

Dayton Bar Association Paralegal Section I-9 Compliance

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Purpose of I-9 Form

- Immigration Reform and Control Act of 1986 (“IRCA”)
- Ensures employers hiring only those legally permitted to work in the U.S.

Employer Immigration Compliance

➤ I-9 Compliance

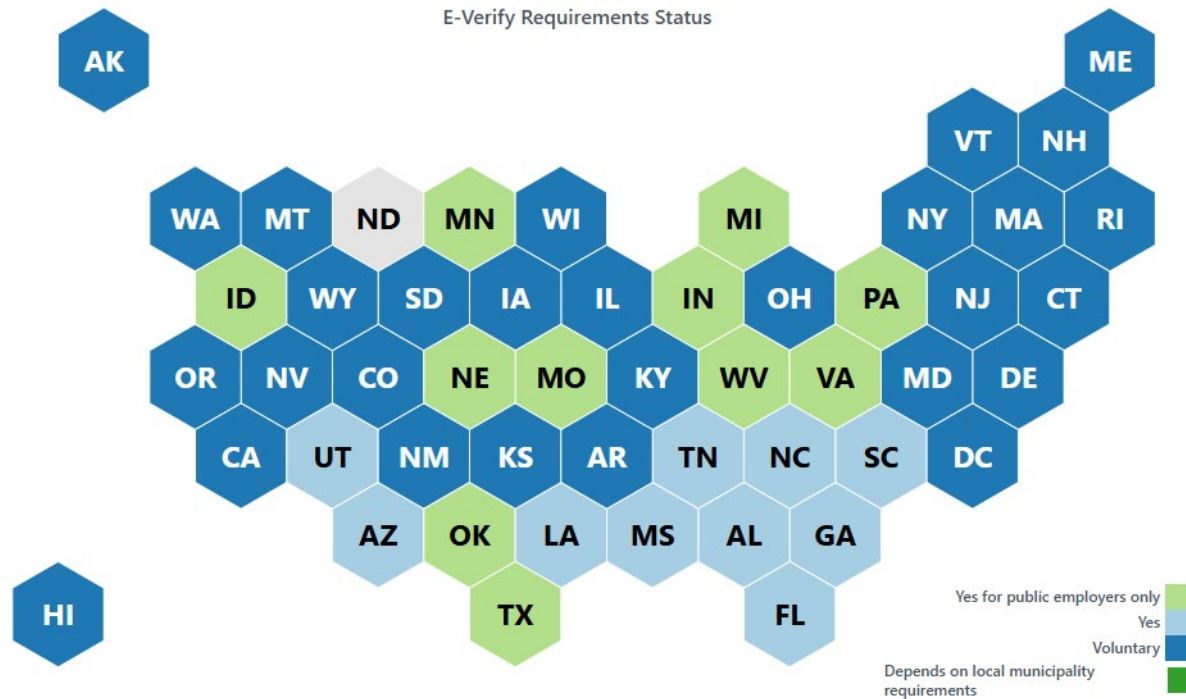
- Employers are obligated to verify the identity and employment eligibility of all employees within 3 days of hire
- I-9 is the form used for the verification process

➤ E-Verify

- Electronic eligibility verification service
- Generally voluntary, but mandatory under certain circumstances
 - Some states require it by law – Ohio does not
 - Federal contractors and subcontractors

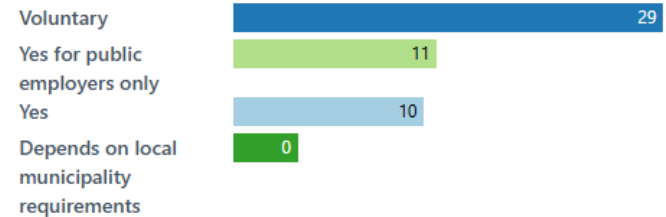


Map of States with E-Verify Laws



States with Mandatory E-Verify -

[Alabama](#), [Arizona](#), [Georgia](#), [Massachusetts](#), [Mississippi](#), [North Carolina](#), [South Carolina](#), [Tennessee](#), and [Utah](#).



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<https://worldpopulationreview.com/state-rankings/e-verify-4-requirements-by-state> Updated: February 2024

The I-9 Requirements

- Apply to all employers regardless of size
- Must use for each new hire
- All employees (citizens and noncitizens) not independent contractors
- Only if physically working on U.S. soil
- Does not apply to those hired before November 7, 1986

Completing the I-9

- Employee completes Section 1 at time of hire (by 1st day of employment)
- Document originals are required for review
- Must accept any documents on list if “reasonably appear” to be genuine
- Employee must be physically present with document examiner during document review
- Attestation and examination of documents must be by same person
- If make copies, do so for all employees (E-Verify requires verification document copies be kept)

Reverification – I-9 Documents

- If work authorization has expiration, may need to reverify before expiration
- Use Supplement 3
- May not consider expiration date when determining if qualified for hire



U.S. Citizenship
and Immigration
Services

Retention / Recordkeeping

- Retain I-9s for 3 years from date of hire or for 1 year after employment ends, whichever is later

Penalties for Non-Compliance

- Civil fines (\$281 - \$2,789 per non-compliant form)
- Illegal hiring (\$698 - \$27,894)
- Criminal penalties (for pattern and practice violations)
- Debarment from government contracts
- Court order of compliance

QUESTIONS?

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