

What Employers Are Covered?

Those with 4 or more employees

What's Prohibited?

- Employment of individuals who are present in the U.S. without authorization to work
- Discrimination on the basis of national origin or citizenship
- Selective use of I-9 IRS forms to prescreen employment applicants

Documentation Requirements

- Applicants must provide documentation sufficient to verify identity and eligibility to work in the U.S.
- This documentation must be drawn from Lists A-C located on the USCIS web site (www.uscis.gov)
- Applicants and employers must complete their respective sections of the I-9 form

Specific Employer Requirements

- Complete Sections 2 and 3 of applicants' I-9 forms
- Examine the qualified documentation provided by a new employee within 3 days of the beginning of employment
- Review documents provided by applicants to determine authenticity

Recordkeeping Responsibilities

- Keep I-9 forms for 3 years following date of hire or 1 year following termination
- Keep a physical copy of the I-9 Form (not in electronic format)
- Must make forms available to USCIS within 3 days of any request

What are the Potential Penalties?

- Monetary fines
- Back pay
- Attorneys' fees
- Criminal penalties, including imprisonment

Top IRCA Tips

- Be vigilant and look for potential document fraud
- Don't ask for specific documents – the employee may provide any of the types of documentation noted on the USCIS web site
- Follow all record-keeping requirements
- Don't use I-9 documentation for any purpose other than verification
- Keep any photocopies made of I-9 documentation with the I-9 form itself

