



**U.S. Citizenship and  
Immigration Services**

# FREQUENTLY ASKED QUESTIONS AND ANSWERS

*NOTE: The Last Reviewed/Updated dates are per USCIS – as of 11/15/2016*

## **Who Needs to Complete Form I-9?**

**Are election judges and poll workers exempt from completing Forms I-9 in accordance with U.S. Department of Justice memo dated Feb 18, 1988 signed by John R. Schroeder?**

Yes, Immigration and Customs Enforcement (ICE) continues to adhere to this policy. For more information, please contact ICE directly.

*Last Reviewed/Updated: 03/19/2014*

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**My company retains unpaid individuals (student trainees, interns, volunteers, residents) that receive job training and experience but receive no form of payment from my company. Do we need to complete Forms I-9 for these individuals?**

In general, Forms I-9 are not required for unpaid individuals unless the individuals will receive something of value in exchange for their labor or services, also referred to as remuneration.

Remuneration can come in many forms, such as money, meals, lodging and other benefits, but does not include gifts. If your company determines that unpaid individuals will receive something of value in exchange for labor or services, your company should complete Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Can I include Form I-9 in a job application packet?**

Yes. You can include Form I-9 in a job application packet as long as you apply this practice uniformly to all job applicants and do so for information purposes. Do not ask employees to complete Form I-9 as part of the application process. Form I-9 must be completed after your employee has been provided and accepted an offer of employment.

*Last Reviewed/Updated: 03/19/2014*

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**If I am self-employed, do I have to fill out a Form I-9 on myself?**

A self-employed person does not need to complete a Form I-9 on his or her own behalf unless the person is an employee of a separate business entity, such as a corporation or partnership. If the person is an employee of a separate business entity, he or she, and any other employees, will have to complete Form I-9.

*Last Reviewed/Updated: 03/19/2014*

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**If I am a recruiter or referrer for a fee, do I have to fill out Forms I-9 on individuals that I recruit or refer?**

No, with three exceptions: Agricultural associations, agricultural employers, and farm labor contractors. These entities must complete Forms I-9 on all individuals who they recruit or refer for a fee. Also, all recruiters and referrers for a fee are liable for knowingly recruiting or referring for a fee individuals not authorized to work in the United States and must comply with federal anti-discrimination laws.

*Last Reviewed/Updated: 03/19/2014*

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**Do I have to complete Forms I-9 for Canadians or Mexicans who entered the United States under the North American Free Trade Agreement (NAFTA)?**

Yes. You must complete Forms I-9 for all employees, including NAFTA entrants.

*Last Reviewed/Updated: 03/19/2014*

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**Do the owners of a company have to complete Form I-9? What if one of the company's owners refuses to complete Form I-9?**

Form I-9 requirements are triggered by the hire of an individual for employment in the United States. A "hire" is the actual commencement of employment of an employee for wages or other remuneration. If any of the owners are "employees" of the company, then each owner must complete Form I-9. Failure to comply with all Form I-9 requirements could result in civil penalties against the employer

*Last Reviewed/Updated: 03/19/2014*

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**Am I required to complete Forms I-9 for employees who will work only one day?**

Yes. Unless the individual engages in casual domestic employment, you must complete Form I-9 for each employee hired to work in the United States, even if your employee works only one day.

*Last Reviewed/Updated: 03/19/2014*

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**Do I have to update or complete a new Form I-9 when distributing back pay to a previous employee who no longer works for the company?**

No. You should not update or complete a new Form I-9 if you are only distributing back pay to a previous employee.

*Last Reviewed/Updated: 03/19/2014*

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**Is my employee required to complete Form I-9 if he/she is attending training in the United States before starting his/her job in a foreign country?**

If your company is paying for training that is required for the job, Form I-9 should be completed. You must complete Form I-9 in this situation even if your employee will be attending the training in the United States only for one day.

*Last Reviewed/Updated: 03/19/2014*

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**I am self-employed and don't need to complete the Form I-9. Do I need to be authorized to work in the United States to be self-employed?**

Yes. Individuals must be work-authorized to perform any employment in the United States, even if it is not employment in an employer-employee relationship requiring completion of the Form I-9. Undocumented aliens, or others lacking work authorization, are NOT authorized to be self-employed or to work as independent contractors. Any person who obtains the labor of an independent contractor, knowing that the contractor is not work authorized, is subject to civil penalties under section 274A of the INA.

*Last Reviewed/Updated: 03/19/2014*

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**Do I need to fill out Forms I-9 for independent contractors or their employees?**

No. For example, if you contract with a construction company to perform renovations on your building, you do not have to complete Forms I-9 for that company's employees. The construction company is responsible for completing Forms I-9 for its own employees. However, you may not use a contract, subcontract or exchange to obtain the labor or services of an employee knowing that the employee is unauthorized to work.

*Last Reviewed/Updated: 03/19/2014*

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**If someone accepts a job with my company but will not start work for a month, can I complete Form I-9 when my employee accepts the job?**

Yes. The law requires that you complete Form I-9 only when the person actually begins working for pay. However, you may complete the form earlier, as long as the person has been offered and has accepted the job. You may not use the Form I-9 process to screen job applicants or to delay the actual start day of work.

*Last Reviewed/Updated: 03/19/2014*

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**Do citizens and noncitizen nationals of the United States need to complete Form I-9?**

Yes. While citizens and noncitizen nationals of the United States are automatically eligible for employment, they too must present the required documents and complete a Form I-9. U. S. Citizens include persons born in the United States, Puerto Rico, Guam, the U.S. Virgin Island and the Commonwealth of the Northern Mariana Islands. U. S. noncitizen nationals are persons who owe permanent allegiance to the United States, which include those born in American Samoa, including Swains Island.

*Last Reviewed/Updated: 03/19/2014*

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## **Completing Form I-9**

**How far in advance can the Form I-9 be completed?**

Form I-9 may be completed as soon as the employer has offered the individual a job and the individual has accepted the offer. Each newly hired employee must complete and sign Section 1 of Form I-9 no later than his or her first day of employment.

*Last Reviewed/Updated: 08/06/2015*

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**In the case of a merger, how can I meet the 3 day rule and complete all new Forms I-9 for my acquired employees?**

If an employer chooses to treat acquired employees as new hires rather than as continuing in employment, the employer must complete new Forms I-9 for all of these employees within the regulatory timeframes applicable to Form I-9 completion for new hires. Employers may complete new Forms I-9 before the merger or acquisition takes place as long as the employer has offered the acquired employee a job and the employee has accepted the offer. Regulations do not provide for lengthier timeframes in the case of a merger or acquisition.

*Last Reviewed/Updated: 04/03/2014*

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**Is an H-4 with a pending I-129 to become an H-1B employment authorized? The individual was an H-1B prior to becoming an H-4 and is in an authorized period of stay.**

USCIS has interpreted Section 105 of AC21 to only provide for portability of H-1B status. Thus, if the nonimmigrant is not currently maintaining a valid H-1B status, or in an authorized period of stay based on a timely filed extension of H-1B status petition, the H-1B status portability rule would not apply. An individual in H-4 status is not able to port and must wait for the I-129 to be approved before he/she can begin work as an H-1B with either a new or a previous employer.

*Last Reviewed/Updated: 11/25/2014*

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**As an employer, may I use a signature stamp to sign Section 2?**

No. Both the employer's and the employee's handwritten (or electronic signature, if applicable) signatures are required to complete Form I-9.

*Last Reviewed/Updated: 11/25/2014*

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**If my employee changes citizenship status after completing Form I-9, are they required to change their attestation?**

There is no requirement to update the individual's attestation. The employee can voluntarily update Section 1 and initial and date the changes or complete Section 1 of a new Form I-9 and attach it to the existing Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Can I use a different date format on the Form I-9? If a different format has been used should I correct the Form I-9?**

It is recommended to use the American date format MM/DD/YYYY which is shown on the Form I-9 and the Form I-9 Instructions. Other formats are acceptable as long as it is clear what format was used. Corrections are not required to correct the date format.

*Last Reviewed/Updated: 03/27/2014*

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**Do all pages of the Form I-9 and Form I-9 Instructions need to be provided to my employee? Not all pages have action or instructions for the employee.**

The instructions and the Lists of Acceptable Documents page must be made available to all employees completing the form. You do not need to provide a copy of the instructions for employees to keep, but you must provide a copy that they can refer to while completing the Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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### **Are P.O. Boxes acceptable as addresses for Form I-9?**

No. All versions of Form I-9 request that the Address sections should contain the actual location of the employee's residence (Section 1) and the actual location of the employer (Section 2). In the event the employee lives or works in an area that does not have house numbers and street names, the Address sections should contain a narrative description of the location.

In a situation where a company has multiple locations, when filling out the I-9 the person signing section 2 should use the local address of the hiring site, not the main address of the parent company or headquarters.

*Last Reviewed/Updated: 03/27/2014*

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### **Is it acceptable to have both typed and handwritten information on the Form I-9?**

It is acceptable to have both typed and handwritten information on the Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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### **Must Form I-9 be completed in ink or can I use pencil?**

Form I-9 does not need to be completed in ink and the use of pencil is not prohibited. The information written or printed on the form must be legible and the information must be readable for the entire retention period of the form. The preferred medium is black or blue ink since it is permanent, often easier to read and not as susceptible to fading.

*Last Reviewed/Updated: 03/27/2014*

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### **Can there be any additional writing or highlighting on Form I-9?**

Yes. However, you must ensure that such information is legible. Any additional writing, printing or highlighting on Form I-9 outside of the required information must not interfere with an authorized government official's ability to read the information on the form or add additional requirements to the form.

*Last Reviewed/Updated: 03/27/2014*

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### **I have heard that some state employment agencies, commonly known as state workforce agencies, can certify that people they refer are authorized to work. Is that true?**

Yes. A state workforce agency may choose to complete Forms I-9 and verify the employment authorization and identity of individuals it refers to employers. If you hire an individual referred to you by a state workforce agency, the agency must issue a certification to you so that you can comply with Form I-9 requirements. You should check with your state employment agency to see if it provides this service and learn more about your responsibilities.

*Last Reviewed/Updated: 03/27/2014*

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**I use a professional employer organization (PEO) that co-employs my employees. Am I responsible for Form I-9 compliance for these employees or is the PEO?**

Yes Co-employment arrangements can take many forms. As an employer, you continue to be responsible for compliance with Form I-9 requirements.

If the arrangement into which you have entered is one where an employer-employee relationship also exists between the PEO and the employee (e.g., the employee performs labor or services for the PEO), the PEO would be considered an employer for Form I-9 purposes and:

The PEO may rely upon the previously completed Form I-9 at the time of initial hire for each employee continuing employment as a co-employee of you and the PEO, or The PEO may choose to complete new Forms I-9 at the time of co-employment.

If more co-employees are subsequently hired, only one Form I-9 must be completed by either the PEO or the client. However, both you and your PEO are responsible for complying with Form I-9 requirements, and DHS may impose penalties on either party for failure to do so. Penalties for verification violations, if any, may vary depending on:

- A party's control or lack of control over the Form I-9 process,
- Size of the business,
- Good faith in complying with Form I-9 requirements,
- The seriousness of the party's violation,
- Whether or not the employee was authorized to work,
- The history of the party's previous violations and
- Other relevant factors.

*Last Reviewed/Updated: 03/27/2014*

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**Can I contract with someone to complete Forms I-9 for my business?**

Yes. You can contract with another person or business to verify employees' identities and employment authorization and to complete Forms I-9 for you. However, you are still responsible for the contractor's actions and are liable for any violations of the employment eligibility verification requirements.

*Last Reviewed/Updated: 03/27/2014*

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### **I hire my employees remotely. How do I complete Form I-9?**

You may designate an authorized representative to fill out Forms I-9 on behalf of your company, including personnel officers, foremen, agents or notary public. The Department of Homeland Security does not require the authorized representative to have specific agreements or other documentation for Form I-9 purposes. If an authorized representative fills out Form I-9 on your behalf, you are still liable for any violations in connection with the form or the verification process.

When completing Form I-9, you or authorized representative must physically examine each document presented to determine if it reasonably appears to be genuine and relates to the employee presenting it. Reviewing or examining documents via webcam is not permissible.

If the authorized representative refuses to complete Form I-9 (including providing a signature) another authorized representative may be selected. DHS does not require the authorized representative to have specific agreements or other documentation for Form I-9 purposes. If you hire a notary public, the notary public is acting as an authorized representative of you, not as a notary. The notary public must perform the same required actions as an authorized representative. When acting as an authorized representative, the notary public should not provide a notary seal on Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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### **As an employer, do I have to fill out all the Forms I-9 myself?**

No. You may designate someone to fill out Forms I-9 for you, such as a personnel officer, foreman, agent, or anyone else acting on your behalf, such as a notary public. Please note that if someone else fills out Form I-9 on your behalf, he or she must carry out full Form I-9 responsibilities. However, you are still liable for any violations in connection with the form or the verification process.

For example, it is not acceptable for a notary public to view employment authorization and identity documents, but leave Section 2 for you to complete. The person who views an employee's original documentation should also complete and sign Section 2 on your behalf.

*Last Reviewed/Updated: 03/27/2014*

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## **Section 1 - Employee Information and Verification**

### **A new hire completes the Form I-9 without a Social Security number (SSN). When the SSN is later provided to the E-Verify employer can the employer enter the SSN on the Form I-9 or leave the field blank if the employee is not available to update it?**

E-Verify employers must ensure that their employee's SSNs are recorded on Form I-9. If the employee did not have an SSN when he or she first completed Form I-9, then the employer should have the employee insert the number in Section 1 when the employee provides it. Only employees are permitted to correct or update the information in Section 1, but the employer is not required to be present when the employee completes or updates Section 1.

*Last Reviewed/Updated: 08/10/2015*

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### **Can my employee leave any part of Section 1 of the Form I-9 blank? When is an employee required to use “N/A” in Section 1?**

Employees must complete every applicable field in Section 1 of the Form I-9 with the exception of the fields requesting the employees' telephone number, e-mail address, and Social Security number. However, an employee must enter his or her Social Security number if the employer participates in E-Verify. Follow the Form I-9 instructions when determining if a field can be blank or if N/A is required. The instructions state when an employee may use N/A or must use N/A. Required fields must be completed with either the information requested or N/A.

*Last Reviewed/Updated: 04/28/2015*

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### **How should Form I-9, Section 1, Employee Name field be completed when an employee has two legal last names?**

Employees with two last names or a hyphenated last name must include both names in the last name field of the Form I-9. The Handbook for Employers (M-274) page 4 and Form I-9, page 1, section 1 provides specific instructions on completing the last name field on the Form I-9. If an employee enters two last names in Section 1, but presents a document that only displays one of those last names, the document he or she presents for Section 2 is acceptable as long as you are satisfied that the document appears genuine and relates to the employee.

*Last Reviewed/Updated: 04/08/2015*

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### **Section 1 of the Form I-9 now states Other Names Used instead of Maiden Name. If my employee has too many previous names to fit in the box, where should I write them?**

Your employee should provide all other legal names used, including maiden name if applicable. If needed, your employee may write any additional legal names on the form where it best fits and does not interfere with other information on the form. Including the information in a signed and dated attachment is also acceptable.

*Last Reviewed/Updated: 03/27/2014*

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### **When an alien authorized to work has an I-94 with a “D/S” indicated as the expiration date do I need to write “D/S” in Section 1?**

“D/S” should be written in Section 1 when applicable (e.g., F-1 nonimmigrant student engaging in on-campus employment; nonimmigrant admitted under the Compact of Free Association Between the United States and the Federal States of Micronesia or the Republic of the Marshall Islands).

*Last Reviewed/Updated: 03/27/2014*

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### **How do you enter a Mexican or Canadian address in Section 1?**

The full Mexican or Canadian address should be entered in Section 1 using the boxes for Address, City or Town, State and Zip Code. If additional space is needed, the employee may write information, such as the country, on the form near the address data fields where it best fits and does not interfere with other information on the form, or in a signed and dated attachment that includes an explanation regarding why extra space was needed for the address.

*Last Reviewed/Updated: 03/19/2014*

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### **If an employee writes down an Alien Number or Admission Number when completing Section 1 of Form I-9, may I ask to see a document with that number?**

No. Although it is your responsibility as an employer to ensure that your employees fully complete Section 1 by the time employment begins, the employee is not required to present a document to complete this section. When you complete Section 2, you may not ask to see a document with the employee's Alien Number or Admission Number or otherwise specify which document(s) an employee may present. To do so may violate the anti-discrimination provision of the INA.

*Last Reviewed/Updated: 03/19/2014*

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### **May a minor act as a preparer or translator for an employee completing Form I-9?**

A minor may act as a preparer/translator for Form I-9. USCIS recommends that employers use their discretion in determining if the minor understands the legal consequences of signing the Preparer/Translator Certification.

*Last Reviewed/Updated: 03/19/2014*

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### **Can I complete Section 1 of Form I-9 for my employee?**

You may help an employee who needs assistance in completing Section 1 of Form I-9. However, you must also complete the Preparer and/or Translator Certification block. The employee must still sign the certification block in Section 1.

*Last Reviewed/Updated: 03/19/2014*

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## Section 2 - Employer Review and Verification

**May a notary public or any authorized representative attach an attestation to Form I-9 instead of providing a signature in the signature block of Section 2?**

No. Section 2 is a review of the documents the employee presents and must be signed. If Section 2 is not signed by the individual who reviewed the documents, Form I-9 is not complete.

*Last Reviewed/Updated: 03/27/2014*

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**What business name should I enter on Form I-9: the legal name or the doing business as (DBA) name?**

You must record the business name on Form I-9. USCIS recommends that you use the company's legal name, and if there is a DBA, write it on the form as well. You should enter the same names on all Forms I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Can I fill out in advance Section 2 of Form I-9 with my business or organization name, address and position of my company representative?**

Yes. You may prefill the "Last Name(Family Name) and First Name (Given Name)", "Title of Employer or Authorized Representative" and "Employer's Business or Organization Name", "Employer's Business or Organization Address (Street Number and Name), "City or Town", "State" and "Zip Code" blocks of Section 2 of Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**The name my employee provided in Section 1 does not match the name on the document provided. My employee told me the name on the document is his or her legal name but my employee prefers to use the name provided in Section 1. Can I annotate the employee's legal name in Section 2, either in the space provided for additional information or in the space provided under List B or List C for expiration date if the document provided will never expire?**

In Section 1 of Form I-9, employees are required to enter their current legal name and if applicable, any other legal names used. Employers must provide Form I-9 instructions to their employees before completing Section 1. Employers must ensure their employees properly complete this section including their full legal last name, first name, and middle initial. If there is a discrepancy between the documents presented and the name provided in Section 1, the employer should resolve the question of whether the documents reasonably relate to the employee and ask the employee the reason for the discrepancy.

Even though the employee prefers to use a nickname rather than a legal name, the employer should have the employee correct the name fields to provide the legal name in Section 1. Only employees may correct information in Section 1. Employers should also ensure that the employee's name in Section 2 is the same as the name from Section 1. *Last Reviewed/Updated: 09/08/2016*

**In the signature block for the Employer or Authorized Representative found in Section 2 of Form I-9, do I need to sign my full legal name?**

No, you are not required to sign your full legal name in the Section 2 signature block. Your normal signature is sufficient even if it is not your full legal name. In addition, a signature does not need to be legible to be valid.

*Last Reviewed/Updated: 09/08/2016*

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## **Section 3 – Updating and Reverification (Rehires)**

### **Can an H-1B employee present a driver's license and Form I-94 card only (no passport) for reverification?**

An H-1B employee who is verifying continued H-1B employment authorization may choose to present his or her Form I-94 as List C #8 document.

*Last Reviewed/Updated: 08/06/2015*

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### **Can an F-1 student engaged in OPT, STEM, or off-campus employment other than curricular practical training present Form I-94 and Form I-20 as List C document during reverification?**

No, Form I-94 and Form I-20 do not establish employment authorization for reverification in the case of F-1 students seeking employment under optional practical training (OPT), STEM OPT extension, or off-campus employment based on severe economic hardship. If employment authorization is granted in these cases, USCIS issues an Employment Authorization Document (EAD) as evidence of employment authorization.

The student's expired OPT EAD, together with an endorsed Form I-20, are considered an acceptable List A documents for a student who is participating in OPT and whose F-1 status and employment authorization have been automatically extended as a result of a timely filed H-1B change of status petition (cap-gap).

An expired OPT EAD with an endorsed Form I-20 is also an acceptable List A document in the case of the F-1 OPT student with a pending STEM extension application. The student is authorized to work until USCIS makes a decision on his or her application, but not more than 180 days from the date of the initial OPT EAD expiration date.

For more guidance on reverification and F-1 STEM OPT extensions and cap-gap for students, see the [Guidance for Completing Form I-9 Handbook](#).

*Last Reviewed/Updated: 05/16/2016*

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### **Are seasonal workers considered rehires when the seasonal worker has every expectation to return to the job the following season, such as from one holiday season to another? Must the employee complete a new Form I-9 each season?**

The regulations provide that if the individual is continuing in his or her employment, such as may be the case with seasonal employment, and has a reasonable expectation of employment at all times, his or her return to work would not be considered a new hire, so a new Form I-9 is not required. Employers should continue to maintain and store the completed Form I-9 as if there was no interruption in employment. Therefore, the employer should conduct any reverification of employment authorization as necessary.

If the employer determines that the employee was terminated and is now rehired, and the rehire occurs within three years from the date the previous Form I-9 was completed, the employer may complete a new Form I-9 or rely on the previously completed Form I-9. For additional information on continuing employment, refer to the M-274 Part Two, Completing Section 3. *Last Reviewed/Updated: 11/25/2014*

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**Must I reverify an employee who presented a Permanent Resident Card with a 10-year expiration date?**

No, you should not reverify this employee. For more information, refer to the M-274 Part 2, Reverification and Evidence of Status for Certain Categories.

*Last Reviewed/Updated: 11/25/2014*

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**Must I reverify an employee who presented for Form I-9 a Permanent Resident Card that expires in two years and contains conditions?**

No, you should not reverify this employee. For more information, refer to the M-274 Part 2, Reverification and Evidence of Status for Certain Categories.

*Last Reviewed/Updated: 11/25/2014*

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**When a foreign national employee provides a List A document that includes a foreign passport, an I-94, and I-20, should/could we re-verify using more than one document under Section 3 or just one document at a time?**

The employee's foreign passport establishes identity and therefore does not trigger reverification when it expires. In the case of a student, the Form I-94 and I-20 establish employment authorization. Reverification is triggered by the document with the earlier end date. Both documents should be treated as a group; reverification should not be completed each time one of the documents in the group expires. To meet the reverification requirements, the employee may present any document of his or her choice from List A or List C. If the document that the employee chooses to present consists of a combination of documents (e.g., foreign passport with Form I-94 indicating the employee's nonimmigrant classification that is work authorized incident to status for a specific employer), then all documents must be recorded in Section 3.

*Last Reviewed/Updated: 03/27/2014*

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**Can I avoid reverifying an employee on Form I-9 by not hiring persons whose employment authorization has an expiration date?**

No. You cannot refuse to hire persons solely because their employment authorization is temporary. The existence of a future expiration date does not preclude continuous employment authorization for an employee and does not mean that subsequent employment authorization will not be granted. In addition, consideration of a future employment authorization expiration date in determining whether an individual is qualified for a particular job may be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

*Last Reviewed/Updated: 03/27/2014*

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## What do I do when an employee's employment authorization expires?

To continue to employ an individual whose employment authorization has expired, you will need to reverify him or her in Section 3 of Form I-9. Reverification must occur no later than the date that employment authorization expires. The employee must present a document of their choice from either List A or List C that shows either an extension of his or her initial employment authorization or new employment authorization. The employee does not need to present the same document they presented for initial verification. You must review this document and, if it reasonably appears on its face to be genuine and to relate to the person presenting it, record the document title, number, and expiration date (if any), in the Updating and Reverification Section (Section 3), and sign in the appropriate space.

If the version of Form I-9 that you used for the employee's original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon reverification and attach it to the original Form I-9.

You may want to establish a calendar call-up system for employees whose employment authorization will expire and provide the employee with at least 90 days notice prior to the expiration date of the employment authorization.

You may not reverify an expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.

**NOTE:** You cannot refuse to accept a document because it has a future expiration date. You must accept any document (from List A or List C) listed on Form I-9 that on its face reasonably appears to be genuine and to relate to the person presenting it. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA.

*Last Reviewed/Updated: 03/27/2014*

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## What should I do if I need to reverify an employee who filled out an earlier version of Form I-9?

If you originally used a version of Form I-9 when verifying the employee that is no longer valid, and you are now reverifying the employment authorization of that employee, the employee must provide any document(s) he or she chooses from either a List A document or a List C document of the employee's choice from the current Lists of Acceptable Documents. Enter this new document(s) in Section 3 of the current version of Form I-9 and retain it with the previously completed Form I-9. To see if your form is an acceptable version of Form I-9, go to [www.uscis.gov/i-9](http://www.uscis.gov/i-9).

*Last Reviewed/Updated: 03/27/2014*

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## What am I required to do if my F-1 student with a 17-month STEM OPT extension receives an additional 7-month STEM OPT extension?

If an application for a 7-month STEM OPT extension is approved, USCIS will issue an Employment Authorization Document (EAD) with a validity period that starts on the day after the expiration date listed on the 17-month STEM OPT EAD. For uninterrupted employment, the employer should complete Section 3 and use the student's new EAD (granting the additional 7-month STEM OPT extension) to complete Section 3 of Form I-9 no later than the date that employment authorization expires. *Last Reviewed/Updated: 05/16/2016*

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## Questions About Documents

### **Why can't the US military ID be used for both B&C columns in the acceptable requirements list?**

Current Form I-9 regulations do not designate the military ID as an acceptable List C document; the military ID is only an acceptable List B identity document (see 8 CFR 274a.2(b)(1)(v)(B)). Any revisions to the Form I-9 Lists of Acceptable Documents would require a statutory or regulatory change.

*Last Reviewed/Updated: 09/10/2015*

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### **Can an employer accept a refugee or asylee's Form I-94 with a handwritten number on it?**

When a refugee or asylee does not have a foreign passport Customs and Border Protection (CBP) provides the individual a paper Form I-94. The pre-printed Form I-94 number will be crossed out and the actual electronic Form I-94 number will be handwritten on the document.

A Form I-94 with an unexpired refugee admission stamp and a handwritten number on it is acceptable as a receipt for a List A document for a refugee. At the end of the 90-day receipt period, the employee must present either an unexpired Employment Authorization Document (Form I-766); or a valid document from List B and an unrestricted Social Security card.

A Form I-94 with a stamp or notation indicating asylee status and a handwritten number on it is acceptable as a List C document for an asylee. If the asylee chooses to present this document, he or she also will need to present a List B document.

Additional information on the Form I-94 is available at [www.CBP.gov](http://www.CBP.gov).

*Last Reviewed/Updated: 09/03/2015*

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### **Is a confirmation receipt an acceptable receipt for a lost Employment Authorization Document (EAD) (Form I-766)?**

The confirmation receipt printed from the USCIS website states that it is not a receipt notice and cannot be used as evidence of a pending application. It is not an acceptable receipt for a lost EAD. Form I-797C, Notice of Action, which is mailed to the employee by USCIS is an acceptable receipt to acknowledge that an application for a replacement EAD has been submitted.

*Last Reviewed/Updated: 08/06/2015*

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### **Is an unexpired Alien Registration Receipt Card (Form I-151) acceptable as a List B or List C document for Form I-9?**

Form I-151 is not acceptable as a List A, B, or C document. A 1993 final rule terminated the validity of Form I-151 and removed it from List A of Form I-9.

*Last Reviewed/Updated: 08/06/2015*

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**Can an F-1 student eligible for on-campus employment or curricular practical training present a List B document, such as a driver's license or school ID, along with a Form I-94 and Form I-20 as a List C document when completing Form I-9?**

Yes. Form I-94, in combination with Form I-20 is an acceptable List C #8 document. The documents individually do not qualify.

*Last Reviewed/Updated: 11/25/2014*

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**When does the 90-day validity period begin for an employee presenting a receipt for the application for the replacement of any lost, stolen, or damaged List A, List B, or List C document?**

An employee must present the actual document for which a receipt was issued within 90 days of his or her first day of employment. In the case of reverification, the employee must present an actual document within 90 days from the date by which reverification is required (i.e., when his or her employment authorization expires).

For example, if an employee begins work on Monday, the employer should count Tuesday as Day 1 and count 90 days to determine the validity period of the receipt.

If the same employee begins work on Monday but does not provide the receipt to complete Section 2 until Thursday, the employer should still count Tuesday as Day 1 and count 90 days to determine the validity period of the receipt.

*Last Reviewed/Updated: 11/25/2014*

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**My company currently keeps copies of documentation presented by my employees for Form I-9. We would like to end this. How should we implement this change?**

Form I-9 regulations allow employers to choose whether or not to keep copies of documentation employees submit to complete Form I-9. Therefore, you may choose to begin or end the practice of keeping copies of documentation at any time, as long as you do so for all employees, regardless of national origin or citizenship status, or you may be in violation of anti-discrimination laws.

You should not shred previously retained copies of documents. DHS regulations provide that once copies of documents are made, they must be retained with the Forms I-9 or with the employee's records.

Additionally, if you participate in E-Verify and the employee presented a document used as part of Photo Matching, currently the U.S. passport and passport card, Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766), you must retain a photocopy of the document he or she presented and continue to retain a photocopies of these documents if presented by new hires.

*Last Reviewed/Updated: 03/21/2014*

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**My employee presented me with a document issued by INS rather than DHS. Can I accept it?**

Yes, you can accept a document issued by INS if the document is unexpired and reasonably appears to be genuine and to relate to the individual presenting it. Effective March 1, 2003, the functions of the former INS were transferred to three agencies within the new DHS: USCIS, CBP, and ICE. Most immigration documents acceptable for Form I-9 use are issued by USCIS. Some documents issued by the former INS before March 1, 2003, such as Permanent Resident Cards or Forms I-94 noting asylee status, may still be within their period of validity. If otherwise acceptable, a document should not be rejected because it was issued by INS rather than DHS. It should also be noted that INS documents may bear dates of issuance after March 1, 2003, as it took some time in 2003 to modify document forms to reflect the new USCIS identity.

*Last Reviewed/Updated: 03/21/2014*

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**Can DHS double-check the status of an individual I hired, or “run” his or her number (typically an Alien Number or Social Security number) and tell me if it is valid?**

DHS cannot double-check the status of your new hire. If you participate in E-Verify, it confirms the employment authorization of your newly hired employees. You may call DHS at 1-888-464-4218 or visit [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify) for more information on E-Verify. You also may contact DHS if you have a legitimate reason to believe documentation may not be valid.

*Last Reviewed/Updated: 03/21/2014*

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**The name on the document my employee presented to me is spelled slightly differently than the name she entered in Section 1 of Form I-9. Can I accept this document?**

If the document contains a slight spelling variation, and the employee has a reasonable explanation for the variation, the document is acceptable as long as you are satisfied that the document otherwise reasonably appears to be genuine and to relate to him or her.

*Last Reviewed/Updated: 03/21/2014*

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**My employee’s Employment Authorization Document (Form I-766) expired and the employee now wants to show me a Social Security card. Do I need to see a current DHS document?**

No, as long as the Social Security card is unrestricted. Your employee must be allowed to choose what documentation to present from either List A or List C. If an employee presents an unrestricted Social Security card upon reverification, the employee does not also need to present a current DHS document. However, if an employee presents a restricted Social Security card upon reverification (a card that includes one of the following restrictions on its face: Not valid for employment, Valid for work only with INS work authorization, Valid for work only with DHS authorization), you must reject the restricted Social Security card, since it is not an acceptable Form I-9 document, and ask the employee to choose different documentation from List A or List C of Form I-9.

*Last Reviewed/Updated: 03/21/2014*

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## **When can employees present receipts for documents in lieu of actual documents from the Lists of Acceptable Documents?**

The “receipt rule” is designed to cover situations in which an employee is authorized to work at the time of initial hire or reverification, but he or she is not in possession of a document listed on the Lists of Acceptable Documents accompanying Form I-9 because the document is lost, stolen or damaged. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.

Your employee may present a receipt in lieu of a document listed on Form I-9 to complete Section 2 or Section 3 of Form I-9. The receipt is valid for a temporary period. There are three different documents that qualify as receipts under the rule:

A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days. In the case of reverification the receipt is valid until the date your employee’s employment authorization expires. At the end of the receipt validity period, the individual must present the replacement document to complete Form I-9.

**NOTE:** This rule does not apply to employees who present receipts for new documents following the expiration of their previously held document.

A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/I-94A if the I-551 stamp does not contain an expiration date.

A Form I-9 containing an unexpired refugee admission stamp or computer-generated printout of Form I-94 with an admission class of “RE”. This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. Your employee must present Form I-766 or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or the date employment authorization expires, in the case of reverification.

*Last Reviewed/Updated: 12/03/2015*

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## **When I review an employee’s identity and employment authorization documents, should I make copies of them?**

If you participate in E-Verify and the employee presents a document used as part of Photo Matching, currently the U.S. passport and passport card, Permanent Resident Card (Form I-551) and the Employment Authorization Document (Form I-766), you must retain a photocopy of the document he or she presents. Other documents may be added to Photo Matching in the future. If you do not participate in E-Verify, you are not required to make photo copies of documents. However, if you wish to make photocopies of documents other than those used in E-Verify, you must do so for all employees. Photocopies must not be used for any other purpose. Photocopying documents does not relieve you of your obligation to fully complete Section 2 of Form I-9, nor is it an acceptable substitute for proper completion of Form I-9 in general.

*Last Reviewed/Updated: 03/21/2014*

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**May my employee present an extension for the receipt they presented when he or she originally completed Form I-9?**

No. After expiration of the receipt validity period, the employee must present the actual document for which the receipt was presented. Presenting another receipt at the end of this period is not permissible. Under Form I-9 rules, the receipt rule permits an employee to present a “receipt” in lieu of the document itself that satisfies the document presentation requirement for a limited period of time.

*Last Reviewed/Updated: 03/20/2014*

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**My company wants to hire a foreign student who says they are allowed to work for any employer because of economic hardship. Can they work for my company?**

Yes. F-1 students may be authorized to work due to severe economic hardship. If granted such work authorization by USCIS, these students are issued Form I-766, “Employment Authorization Card,” that is not limited in the type of employment they may accept. Form I-94 indicating F-1 nonimmigrant status and Form I-20 are not sufficient to show employment authorization for economic hardship-based employment authorization granted by USCIS.

*Last Reviewed/Updated: 03/20/2014*

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**My employee has presented a document where the photograph on the document does not look like my employee. What should I do?**

Employers are not expected to be document experts. Employers may reject a document presented by an employee if the document does not reasonably appear to be genuine or to relate to the person presenting it and ask for another acceptable document.

If an employer suspects a document to be fraudulent, he or she may report the incident to ICE by calling toll-free at 1-866-DHS-2ICE.

*Last Reviewed/Updated: 03/20/2014*

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**May I review my employees documents via webcam to complete Form I-9?**

No. When completing Section 2 of the Form I-9, the employer or authorized representative of the employer must physically examine each original document to determine if it reasonably appears to be genuine and to relate to the employee presenting it. Document examination or review via webcam is not permissible.

*Last Reviewed/Updated: 03/20/2014*

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**May I accept a photocopy of a document presented by my employee?**

No. Employees must present original documents. The only exception is that your employee may present a certified copy of a birth certificate.

*Last Reviewed/Updated: 03/20/2014*

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### **May I accept an expired document for Form I-9?**

No. Expired documents are no longer acceptable for Form I-9. However, you may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by USCIS.

For example, Temporary Protected Status (TPS) beneficiaries whose Employment Authorization Documents (Forms I-766) appear to be expired may be automatically extended in a Federal Register notice. These individuals may continue to work based on their expired Employment Authorization Documents (Forms I-766) during the automatic extension period specified in the Federal Register notice. When the automatic extension of the Employment Authorization Document (Form I-766) expires, you must reverify the employee's employment authorization. In addition, you may accept an expired Permanent Resident Card (Form I-551) along with a Form I-797, Notice of Action, that indicates that the card is valid for an additional year, which is an acceptable List C evidence of employment authorization for one year as indicated on Form I-797.

*Last Reviewed/Updated: 03/20/2014*

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### **My new employee presented two documents to complete Form I-9, each containing a different last name. One document matches the name entered in Section 1. Can I accept the document with the different name?**

You may accept a document with a different name than the name entered in Section 1 provided that you resolve the question of whether the document reasonably relates to the employee. You also may wish to attach a brief memo to Form I-9 stating the reason for the name discrepancy, along with any supporting documentation the employee provides. An employee may provide documentation to support his or her name change, but is not required to do so. If, however, you determine that the document with a different name does not reasonably appear to be genuine and to relate to her, you may ask her to provide other documents from the Lists of Acceptable Documents on Form I-9.

*Last Reviewed/Updated: 03/20/2014*

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### **My employee entered multiple last names in Section 1 of Form I-9. The documents she presented contain only one of these names. May I accept this document?**

DHS does not require employees to use any specific naming standard for Form I-9. If a new employee enters more than one last name in Section 1, but presents a document that contains only one of those last names, the document he or she presents for Section 2 is acceptable as long as you are satisfied that the document reasonably appears to be genuine and to relate to him or her.

*Last Reviewed/Updated: 03/20/2014*

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### **My employee attested to a citizenship status that differs from the documentation they presented for Form I-9. What should I do?**

In these situations, you should first ensure that your employee understood and properly completed the Section 1 attestation of their citizenship status. If your employee made a mistake and corrects the attestation, he or she should initial and date the correction, or complete a new Form I-9. If a new Form I-9 is completed, the original Form I-9 should be attached to it with an explanation as to why a new form was completed. If an electronically generated Form I-9 is completed, the audit trail should reflect these changes.

If your employee confirms they properly completed their initial attestation, you should not accept the document(s) if they do not match the status selected by your employee. Although you are not expected to be an immigration law expert, if the documents in question are inconsistent with the status attested to, then the documents do not reasonably relate to the person presenting them.

*Last Reviewed/Updated: 03/20/2014*

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### **May I fire an employee who fails to produce the required documents within three business days of his or her start date?**

Yes. You may terminate an employee who fails to produce the required document or documents, or an acceptable receipt for a document, within three business days of the date employment begins.

*Last Reviewed/Updated: 03/20/2014*

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### **What is my responsibility concerning the authenticity of document(s) presented to me?**

You must examine the document(s), and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could be an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them. You may ask if the employee has other documentation that would satisfy Form I-9 requirements.

*Last Reviewed/Updated: 03/20/2014*

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### **May I specify which documents I will accept for verification?**

No. The employee may choose which document(s) he or she wants to present from the Lists of Acceptable Documents. You must accept any document (from List A) or combination of documents (one from List B and one from List C) listed on Form I-9 that reasonably appears on their face to be genuine and to relate to the person presenting them. To do otherwise could be an unfair immigration-related employment practice in violation of the anti-discrimination provision of the INA. Individuals who look and/or sound foreign must not be treated differently in the recruiting, hiring, or verification process. For more information relating to discrimination during the Form I-9 process, contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at: 1-800-255-8155 (employers) 1-800-255-7688 (employees)

1-800-237-2515 (TDD) or visit OSC's website at <http://www.justice.gov/crt/about/osc/> *Last Reviewed/Updated: 03/27/2014*

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## **My new employee provided a document that is not yet valid. Can I accept this document and complete Section 2?**

No, Section 2 of Form I-9 cannot be completed based on a future employment authorization date. Employees cannot begin employment until authorized to do so. The employee attestation in Section 1 and the employer attestation in Section 2 both require that each party attest to current employment authorization.

*Last Reviewed/Updated: 02/18/2016*

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## **What documents can a refugee present to complete Form I-9, Employment Eligibility Verification?**

A refugee may choose to present any applicable documents from the Lists of Acceptable Documents. DHS provides refugees electronic or paper Forms I-94, Arrival-Departure Record, as evidence of their status and employment authorization. A refugee's electronic Form I-94 contains the admission code of "RE" and a paper Form I-94 has a refugee admission stamp. A refugee may use his or her unexpired Form I-94 as a receipt for a document establishing both employment authorization and identity for 90 days. After issuance of Form I-94, USCIS will process an Employment Authorization Document (Form I-766) for a refugee. If an employee presented a Form I-94 with an unexpired refugee admission stamp as a receipt, before the end of 90 days, the employee must present either an Employment Authorization Document or a combination of a List B document and an unrestricted Social Security card.

A refugee's Department of State-issued Transportation Boarding Letter is an acceptable List B #2 identity document if it contains a photograph or identifying information (name, date of birth, gender, height, eye color and address) and appears to be genuine and to relate to the person presenting it.

*Last Reviewed/Updated: 09/08/2016*

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## **What documents can an asylee present to complete Form I-9?**

An asylee may choose to present any applicable documents from the Lists of Acceptable Documents. DHS provides asylees a Form I-94, Arrival-Departure Record, with a stamp or notation indicating asylee status. This document is an acceptable List C document for an asylee. Asylees who present this document will also need to present a List B document. USCIS can issue asylees an Employment Authorization Document (Form I-766), which is an acceptable List A document and which the employee may also choose to present.

*Last Reviewed/Updated: 09/08/2016*

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## List A Documents - Work Authorization and Identity

**My nonimmigrant employee has presented a foreign passport with a Form I-94/I-94A (List A, Item 5). How do I know if this employee is authorized to work?**

You, as the employer, likely have submitted a petition to USCIS on the nonimmigrant employee's behalf. However, there are some exceptions to this rule:

You made an offer of employment to a Canadian passport holder who entered the United States under the North American Free Trade Agreement (NAFTA) with an offer letter from your company. This nonimmigrant worker will have a Form I-94/I-94A indicating a TN immigration status, and may choose to present it with his or her passport under List A. The employee may also present Form I-94/I-94A indicating a TN immigration status as a List C document, in which case your employee will need to present a List B document (e.g., Canadian driver's license) to satisfy Section 2 of Form I-9.

A student working in on-campus employment or participating in curricular practical training.

A J-1 exchange visitor.

Most employees who present a foreign passport in combination with a Form I-94 or I-94A (List A, Item 5) are restricted to work only for the employer who petitioned on their behalf. If you did not submit a petition for an employee who presents such documentation, then that nonimmigrant worker is not usually authorized to work for you.

*Last Reviewed/Updated: 03/27/2014*

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**I noticed on Form I-9 that under List A there are three spaces for document numbers and expiration dates. Does this mean I have to see three List A documents?**

No. The additional spaces are provided in case an employee presents a List A document that is really a combination of more than one document. For example, one of the documents found in List A is a foreign passport with an attached Form I-94/I-94A, bearing the same name as the passport and containing endorsement of the individual's nonimmigrant status, if that status authorizes the individual to work for the employer. Form I-9 provides space for you to record the document number and expiration date for both the passport and Form I-94/I-94A.

If the employee is a student or exchange visitor, the employer should enter the employee's Form I-20 or DS-2019 number and the program end date from Form I-20 or DS-2019 in addition to the passport and Form I-94 information.

*Last Reviewed/Updated: 03/27/2014*

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**Is an expired Permanent Resident Card with a sticker on the back extending it for 6 months (and the sticker is still valid) a valid List A document? Does this card need to be reverified?**

A permanent resident card with a USCIS-issued sticker extending its validity is a List A document and acceptable for Form I-9. Employers are not required to reverify the employment eligibility of a lawful permanent resident and should not reverify the employment authorization of this employee.

*Last Reviewed/Updated: 03/27/2014*

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**Are schools required to put the employer's name on page 3 of the Form I-20 in order for the student to be authorized to work for that specific employer?**

Yes, the designated school official is required to enter the employer's name on a student's Form I-20 per the regulations governing F-1 nonimmigrant employment.

*Last Reviewed/Updated: 03/27/2014*

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**May I accept an unsigned passport for Form I-9?**

Yes. An unsigned passport is acceptable for Form I-9 as long as the document reasonably appears on its face to be genuine and relate to the person presenting the document.

*Last Reviewed/Updated: 03/24/2014*

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**Why was documentation for citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) added to the Lists of Acceptable Documents on Form I-9?**

Under the Compacts of Free Association between the United States and FSM and RMI, most citizens of FSM and RMI are eligible to reside and work in the United States as nonimmigrants. An amendment to the Compacts eliminated the need for citizens of these two countries to obtain Employment Authorization Documents (Form I-766) to work in the United States. However, FSM and RMI citizens may also apply for Employment Authorization Documents (Forms I-766) if they wish, or present a combination of [List B](#) and [List C](#) documents. The [List A](#) document specific to FSM and RMI citizens is a valid FSM or RMI passport with a Form I-94/I-94A indicating nonimmigrant admission under one of the Compacts.

*Last Reviewed/Updated: 03/27/2014*

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**My employee has presented a U.S. passport card. Is this an acceptable document?**

Yes. The passport card is a wallet-size document issued by the U.S. Department of State. While its permissible uses for international travel are more limited than the U.S. Passport book, the passport card is a fully valid passport that attests to the U.S. citizenship and identity of the bearer. As such, the unexpired passport card has been included on List A of the Lists of Acceptable Documents on Form I-9.

*Last Reviewed/Updated: 03/24/2014*

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### **Can I accept a Permanent Resident Card that is not signed but says “Signature Waived”?**

Yes, this card is acceptable for Form I-9 purposes as long as it is unexpired and appears to be genuine and to relate to the person presenting it. A signature is not required on a Permanent Resident Card (Form I-551) for it to be valid for Form I-9 purposes.

*Last Reviewed/Updated: 05/28/2015*

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### **Is an F-1 student’s Form I-20 information required for Form I-9 when he/she is participating in on-campus employment?**

To complete Form I-9 for on-campus employment, the F-1 student employee is only required to present an unexpired foreign passport and an I-94 indicating F-1 nonimmigrant status. Employers are not required to record information from the student’s Form I-20 in Section 2. On-campus employment is authorized until the completion of the student’s course of study. The F-1 nonimmigrant admission notation on Form I-94/I-94A usually states “D/S” which means duration of status. The F-1 student’s Form I-20 bears the latest date by which studies are to be completed. This date can be used as the date by which the employers should reverify the student’s employment authorization and should be entered by the employee in Section 1.

*Last Reviewed/Updated: 02/18/2016*

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### **When CBP admits an H-1B nonimmigrant to the U.S., the officer may issue a Form I-94 that is valid for 10 days past the validity of the H-1B petition. Is the date employment authorization expires the Form I-94 “Admit until Date” or the date on the Form I-797 Approval Notice?**

When completing Form I-9 in this situation, the employee should enter the H-1B petition expiration date from the Form I-797 approval notice in Section 1. In Section 2, the employer should enter the expiration date from the Form I-94 the employee presents.

If the expiration date for employment authorization provided by an employee in Section 1 does not match the expiration date of the List A or List C document the employee presents for Section 2, employers should reverify the employee’s work authorization no later than the earlier of the two dates.

*Last Reviewed/Updated: 02/18/2016*

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## **List B Documents - Identity**

### **Are driver authorization and driver privilege cards acceptable List B documents?**

Yes. A driver authorization or driver privilege card issued by a State or outlying possession of the United States is an acceptable List B document, if it contains a photograph or identifying information such as name, date of birth, sex, height, color of eyes, and address. An employer must examine the document presented by its employee and determine whether it meets Form I-9 requirements. If the employer accepts a driver authorization or driver privilege card as a List B document, the employer must also examine a List C document establishing employment authorization.

*Last Reviewed/Updated: 05/19/2015*

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**If I accept a driver authorization or driver privilege card as a List B identity document, will that show I knew or should have known that my employee is not authorized to work?**

The fact that an employee presents or an employer accepts a driver privilege or authorization card that meets Form I-9 requirements as a List B identity document does not, in and of itself, support a conclusion that the employer had actual or constructive knowledge (i.e. knew or should have known) that an employee is not employment authorized.

Under DHS regulations (8 CFR 274a.1(l)), whether an employer is considered to have actual or constructive knowledge that an employee is not authorized to work is determined on a case-by-case basis and depends upon all of the facts and variables specific to the individual case.

Under 8 CFR 274a.1(l), a knowing hire violation can include, in addition to actual knowledge of unlawful status, constructive knowledge that may be fairly inferred through notice of certain facts and circumstances, which would lead the employer through the exercise of reasonable care, to know about a certain condition. Knowledge that an employee is unauthorized may not be inferred from an employee's foreign appearance or accent.

*Last Reviewed/Updated: 05/21/2015*

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**Can I refuse to accept a driver privilege or driver authorization card and ask my employee to provide a different document?**

No. You must accept any document that satisfies Form I-9 requirements. You may reject a document if it does not reasonably appear to be genuine or to relate to the employee. Rejecting a document that satisfies Form I-9 requirements may constitute illegal discrimination under the Immigration and Nationality Act's anti-discrimination provision or Title VII of the Civil Rights Act of 1964.

*Last Reviewed/Updated: 05/19/2015*

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**Is a state-issued driver's license with the notation "FEDERAL LIMITS APPLY," "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES," or other similar notation on the front or back of the license an acceptable List B document?**

Yes. The notation "FEDERAL LIMITS APPLY," "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES" or a similar notation on the front or back of a state-issued driver's license indicates it does not meet the standards for the issuance and production of a compliant card under the REAL ID Act (for information on REAL ID, see <http://www.dhs.gov/secure-drivers-licenses>).

A driver's license with this type of notation is, however, an acceptable List B document if it contains a photograph or identifying information such as name, date of birth, sex, height, color of eyes, and address. An employer must examine the document presented by its employee and determine whether it meets Form I-9 requirements. If the employer accepts any document, including a state-issued license with a limiting notation, as a List B document, the employer must also examine a List C document establishing employment authorization.

*Last Reviewed/Updated: 05/19/2015*

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**If I accept a driver's license that includes the notation "FEDERAL LIMITS APPLY," "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES," or other similar notation on the front or back of the license, as a List B identity document will that show I knew or should have known that my employee is not authorized to work?**

The fact that an employee presents or an employer accepts as a List B identity document a driver's license that meets Form I-9 requirements but contains "FEDERAL LIMITS APPLY," "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES," or other similar notation on the front or back of the license, does not, in and of itself, support a conclusion that the employer had actual or constructive knowledge (i.e. knew or should have known) that an employee is not employment authorized.

Under DHS regulations (8 CFR 274a.1(l)), whether an employer is considered to have actual or constructive knowledge that an employee is not authorized to work is determined on a case-by-case basis and depends upon all of the facts and variables specific to the individual case.

Under 8 CFR 274a.1(l), a knowing hire violation can include, in addition to actual knowledge of unlawful status, constructive knowledge that may be fairly inferred through notice of certain facts and circumstances, which would lead the employer through the exercise of reasonable care, to know about a certain condition. Knowledge that an employee is unauthorized may not be inferred from an employee's foreign appearance or accent.

*Last Reviewed/Updated: 05/19/2015*

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**Can I refuse to accept a driver's license that includes the notation "FEDERAL LIMITS APPLY," "NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES," or other similar notation on the front or back of the license and ask my employee to provide a different document?**

No. You must accept any document that satisfies Form I-9 requirements. You may reject a document if it does not reasonably appear to be genuine or to relate to the employee. Rejecting a document that satisfies Form I-9 requirements may constitute illegal discrimination under the Immigration and Nationality Act's anti-discrimination provision or Title VII of the Civil Rights Act of 1964. Employees presenting a driver's license for identification purposes must also present a List C document to show work authorization. *Last Reviewed/Updated: 05/19/2015*

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**I understand that some states, such as California, issue certain types of driver's licenses, driver authorization cards, or driver privilege cards to individuals who do not present evidence of lawful presence in the United States. If I recognize a driver's license or card presented to me for Form I-9 List B purposes as this type of license or card, should I still accept it?**

Yes. Form I-9 requirements do not distinguish between different types of driver's licenses or cards. If the license or card reasonably appears to be genuine and to relate to the individual, and otherwise meets Form I-9 requirements (contains a photograph or identifying information such as name, date of birth, sex, height, color of eyes, and address), it should be accepted. If the employer accepts any document, including a state-issued license with a limiting notation, as a List B document, the employer must also examine a List C document establishing employment authorization.

The fact that an employee presents or an employer accepts a List B identity document such as a driver's license or card that meets Form I-9 requirements but is a license or card issued by a state that does not require evidence of lawful presence in the United States, does not, in and of itself, support a conclusion that the employer had actual or constructive knowledge (i.e. knew or should have known) that an employee is not employment authorized.

Under DHS regulations (8 CFR 274a.1(l)), whether an employer is considered to have actual or constructive knowledge that an employee is not authorized to work is determined on a case-by-case basis and depends upon all of the facts and variables specific to the individual case.

Under 8 CFR 274a.1(l), a knowing hire violation can include, in addition to actual knowledge of unlawful status, constructive knowledge that may be fairly inferred through notice of certain facts and circumstances, which would lead the employer through the exercise of reasonable care, to know about a certain condition. Knowledge that an employee is unauthorized may not be inferred from an employee's foreign appearance or accent.

*Last Reviewed/Updated: 05/22/2015*

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**Is a state ID card with no expiration date an acceptable List B document?**

A state ID card without an expiration date is an acceptable List B document if it meets the regulatory requirements (must contain a photograph or identifying information) and appears to be genuine and to relate to the person presenting it.

*Last Reviewed/Updated: 11/25/2014*

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**Is the Nexus card an acceptable document?**

The NEXUS card is an acceptable [List B](#) #2 document.

*Last Reviewed/Updated: 03/27/2014*

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**Can the Certificate of Indian Status, commonly referred to as the status card or INAC card, be used as a Native American tribal document for Form I-9 purposes?**

No. The Canadian government issues the INAC cards. These cards are not acceptable for Form I-9 purposes.

*Last Reviewed/Updated: 03/27/2014*

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**Is a Mexico Consular ID Card an acceptable document for the Form I-9?**

No. The Mexican government issues consular ID cards to Mexican nationals living in the United States. These cards are not acceptable proof of identity for Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Is a state-issued temporary driver's license an acceptable List B document?**

A state-issued temporary driver's license is an acceptable Form I-9 List B document if it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address. Any conditions on the temporary driver's license, such as that the expired license must accompany the temporary driver's license for it to be valid, must be followed.

*Last Reviewed/Updated: 11/25/2014*

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**Does a state-issued enhanced driver's license qualify as a List A document?**

No, the enhanced driver's license is a [List B](#) document.

*Last Reviewed/Updated: 03/27/2014*

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**Is a Trusted Traveler card, or SENTRI card an acceptable document for Form I-9 purposes?**

SENTRI cards, also known as Trusted Traveler cards, are acceptable under [List B](#), #2 as an ID card issued by a federal agency. SENTRI cards are issued by Customs and Border Protection (CBP).

*Last Reviewed/Updated: 03/27/2014*

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**Is the Armed Forces of the United States Report of Transfer or Discharge (DD-214) an acceptable document for Form I-9?**

The DD-214 is an acceptable [List B](#) #5 document for Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**My employee provided a school ID. When does a school ID expire?**

If the school ID contains no expiration date other than the school year, it expires at the end of the school year printed on it.

*Last Reviewed/Updated: 03/27/2014*

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**May I make a copy of a military ID for Form I-9 documentation?**

You may make a photocopy of the military ID card for Form I-9 purposes. Under the Immigration and Nationality Act governing the Form I-9 process, the copying of documentation is permitted.

*Last Reviewed/Updated: 03/27/2014*

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**Is a Certificate of Degree of Indian Blood (CDIB) issued by Bureau of Indian Affairs an acceptable List B #2 document for Form I-9?**

The CDIB is an acceptable document and meets the criteria as a List B #2 card issued by a federal agency containing a photograph. It is not a Native American tribal document and would not be acceptable as a List B #8 document. The employee will also need to provide a List C employment authorization document.

*Last Reviewed/Updated: 02/18/2016*

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**Are the Veterans Affairs issued Veterans Identification Card (VIC) and Veterans Health Identification Card (VHIC) acceptable List B documents?**

The VIC and VHIC are acceptable List B #2 documents if the card contains a photograph or identifying information (such as name, date of birth, gender, height, eye color and address) and appears to be genuine and to relate to the person presenting it. These cards are not considered List B #5 or #6 documents which are issued by the U.S. Armed Forces.

*Last Reviewed/Updated: 09/08/2016*

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## **List C Documents - Work Authorization**

**Is a Form I-94 with an admission stamp notated “paroled” acceptable for List C #8 document?**

A Form I-94, Arrival-Departure record stamped with “parole” does not constitute evidence of employment authorization and, therefore, is not acceptable as a list C Document. Before they can work, parolees must apply for employment authorization and if granted, will be issued an Employment Authorization Card (Form I-766) which is an acceptable List A document.

*Last Reviewed/Updated: 08/06/2015*

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**Is a Form for Consular Report of Birth Abroad (FS-240) an acceptable List C document? If not, can it be added to the list of acceptable documents?**

The Consular Report of Birth Abroad (FS-240) is not acceptable for Form I-9 purposes. Before USCIS may change the List of Acceptable Documents for Form I-9, USCIS would need to make changes to the regulations following the proper rulemaking procedures. Currently, the Certificate of Birth Report (DS-1350) and Certification of Birth Abroad (FS-545) remain acceptable for Form I-9 purposes.

*Last Reviewed/Updated: 09/01/2015*

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**Is a receipt for the application of a birth certificate an acceptable receipt for I-9 purposes?**

An employee may present a receipt for the application of a birth certificate issued by a State, county, municipal authority or territory of the United States, if he/she is not in possession of the actual document because it was lost, stolen or damaged. The receipt is valid for 90 days after which the employee must present a certified copy of the actual birth certificate. A receipt showing that a person has applied for an initial birth certificate is unacceptable.

*Last Reviewed/Updated: 11/25/2014*

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**Some employees have presented Social Security Administration printouts with their name, Social Security number, date of birth, and their parents' names as proof of employment authorization. Are these printouts acceptable as a List B document?**

No. Only a person's Social Security card or a receipt for a replacement card issued by SSA is acceptable.

*Last Reviewed/Updated: 03/27/2014*

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**What should I do if an employee presents a Social Security card marked "NOT VALID FOR EMPLOYMENT," but states that he or she is now authorized to work?**

Such Social Security cards are not acceptable document for Form I-9. You should ask the employee to provide another document to establish his or her employment authorization.

*Last Reviewed/Updated: 03/27/2014*

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**Can the Certificate of Indian Status, commonly referred to as the status card or INAC card, be used as a Native American tribal document for Form I-9 purposes?**

No. This card is not a Native American tribal document.

*Last Reviewed/Updated: 03/27/2014*

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**How do I know whether a Native American tribal document issued by a U.S. tribe presented by my employee is acceptable for Form I-9 purposes?**

In order to be acceptable, a Native American tribal document should be issued by a tribe recognized by the U.S. Federal Government. Because federal recognition of tribes can change over time, to determine if the tribe is federally recognized, please check the Bureau of Indian Affairs website at [www.bia.gov](http://www.bia.gov).

*Last Reviewed/Updated: 03/27/2014*

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**The Certificate of Naturalization states you may not make a copy of it. As an employer, I make copies of all documents for Form I-9. May I make a copy of the Certificate of Naturalization?**

Yes. You may make a copy of the Certification of Naturalization for the purposes of Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Is the Certificate of Naturalization an acceptable Form I-9 document?**

Yes. The Certificate of Naturalization (Form N-550 or N-570) is an acceptable [List C](#), #8 employment authorization document issued by the Department of Homeland Security. These documents were previously issued by the Immigration and Naturalization Service.

*Last Reviewed/Updated: 03/27/2014*

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**Is a Certificate of Live Birth an acceptable List C document?**

A Certificate of Live Birth may qualify as a birth certificate (No. 4 on List C of the Lists of Acceptable Documents) if it is an original or a certified copy that is issued by a state, county, municipal authority, or outlying possession of the United States and bears an official seal. Versions of birth certificates can vary greatly based on the issuing authority and year of birth.

*Last Reviewed/Updated: 03/27/2014*

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**Are employment authorization documents (I-766) stating “Fingerprint not available” acceptable for Form I-9?**

Yes, these documents are acceptable for Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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**Where can I find an example of an acceptable Native American Tribal Document for Form I-9?**

Each federally recognized tribe may issue its own unique tribal document based on tribal records and information. USCIS does not have examples of these tribal documents nor can it provide guidelines on specific tribal documents. A list of federally recognized tribes is annually published in the Federal Register. For more information about Native American tribes in the United States go to [www.bia.gov](http://www.bia.gov).

*Last Reviewed/Updated: 08/10/2015*

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**Is a birth certificate issued by the Panama Canal Zone in 1968 an acceptable List C document?**

A birth certificate issued by the Panama Canal Zone in 1968 is not an acceptable List C document because the zone is not a State, county, municipal authority, or an outlying possession of the United States.

*Last Reviewed/Updated: 03/27/2014*

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**Is the Transportation Worker Identification Credential (TWIC) an acceptable List C document?**

No. However, the TWIC card is an acceptable List B identity document.

*Last Reviewed/Updated: 01/11/2016*

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**Is a Social Security card with the annotation “For Social Security and Tax Purposes Only” acceptable for Form I-9?**

Yes. There are currently 50 different versions of the Social Security card, all of which may be valid for employment. Visit the Social Security website to see the chart that lists the changes in the SSN card through the years.

Cards that are NOT acceptable List C documents may include any one of the following annotations:

NOT VALID FOR EMPLOYMENT.

VALID FOR WORK ONLY WITH INS AUTHORIZATION.

VALID FOR WORK ONLY WITH DHS AUTHORIZATION.

*Last Reviewed/Updated: 07/28/2014*

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**Is an unsigned Social Security card valid?**

Yes. A signature on the card is not required for the card to be valid. You may accept an unsigned Social Security card as long as the card reasonably appears to be genuine and to relate to the person presenting it.

*Last Reviewed/Updated: 03/27/2014*

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**Is a birth certificate issued by a hospital an acceptable List C document?**

The only birth certificate acceptable for Form I-9 purposes must be an 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. USCIS cannot comment on whether or not a particular hospital is authorized to issue a birth certificate that meets the regulatory requirements.

*Last Reviewed/Updated: 03/24/2014*

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## Self Audits

### **I failed to sign and/or date Section 2: What can I do to correct this?**

If an employer discovers that he or she has omitted information in Section 2 of Form I-9, he or she should enter the omitted information and initial and date the addition. The employer should attach a written explanation of what happened to Form I-9.

Do not back-date Form I-9; the employer should enter the current date and initial by the date field.

*Last Reviewed/Updated: 11/25/2014*

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### **My employee did not sign and/or date the attestation in Section 1: What can I do to correct this?**

If you discover your employee has omitted information in Section 1 of Form I-9, the employer must ask the employee to enter the missing information. When correcting Section 1, the employee should:

- Enter the missing information

- Initial and date the newly entered information

- Attach a written explanation as to what happened.

- Do not back-date Form I-9; the employee should enter the current date and initial by the date field.

If the employee's employment was terminated, the employer should attach a written explanation about the omission to the employee's Form I-9.

*Last Reviewed/Updated: 11/25/2014*

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### **I am missing Forms I-9 for several employees: What can I do to correct this?**

If an employer discovers a missing Form I-9, the employer and employee must complete a new Form I-9. The newly completed form should not be back-dated. If the employee cannot produce acceptable documentation or refuses to complete Section 1 of the Form I-9, he or she cannot work for pay. For more information on correcting Forms I-9 visit I-9-Central.

Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

*Last Reviewed/Updated: 11/25/2014*

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### **What should I do if an invalid version of Form I-9 was completed for my employee at the time of hire?**

If the wrong version of the Form I-9 was completed when the employee was hired, but the Form I-9 documentation presented was acceptable under the Form I-9 rules that were current at the time of hire, an employer should rectify the error. Employers have two options to correct the error.

The best way would be for the employer and employee to complete the current version of Form I-9 and staple the previously completed Form I-9 to the current version. Include an explanation of what happened and sign and date the explanation.

If the employer is unable to have the employee and employer complete the current version of Form I-9, the employer should:

- Staple the outdated, but complete I-9, to the current version; Sign the current Form I-9 version;
- Include an explanation of why the current version is attached Sign and date the explanation; or
- Draft an explanation of the situation Sign and date the explanation
- Attach the explanation to the completed outdated Form I-9 *Last Reviewed/Updated: 10/16/2014*

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### **Do I need to make my employee complete a new Form I-9 if my employee does not sign in the correct space in Section 1 of Form I-9?**

No. As long as it is clear that the signature relates to the attestation (“I attest, under penalty of perjury ...”), there is no need to complete a new Form I-9 or correct the placement of the signature.

*Last Reviewed/Updated: 03/27/2014*

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### **Can a preparer/translator help correct a mistake on my employee’s Form I-9?**

Employees needing assistance to correct Section 1 can have a preparer and/or translator help with the correction. The preparer and/or translator should:

Make the correction or help the employee make the correction by drawing a line through the incorrect information and entering the correct information

Have the employee initial and date the correction

Initial and date the correction next to the employee’s initials

If the preparer and/or translator who helps with the correction completed the preparer and/or translator certification block when the employee initially completed Form I-9, he or she should not complete the certification block again.

If the preparer and/or translator did not previously complete the preparer and/or translator certification block, he or she should:

Complete the certification block; or

If the certification block was previously completed by a different preparer and/or translator:

Draw a line through the previous preparer and/or translator information

Enter the new preparer and/or translator information

Electronic Forms I-9 should reflect all changes in their audit trail.

*Last Reviewed/Updated: 03/27/2014*

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**My company uses a notary or authorized representative to help complete Form I-9. What is the best way to make a correction if the notary or authorized representative makes a mistake on my employee's form?**

The notary and authorized representative acts as an agent for you. Either you, the notary or authorized representative may make corrections to Forms I-9 as needed. To make corrections line through the incorrect information, enter the correct information, and initial and date the change. Electronic Forms I-9 should reflect all changes in their audit trail.

*Last Reviewed/Updated: 03/27/2014*

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**How do I correct a mistake on an employee's Form I-9?**

If the employer, recruiter, or referrer for a fee ("employer") discovers an error in Section 1 of an employee's Form I-9, the employer should ask the employee to correct the error. When correcting Section 1, the employee should:

- Draw a line through the incorrect information Enter the correct information
- Initial and date the correction

Employees needing assistance to correct Section 1 can have a preparer and/or translator help with the correction. The preparer and/or translator should:

- Make the correction or help the employee make the correction by drawing a line through the incorrect information and entering the correction information Have the employee initial and date the correction
- Initial and date the correction next to the employee's initials

Employers and/or their authorized representative may only correct errors made in Section 2 or Section 3 of Form I-9. When correcting Sections 2 or 3, the employer should:

- Draw a line through the incorrect information Enter the correct information
- Initial and date the correction

When an employer discovers they have completed an outdated expired Form I-9, they may correct the error by either stapling the outdated, but completed form, to the current version having the employer sign the current version notating why the current version is attached (wrong edition was used at time of hire) or, drafting a letter explaining that the wrong form was filled out correctly and in good faith.

To correct multiple recording errors on the form, the employer may redo the section on a new Form I-9 and attach it to the old form. A new Form I-9 can be completed if major errors (such as entire sections being left blank or Section 2 being completed based on unacceptable documents) need to be corrected. A note should be included in the file regarding the reason the employer made changes to an existing Form I-9 or completed a new Form I-9. This should be attached to the original Form I-9.

Electronic Forms I-9 should reflect all changes in their audit trail. For violations that reasonably cannot be corrected, the employer or recruiter or referrer for a fee must provide an explanation in writing as to why the corrections cannot be corrected and attach the explanation to the original Form I-9. Do NOT conceal any changes made on the form (other than simple notation errors when copying).

If you have previously made changes on Forms I-9 in White-Out instead, USCIS recommends that you attach a note to the corrected Forms I-9 explaining what happened. Be sure to sign and date the note.

*Last Reviewed/Updated: 03/27/2014*

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### **Where can I learn more about self-audits?**

Immigration Customs and Enforcement (ICE) and the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) have provided joint guidance to help employers perform internal audits. Audits allow employers to ensure Forms I-9 have been completed correctly, and to make corrections if errors are found. To view the Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits, please [click here](#).

*Last Reviewed/Updated: 01/6/2016*

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## **Storing Form I-9**

### **Am I required to retain original Forms I-9 with signatures or are photocopies or faxed copies acceptable?**

Employers who complete and retain Form I-9 in paper format only must retain the Form I-9 with the original handwritten signatures. Employers must retain Forms I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later. Photocopies or faxed copies of completed Form I-9 are not acceptable to meet this retention requirement.

Employers may choose to scan and upload the original, signed forms to retain them electronically. Once these Forms I-9 are securely stored in electronic format, the original paper Forms I-9 may be destroyed.

*Last Reviewed/Updated: 08/06/2015*

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### **Where do I mail a completed Form I-9?**

Never mail Forms I-9 to USCIS or ICE. Employers must keep completed Forms I-9 on file for each person on their payroll (or otherwise receiving remuneration) who is required to complete the form. Employers must also keep completed Forms I-9 for a certain amount of time after their employees stop working for them.

For more information see [retaining](#) and [storing](#) Forms I-9.

*Last Reviewed/Updated: 04/28/2015*

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### **How can I protect private information on Forms I-9?**

Since Form I-9 contains an employee's private information, and you are required to retain forms for specific periods of time, you should ensure that you protect that private information, and that it is used only for Form I-9 purposes. To protect employees' private information, ensure that completed Forms I-9 and all supporting photocopies of documents are stored in a safe, secure location. Ensure that only authorized individuals can access these documents. For more information on protecting electronically stored Forms I-9 please refer to the [Handbook for Employers \(M-274\)](#).

*Last Reviewed/Updated: 03/27/2014*

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### **If a natural disaster or any other unforeseen occurrence destroys a company's stored Forms I-9, what should the company do?**

Employers whose Forms I-9 are missing and/or destroyed as a result of a natural disaster or any other unforeseen occurrence should complete new Forms I-9 to the extent reasonably possible and attach a memo stating the reason new Forms I-9 were redone or why it was not possible to redo the Forms I-9.

*Last Reviewed/Updated: 03/27/2014*

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### **Does an employee have the right to review his or her completed Form I-9? Can a copy be given to the employee?**

Under the Form I-9 rules and regulations, the employer is responsible for completing and retaining Form I-9. However, an employer may choose to permit an employee to review his or her completed Form I-9 and receive a copy of it.

*Last Reviewed/Updated: 09/08/2016*

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## Electronic Form I-9

### As an electronic Form I-9 provider, can I alter or add fields to Form I-9?

Employers are not allowed to add additional data fields or language to Form I-9. Section 8 CFR 274a.2(a)(2) states that Form I-9 can be electronically generated or retained, provided there is no change to the name, content, or sequence of the data elements and instructions; no additional data elements or language are inserted; and the standards specified under paragraphs (e), (f), (g), (h), and (i), as applicable, are met.

*Last Reviewed/Updated: 08/10/2015*

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### Is it possible to use an eNotary (electronic notary) on the Form I-9?

There is no prohibition in the laws governing the I-9 that would preclude a Notary, acting as the employer's authorized representative, from using an eNotary (electronic notary) to sign the Form I-9 as long as all of the Form I-9 requirements are met. The notary would need to physically examine the documents the employee presents to establish identity and work authorization and determine whether the documents presented reasonably appear to be genuine and to relate to the individual. The employee must be physically present with the examiner of the documents during the examination. The person who examines the documents must be the same person who completes and signs Section 2. In addition, if a Form I-9 is completed electronically, the form and process used must be in compliance with 8 CFR 274a.2(e)-(i). Online audio-video conference technology is not an acceptable method of examining documents for the purpose of the Form I-9.

*Last Reviewed/Updated: 03/27/2014*

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### Is the DHS seal required when creating an electronic Form I-9?

The DHS seal is not required when creating an electronic Form I-9 and should be left off the form.

*Last Reviewed/Updated: 03/27/2014*

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### Can I obtain an unlocked pdf. version of Form I-9 from USCIS?

No. The Form I-9 must remain in a locked pdf. format in order to ensure its integrity. You obtain a locked version by clicking [here](#).

*Last Reviewed/Updated: 03/27/2014*

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### How can I add an electronic signature field to Form I-9?

Employers who wish to implement an electronic Form I-9 with an electronic signature function may re-create a Form I-9 that includes such a function, as long as the resulting form is legible; there is no change to the name, content, or sequence of the data elements and instructions; no additional data elements or language are inserted; and the standards specified under 8 CFR 274a.2(e) through (i), as applicable, are met. The system used to generate and store the electronic Form I-9 also must comply with regulations found at 8 CFR 274a.2 (e)-(i). See pages 28-29 of the [Handbook for Employers \(M-274\)](#): Instructions

for Completing Form I-9 for more information.

The Form I-9 posted to the USCIS website does not currently have an electronic signature function.

*Last Reviewed/Updated: 03/27/2014*

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## **Different Versions of Form I-9**

### **Are employers in Puerto Rico required to use the Spanish version of Form I-9?**

No. Employers in Puerto Rico may complete either the Spanish or the English version of Form I-9 to verify new employees.

*Last Reviewed/Updated: 03/27/2014*

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### **Is Form I-9 available in different languages?**

Form I-9 is available in English and Spanish. However, only employers in Puerto Rico may complete the Spanish version to meet the verification and retention requirements of the law. Employers in the United States and other U.S. territories may use the Spanish version as a translation guide for Spanish-speaking employees, but the English version must be completed and retained in the employer's records. Employees may also use or ask for a preparer and/or translator to assist them in completing the form.

*Last Reviewed/Updated: 03/27/2014*

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Last Reviewed/Updated: 11/15/2016