C. Expired documents are not valid to establish employment eligibility.
Don't	accept more than the minimum documentation for Section 2. For example, if an employee presents a passport, a driver's license, and a social security card, you may only record the passport or the driver's license and social security card. You may not record all three documents. The practice of accepting more than the required documentation may be considered discriminatory.
Do	contact HR Knowledge if you have any questions while completing an I-9 form.

Penalties: Failure to have a correctly completed I-9 form on file for any employee could result in a fine of \$110 – \$1,100 *per employee*. I-9 compliance is important, and your procedures need to be consistent and complete. You can find more information in the employer handbook issued by the USCIS, available at the [USCIS website](#).

I-9 Record Retention for Terminated Employees:

1. Determine record retention dates for terminated employees:
 - File terminated I-9s chronologically according to their retention date.
 - Shred only those I-9s for which retention dates have passed for terminated employees.

I-9 Retention Calculator:

1. Enter date employee started work:	
	Add 3 years to Line 1: A. _____
2. Termination date:	
	Add 1 year to Line 2: B. _____
	Which date is later: A or B? Enter later date here: C. _____
	<i>Store Form I-9 until this date</i>

For example: John Doe is hired on 5/14/07 and is terminated on 2/9/14. Using the calculation above, we will determine how long to keep John Doe's Form I-9 on file.

1. Date John Doe began work for pay: 5/14/07
 - A. Add three years to the date of hire: 5/14/10
2. The date John Doe's employment was terminated: 2/9/14
 - B. Add one year to the date of John Doe's termination: 2/9/15
3. Which date is later, A or B? Date B is later.
 - C. Enter the later date: 2/9/15

The retention date should read "Retain until 2/9/15"