



## U.S. Citizenship and Immigration Services

# Questions and Answers

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

**Q.** Do employers need to complete new [Forms I-9](#) for retired employees who were originally hired before Nov. 7, 1986, and who come back to work after retiring?

**A.** A retired employee who separated from the company and later returned should complete Form I-9 even if the employee was originally hired before Nov. 7, 1986. This employee is considered a new hire.

**Q.** Should employers ask volunteers to complete Form I-9?

**A.** Volunteers do not need to complete Forms I-9 unless an employer determines the volunteers will receive something of value (also known as remuneration) for their work. If they receive remuneration such as housing, they are considered employees who must complete Form I-9.

**Q.** Do employees hired on or before Nov. 6, 1986, need to complete Form I-9 if they are transferred to work in the United States after working overseas since their original hire date?

**A.** Yes, employees who have not been working in the United States and never completed Form I-9 are considered new hires when transferred to work in the United States and must complete Form I-9.

**Q.** When an employee transfers to the United States after working abroad, what hire date should the employer write on Form I-9?

**A.** Write the date the employee begins working in the United States in the certification block in [Section 2](#). The time the employee worked abroad was not subject to Form I-9 rules.

**Q.** Should an employer complete Form I-9 if a new employee attends a few days of training in the United States before starting his or her job in a foreign country?

**A.** If the employer is paying for training that is required for the job, Form I-9 should be completed. An employer must complete Form I-9 even for an employee who will attend training in the United States only for one day. If the employee is not yet receiving wages and the training is voluntary—or if the training is paid for personally by the employee and the employee will not be reimbursed—then it is likely that Form I-9 would not be required.

**Q.** Do employers have to update or complete a new Form I-9 when disbursing back pay to an individual who no longer works for the company.

**A.** No. Employers do not update or complete Form I-9 if only disbursing back pay to an individual who will not perform services or labor.

**Q.** Should employers complete Form I-9 for employees who will work only one day?

**A.** Yes. Employers must complete Form I-9 for each employee hired to work in the United States, even if the employee works only one day.

**Q.** I discovered that I do not have a completed Form I-9 for a former employee who was hired after

Nov. 6, 1986. Can I require that the former employee complete Form I-9 before I issue him or her a final paycheck or a W-2?

**A.** No. You may not withhold pay for work completed or a W-2 form from any employee for any reason associated with Form I-9.

## How to Complete Form I-9

**Q.** May employees use a P.O. Box as their address in Section 1?

**A.** No, employees may not use P.O. Boxes as their address on Form I-9. Employees must enter the physical address of their residence in Section 1 (e.g., "1234 Verification Street"). If the employee's residence does not have a physical address, he or she should enter a description of the location of his or her residence. The following is an example of an acceptable description: "18 miles southwest of Anytown post office near water tower".

**Q.** Does Form I-9 need to be completed in a specific color of ink?

**A.** No. Form I-9 does not need to be completed in a specific color of ink. However, the information written on the form must be readable for the entire retention period of the form.

**Q.** Can an employer prefill (fill in advance) Section 2 with the business or organization name, address and position of the company representative?

**A.** Yes. Employers may prefill the "Print Name," "Title" and "Business or Organization Name and Address" blocks of Section 2 of Form I-9.

**Q.** Can an employer include Form I-9 in a job application packet?

**A.** No. An employer cannot require an employee to complete Form I-9 before the employee has accepted a job offer. However, the employer can inform applicants that upon hire they must complete Form I-9.

**Q.** Can a notary public attach an attestation to Form I-9 instead of providing a signature in the signature block of Section 2?

**A.** No. Section 2 is a review of the documents the employee presents and must be signed. If that section is not signed, Form I-9 is not complete.

[Back to Top](#)

## Is This Document Acceptable?

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

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

**Q.** My new employee just handed me an employment authorization document that is not yet valid but will be valid in a few weeks. Can I accept this document and complete Section 2?

**A.** No. Employers cannot accept documents that will be valid on a future date. In addition, employees cannot begin employment until authorized to do so. For example, if the Designated School Official (DSO) has authorized curricular practical training for a foreign student, the student cannot begin work until the start date approved by the DSO. Employers should reject documents that will be valid in the future and ask the employee to provide other acceptable documentation from the List of Acceptable Documents.

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

**A.** 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.

**Q.** Is a laminated Social Security card valid?

**A.** It depends. If the card states on the back “not valid if laminated,” then the laminated Social Security card is not valid. The [Social Security Administration \(SSA\)](#) advises cardholders not to laminate Social Security cards. Metal or plastic reproductions of Social Security cards are not acceptable for Form I-9 purposes.

**Q.** How can an employer verify an employee’s Social Security number?

**A.** If an employer has signed up to use [E-Verify](#), then [E-Verify](#) will confirm that an employee’s name and Social Security number (SSN) match. E-Verify is administered by the [U.S. Department of Homeland Security](#), USCIS, Verification Division, and the Social Security Administration.

In short, employers submit information taken from a new hire's Form I-9 ([including the SSN through E-Verify](#)) to the SSA and USCIS to determine whether the information matches government records and whether the new hire is authorized to work in the United States.

SSA also provides Social Security Number Verification Service (SSNVS), one of the services offered by Business Services Online. Available at <http://www.ssa.gov/ssnv.htm>, it allows registered users (employers and certain third-party submitters) to verify the names and Social Security numbers of employees against the SSA’s records.

If the name and SSN do not match SSA’s records, the employer is prohibited to take any adverse action (such as laying off, suspending, discriminating against or firing) against the employee. Any employer that uses the failure of the information to match SSA records to take inappropriate adverse action against a worker may be in violation of state or federal law.

Remember that an initial SSNVS mismatch does not mean that an individual is not work-authorized. Information received from SSNVS makes no statement regarding a worker’s immigration status. It means only that there is an initial mismatch, which may be based upon various causes including errors in government databases.

Restrictions on using SSNVS:

- While the service is available to all employers and third-party submitters, it can only be used to verify current or former employees and only for wage reporting (Form W-2) purposes.
- Do not use SSNVS before hiring an employee.

If SSNVS issues a mismatch, the employer should compare the failed SSN with the employment record. If the employer made a typographical error, he should correct the error and resubmit the corrected data. If the employer’s record and the employee’s Social Security card match, the employer should give the employee an opportunity to resolve the mismatch. The employer should correct the records and resubmit the corrected information to the SSA.

**Q.** Is a Social Security card with the annotation “For Social Security and Tax Purposes Only” valid for employment?

**A.** 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.

**Q.** Can an employer accept an expired driver's license with a paper document from the state department of motor vehicles (DMV) stating that the paper document serves as a temporary license?

**A.** Yes. Employers may accept a driver's license that has expired on its face and a DMV-issued document that serves as a temporary license. Together these two documents are an acceptable List B document for Form I-9 purposes.

**Q.** Is the Transit Worker Identification Card (TWIC) an acceptable [List C document](#)?

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

**Q.** Does a state-issued enhanced driver's license qualify as a [List A document](#)?

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

## Self-Audits

**Q.** If an employer finds a mistake on previously completed Forms I-9, how should the employer correct the mistake?

**A.** The employer may draw a line through inaccurate information, write the correct information on Form I-9, initial and date of the correction. The employer should also make a note in the file that a self-audit was completed on that date.

**Q.** Does the employer need to fill out a new Form I-9 if the employee signs not in the signature box but right above the signature box?

**A.** 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.

**Q.** What should I do if an invalid [version of Form I-9](#) was completed for an employee at the time of hire?

**A.** If an outdated and invalid version of Form I-9 was completed for an employee at the time of hire, a new Form I-9 using the correction version should be completed and attached to the previously completed Form I-9.

[Back to Top](#)

Last updated: 06/06/2011

[Plug-ins](#)