



U.S. Citizenship and Immigration Services

OFFICE OF BUSINESS LIAISON

Employer Information Bulletin 101

Basic Information about the Form I-9

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Fax: (202) 272-1864

Order Forms: (800) 870-3676

Website: www.uscis.gov

The following is not intended to be legal advice pertaining to your situation and should not be construed as such. The information provided is intended merely as a general overview with regard to the subject matter covered.

GENERAL INFORMATION ABOUT THE FORM I-9

What is Form I-9?

Form I-9 is the Employment Eligibility Verification Form issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services. By law all US employers are responsible for completion and retention of Forms I-9 for all US citizen as well as non-citizen employees it has hired for employment in the US after November 6, 1986. This process, which includes an employee's attestation of work authorization and an employer's review of documents presented by that employee to demonstrate identity and work authorization, is the means by which US employers document that they have verified whether a newly hired employee is eligible to work in the US. The employee and employer both must provide information and signatures as indicated on the form.

How do I obtain the Form I-9?

Copies of the Form I-9 can be ordered at (800) 870-3676. They may also be downloaded from the U.S. Citizenship and Immigration Services Internet website at <http://www.uscis.gov>.

How do I administer the Form I-9 process?

Instructions accompany the Form I-9. Additionally, the "Handbook for Employers", Form M-274, is another available resource. Detailed information about the employment eligibility verification process also appears in the Employer Information Bulletins (EIB 101-112).

Can I verify an employee's work authorization?

ONLY officially registered participants in the Department of Homeland Security's automated verification system pilot projects are permitted to verify the work authorization of a newly hired employee. Questions about participation in the Department of Homeland Security verification pilot programs may be directed to the Department of Homeland Security, SAVE Program at (202) 514-2317 or (888) 464-4218. For more information see Employer Information Bulletin 103.

Where do I send the Form I-9?

The employer must retain the Form I-9 for each employee either for three years after the date of hire or for one year after employment is terminated, whichever is later. (See Employer Information Bulletin 102).

Can I reproduce Form I-9?

Employers are permitted to electronically generate the Form I-9, provided that the resulting form is legible, the content and sequence of the data elements and instructions match those on the official Department of Homeland Security document (Form I-9, revised 11/21/91, OMB No. 1111-0136) and the paper is of retention quality. Copies of the Form I-9 may be reproduced in either double-sided or single-sided format.

Can I store Forms I-9 electronically?

Currently, the only storage options are hard copy or microfiche or microfilm.

Are changes anticipated in the Form I-9?

Changes in the Form I-9 are expected in late 2005 or early 2006, including a reduction in the number of documents that can be submitted by new employees to demonstrate their employment eligibility. (The interim rule of September 30, 1997, reduced the number of documents that are acceptable for the I-9; however these changes are not reflected on the Form I-9. See 8 C.F.R. 274a.2(b)(1)(v) for the most up to date list of acceptable documents.)