

The I-9 SOP: Verifying Employee Identity and Authorization to Work

This is an example Standard Operating Procedure (SOP) for a business process to properly complete U.S. Citizenship and Immigration Services Form I-9 for typical farm employers. Employers should adapt this example SOP to their specific business needs and seek qualified legal counsel as needed. All employers are required to complete and retain form I-9 for all new employees hired after November 6, 1986 to work in the U.S.

Before the First Day of Employment

1. Offer a job and receive an acceptance from a job candidate. I-9 can only be completed *after* an offer of employment is extended and accepted.
2. Provide a copy of “USCIS Form I-9” [English version] and a copy of the “Instructions for Form I-9” to your new employee, both forms can be found at <https://www.uscis.gov/i-9>.
3. Direct the employee to page 3 of Form I-9, this page contains the lists of acceptable documents to establish identify and employment authorization. Employees can use a document from List A to establish both identity and authorization, or a document from List B **and** one from List C to establish identity and authorization. **Do not** tell job candidates which documents to provide, this is up to the candidate.

On the First Day of Employment

4. Meet with your new employee no later than their first day of employment to complete Section 1 of Form I-9. Section 1 must be completed by the employee.
5. See “[Instructions for Form I-9](#)” for details on completing Section 1.
6. Check the following items after **your employee** completes Section 1. Ensure that your employee:
 - a. Entered their names in the boxes correctly, some employees have two last names, both should go in the last name box. There is another box labeled “Other Last Names Used,” employees should use this box to enter any other last names used such as a maiden name or last name used before a name change. Enter “N/A” if there are no other last names used.
 - b. Entering the social security number in this section is voluntary, unless you, the employer, are using E-verify.
 - c. Checked one of the four boxes indicating citizenship or immigration status.
 - d. Signed in Section 1.

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- e. Entered the signature date in Section 1, this date should be the same as, or earlier than, the date for “The employee’s first date of employment” found in Section 2.
 - f. Checked a box in the shaded area called “Preparer and/or Translator Certification.” If a preparer was used, then he/she must complete the attestation section by signing, dating, and entering their contact information.
7. If you find any errors in Step 6, have the employee make corrections in Section 1. Employee should cross out incorrect information, enter correct information, initial and date correction.

Within 3 Business Days of the First Day of Employment

8. Meet, in person, with your new employee to review I-9 and verify identity and authorization to work in the U.S. The employer or authorized representative does this by completing Section 2.
9. At the top of page 2, enter the employee info from Section 1 of I-9 as directed. For “Citizenship/Immigration Status”, enter the number of the checkbox that the employee marked in Section 1.
10. Ask the employee to show you the documents he/she is using to prove identity and authorization to work. Do not tell the employee which document(s) they may present.
11. Examine the document(s) physically with the employee present. Accept the document(s) if:
 - a. They are unexpired on the date you examine them.
 - b. The document(s) “reasonably appears to be genuine and to relate to the person presenting it.”
 - c. Expired Employment Authorization Documents and receipts may be acceptable in some situations. Consult the “[Handbook for Employers, M-274](#)” for details.
12. Find the list of acceptable documents on Page 3 of I-9. Carefully read the instruction at the top of the table: “Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.”
 - a. If your employee gives you an acceptable List A document, do not accept or record any other document from Lists B and C.
 - b. If your employee gives you List B document to establish identity, then you use also get a List C document to establish employment authorization.
13. Record the information from the documents you accepted from your employee to establish identity and work authorization.

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- a. Provide document title, number, issuing authority, and expiration date (if applicable).
- b. Avoid using abbreviations unless commonly used.
14. You may make photocopies of the documents your employee provided. This is not required by law, except as required for E-Verify participants. If you make photocopies, do so for all employees.
15. Read the “certification” statement and the three key points that you are confirming with your signature.
16. Enter the date of the employee’s first day of employment.
 - a. This date should be the same or later than the date the employee entered when signing Section 1.
17. Sign, date, and enter your information in the signature block at the end of Section 2.
 - a. The same person who examined the employee’s documents should sign Section 2.
 - b. Employers are required to “complete and sign Section 2 within 3 business days of the employee’s first day of employment.” So, the date in the signature block for Section 2 should be no more than 3 days later than the “first day of employment” date entered right above it. The I-9 instructions state: “Do not backdate this field.”
18. File the original I-9 Form in a folder exclusively for the employer’s I-9 forms, not in the employee personnel file.
 - a. An exclusive I-9 file keeps these forms easily available in the event of a document request from U.S. Immigration and Customs Enforcement (ICE).

Reverification

1. Section 3 reverification is required for employees with temporary work authorization.
2. Reverification is required on or before the expiration date of (1) the work authorization expiration date listed in Section 1 or (2) the List A or List C document expiration date in Section 2.
3. At least 90 days before the expiration date, remind the employee that s/he must present a valid, unexpired List A or List C before the work authorization expiration date.
4. Review the new document in person with the employee and complete Section 3 with the new document information.
5. The employer representative who reviews the new document must sign and date Section 3.

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6. Reverification should not be performed for U.S. citizens, U.S. permanent residents (green card holders) or for List B documents.

Critical Points to Check When Reviewing Your I-9 Process

1. Do you have a complete I-9 Form for all employees hired after November 6, 1986?
2. Are all last names entered in the correct block in Section 1?
3. Was the appropriate box check in the Section titled “Preparer and/or Translator Certification?” One of the boxes must be checked, if a preparer was used then that person’s information should also be filled in and signed.
4. Is the date the employee signed at the end of Section 1 on or before the first day of employment found in Section 2?
5. Is information properly entered in Section 2 for List A, or for List B and C documents?
6. Is the date in the signature block of Section 2 no later than 3 days after the employees first day of employment list above it?
7. Are you using the current version of I-9? Check the date at the bottom of the page and compare to version found at <https://www.uscis.gov/i-9>.
8. Is the form signed by the employee at the end of section 1 and by the employer or representative at the end of Section 2?

Resource

Link to USCIS I-9 page: <https://www.uscis.gov/i-9>

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