

I-9 Audit Guide

Immigration

Conducting an Internal I-9 Audit

While not required by law, conducting an internal audit of I-9 forms can help ensure ongoing compliance with the employer sanctions provision of the Immigration and Nationality Act. The following overview summarizes the steps involved with conducting an effective I-9 audit of your workplace on a companywide or single-site basis —it is not meant to cover the range of industry-, site- or situation-specific scenarios you may encounter.

1. Compare current payroll to I-9 Forms to verify an I-9 Form exists for each current employee.
 - I-9 Forms are not necessary for employees who were hired before and have been continuously employed since November 7, 1986.
 - If there is a current employee for whom an I-9 Form doesn't exist, have the employee (i) complete Section 1 of a new I-9 Form and(ii) expeditiously produce documents of his/her choice for Section 2.
2. Review all I-9 Forms for completeness and errors regardless of whether the employee or your organization originally filled in the requested information.
 - **Employee**
All applicable Section 1 items, including immigration status, date and signature.
 - **HR representative**
Section 2, including either (i) List A or (ii) List B AND List C; work start date in Certification paragraph; company information; and date and signature. The HR rep signature here must be that of the HR rep who saw the original documents submitted by the employee.
Section 3 or Supplement B if a work authorization had to be reverified.
3. Initial and date with the date of the correction any deletions and additions.
 - **Errors in Section 1**
Employee corrects, initials and dates.
 - **Errors in Section 2**
HR representative corrects, initials and dates.
Error in information provided for List A, B or C
HR representative who originally completed the form makes the correction. If that HR representative is no longer available, a different HR representative can make the correction in Section 3 or on a new I-9 Form.

Talk to an attorney

Otieno B. Ombok

Principal

New York Metro / White Plains
914-872-6895
Otieno.Ombok@jacksonlewis.com

Amy L. Peck

Principal

Omaha
402-391-1991
Amy.Peck@jacksonlewis.com

jacksonlewis.com/services/immigration

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