

# Form I-9

## Know the Requirements

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In agriculture, our labor needs change with the seasons, which means we are regularly pulling together the new-hire paperwork packet for our employees. One of the most critical, and frankly complicated, forms in that packet is the Form I-9, the Employment Eligibility Verification form that needs to be filled out for every person hired in the United States after November 6, 1986. Let's spend some time diving into each section and its requirements.

### **Section 1: Employee Information and Attestation**

It is the employee's responsibility to provide the following information:

- Full legal name
- Other names used, like a maiden name
- Current address, no P.O. Boxes
- Date of birth
- Mark the appropriate citizen or noncitizen box
- Signature and dates

It is the employer's responsibility to review the information provided by the employee in Section 1 and ensure all of the information is filled in legibly, including the employee's signature and the date signed. You should note whether your employee indicated in Section 1 that their employment authorization will expire, and mark your calendar with the date to re-verify. In addition, be sure you are using the most recent version of the form (the date can be found in the upper right-hand corner of the first page). It also is important to only use blue or black ink and never use a highlighter or whiteout on the form. These latter reminders are important as an employer can be given an administrative citation for not following the directions on any part of the form.

### **Section 2: Employer Review and Attestation**

Employers must complete and sign Section 2 on the I-9 within three business days of the date of hire of the employee (the hire date means the first day of work for pay). For example, if your employee began work for pay on Monday, you must complete Section 2 by Thursday of that week. If the job lasts less than three days, you must complete Section 2 no later than the first day of work for pay. The employee must present documents that verify his or her identity and the right to work in the United States. A variety of documents satisfy both requirements and are referred to in List A of the instructions.

Alternatively, an employee can present a document from List B validating their identity and List C with their work authorization. To review a complete list of the accepted documents, including pictures of examples for reference, visit I-9 Central at [https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptabledocuments?topic\\_id=1&t=b](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptabledocuments?topic_id=1&t=b).

It is the employer's responsibility to take the documents provided and subsequently complete the section with the employee's name, along with the information from the documents in the appropriate List A, B or C column. Employers are responsible for visually inspecting the documents presented to ensure they are legally acceptable and genuine. In addition, the business name, address, date hired, date signed, and signature lines all should be completed.

In Section 2, common administrative mistakes include not following the correct date format (mm/dd/yyyy), (i.e. 01/08/1980). It is often common for employers not to complete the form within the three business days, as previously mentioned. Lastly, illegible handwriting creates challenges when and if the form is ever audited.

### Section 3: Reverification and Rehires

This section requires attention when your employee's employment authorization or documentation of employment authorization has expired. Employers should not re-verify the following documents:

- U.S. citizens and noncitizen nationals
- Lawful permanent residents who presented a Form I-551, Permanent Resident or Alien Registration Receipt card for Section 2. This includes conditional residents.
- List B documents

That being said, if you rehire an employee within three years from the date that the Form I-9 was previously executed, you may either rely on the employee's previously executed Form I-9 or complete a new form. If you choose to rely on a previously completed Form I-9 follow these guidelines:

- If the employee remains employment-authorized as indicated in the previously executed form and doesn't need additional documentation, then reverification is not needed.
- If the previously executed form indicated a document that is subject to reverification, if it has expired then it needs to be reverified and the updated information should be noted in the section.

If you already used the Section 3 on the current Form I-9, a new form will need to be completed. Remember that employees hired after three years from the date of the original hire must complete a new I-9 Form. 🍌

## Form I-9 Storage and Retention

**The question of how and how long to store I-9s is one of the most common points of confusion for employers. The form's instructions are fairly detailed in these areas and as such, it is best to make sure you read the directions thoroughly and on an annual basis so as to ensure no new details are missed. The following is a practical synopsis of what to keep in mind:**

### Storage:

- Form I-9 must be on file for all current employees – full-time, part-time, regular, and seasonal.
- Store the forms securely in a way that meets your business needs – on-site, off-site, storage facility or electronically.
- Store the forms and copies of documents separately, if you choose to make copies.
- Ensure that only authorized employees have access to the files.
- Be prepared to make them available within three days of an official request for inspection.

### Retention:

Forms should be kept either:

- Three years after the date of hire or
- One year after the date employment terminates, whichever is later

If completing the Form I-9 feels overwhelming, visit the USCIS website, I-9 Central for further explanation and training videos at <https://www.uscis.gov/i-9-central/learning-resources>.

*For more information about the Form I-9, or any worker safety, human resources, labor relations, pesticide safety, or food safety issues, please visit [www.agsafe.org](http://www.agsafe.org), call (209) 526-4400 or email [safeinfo@agsafe.org](mailto:safeinfo@agsafe.org).*

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