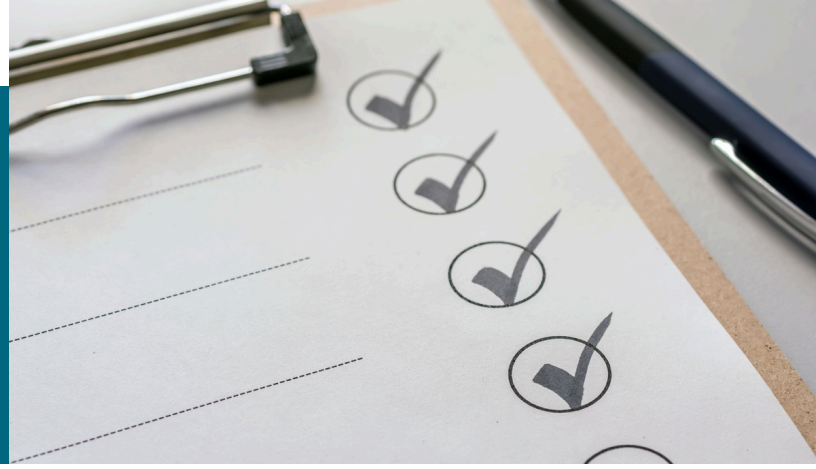


Form I-9: Common Mistakes and How to Avoid Them



You should review Form I-9, Employment Eligibility Verification, immediately after completion to avoid these common mistakes.

In Section 1, common mistakes made by employees include:

- Employee does not enter name, other last names used (such as maiden name), address or date of birth
- Employee does not enter A-number/USCIS Number after selecting “A Lawful Permanent Resident.”
- Employee does not enter A-Number/USCIS Number or Form I-94 admission number after selecting “An alien authorized to work until.”
- Employee does not sign or date the attestation.
- Employee does not complete Section 1 by the first day of employment (“date of hire,” meaning the commencement of employment for wages or other remuneration).
- Employee does not check one of the boxes indicating that he or she is a citizen or noncitizen national of the U.S., a lawful permanent resident, or an alien authorized to work until a specified date—or checks multiple boxes attesting to more than one of the above.

In Section 1, common mistakes made by preparer and/or translator include:

- Each preparer and/or translator for the employee does not complete separate certification block (if applicable) in Supplement A, Preparer and/or Translator Certification for Section 1.
- The preparer and/or translator for the employee does not enter his or her name, address or signature in the certification block of Supplement A (if applicable)
- The preparer and/or translator for the employee does not enter the date in the certification block of Supplement A they completed.



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Form I-9: Common Mistakes and How to Avoid Them

In Section 2, common mistakes made by employers include:

- Employer does not enter acceptable List A document or acceptable List B and List C documents on the form.
- Employer does not enter the document title, issuing authority, number(s) or expiration date for the documentation presented.
- Employer does not enter its business title, name or address.
- Employer does not enter the date employment began (date of hire).
- Employer or employer's authorized representative does not sign, date or enter his or her title, last name, or first name in the certification.
- Employer does not complete Section 2 by the third business day after the date the employee began employment, or, if the employee is hired for 3 business days or less, at the time the employee started employment.

In Supplement B, Reverification and Rehire, common mistakes made by employers include:

- Employer does not enter the employee's last name, first name, and middle initial at the top of Supplement B.
- Employer does not enter the document title, number or expiration date for the acceptable documentation presented.
- Employer does not enter the date of rehire, if applicable.
- Employer does not enter the employee's new name, if applicable.
- Employer does not sign, date, or enter his or her name in the certification.
- Employer does not complete Section 3 until after the employee's work authorization has expired.

General Tips for Completing Form I-9

When completing Form I-9, you should ensure that:

- The information on the form is clear and can be read.
- The date entered in Section 2 as the date the employee began employment matches the date in payroll records.
- Highlighting marks, hole punches and staples do not interfere with an authorized official's ability to read the information on the form.
- Copies of the documentation retained with Form I-9 are clear and legible, if copies of documentation are made.
- Abbreviations used are widely understood. Do not use an abbreviation that is not widely known.
- All applicable sections of the form are completed.
- The current version of the Form I-9 is used.
- The English version of the form is completed, unless the form is being completed in Puerto Rico. The Spanish version is approved for use only in Puerto Rico.
- Employees are treated in a non-discriminatory manner.





Form I-9: Common Mistakes and How to Avoid Them

Correcting Form I-9

To correct the form:

- Draw a line through the incorrect information.
- Enter the correct information.
- Initial and date the correction.

To correct multiple recording errors on the form, you may redo the section on a new Form I-9 and attach it to the old form. A new Form I-9 can also be completed if major errors (such as entire sections were left blank or Section 2 was completed based on unacceptable documents) need to be corrected. A note should be included in the file regarding the reason you made changes to an existing Form I-9 or completed a new Form I-9.

Be sure not to conceal any changes made on the form (other than simple notation errors when copying document information). Doing so may lead to increased liability under federal immigration law.

If you have made changes on a Form I-9 using correction fluid, we recommend that you attach a signed and dated note to the corrected Forms I-9 explaining what happened.

Please contact a member of Constangy's Immigration Practice Group for specific advice and guidance for your organization.

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