

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Department of Human Resources**

**District Personnel Manual Issuance System**

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 8, 9, 10, 36, & 38
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**DPM Instruction No. 8-65, 9-33, 10-13, 36-9, & 38-21**

**SUBJECT:** Immigration Reform and Control Act: *Form I-9, Employment Eligibility Verification*

**Date:** February 6, 2009

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**NOTE:** This instruction supersedes DPM Instruction No. 8-54, 9-26, 10-9, 36-4, & 38-13, *Revised Immigration Reform and Control Act: Employment Eligibility Verification (Form I-9)*, dated April 7, 2008, to provide the revised *Form I-9* (revised June 5, 2007 by the U.S. Department of Homeland Security).

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**1. Purpose**

The purpose of this instruction is to provide the revised *Form I-9, Employment Eligibility Verification (Form I-9)* (see Attachment); and the procedures that must be followed in order to comply with the provisions of the Immigration Reform and Control Act of 1986 (IRCA), as amended.

**2. Form I-9, Employment Eligibility Verification**

- a. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), approved by Congress on September 1996 (Pub. L. 104-208), changed the provisions of the IRCA. Specifically, section 412 (a) of the IIRIRA mandated a reduction in the number of documents to establish identity and employment eligibility that employers may accept from new hires during the employment verification process. As a result, the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, revised the *Form I-9* on June 5, 2007.
- b. As stated above, the most significant change to the *Form I-9* is the reduction in the number of acceptable documents identified under List A of the form. The following types of documents are acceptable under List A:
  - (1) U.S. Passport (unexpired or expired);
  - (2) Unexpired Permanent Resident Card or Alien Registration Receipt Card (*Form I-551*);
  - (3) Unexpired foreign passport with a temporary *Form I-551* stamp;

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*Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employee under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, §1.3]*

**Inquiries:** Policy and Planning Administration, DCHR (202) 442-9700

**Distribution:** Heads of Department and Agencies, HR Advisors, and DPM Subscribers

**Retain Until Superseded**

- (4) Unexpired Employment Authorization Document that contains a photograph (*Form I-766, I-688, I-688A, I-688B*); and
- (5) Unexpired foreign passport with an unexpired Arrival-Departure Record, *Form I-94*, bearing the same name as the passport, and containing an endorsement of the alien's non-immigrant status, an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer.

### 3. Applicability

- a. All new hires of the District government, U.S. citizens and non-citizens, are required to complete a *Form I-9*.
- b. The following individuals are not required to complete a *Form I-9*:
  - (1) Individuals hired before November 7, 1986 who have been continuously employed by the District government since that date;
  - (2) Persons who provide contract services to an agency through an independent contractor; and
  - (3) Persons who are independent contractors.

### 4. Responsibilities

- a. New hires
  - (1) All new hires are required to complete section 1 of *Form I-9* when they report for processing, and **present original documents to establish their identity and employment eligibility.**
  - (2) Individuals under age 18 who are unable to produce an identity document (List A or B of the form) may be exempt from producing the document if:
    - (a) A parent or legal guardian completes section 1 and writes in the space for the minor's signature the words, "*minor under age 18;*"
    - (b) The parent or legal guardian completes the "*Preparer/Translator Certification*" section of the form; and
    - (c) The individual is still required to produce a List C document showing his or her employment eligibility. After the form is reviewed and the document submitted, the words, "*minor under age 18*" are to be written in Section 2, Employer Review and Verification, under List B of the form.

b. D.C. Department of Human Resources (DCHR)

It is the responsibility of the DCHR to verify the identity and employment eligibility of all new hires. In order to fulfill the requirements of the IRCA, the following steps should be followed:

(1) For new hires:

- (a) Notify all appointees/selectees of the requirement to provide a document or documents which establish their identity and eligibility to work when they report for processing, before the date employment begins. A list of acceptable documents is attached.
- (b) Have each new hire complete section 1 of the *Form I-9* during the entrance-on-duty process, but not later than 3 business days after the effective date of employment. A DCHR representative must examine the *Form I-9* to ensure that it is legible, properly completed, and bears a signature. If a new hire needs help in completing the form, the DCHR staff person providing assistance is required to fill in the section of the form for "*Preparer/Translator Certification*."
- (c) Examine the original documents provided by employees to establish their identity and employment eligibility and complete section 2 of the form. Some documents establish both identity and employment eligibility (List A). Other documents establish identity only (List B) or employment eligibility (List C).
- (d) Review the documents to ensure that they reasonably appear to be genuine and relate to the new hire. If the documents do not appear to be genuine they should not be accepted. Work authorization documents that carry restrictions or limitations should be noted and those conditions observed. Check the box(es) on the *Form I-9* that correspond(s) to the document(s), and fill in the document number and expiration date.
- (e) If an employee is unable to provide the required document(s) within 3 days of the effective date of employment, a receipt showing that he or she has applied for the document(s) must be presented by the employee prior to the end of the 3-day period. The document title, the word "*Receipt*," and any document number should be recorded in Section 2 of the *Form I-9* in the "*Document #*" space.

The employee must present the actual document(s) within 90 days of the effective date of employment, at which time the *Form I-9* is to be updated by crossing out the previous entry, inserting the document number from the actual document presented, and initialing and dating the change.

- (f) The DCHR representative reviewing the documents must complete the

certification portion of the *Form I-9*.

(2) Re-Verification of Employment Authorization for Current Employees:

- (a) The DCHR must re-verify the employment eligibility of current employees with temporary work authorization, on or before the expiration date recorded in Section 1 of the form. The employee must present a document that shows either an extension of the initial employment authorization or a new work authorization:
1. Complete section 3 of the *Form I-9* for the re-verification; or
  2. If section 3 of the *Form I-9* has already been used for a previous re-verification or update, use a new *Form I-9*.
- (b) When an employee is rehired, a new *Form I-9* must be completed or complete section 3 of the original *Form I-9*, only if:
1. The rehire is within 3 years of the initial date of hire; and
  2. The employee is still eligible to work on the same basis as when the original *Form I-9* was completed.

5. Retention/Inspection of Records

***RETENTION***

- Employers may, but are not required to copy (or scan) the documents presented.
- Any copies made may only be used for the verification process, and must be retained with the *Form I-9*
- Copies are maintained in a separate *Form I-9* folder for 3 years after the date of hire; or 1 year after the date employment ends, whichever is later

***INSPECTION***

- Upon request from an authorized official of the DHS, Department of Labor (DOL) or Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC), the DCHR must make the *Form I-9* available for inspection.

**6. Anti-Discrimination Provisions**

- a. The IRCA prohibits discrimination in employment against any individual (other than an alien not authorized to work in the U.S.) because of that individual's national origin or citizenship status.

**[Discrimination charges can be avoided by applying the verification procedures of the Act to all newly hired employees and by hiring without respect to the national origin or citizenship status of those authorized to work in the United States. Consequently, identity and employment eligibility documents should be requested from all new hires.]**

- b. Discrimination charges may be filed either by persons who believe they were discriminated against in employment on the basis of national origin or citizenship status (or by a person on their behalf), or by INS officials who have reason to believe that discrimination has occurred. Employers found to have engaged in discriminatory practices may be ordered to hire or reinstate individuals directly injured by the discrimination, with back pay, or pay substantial fines.

**7. Penalties for Prohibited Practices**


The DHS may impose penalties if an investigation reveals that an employer knowingly hired or knowingly continued to employ an unauthorized alien, or failed to comply with the employment eligibility verification requirements for employees hired after November 6, 1986. If the DHS makes a determination that the law has been violated with respect to employees hired after November 6, 1986, civil and/or criminal penalties may be imposed.

**8. Forms**

The *Form I-9* may be photocopied or reprinted. Additional copies may also be ordered directly from the National Customer Service Center at 1-800-3785-5283 or by visiting the USCIS website at [www.uscis.gov](http://www.uscis.gov).

**9. Effective Date**

This instruction is effective immediately.

  
Brender L. Gregory  
Director

Attachment:

- *Employment Eligibility Verification, Form I-9 (Rev. 06/05/07)*

## Instructions

Please read all instructions carefully before completing this form.

**Anti-Discrimination Notice.** It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

### What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

### When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

### Filling Out the Form I-9

**Section 1, Employee:** This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

**Preparer/Translator Certification.** The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

**Section 2, Employer:** For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

**Section 3, Updating and Reverification:** Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

**A.** If an employee's name has changed at the time this form is being updated/reverified, complete Block A.

**B.** If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.

**C.** If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:

1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C);
2. Record the document title, document number and expiration date (if any) in Block C, and
3. Complete the signature block.

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### **What Is the Filing Fee?**

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

### **USCIS Forms and Information**

To order USCIS forms, call our toll-free number at **1-800-870-3676**. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at [www.uscis.gov](http://www.uscis.gov).

### **Photocopying and Retaining the Form I-9**

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

### **Privacy Act Notice**

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

### **Paperwork Reduction Act**

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: **1)** learning about this form, and completing the form, 9 minutes; **2)** assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

**Form I-9, Employment  
Eligibility Verification**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #
<b>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</b>		I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A lawful permanent resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____	
		Employee's Signature	
			Date (month/day/year)

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

**CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)**

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

**Section 3. Updating and Reverification.** To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)	
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.		
Document Title: _____	Document #: _____	Expiration Date (if any): _____

**I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.**

Signature of Employer or Authorized Representative	Date (month/day/year)
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## LISTS OF ACCEPTABLE DOCUMENTS

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Eligibility</b>	<b>LIST B</b> <b>Documents that Establish Identity</b>	<b>LIST C</b> <b>Documents that Establish Employment Eligibility</b>
<b>OR</b>		<b>AND</b>
1. U.S. Passport (unexpired or expired)	1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	1. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i>
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	2. Certification of Birth Abroad issued by the Department of State <i>(Form FS-545 or Form DS-1350)</i>
3. An unexpired foreign passport with a temporary I-551 stamp	3. School ID card with a photograph	3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph <i>(Form I-766, I-688, I-688A, I-688B)</i>	4. Voter's registration card	4. Native American tribal document
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer	5. U.S. Military card or draft record	5. U.S. Citizen ID Card <i>(Form I-197)</i>
	6. Military dependent's ID card	6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i>
	7. U.S. Coast Guard Merchant Mariner Card	7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i>
	8. Native American tribal document	
9. Driver's license issued by a Canadian government authority	<b>For persons under age 18 who are unable to present a document listed above:</b>	
	10. School record or report card	
	11. Clinic, doctor or hospital record	
	12. Day-care or nursery school record	

**Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)**