

## **IMMIGRATION REFORM AND CONTROL ACT (I-9 FORM)**

**PURPOSE:** To inform County Departments and to comply with National Immigration Laws and Regulations.

**SCOPE:** This policy applies to all County Offices and Employees

**POLICY STATEMENT:** Congress has reformed our nation's immigration laws through the passage of the Immigration and Nationality Act, the Immigration Reform and Control Act of 1986 (IRCA), the Immigration Act of 1990, and most recently 2013 form updates. In addition, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has made changes to reporting requirements utilizing the I-9 Form.

The Immigration Reform and Control Act of 1986 (I.R.C.A.) requires employers to verify, work eligibility and proof of identity for all employees hired after November 6, 1986, and maintain documentation of such eligibility for three years or one year after the person's employment is terminated, whichever is later. An I-9 Form must be completed for all new hire employees including both regular and unallocated (temporary) employees. In general, the employee must provide acceptable identifying information, attest to the authenticity of their employment eligibility and documents, and sign the form on their first day of employment. The employer must review and verify the documentation and certify to the genuine appearance of the documents presented within 3 business days of the employee's first day of employment.

There are two ways to complete an I-9 Form:

**Employee Self Service (ESS):** all regular employees will use ESS to complete Section 1 of the form online. All regular employees are given an employee ID and access to ESS as part of the onboarding process. PA processors will complete Section 2 of the I-9 page through regular Peoplesoft HR access. Departments may use ESS to verify employment eligibility for unallocated (temporary) employees.

**Paper I-9 Form:** Paper forms are available only for use for unallocated (temporary) employees hires and rehires as the nature of the hiring process may make the ESS option unavailable within the legal timeframe. The completed I-9 form should be included with any new hire paperwork that is sent to Department of Employee Services (DES) – Human Resources Division.

Department of Employee Services routinely audits for the timely completion of I-9 Forms and will notify departments to keep in compliance with statutes. Non compliance on the part of the employee may require termination.

### **THE I-9 FORM**

#### **Section 1 – Employee Information**

All employees, citizens and non-citizens, hired after November 6, 1986 must complete Section 1 of the form at the time of hire, which is the actual beginning date of employment. The department is responsible for ensuring that Section 1 is properly completed and returned with

the new hire paperwork.

### Section 2- Employer Review and Verification

Departments are responsible for completing Section 2 by examining evidence documents of identity and employment eligibility at the time of employment. I-9 form reference guide online includes listings of acceptable documents. Each employee must either provide one document from List A or one document from both Lists B and C. Departments are not required to photocopy the document(s) presented to include with the new hire paperwork. Departments must record 1) the document title, 2) issuing authority, 3) document number, 4) expiration date, and 5) the date employment begins.

Using ESS: Using PS HR to verify the I-9 Form will automatically input the verifier's information to sign and date stamp the form.

Paper I-9 form: The county employee reviewing the documentation should sign the signature block.

### Section 3-Updating and Re-Verification

Using ESS: When an employee is rehired within the three years of the date the original ESS I-9 Form was completed, the employee will use ESS to reverify their information. PA processors will complete the Re-Verification section of the I-9 page through regular Peoplesoft HR access. If an employee is rehired and did not have an ESS version of the I-9 completed, they will complete a new I-9 Form using ESS. ESS will walk the employee through the appropriate process.

Paper I-9 Form for Unallocated (Temporary) employees: Most departments find that completing a new I-9 Form is a faster process than requesting the I-9 Form scanned and filed in the county's employee file imaging system be sent to them and re-verified. This process is an accepted method to get the I-9 form completed. However, the I-9 Form also contains a section at the bottom that calls for re-verification of an employee's documents if rehired within three years of the date the form was originally completed. This will apply to both regular status and temporary employees. Re-verification does not require you to complete a new I-9 Form. Instead, you should review the previously completed I-9 and if no work authorization has expired, note the date of rehire in section 3, and sign the signature block. If the employee's work authorization has expired you will need to examine an unexpired document which authorizes the employee to work in the United States and document and sign section 3 of the form.

Included is a link to the I-9 Form which may be downloaded for your reference. The site for employers maintained by the INS Department of Homeland Security – U.S. Citizenship and Immigration Services (USCIS) is also included which expands upon the requirements of the I-9 Form and answers some commonly asked questions. If you have additional questions regarding the I-9 Form, please contact DES-Human Resources Division.

### **INTERNET LINKS**

I-9 Form and Handbook (<http://uscis.gov/graphics/formsfee/forms/i-9.htm>)

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)