

ARIZONA DEPARTMENT OF ADMINISTRATION

Human Resources

Policies and Procedures

Subject: Immigration Records I-9 form
Manual Section: Article #2C (Employment, New hire policy)
Supersedes: N/A

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AUTHORITY

Immigration Reform and Control Act of 1986

The Immigration Reform and Control Act of 1986 requires agencies to document employee identity and employment eligibility using the I-9 form for all employees hired after November 6, 1986.

Legal Arizona Worker's Act of 2007

RESOURCES

Employment Eligibility Verification Form I-9

<http://www.uscis.gov/files/form/i-9.pdf>

Department of Homeland Security Handbook For Employers – Instructions for Completing Form I-9 (form M-274)

<http://www.uscis.gov/files/nativedocuments/m-274.pdf>

[E-Verify handbook link](#)

[E-Verify procedure flowchart link](#)

DEFINITIONS

"Employee" for the purpose of this policy includes any individual who is assigned an employee identification number (EIN). This includes temporary employees, clerical pool employees, board members and commissioners.

"Agency" for the purpose of this policy is a department, board, office, authority, commission, or other governmental budget unit of the state. Universities are excluded from this definition.

"Automated I-9 system" for the purpose of this policy is an electronic version of the I-9 paper form.

"E-Verify" for the purposes of this policy is the process of determining an employee's eligibility to work using the federal government's E-Verify application.

POLICY

Agencies shall retain a properly completed I-9 form for every current employee hired after November 6, 1986.

The employee may complete Section 1 "Employee Information and Verification" of the I-9 form after the employee has been offered and accepted a job. The employee shall complete this section no later than the first day of employment.

The agency shall complete Section 2 "Employer Review and Verification" of the I-9 form by examining evidence of identity and employment eligibility using the original documents provided by the employee within three (3) business days of hire.

All new employees hired after December 31, 2007 shall be cleared through E-Verify to maintain their employment.

The Immigration Reform and Control Act of 1986 requires employers to retain a former employee's I-9 form for three (3) years after the date of hire or one (1) year after employment is terminated, whichever is later.

PROCEDURE

Agencies shall use the automated I-9 system beginning January 1, 2008 for all new employees. Agencies shall use the paper I-9 process for employees hired prior to availability of the automated I-9 system. Employee I-9 forms created using the paper I-9 process will continue to be maintained (re-verification, disposition, etc) as they were prior to the availability of the automated I-9 system.

AUTOMATED I-9 SYSTEM PROCEDURES

The I-9 forms of all employees whose effective date of employment begins January 1, 2008 or later shall be completed using the automated I-9 system.

Agency actions

The agency shall provide an offer letter to the new employee that includes instructions for using the automated I-9 system for Section 1 of the I-9 form, advises the employee of the agency's use of E-Verify, and instructs the employee to bring acceptable document(s) with them on the first day of employment. (Attached is a sample letter for this purpose.)

The agency shall review and ensure the employee fully and properly completed Section 1. The agency shall not mandate which forms of identification and work eligibility documents an employee presents for verification.

The agency shall examine the original document(s) or a certified copy of a birth certificate provided by the employee for validity and must annotate the document

information in Section 2 “Employer Review and Verification” on the automated I-9 system. If the employee cannot produce the required documents, a receipt to procure the required document(s) must be presented within three (3) business days of the employee’s effective date of hire and the actual document presented within ninety (90) days.

The agency representative shall complete Section 2 “Certification” of the automated I-9 system by inserting the employee’s employment start date in the appropriate blank. The agency representative shall electronically sign using the automated I-9 system.

No paper copies of an automated I-9 form or work eligibility documents will be made or retained for employees hired after December 31, 2007.

The automated I-9 system will automatically perform the E-Verify check. Results of the E-Verify check will be displayed through the automated I-9 system to appropriate agency staff. If a tentative non-confirmation is returned from the E-Verify check, the agency shall print the appropriate notification documents from the automated I-9 system and deliver them to the employee for action or email them to the employee.

The automated I-9 system will automatically track work authorization expiration dates. The automated I-9 system will send work authorization expiration reminder notices to employees with email addresses and the agency HR office prior to the work authorization expiration date. This requirement is only for work authorization documents with expiration dates and not for other documents such as driver’s licenses or United States Passports. When a work authorization document expires, the employee is no longer eligible to work.

Section 3 of the I-9 “Updating and reverification” of the automated I-9 system is used when information changes such as name change, rehire, or new work authorization is granted. Upon receipt of new information, the agency shall complete the required area in Section 3 of the automated I-9 system. A new automated I-9 form is not required if an employee is rehired within three (3) years of the date the automated I-9 was originally completed. The agency representative shall note the date of rehire in Section 3 “Updating and reverification” of the automated I-9 system and electronically sign using the automated I-9 system.

I-9 forms completed through the automated I-9 system will be automatically destroyed at the completion of the required retention period.

Employee actions

The employee shall complete Section 1 “Employee Information and Verification” of the automated I-9 system. The employee may complete Section 1 any time after the job offer has been accepted. The employee shall complete this section no later than the end of the first day of employment. The following information is required:

- Name
- Address

- Date of birth
- Social Security Number
- Check one of the work eligibility boxes:
 - A citizen or national of the United States
 - A lawful Permanent resident (Alien number to be provided))
 - An alien authorized to work until (Expiration date to be provided)
- Signature
- Date

The employee shall bring original document(s) as listed on the Acceptable Document list to prove identity and right to work on the first day of employment,

The list of acceptable documents to establish identity and employment eligibility may be found on the automated I-9 system. The employee shall provide an original document from either list A which establishes both identity and employment eligibility **OR** one original document from list B for identity **AND** one original document from list C to establish employment eligibility. List C permits the employee to provide a certified copy of a birth certificate issued by a state, county or municipal authority or outlying possession of the United States bearing an official seal.

It is the employee's responsibility to ensure work authorization does not expire and to present current work authorization documents upon receipt or upon request from the agency to prevent possible termination.

Corrections

If upon review of the automated I-9 system, the agency notices an error has been made, the error may be corrected using the automated I-9 system.

If the error was made by the employee and is identified prior to completion of Section 2 of the automated I-9, the employee should correct the error.

If the error was made by the agency and is identified prior to completion of Section 2 of the automated I-9, the agency should correct the error prior to completing the form.

If the error is identified after Section 2 of the automated I-9 system was completed, the employee or agency (depending on who made the error) may correct the specific error only on the automated I-9 system.

Transferring I-9

In the event an employee transfers from one state agency to another state agency, the automated I-9 record will automatically be assigned to the gaining agency.

Training

Agency representatives with responsibility for completing I-9 forms shall complete the automated I-9 system training within 60 days from the release of this policy. Agency representatives who are assigned this responsibility after the effective date of this policy will be required to complete the automated I-9 system training prior to performing any automated I-9 actions.

PAPER I-9 FORM PROCEDURES

Employees hired prior to January 1, 2008, will have paper I-9 forms. These forms shall be maintained separate from the employee's official personnel file.

It is the employee's responsibility to ensure work authorization does not expire and to present current work authorization documents upon receipt or upon request from the agency to prevent possible termination.

Terminated employee I-9 forms will be destroyed at the completion of the required retention period.

Section 3 of the I-9 "Updating and reverification" is used when information changes such as name change, rehire, or new work authorization. Upon receipt of new information, the agency will complete the required area in Section 3 of the I-9 form. A new I-9 form is not required if an employee is rehired within three (3) years of the date the I-9 was originally completed. The agency representative shall note the date of rehire in section 3 "Updating and reverification" and sign.

Corrections

If upon review of the I-9 form, the agency notices a date field was inadvertently left blank, the agency shall not back date the missing information.

Error corrections may either be lined through once using a red ink pen, the correct information annotated in red, initialed and dated by the person making the corrections OR by completing a new I-9 form with the correct information. The new I-9 should be stapled to the previous I-9 form and filed.

Missing I-9(s). The agency will have the employee complete a new I-9 form, attach a memo describing the situation of the missing I-9(s), and that a new I-9 form was completed to meet the legal requirement.

Transferring I-9

In the event an employee transfers from one state agency to another state agency, the I-9 form should be transferred to the gaining agency within ten (10) business days of the transfer.

AREAS IMPACTED

All State Agencies excluding Universities.

CONTACTS

Questions related to this policy should be directed to your agency's Human Resources Office/representative.