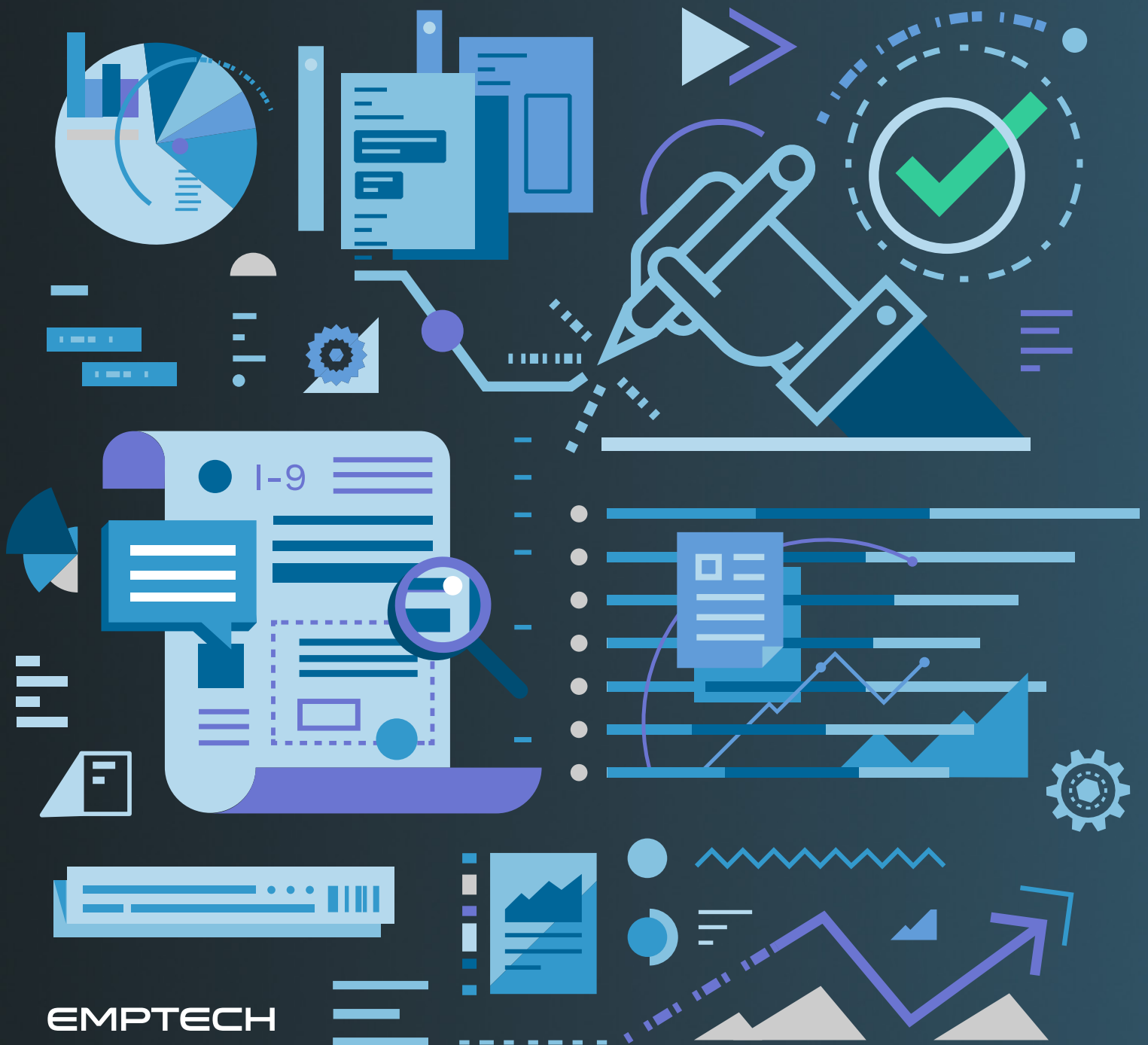


I-9 Self-Audit Checklist



I-9 Self-Audit Checklist

All employers have to ensure proper completion of Form I-9 for each individual they hire for employment in the United States under the Immigration Reform and Control Act (IRCA) of 1986. In case they violate the verification and employment eligibility requirements, employers can be subject to criminal and civil sanctions.

Since immigration enforcement remains an important priority of the federal government, the U.S. Immigration and Customs Enforcement (ICE) investigations continue to trend upward. However, employers can avoid or minimize potential civil penalties if they are able to show a good faith effort was made to comply with the Form I-9 requirements. The best way to do this is to be proactive and conduct your own self-audit.

Self-audits can discover different I-9 omissions, such as paperwork violations, missing I-9s, expired work authorizations, and fraudulent documents. Given that timely correction of any issue is critical, this allows employers to take necessary steps, reduce potential fines and penalties, and establish a good faith defense in the event of ICE investigations.

This detailed checklist helps you use to review, evaluate and improve your hiring procedures, taking into consideration the updated Form I-9 and relaxed DHS requirements resulting from the global coronavirus pandemic. Thus, you can ensure a successful I-9 self-audit and stay prepared for an external one.

If you have any questions on how to remain I-9 compliant, feel free to contact us.

Conducting I-9 Self-Audit

Before beginning the I-9 self-audit, employers have to define procedures and plan the audit so that it covers key problems that frequently arise during the completion of the Form I-9.

To begin with, employers have to make sure they are using **the new version of the Form I-9 issued on January 31, 2020**. Even though employers are allowed to use the prior version until April 30, 2020, they should take the necessary steps for transitioning to the new I-9 form on time.

Furthermore, in response to the challenges that employers are facing during the coronavirus (COVID-19) emergency, the U.S. The Department of Homeland Security (DHS) introduced more flexible Form I-9 compliance requirements.

This is especially important for remote I-9 verification because employers will not be required to review the employee's identity and employment authorization documents in the employee's physical presence. Instead, employers can inspect the employee's Section 2 documents remotely through video link, fax, or email, and obtain, inspect, and retain copies of the documents. Once normal operations resume, all employees who took part in remote verification have to physically report to their employer or an employer representative within three business days.

I-9 Self-Audits As a Key Component of an Effective I-9 Compliance

I-9 self-audit can go a long way toward minimizing fines and risks of liability for immigration law violations, but for it to be effective, you need to make sure it is conducted at least annually. This not only gives you time to correct errors or find missing information without any pressure but also trains your staff for an actual government compliance audits.

Your selection of I-9 forms for an internal audit should never be based on the employee's race or national origin. Otherwise, you can face discrimination charges. Also, you need to apply your defined procedures for I-9 self-audits consistently and thoroughly. An in-depth review of all of a company's I-9 forms may not be easily feasible with companies' limited resources and time, but it is a critical step that helps you ensure proper completion and I-9 compliance.

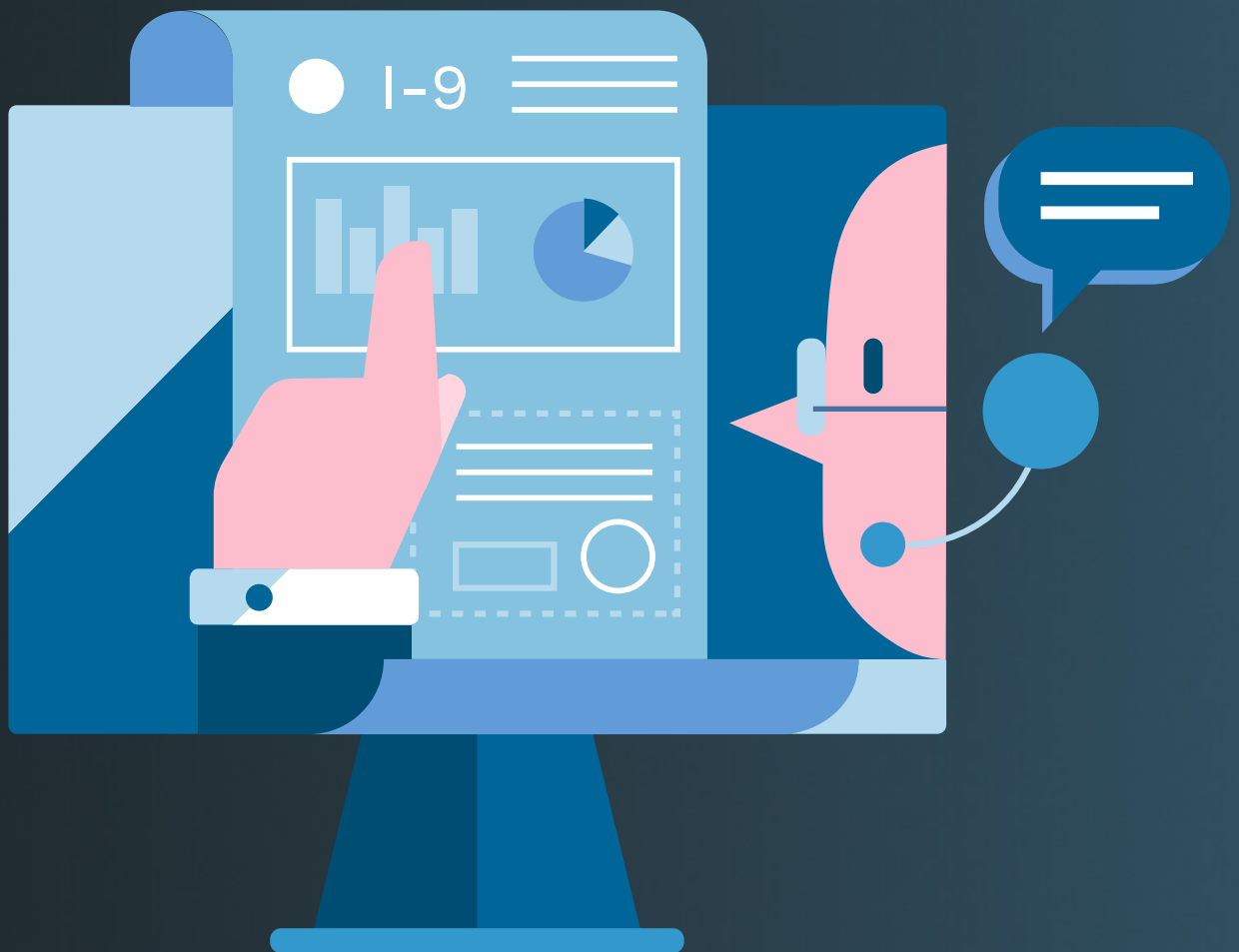
As a result, you can rest assured that your forms are completed accurately and that your staff will know how to conduct an official audit, in case your organization is ever required to do so.

Necessary items for I-9 self-audit

PREPARATION

Here is what you will need in order to conduct a successful internal audit:

- List of current employees
- List of employees terminated in the past three years
- Original or electronic copies of all I-9 forms
- Up-to-date I-9 form requirements
- Current version of Form I-9
M-247 Handbook for Employers published by the USCIS



Reviewing Form I-9 by sections

Section 1

Employee Information

- Employee first and last names completed;
- N/A for “Other Names Used” if it does not apply; maiden name or other names if it is applicable;
- Full address fields completed – No PO Boxes allowed;
- Date of birth in mm/dd/yyyy format;
- Social Security number mandatory for E-Verify participants;

Citizenship/Immigration Status

- Status is selected (not more than one);
- Lawful Permanent Resident – including alien registration number;
- An Alien Authorized to Work – the work until date, alien number or admission number must be included and correctly stated;
- Expiration date of employment authorization is included and correctly stated;

Employee’s Attestation

- Employee’s signature;
- Date of employee’s execution of form;
- I-9 not signed on date or hire (first day of employment);

Preparer/Translator Certification

- Signature of preparer/translator if applicable
- Name of preparer/translator correctly stated
- Address of preparer/translator correctly stated

Section 2

List A (Identity and Employment Authorization)

- Appropriate document listed;
- List A document title correctly stated;
- List A document issuing authority correctly stated;
- List A document number correctly stated;
- List A document expiration date, if applicable, correctly stated;
- Receipt showing application for document accepted; awaiting original to be presented within 90 days;

List B (Identity)

- List B document title correctly stated;
- List B document issuing authority correctly stated;
- List B document number correctly stated;
- List B document expiration date, if applicable, correctly stated;
- Receipt showing application for document accepted; awaiting original to be presented within 90 days;

List C (Employment Authorization)

- List C document title correctly stated;
- List C document issuing authority correctly stated;
- List C document number correctly stated;
- List C document expiration date, if applicable, correctly stated;
- Receipt showing application for document accepted; awaiting original to be presented within 90 days;

Additional Information

- Entered "COVID-19" as the reason for the physical inspection delay;
- Once the documents have been physically inspected, added "documents physically examined" with the date of inspection;

Employer's Certification

- Employee's first day of employment correctly stated (mm/dd/yyyy);
- Signature of Employer/Authorized Representative present and in correct box;
- Date of certification correctly stated (mm/dd/yyyy);
- Certification signed within three days of hire (from the first day of employment);
- Title of Authorized Representative correctly stated;
- Last Name and First Name of Authorized Representative correctly stated;
- Employer's Business or Organization Name correctly stated;
- Address of business correctly stated - No P.O. Boxes allowed;

Section 3

- Reverification only applies if evidence of employment authorization (List A or List C document) presented in Section 2 expires;
- Do not re-verify: US Citizens and noncitizen nationals, or Lawful Permanent Residents (I-551);
- If employee listed an expiration date in Section 1, employment eligibility re-verified on or before expiration date;
- Date of rehire, if applicable (mm/dd/yyyy);
- New name listed, if applicable;
- Document title correctly stated;
- Document number correctly stated;
- Employment authorization document Expiration Date (mm/dd/yyyy);
- Signature of Authorized Representative present and correctly placed;
- Date of company certification (mm/dd/yyyy);
- Printed name of Authorized Representative;

Missing I-9s

- For current employees* - require employee to present documentation and complete I-9 with current dates. The date of hire will be the employee's actual date of hire, which may have been years earlier. Attach a memo to the I-9 explaining the discrepancy between the date of hire and the date of completion of the Form I-9. Sign and date the memo.

- For former employees* - date and attach a memo to I-9s for any terminated employees with missing or incorrect I-9 information. Retain it with other I-9 forms. Documenting this demonstrates an employer's good faith effort to correct I-9s by performing an internal self-audit.

I-9s with Errors

- Easily correctable* - you may do so on the form. The best way to correct the Form I-9 is to line through the portions of the form that contain incorrect information (preferably in a contrasting ink color), then enter the correct information. Initial and date your correction. Never use white correction fluid. If you have previously made changes on Forms I-9 using white correction fluid 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.
- Not easily correctable* - complete a new Form I-9.
- The old I-9 is attached to the new I-9, along with a note explaining the reason for creating a new I-9. **Do not throw away the old I-9.**

Miscellaneous

- Photocopies of List 2 documents* - if they exist, are attached to the I-9 and are readable. It is not mandatory to make photocopies, but if they are made, they must be kept. And if photocopies are made for one employee, they must be made for all employees.
- Employers enrolled in E-Verify must keep copies of the following documents if they are presented by the employee* - US Passport or Passport Card, Permanent Resident Card (I-551), or Employment Authorization Card (I-766).
- Manual Audit Log* - The list of the I-9s containing errors is completed. (This is the audit log that shows you have made a good faith effort to ensure I-9 compliance. The log should contain three columns: employee's name, the errors, and the actions taken to correct the error.)

Staying Compliant with Regular I-9 Self-Audits

When it comes to effective I-9 self-audit, employers have to think through the entire process and all potential consequences beforehand. Equally important, employers need to determine on time what policies and procedures will follow in response to the audit results.

Even though I-9 self-audit may seem too complex, there is no better way to protect yourself against potential liability for I-9 violations. Regular I-9 self-audit helps you remain compliant with the most current I-9 regulations and forms, identify and resolve any deficiencies before they become a problem, and protect your company from any immigration-related risks.

You can also consider using electronic I-9 management programs to prevent mistakes and increase compliance with I-9 rules and regulations. In addition to simplifying the entire employment eligibility verification, automated systems help you improve internal auditing by identifying common omissions and providing you with a follow-up guide. As a result, you can review your company's entire I-9 processing efficiently and thoroughly, and prevent potential fines and hiring costs in the long run.



Transition to Paperless I-9 Management and Experience Benefits of an Electronic System Fully Compliant with ICE Regulations



Avoid costly I-9 mistakes by outsourcing and automating the verification process and remain compliant with the latest Form I-9 updates, requirements and deadlines.

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