

Don't FALL Behind With Your I-9s

By: Samantha Koeninger Rittgers on September 12, 2019 on graydon.law

Fall is in the air! As we all watch leaves turn colors and fall to the ground - employers should also keep watch for changes to Form I-9. All employers are required by the Immigration Reform and Control Act ("IRCA") to complete a Form I-9 to verify the identity and employment authorization of individuals hired for employment in the United States.

Employers must ensure proper completion of Form I-9 for each individual they hire - citizens and noncitizens - and have a completed Form I-9 on file for each person on their payroll who is required to complete the form.

Form I-9 can be found on the United States Citizen and Immigration Services' (USCIS) website. The current Form I-9 expired on 8/31/2019. Employers should *continue* to use the current edition of the Form I-9 until a new edition is published and posted on the USCIS website.

We all know things happen - like expired forms! But what if a new employee's documentation to show their identity and authorization to work are lost, stolen or damaged?

The law requires that employees properly complete and sign Section 1 of Form I-9 no later than their first day of employment. Employers are required to physically examine the employee's documents and complete and sign Section 2 of Form I-9 within three business days of the employee's first day of employment.

Well, if an employee's documents are lost, stolen or damaged - employees may present a receipt showing that they applied for a replacement document. A receipt fulfills the verification requirements of the document for which the receipt was issued (List A, B, or C document) and is valid for 90 days from the date of hire. Employees who present a receipt must provide the replacement document for which the receipt was issued within 90 days from the date of hire.

When the employee presents the replacement document, the employer should:

- Cross out the word "receipt" and any accompanying document number and expiration date;
- Record the number and other required document information from the actual document presented; and

- Initial and date the change.

Form I-9 must be retained and stored by the employer either for three years after the date of hire or for one year after employment is terminated, whichever is later.