



**KANSAS STATE COUNCIL
SOCIETY FOR HUMAN RESOURCE MANAGEMENT**



**Testimony in Opposition to HB 2492 and HB 2577
House Federal and State Affairs Committee
By Natalie Bright
February 16, 2012**

Chairman Brunk and honorable committee members,

I am Natalie Bright, lobbyist for the Kansas Society for Human Resource Management (KS SHRM), the state's largest association devoted to human resource management. KS SHRM is affiliated with this national association and represents more than 2,300 individual members. Their mission is to serve the needs of human resource professionals, many of who are charged by their employers to recruit qualified workers and check their work-eligibility. KS SHRM, along with the Kansas Business Coalition for Immigration Reform, stand in opposition to HB 2492 and HB 2577, which both propose to mandate the use of the E-verify program for state and local government as well as any state contract or grant.

Kansas employers support the use of a reliable federal electronic employment verification system, are committed to hiring only work-authorized individuals and endorse the development of an effective, efficient, national electronic employment verification system. However, the current employment verification system using the required Form I-9 and the voluntary E-Verify program is still in need of reform.

The existing I-9 process places the business owner or HR professional in the role of a document examiner, having to decide whether the 24+ types of documents new employees can provide to confirm identity are legitimate and whether everything written on the I-9 form by the new hire matches what's on the supporting documents they provide. In addition, since it's paper-based, it's prone to clerical errors – such as writing the document number in the wrong place or transposing numbers or letters.

While E-verify could be a step in the right direction, as an electronic system, the information provided through the system is still based on a paper-based database. Despite the US Citizenship & Immigration Service roll out of a photo component to compliment E-Verify, not everyone is in the system and there are still areas of concern. It should be understood that under any state (and federal) requirements, employers are still required to complete the I-9 form along with any proposed mandatory E-Verify. This is often misunderstood.

In addition, the members of the Coalition have a concern on how far reaching the definition of a state contract or grant would reach. We are also concerned about the \$5,000 threshold requiring use of E-verify. These bills lack a clear definition who would be subjected to the proposed E-verify mandate and just how many Kansas businesses would be required to use the system.

We also recommend removal of the words "by sworn affidavit under penalty of perjury". The business community believes proof of enrollment and participation in E-verify should be sufficient with the E-Verify Memorandum of Understanding (MOU) that is provided to employers. The state of Kansas can easily check with the Federal government in determining if an employer is registered is a felony offense. This level of penalty seems excessive, particularly for

House Fed & State Affairs

Date:

2-16-12

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On behalf of the Kansas Business Coalition and its members listed below, I want to thank you for the opportunity to appear before you and urge you not advance HB 2492 and HB 2577.

Kansas Building Industry Association
Kansas Chamber of Commerce
Kansas Contractors Association
Kansas Cooperative Council
Kansas Corn Growers Association
Kansas Dairy Association
Kansas Economic Progress Council
Kansas Farm Bureau
Kansas Grain and Feed Association
Kansas Livestock Association

Kansas Manufactured Housing Association
Kansas Pork Association
Kansas Restaurant and Hospitality Association
Kansas Society for Human Resource Management
Kansans for Sensible Immigration Policy
Manhattan Area Chamber of Commerce
Mid-America Green Industry Council
Overland Park Chamber of Commerce
Unified Government of Wyandotte County / Kansas City
Wichita Independent Business Association

E-VERIFY TALKING POINTS

Employers support worksite enforcement. The overwhelming majority of employers want to be on the right side of the law – it's their obligation as citizens, and it makes good business sense.

Employers need a workable, effective worksite enforcement system. Any mandatory employment verification program must be timely, efficient, accurate and easy for businesses to use. It should also not be duplicative of other requirements.

Punish bad employers and protect good ones. Because E-Verify cannot detect identity theft, the information it gives employers is often wrong. Employers who use the system in good faith should not be held liable for actions they take on the basis of the information provided – even if they end up hiring unauthorized workers or terminating legal employees.

One size does not fit all. Small businesses and agriculture are different in nature. Many do their own hiring, without dedicated staff or at a worksite outdoors and agriculture in particular relies heavily on an immigrant workforce. This is one reason why using E-Verify is still voluntary under federal law: lawmakers recognize that making it mandatory could overburden critical sectors – not just agriculture and the industries that depend on it, but also the small businesses that create 70 percent of all new jobs.

The states' room to maneuver on E-Verify is now a matter of settled law. With Congress stalemated and unable to act on immigration, states across the country have been taking matters into their own hands – and until last spring, no one could be sure what was constitutional for the states to require employers to do. That changed in May with the Supreme Court's *U.S. Chamber of Commerce v. Whiting* decision, which clarifies precisely what state lawmakers can and cannot require.

The Supreme Court said states may mandate E-Verify – under certain conditions. In the wake of the *Whiting* decision, states may require some or all employers to enroll in E-Verify. States may also suspend or revoke the business licenses of employers found to have hired unauthorized immigrants. Both types of measures are constitutional. But the justices also placed strict limits on what the states can mandate – only state worksite enforcement that “closely tracks” federal enforcement and is consistent with all its rules.

E-Verify is not free – it costs taxpayers and employers. Congressional Budget Office (CBO) estimates E-Verify will increase government spending by more than \$23 million and cost more than \$40 million over a 10 year period. CBO estimates employers would pay \$136 million to comply in the first 5 years of a mandate. E-Verify is a Voluntary federal program and not currently funded beyond 2012.

Privacy issues – enrolling in E-Verify opens employers to broad audits under the E-Verify MOU. MOU allows federal audits of “any and all” records associated with the employment of an undocumented worker. It is not clearly delineated where the limit is as to the breadth of the inspection.

E-Verify would be a new mandate on businesses. Despite an increasing number of Kansas employers using the E-verify system, the majority are still not using it. KS SHRM most recent survey this fall indicated 63% are not currently using E-verify and 70% of the respondents were companies with 100 or more employees.

COSTS TO BE CONSIDERED BEFORE MANDATING E-VERIFY

Reporting Errors:

- A December 2009 independent estimate commissioned by USCIS and undertaken by Westat found that E-Verify had an overall error rate of 4.1%
- In 2010, error rate improved to 97%
- Of unauthorized workers, E-Verify only catches 46% due its reliance on a paper system and identity fraud

Worker Costs:

- If a US Citizen lacks a photo ID, it is estimated it will cost close to \$225 to qualify for the system.
- If given a "Tentative Nonconfirmation," legally authorized workers will lose on average \$190 of their own money in lost wages and travel time to resolve the issue.
- Individuals needing a photo ID that receive a "Tentative Nonconfirmation" could end up spending \$415 just to gain access to a job that they have already secured.

Employer Costs:

- A recent Bloomberg Government study found that E-Verify would have cost small businesses \$2.6 billion had it been mandatory in 2010.
- Bloomberg estimates that the average cost to run E-Verify for a small business will be around \$435 per year.

Government Costs:

- The Congressional Budget Office, of the SAVE Act of 2008, H.R. 4088, found that mandating E-Verify across the nation without legalizing the undocumented workforce would result in \$17.3 billion in lost revenue over 10 years.
- In a 2008 Government Accountability Office report, the Department of Homeland Security estimated that mandating E-Verify for all employers would cost between \$765 million (if only new hires were run through the system) and \$838 million (if all employees, current and new, were verified) for FY 2009 to FY 2012.
- A more recent GAO report, citing statistics from U.S. Citizenship and Immigration Services, or USCIS, argues that even retaining E-Verify as a voluntary system—without a mandate that E-Verify be used across the country—will cost \$508 million through FY 2020.

Effectiveness for catching unauthorized workers:

- Of the unauthorized workers, estimated indicate the system only catches 46% workers, so more than half of all unauthorized workers have no problem getting through E-Verify, a finding Westat chalks up to identity fraud.
- E-Verify only has the capacity to match legal records with those submitted by the employee—it does not detect identity theft. If a worker submits a valid Social Security number, but not his or her own number, the system returns a work authorization.
- According to Westat, naturalized citizens are more than 30 times more likely to receive a TNC than U.S.-born workers. Most TNCs must be resolved in person at a Social Security Administration office. Estimates indicate that it will cost each of the 1.2 to 3.5 million legally authorized workers on average \$190 of their own money in lost wages and travel time to resolve.
- A recent Bloomberg Government study found that E-Verify would have cost small businesses \$2.6 billion had it been mandatory in 2010. These companies represent 99.7 percent of all employers, and have created 64 percent of net new jobs over the past decade and a half, according to the U.S. Small Business Administration.

- Bloomberg estimates that the average cost to run E-Verify for a small business will be around \$435 per year.
- The RIA also estimated costs incurred for the first year in which government contractors (covered under the rule subject to analysis) used E-Verify:
 - Businesses with 10 employees would have to pay on average \$1,254
 - Businesses with 50 employees would pay \$3,163
 - Businesses with 100 employees would pay \$5,515
 - Businesses with 500 employees would pay \$24,422

Additional costs to consider for employers:

- Lost productivity from newly hired employees who have to take time off of work to fix a TNC at a local Social Security Administration office.
- Cost of training a new employee to run e-verify checks. While these costs may be diffused among many workers for large businesses, for the 60 percent of small businesses with fewer than five employees, the retraining expenses can be devastating.
- E-Verify is not a magical pill that immunizes companies from prosecution, from Immigration and Customs Enforcement raids, or from costly legal fees.
 - Take the case of **Pilgrim's Pride Corporation**, the largest chicken producer in the United States. ICE raided five Pilgrim's Pride sites in April of 2008 and arrested more than 300 individuals on suspicion of identity theft and unauthorized presence in the United States. The company "prided" itself on having each and every one of its plants enrolled in E-Verify, and had "relied on the ICE Best Hiring Practices in designing its immigration compliance practices." Since E-Verify does not detect identity fraud, the company was still open to charges of hiring unauthorized workers. Even with high standards and E-Verify usage, Pilgrim's Pride ultimately settled with the federal government to avoid criminal charges—to the tune of \$4,500,000.
 - The U.S. clothing retailer **Abercrombie & Fitch**, for example, was fined just over \$1 million in 2010 for discrepancies in the company's electronic I-9 record keeping system—a process similar to that which would be necessary for using the E-Verify system—illustrating that keeping the type of records necessary for E-Verify is no simple matter, and can become quite costly.
 - On August 22, 2010, **Farmland Foods**, a prominent pork producer in Missouri agreed to pay \$290,400 in civil penalties for discrimination in its I-9 process. This is the highest civil penalty charged by the Department of Justice Civil Rights Division (DOJ) to date in an immigration-related discrimination investigation. In addition to the fine, Farmland Foods will be subjected to I-9 process training, auditing and monitoring by both the DOJ and the Immigration and Customs Enforcement agency (ICE) for the foreseeable future. During its investigation the DOJ found that Farmland had engaged in a pattern and practice of discrimination by enforcing unnecessary and excessive documentary requirements regarding work eligibility for noncitizens or foreign born citizens of the United States, while not imposing nearly as strict a policy on U.S. born workers. For noncitizens, Farmland required presentation of a permanent resident card or employment authorization document, rather than allow the employees to select from the list of acceptable documents on page 2 of the I-9 form. The company also required documentation such as social security cards on many occasions.

The costs of E-Verify

Center for American Progress

To individuals

\$225
"jobs tax"
(per person)

to procure proper photo identification for the system, for an estimated 770,000 Americans.

\$190
"jobs tax"
(per person)

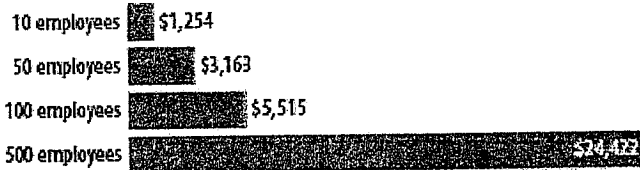
to resolve erroneous Tentative Nonconfirmations, for an estimated 1.2 million to 3.5 million Americans.

770,000 lost jobs
due to system errors

To employers

\$2.6 billion per year in costs for small business.

First year startup costs for business with:



\$435

Annual costs after year one for all small businesses (on average)

PLUS:

Millions in legal fees to comply with government regulations and defend against lawsuits

To the federal government

\$17.3 billion in lost tax revenue over 10 years

\$765 million to \$838 million over four years for DHS operations, at a minimum

\$281 million over five years for SSA operations, at a minimum

\$18 million to \$53 million per year to resolve erroneous Tentative Nonconfirmations

Untold millions

to set up the necessary infrastructure to allow businesses without Internet access to use the system

Hundreds of millions

to fulfill the sections of the Legal Workforce Act that force the government to investigate and block misused Social Security numbers

Philip E. Wolgin is an Immigration Policy Analyst at the Center for American Progress.



E-Verify Fact Sheet

Philip E. Wolgin, Ph.D. June 2011

On June 14 Rep. Lamar Smith (R-TX) introduced the Legal Workforce Act, H.R. 2164. The bill would make the federal government's Internet-based system that verifies work eligibility—E-Verify—mandatory for all employers in the United States. Currently, 4 percent of all businesses use the system, but expanding it for use in every business presents a number of logistical and costly problems.

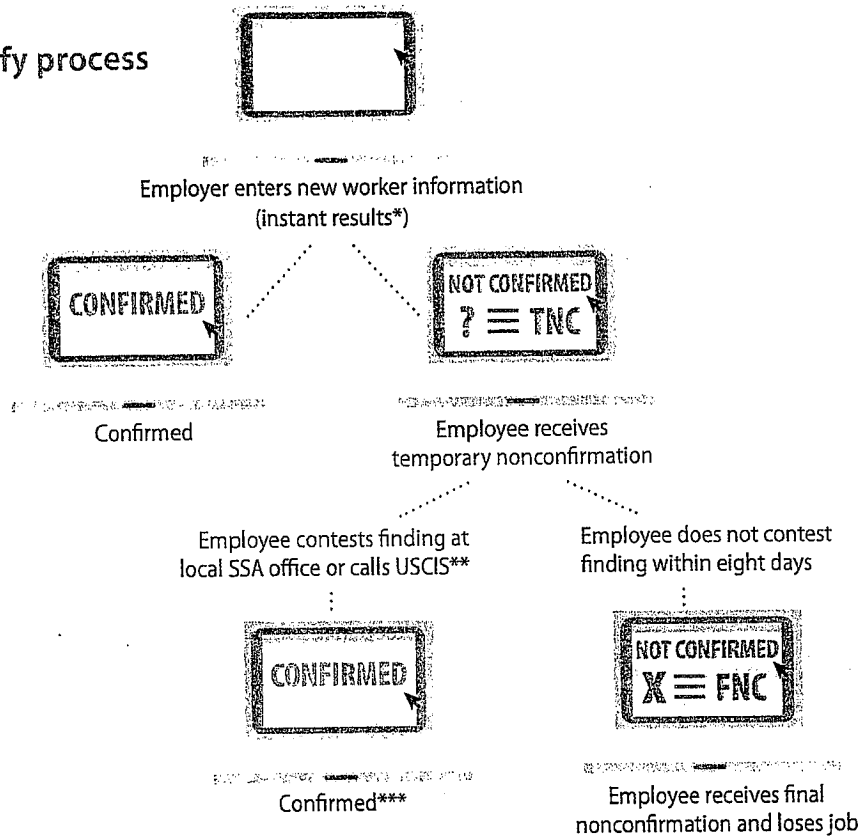
Without providing for a fully legalized workforce, E-Verify is too expensive to make mandatory. It is a prime example of an enforcement-only strategy that does nothing to solve the fact that we have 11 million undocumented immigrants currently living in the country. The system's high error rates will keep many Americans from working, while catching less than half of all undocumented workers.

- 770,000 legally authorized Americans would lose their jobs because of errors in the system.¹
- Another 1.2 million to 3.5 million Americans would have to visit a Social Security Administration office to fix erroneous information to avoid losing their jobs. CAP estimates this will cost \$190 in lost wages and transportation per person—a jobs tax on ordinary Americans.²
- Naturalized citizens are 30 times more likely than the native born to receive an error from E-Verify.³
- Those workers caught by E-Verify do not simply leave the country, but rather end up in the informal economy, where their earnings are not taxed, and as such are not part of government revenue.⁵
- E-Verify has an accuracy rate of only 46 percent for undocumented immigrants, meaning more than half of all unauthorized workers have no trouble making it through the system.⁴
- If made mandatory, E-Verify would decrease federal tax revenue by \$17.3 billion over 10 years, according to the nonpartisan Congressional Budget Office.⁶
- Mandatory E-Verify would cost small businesses \$2.6 billion a year, according to a recent Bloomberg Government study.⁷
- The Department of Homeland Security estimates it would require \$765 million to \$838 million over four years to operate E-Verify, an estimate the nonpartisan Government Accountability Office called “minimally credible.”⁸
- The Social Security Administration estimates it would require \$281 million over five years to operate E-Verify,⁹ but this figure does not take into account any of the new mandates in the Legal Workforce Act, such as a provision that SSA block misused Social Security numbers, or issue letters to both employers and employees when Social Security numbers are used by multiple people.

How E-Verify works

Businesses that enroll in E-Verify submit each employee's eligibility information, currently found on the I-9 form—which includes, but is not limited to, Social Security number, name, date of birth, citizenship status, and alien number—over the Internet. SSA and USCIS then check the data against their records. (see Figure 1) If the infor-

FIGURE 1
The E-Verify process



* 1.1 percent of all cases require immigration status verification, which usually occurs within 24 hours.
 ** SSA for name or Social Security Number mismatch, USCIS for noncitizen Immigration document mismatch. Some people will be required to confirm with both agencies.
 *** .01 percent contest, but are still found to be unauthorized.
 Source: Westat, "Findings of the E-Verify Program Evaluation," December 2009.

mation matches government records, the employer receives instant proof of authorization. If there is a mismatch, the employer first has the opportunity to check that the information was entered correctly, and then receives a Tentative Nonconfirmation, or TNC, which indicates that the worker has the right to contest the finding.

Under the current system, after a TNC has been issued, the employer is legally obligated to inform the employee, who then has eight working days to contact SSA and/or USCIS to sort out the matter.¹⁰ If the worker fails to contest, or cannot correct his or her records, E-Verify sends a Final Nonconfirmation, or FNC. Employers are expected by law to fire anyone who receives a FNC.¹¹

Endnotes

- 1 With 154,287,000 workers in the United States, 0.5 percent translates to three-quarters of a million people losing their jobs. Tyler Moran, Testimony before the House Committee on Ways and Means, Subcommittee on Social Security, Hearing on the Social Security Administration's Role in Verifying Employment Eligibility, April 14, 2011, available at <http://bit.ly/lBfKKN>.
- 2 Philip E. Wolgin, "Seen and (Mostly) Unseen: The True Costs of E-Verify" (Washington: Center for American Progress, 2011).
- 3 Westat, "Findings of the E-Verify Program Evaluation" (2009), available at <http://1.usa.gov/jtxntK>, p. xxv-xxvi.
- 4 Ibid., p. xxx-xxxi.
- 5 See, for example, the case of Arizona, where a state-level mandatory E-Verify law has been in place since 2007. Daniel Gonzalez, "Illegal workers manage to skirt Ariz. employer-sanctions law," *The Arizona Republic*, November 30, 2008, available at <http://bit.ly/3TrHEl>.
- 6 Letter from Peter R. Orszag to John Conyers Jr., April 4, 2008, available at <http://1.usa.gov/kWu8U0>.
- 7 Jason Arvelo, "Assessing E-Verify Costs for Employers, Taxpayers," Bloomberg Government, January 2011, available at <http://bit.ly/k3Cm4V>.
- 8 Government Accountability Office, "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain," GAO-11-146, Report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, December 2010, available at <http://1.usa.gov/gTFCV3>, p. 48-49.
- 9 Ibid., p. 50-52.
- 10 Note that some individuals will be required to confirm their status with both SSA and USCIS; for example, a naturalized citizen who may not have forwarded his or her information to the Social Security Administration.
- 11 Westat, "Findings," p. xxv-xxvi.

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E-Verify program would be costly to small businesses

J. KELLY CONKLIN, HOUSTON CHRONICLE

Published 05:30 a.m., Thursday, July 14, 2011

When it comes to the so-called E-Verify program, the "E" must stand for "Error." E-Verify is a voluntary federal program that allows employers to verify the employment eligibility of their newly hired employees. It relies on error-prone databases and fails to flag unauthorized workers 54 percent of the time.

The program is currently used by only a tiny fraction of employers, but U.S. Rep. Lamar Smith, R-San Antonio, is pushing a proposal in Congress to order the use of E-Verify for every employer in the country. Mandating this flawed federal program is a triple whammy — bad for small businesses, bad for our employees, bad for the federal budget.

Small businesses are the backbone of the American economy. We employ more than 50 percent of the U.S. work force and have generated 64 percent of net new jobs over the last 15 years.

But small-business owners like me are rightly concerned about the disproportionate impact of a national expansion of E-Verify. According to a report by Bloomberg, if use of E-Verify were mandatory it would have cost businesses \$2.6 billion in 2010. Small businesses would bear the bulk of those costs, paying millions of dollars to verify employees' work eligibility, in this time when we're trying to stretch every dollar we have to meet payroll, keep people employed and find ways to grow our businesses and create jobs.

The government's own figures suggest that the errors in a mandatory E-Verify system will cause close to 800,000 Americans to lose their jobs incorrectly and another 3.6 million to spend time correcting government mistakes in order to keep them. That's bad not only for these workers, but also for their employers, who will be losing work hours while workers take time off to get their records fixed and, in the case of wrongful terminations, losing trained employees.

Looking at broader impacts, mandatory E-Verify will drive economic activity underground, reducing federal tax revenues by \$17 billion over 10 years, according to the Congressional Budget Office.

This is in addition to the costs of implementing the law and complying with it. In this time of fiscal stress, that's a price we can't afford.

We can and must do better - for our businesses, our economy and the country's balance sheet. What we need is a comprehensive reform of the immigration system, not expansion of a flawed and costly program like E-Verify that forces small business owners to act as immigration agents and creates new costs both for our businesses and for the country.

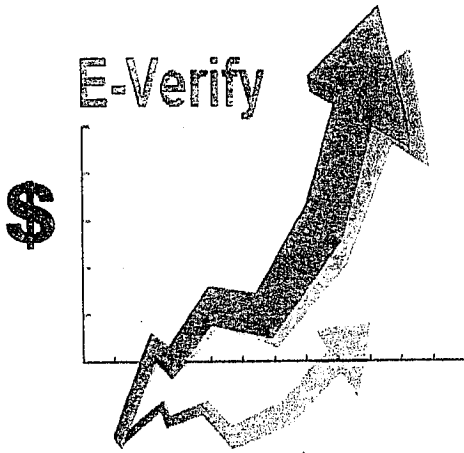
Comprehensive immigration reform, including a path to citizenship, could cut down on the underground economy, realign our immigration system with the needs of employers, and add \$1.5 trillion to the economy over 10 years.

That's the kind of policy the American business community needs now.

Conklin is a small-business owner and a member of the Main Street Alliance, a national network of state-based, small-business coalitions.

E-Verify: Much more than the cost of doing business

by Dawn Lurie and Aimee Clark Toddon February 8, 2011in



In Thursday's late edition of the Bloomberg news, the group released the findings of a report on a proposal to require every U.S. employer to use E-Verify to confirm the legal status of all new hires (just new hires, mind you).

In summary: "Businesses with fewer than 500 workers bear the greatest burden (of such a proposal), according to the data, spending about \$2.6 billion a year to use the government's web-based verification system, E-Verify, compared with less than \$100 million for the 4 percent that used it in 2010."

That's "billion" with a B. In a recent survey commissioned by the government, Westat reported that employers spent about \$43 million in the fiscal year ending September 30, 2008, to interact with the employment verification program.

The Westat study was commissioned by the Government as part of a multi-year evaluation of the E-Verify program, and presents the results of (1) surveys of participants and (2) focus groups of nonusers—the recently-published report was a result of their 2009 findings.

What Westat found was that those employers aware of the E-Verify program decided not to use the system because they perceived no benefit from participating compared to the cost and logistics burden to participate.

The case study participants generally opposed a mandatory program for all employers, particularly for small business owners; and, a substantial minority of those small business owners indicated that they lacked sufficient resources to participate, with about one-fourth of the case study participants saying they did not have the staff with sufficient skills available to manage down-stream tentative non-confirmation (TNC) resolution. In addition, one-tenth stated they lacked the computers to connect to the E-Verify system.

Interestingly, some businesses artfully noted in their survey responses that they did not see E-Verify as beneficial for their business because they viewed participation as a government priority rather than a business priority. Of note, one employer requested that:

"[O]ur elected officials begin to make it the government's responsibility (not the employers') to control illegal immigration. Our government has a history of allowing illegal immigration to flourish and then relying on the businesses to bear the cost and exposure of controlling it."

But, the most telling response from a business owner may be this one:

“Hold me, personally, and my company harmless from any loopholes in the system that become exploited by the undocumented population . . . bottom line . . . I don’t want to make the 5 o’clock news by complying with a broken system.”

E-Verify was not designed to identify identity theft issues, but rather to verify employment eligibility. That’s a big difference and it appears some people don’t understand the difference. USCIS must be intending to redesign the system in an effort to deal with this serious issue- but right now these loopholes cause serious concerns over the integrity of the program. Savvy business owners are well aware of the current flaws in E-Verify that allow for employees, with stolen identities, to pass undetected through the system. These are the same business owners that don’t want to be held responsible for the flaws and their sentiments are echoed above.

According to Bloomberg’s estimates, assuming E-Verify costs remained constant during the time frame, (and usage of the system was adjusted for growth), employers spent an estimated \$95 million in fiscal 2010 to participate “for free” in E-Verify.

Businesses with fewer than 500 workers bear the greatest cost burden because the fixed costs are spread over fewer hires. The Bloomberg report concluded that E-Verify cost small businesses that enrolled in E-Verify in 2008 an average of \$127 to run each new hire query [and respond timely to a TNC/final non-confirmation (FNC) situation], compared with \$63 for all firms—projected outward, Bloomberg calculated that those figures would be \$147 and \$73, respectively.

Most HR professionals are aware of the increased burden associated with a mandated E-Verify process. State and local governments, frustrated by a lack of federal action, are considering mandating additional verification compliance requirements, including E-Verify, upon employers as a cost of doing business there. It is critical that executives, management, and stakeholders be aware of the significant costs associated with “free” E-Verify participation.

So, add value to your relationship with your business: share as much of this information as is available with decision-makers so that they understand the ramifications of decisions relating to E-Verify; and more notably, they become community leaders in educating our politicians that E-Verify is not as “free” as is advertised. On the other hand, E-Verify is immigration compliance best practice and should be considered by all businesses that can afford to do so and by businesses that cannot afford not to.

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen of the United States
- A noncitizen national of the United States (see instructions)
- A lawful permanent resident (Alien #) _____
- An alien authorized to work (Alien # or Admission #) _____ until (expiration date, if applicable - month/day/year)

Employee's Signature _____ Date (month/day/year) _____

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification (To be completed and signed by employer.)

A. New Name (if applicable) _____	B. Date of Rehire (month/day/year) (if applicable) _____
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C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: _____ Document #: _____ Expiration Date (if any): _____

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be unexpired

LIST A

Documents that Establish Both
Identity and Employment
Authorization

LIST B

Documents that Establish
Identity

LIST C

Documents that Establish
Employment Authorization

OR

AND

1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
4. Employment Authorization Document that contains a photograph (Form I-766)	3. School ID card with a photograph	3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	4. Voter's registration card	
	5. U.S. Military card or draft record	
	6. Military dependent's ID card	5. Native American tribal document
	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	6. U.S. Citizen ID Card (Form I-197)
	9. Driver's license issued by a Canadian government authority	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	<p style="text-align: center;">For persons under age 18 who are unable to present a document listed above:</p>	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	10. School record or report card	8. Employment authorization document issued by the Department of Homeland Security
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Instructions

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

When Should Form I-9 Be Used?

All employees (citizens and noncitizens) hired after November 6, 1986, and working in the United States must complete Form I-9.

Filling Out Form I-9

Section 1, Employee

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Employers should note the work authorization expiration date (if any) shown in **Section 1**. For employees who indicate an employment authorization expiration date in **Section 1**, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present

in **Section 2** evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

Preparer/Translator Certification

The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his or her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, **Section 2** must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document **OR** a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

Employers must record in Section 2:

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in **Section 2**. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. **Employers are still responsible for completing and retaining Form I-9.**

For more detailed information, you may refer to the *USCIS Handbook for Employers (Form M-274)*. You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

Section 3, Updating and Reverification

Employers must complete **Section 3** when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in **Section 1** (if any). Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B; and:
 - 1. Examine any document that reflects the employee is authorized to work in the United States (see List A or C);
 - 2. Record the document title, document number, and expiration date (if any) in Block C; and
 - 3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing **Section 3**.

What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at www.uscis.gov/e-verify or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at www.uscis.gov.

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**