

Visit www.uscis.gov and [I-9 Central](#) for additional details and a current Form I-9, along with the complete [Handbook for Employers \(M-274\)](#).

The Law

All new hires must complete Form I-9. This form establishes identity and provides proof of U.S. Citizenship or authorization to be employed in the United States. In accordance with the Immigration Reform and Control Act of 1986 (IRCA), it is illegal to knowingly hire, recruit, or refer for a fee, unauthorized aliens. Penalties for employers for violations range from over \$600 per illegal worker for a first offense up to over \$25,000 for repeated problems plus possible jail time. Failure to comply with I-9 employer verification requirements can result in penalties of over \$250 up to over \$2,500 per form. Refer to the [I-9 Fact Sheet](#) for information on the inspection process, along with a full list of substantive violations (expanded in March 2026) vs. technical/procedural failures (which become substantive violations if flagged in an audit and not corrected within ten business days).

How to Comply

Form I-9 should be filled out completely and accurately by the employee and employer. Make sure that you are using the most current version of Form I-9, since there have been changes in recent years to the lists of acceptable documents. The electronic version of the form now includes prompts, embedded instructions, and autofill functions.

The **current version** is dated 01/20/2025, with an expiration date of 05/31/2027.

The steps for completing the form are as follows:

- Employee completes Section 1 no later than the first day of employment, but never prior to accepting a job offer.
- Employer completes Section 2 within 3 business days of the employee's first day of employment, or no later than the first day of employment in the case of an employee being hired for less than 3 business days. If a preparer or translator is needed, Supplement A must also be filled out by that individual.
- In completing Section 2, Employer examines employee's original identification and authorization documents. Page 2 of Form I-9 lists the accepted documents (or receipts), and additional explanatory information is included within the separate Form I-9 instructions. **Employers are not allowed to specify which document(s) they want the employee to provide for this purpose.** Photocopies can also be taken and attached to the form, but the employee must bring in originals. If the Employer chooses to make photocopies, they should do so consistently for **all** new hires and reverifications. Alternative procedures for remotely examining documentation are available to certain employers (currently qualified E-Verify employers. NOTE: Employers cannot be held liable for documents that appear to be authentic, unless they *knowingly* are aware they are fraudulent. See the U.S. Citizenship & Immigration Services (USCIS) Handbook for Employers ([M-274](#)) for sample photos of acceptable documents and what they should look like.

Once Form I-9 is completed, employers should:

- Store all completed I-9 forms in one common file separate from personnel files. While this is not a legal requirement, this is highly recommended for both ease of internal audits and in order to quickly produce required documents in the event of a government audit.
- Retain documentation for three years after hire date or one year after termination date, whichever is greater.
- Reverify (Supplement B) or fill out a new Form I-9 if an employee's documents from List A or C in Section 2 expire (List B documents do not need to be reverified). This should be done prior to the expiration date of those documents or the expiration date of the employment authorization stated in Section 1, whichever comes sooner. The employee does not have to provide the same documents, just current documents that prove identity and employment authorization.

Electronic Storage

As long as certain performance standards are met, employers may complete, sign and store the forms electronically, as well as scan and store forms that have been filled out manually, but hard-copy original documentation from employees must still be reviewed. [Further details and instructions are contained in the M-274.](#)