

Agricultural Employment Compliance Guide

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Employment Eligibility Verification - Form I-9

Employer Work Authorization Obligation/The I-9 Process

- Pre-hire, employer is not permitted to ask citizenship/nationality, immigration status, type of work authorization or green card status
- Post-hire, employer must verify identity and work authorization of every new employee
- Employer must make reasonable inquiry
- Employer may not knowingly hire and/or not knowingly continue to employ an individual who is not authorized to work
- Form I-9 must be completed and signed for each new employee
- Ensure current Form I-9 version used

New Form I-9 Electronic Version 07/17/2017 N

- Instructions hot linked
- Autofill sections
- Add on multiple preparer/translator
- Drop downs
- Completion review
- Requires correction for printing
- QR Code

Form I-9 - Section 1

- Must complete on the first day of employment
- Must complete English version - may use Spanish version as reference only
- Employee must complete every element of Section 1
- Employee must sign and date Section 1
- Employer must verify that Section 1 is complete

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CONTRACTOR

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- Employer is not liable for accuracy of employee information in Section 1

- Employer should not complete Section 1 for employee, and if employer assists employee in completing, employer must sign preparer/translator section

Form I-9 - Section 2

- Employer must complete by the third day of employment (except must complete first day if hired for less than three days)
- Ask employee to present acceptable documentation from List A OR Lists B and C to verify employment authorization
- Expired documents are NOT acceptable
- Remember that choice of documents is employee's
- Employer must NOT request specific, more, or different documents
- Employer must review original documents and complete Section 2 entirely
 - Do they appear genuine?
 - Do they relate to presenter?
- Simply attaching copies of documents is not sufficient

Reverification

- Section 1 employment authorization expiration listed
- Section 2 employment authorization document only
- Reverify before expiration
- Do not reverify permanent residence card

Recordkeeping

- Retain separate from other personnel records
- Retain I-9 for all current employees
- For terminated employees, retain for longer of three years from date of hire, or one year after employment is terminated
- Not recommended to keep copies of documents presented unless required by E-Verify

Form I-9 – Enforcement Actions

- Several government agencies may request
 - Immigration Customs Enforcement (ICE)
 - Department of Labor (DOL)
 - Office of Special Counsel (OSC)
- Response to ICE audit
 - Attorney may assist